LAETRILE: THE CANCER FIGHTER WASHINGTON WILL NOT TEST

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. SCHMITZ. Mr. Speaker, the following is from a letter to Congressman LOUIS FREY, JR., from Dr. Dean Burk, head of the Cytochemistry Section, National Cancer Institute, May 30, 1972:

In spite of the aforementioned Food and Drug Administration (FDA) prohibition of Laetrile in interstate commerce, there are well over 1000 cancer-afflicted persons in this country using Laetrile for cancer treatment and amelioration, and a goodly number of noncancer persons using it merely with prevention of development of cancer in view, and these various persons include M.D. physicians as well as laity. I have had considerable personal experience in this regard, for in the past year alone at least 750 persons, including more than 50 physicians, have contacted me for information on the use and availability of Laetrile, and I know of others with approximately the same quantitative extent of similar experience. In over 20 countries of the world, well over 5000 cancer patients have been treated with Laetrile, with, significantly, no demonstrable noteworthy clinical contraindication of its use either alone or in conjunction with virtually any other anticancer agents, chemotherapeutic, radiological, or surgical. Laetrile at physician-prescribed dosages is nontoxic by a factor of 100–1000 times when compared to essentially all anticancer drugs now used with FDA approval. . . .

Although the foregoing Laetrile utilization in this country is proceeding, as indicated, in spite of FDA prohibition, it is even more so because of unwarranted FDA procedures, and lack of FDA scientific and medical justification for its stand, extending to probably unconstitutionality, concerning which many thousands of cancer-afflicted persons and their relatives and physicians are rapidly becoming aware.

In the case of other drugs and medicines removed from the market, as discussed in my newsletter of July 26, 1972, at least some medical tests were cited to show ineffectiveness. But in the case of the anticancer agent Laetrile, the Food and Drug Administration refuses even to make clinical tests. They have ruled Laetrile out because it does not fall within an arbitrary definition that any anticancer drug must be toxic—that is, to some extent poisonous to healthy cells as well as cancer cells.

Incredible as it may seem, some medical bureaucrats have simply decided that no nontoxic substance can ever help cancer patients, and therefore all such substances are to be automatically excluded from the market and no medical evidence in their favor is even to be considered.

If there had been an equivalent of the Food and Drug Administration a century or more ago, it might well have banned, at an enormous cost in human suffering and mortality, both antiseptics and anesthetics, which were strongly opposed by influential elements in the medical community of that day.

This is not a matter of quackery, panaceas or secret remedies. The head of the Cytochemistry Section of the National Cancer Institute is hardly a quack. Far from objecting to testing, or blocking it, this is what Laetrile advocates are asking for, while the supposedly scientific medical establishment is refusing to make the experiments which are the very basis of the scientific method.

I have introduced H.R. 12092 which would override the arbitrary FDA dictate against testing nontoxic anticancer agents and require that this testing be undertaken. This would seem the least that should be done in light of the evidence that Dr. Burk and others have assembled showing that Laetrile can prolong and in some cases save the lives of cancer victims, and the generally agreed upon fact that it does no harm to the patient, while conventional toxic anticancer drugs often have serious side effects precisely because they are toxic.

Millions of dollars are to be spent under the authority of recently passed legislation to search for better treatment or cures for cancer. It would seem that a little of all that money ought to be allotted to find out if Laetrile might be what they are looking for.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 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?

SENATE—*Tuesday, September 5, 1972*

The Senate met at 10 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:

Eternal Father, we thank Thee for Thy care over us in the days just gone, for Thy presence with us in every event and experience of life and for the opportunities awaiting us here. May we give our best in service to the Nation, knowing that in serving it well we also serve Thee. Make strong the heart and mind of the President and all our leaders. Guard the Nation and its citizens from all that is base or evil. God, mend our every flaw "And crown Thy good with brotherhood from sea to shining sea."

We pray in the Redeemer's name. Amen.

MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of August 17, 1972, the Secretary of the Senate on August 31, 1972, received the following message from the President of the United States, which was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

As we approach the October date on which pay rates for Federal employees under the statutory pay systems would normally be adjusted, I wish to advise the Congress that I will recommend a pay increase for Federal employees effective January 1, 1973. I believe it is appropriate to point out that section 3 of Public Law 92–210, the Economic Stabilization Act Amendments of 1971, requires that this adjustment this year be delayed until January 1973.

The pay raise required by section 3 of the Economic Stabilization Act Amendments was limited by the terms of the law to the guideline that the Pay Board has established for pay increases throughout the economy, 5.5 percent a year. Clearly it was the intent of this law to see that Federal employees would be treated in a comparable manner with private enterprise employees under the Economic Stabilization Program. In recognition of this intent, on January 11, 1972, I directed that Federal wage employees should also have their pay increase limited by the Pay Board guidelines.

The necessary comparability studies have been completed and, under the Federal Pay Comparability Act of 1970, I will recommend that the increase necessary to achieve comparability, be paid, starting January 1, 1973, the first date our employees will be eligible to receive an increase under the Economic Stabilization Act. Our employees received their full 5.5 percent annual increase last January, and therefore their next increase cannot be effective until January 1, 1973. The provisions of Public Law 92–210 preclude submission of an alternative plan under section 5305(c)(1) of title 5, United States Code.

I believe it is important to express once again my strong personal support for the principle that our Nation's public servants should receive pay that is comparable with pay in private industry. For our Government to operate efficiently in these increasingly complex and demanding times, we must have a civil service of the highest caliber, and to recruit and retain these necessary employees, we must offer them a fair and just wage. Nevertheless, in our efforts to stabilize and revitalize our Nation's economy, it is also appropriate that they be treated the same as employees in the private sector, who are also able to receive such

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an increase no more frequently than once every 12 months.

RICHARD NIXON.
THE WHITE HOUSE, *August 31, 1972.*

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of August 17, 1972, the Secretary of the Senate, on August 18, 1972, received the following message from the House of Representatives:

The message informed the Senate that, pursuant to the provisions of section 2 (b), Public Law 89–491, as amended, the Speaker had appointed Mr. BURKE of Massachusetts as a member of the American Revolution Bicentennial Commission, vice Mr. DONOHUE, resigned

The message announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3323) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 15474) to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

S. 3726. An act to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes; and

S.J. Res. 260. Joint resolution to suspend until March 1, 1973, the effectiveness of certain amendments made by the education amendments of 1972 to the guaranteed student loan program.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under authority of the order of the Senate of August 17, 1972, the Secretary of the Senate, on August 19, 1972, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

H.R. 3413. An act for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force (retired);

H.R. 8549. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes;

H.R. 9256. An act for the relief of Kyong Ok Goodwin (Nee Won);

H.R. 10310. An act to establish the Seal Beach National Wildlife Refuge;

H.R. 10713. An act for the relief of Wilma Busto Koch;

H.R. 11185. An act to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations, and for other purposes;

H.R. 15474. An act to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia;

H.R. 15580. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes;

S.J. Res. 182. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest—U.S.A. and the world ploughing contest in September 1972; and

S.J. Res. 213. Joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED DURING ADJOURNMENT

Under authority of the order of the Senate of August 17, 1972, the following enrolled bills and joint resolutions were signed by the Vice President, on August 18, 1972:

S. 2166. An act to authorize the establishment of the Grant-Kohrs National Historic Site in the State of Montana, and for other purposes;

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes;

S. 3726. An act to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes;

H.R. 755. An act to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes;

H.R. 2394. An Act for the relief of Antonio Benavides;

H.R. 2703. An act for the relief of Mrs. Concepcion Garcia Balauro;

H.R. 5158. An act for the relief of Maria Rosa Martins;

H.R. 5814. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 3734, 3734a, 3734b, or 2737;

H.R. 12392. An act to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation;

H.R. 12931. An act to provide for improving the economy and living conditions in rural America;

S.J. Res. 260. Joint resolution to suspend until March 1, 1973, the effectiveness of certain amendments made by the education amendments of 1972 to the guaranteed student loan program; and

H.J. Res. 1278. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED DURING ADJOURNMENT

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S.J. Res. 213. Joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day."

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of August 18, 1972, the following reports of committees were submitted on September 1, 1972:

By Mr. CRANSTON (for Mr. HARTKE), from the Committee on Veterans' Affairs, with amendments:

S. 2108. A bill to amend chapters 17 and 31 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence and alcohol or drug abuse disabilities, and for other purposes (Rept. No. 92–1084).

By Mr. HARTKE, from the Committee on Commerce:

S. 3945. An original bill to amend the Interstate Commerce Act, as amended, in order to make unlawful certain property tax assessments of transportation property of common or contract carriers, and for other purposes (Rept. No. 92–1085).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, August 18, 1972, be dispensed with.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—if the Senator from Montana will yield to me at this point——

Mr. MANSFIELD. I yield.

Mr. JAVITS. I shall seek at the earliest time a live quorum. I just wish to advise the leadership to that effect. I shall hope to bring that about before any action is taken on second reading of a bill which is over here and at the desk from the House, the so-called busing bill.

I thank the distinguished majority leader.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana. The Chair hears none, and it is so ordered.

A LETTER FROM HANOI

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a most interesting letter from Hanoi, which was published in the New Yorker under date of August 12, 1972, which I think is worth the consideration of the Senate.

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

LETTER FROM HANOI

August 1.—More than any other capital in the world, probably—and maybe in history as well—Hanoi has grown accustomed to living with war. The city takes its lumps less in the heroic style of London during the blitz than in the spirit of New York at rush hour. Life is unpleasant, and there is an evident need to subordinate self to a larger interest. Still, the misery wears a familiar aspect. It comes in short bursts, and people act in the certain conviction that the trouble will somehow be surmounted.

One reason trouble seems routine is that the American bombing is routine. Almost every day around noon, for instance, a pilotless reconnaissance plane flies in to photograph Hanoi. It moves so rapidly that there is no warning of its approach, and there is small chance for hits by either anti-aircraft guns or the surface-to-air missiles, known as SAMs, that the North Vietnamese have received from the Russians. Only the noise of the drone's breaking through the sound barrier announces its advent. It is a startling noise—like a sudden clap of thunder—but after almost four months of bombing hardly anybody in Hanoi bothers to look up. The drone is dismissed with a shrug as "the noon plane."

Even serious air raids—the raids of June 27th, July 4th, and July 22nd—have a regular pattern. Danger is first signalled by a pre-alert, broadcast through loudspeakers all over town, which announces that American planes have been sighted approaching Hanoi, usually from the southwest, at a distance of more than fifty kilometres—about thirty miles. A second pre-alert, soon afterward, announces that the planes are within the fifty-kilometre radius. Then, within a few minutes, the alert itself sounds—a long, wailing siren note that rises, dips, and then rises again. Minutes later, the planes come into sight—fighter-bombers, floating lazily and then diving on targets to drop bombs, which can be heard as they explode though not seen as they fall. As soon as the planes are visible, the racket of the anti-aircraft guns begins. Almost simultaneously, the SAMs can be seen, powered upward by rocket engines that give off a faint red glow. During the raid of July 4th, it was possible to follow the glow of a missile until a plane was struck and sent spinning to earth, trailing a cloud of black smoke. More often, the SAMs miss the planes, enter the upper atmosphere, and explode in a puff of white vapor. Then, suddenly, the planes are gone, and the siren is sounded on a steady note, signalling the all-clear. Several of the embassies here record the raids, both on film and on tape. The diplomats play the films on tapes over and over, and there has developed among them a kind of connoisseurs' taste in raids. One Canadian representative, before playing his recordings of the July 4th raid, remarked to me, "Visually, June 27th was a better raid, but sonically July 4th was superior." Listening to the recording, I had a chance to clock the raid; from first pre-alert to all-clear, it lasted twenty-seven minutes.

Short though the attacks are, they dominate life in Hanoi. A considerable part (some say forty per cent, some say twenty per cent) of the city's population has been removed to places of safety, in the mountains fifty miles northwest of Hanoi and elsewhere. Most of the government leaders seem to have left, apparently for a mountain hideout. Large numbers of young children have been evacuated, and the streets of Hanoi seem, by Asian standards, empty of boys and girls; when I went to change money recently at the state bank (a formidable pile that in French colonial days housed a main office of the Banque de l'Indochine), one of the women tellers had with her her little girl, who had come in from an evacuation camp for a couple of days.

As a further safety measure, virtually all public gatherings have been stopped. No films are being shown. The theatres are shut down, as are all museums. Boating on the Little Lake, a chief recreation spot in downtown Hanoi, has been suspended. The International Club, which has a pool where diplomats used to seek relief from the terrible hundred-degree heat of summer days, has been closed. Sunday Mass at the Cathedral is now said at four-thirty in the morning. The central markets have regulations to discourage shoppers from dawdling over their purchases, and an effort has been made to put decentralized, travelling markets in all neighborhoods.

The extent of the damage done by the bombing is hard to determine, especially for foreigners. We are restricted in our movements, and since even the driving of cars is forbidden, correspondents and diplomats must rely on government-assigned chauffeurs to get around. The general impression among Western diplomats is that, for reasons of morale, the government understates bombing losses. In trips I took outside Hanoi, I saw evidence of considerable destruction and death. The two main bridges leading east from Hanoi to the port of Haiphong have been bombed out, and the port itself in ruins. All the major bridges on the road leading south to the Demilitarized Zone and the front lines have also been destroyed. The textile town of Nam Dinh, about forty-five miles southeast of Hanoi, has been badly battered, and presumably all towns farther south have been even more badly battered. South of Hanoi, I saw two spots where American bombs had seriously damaged the network of dikes that prevents the Red River from flooding in the rainy season (from mid-May through September): near Phu Ly, I saw a sluice gate that had been smashed; south of Nam Dinh, I saw a dike badly cracked and pitted by bomb craters. The hits were probably accidental, since both sites were close to more likely targets—roads and a railroad. But they did take place, and, in a sense—given the extent of the dikes (twenty-seven hundred miles), the number of bombing sorties daily over North Vietnam (about three hundred), and the probable error made by the pilots (quite substantial, in my judgment)—they were bound to take place. If the hitting of the dikes was not deliberate, it was surely predictable.

On the morning of July 8th, I visited a town thirty-six miles east of Hanoi—a trading center called Hung Wen, with a population of about twenty thousand—within twenty-four hours after it had been struck by American planes. The bombs had hit an area about a thousand yards long and five hundred yards wide in the middle of town. According to the local authorities, eighteen blast bombs had been dropped, along with four anti-personnel bombs; each of the latter contains 192,500 steel pellets, which are hurled through the air when the bomb explodes. Seventeen persons were killed and twenty-five wounded. Forty-three houses were destroyed, thirty-six by fire and seven by the force of concussion. One of the houses destroyed belonged to Vo Nguyen Dam. He and two of his children were killed; his wife and three other children survived. In the rubble of their home, I met one of the survivors, a married daughter. She had been burned in the attack, and was poking about in a dazed way. Bits of a body—a charred jawbone, a hank of hair, what looked like a leg—were lying around, and she was trying to assemble them. She kept muttering, "My brother and sister were innocent."

Another destroyed home belonged to Nguyen Van Lam, a seventy-two-year-old grandfather. He said that he was a Catholic and that his family had been saying prayers when the attack came. His wife, his only son, and his grandson had all been killed. He stood in the rubble, a toothless old man dressed in brownish-red pajamas, and raised his fists to the heavens. "I feel deep hatred against the Americans!" he shouted. "As long as I live, I will have hatred in my heart!"

All sixteen beds in the emergency ward of the local hospital were filled. As I entered, I saw a five-year-old boy, his body covered with burns. There was a thirteen-year-old girl whose left leg had been severed just above the knee. There were two children whose bodies were full of steel pellets from the anti-personnel bombs. The doctor who took me around said as we emerged from the ward, "You Americans say you do not mean to kill people. Why, then, do you use anti-personnel bombs?"

Some sections of Hanoi proper have been bombed. I was shown three public-housing projects, comprising about five hundred apartments, that had been destroyed in the raids of June 27th and July 4th. The authorities claim that the raid of July 22nd knocked out a water-purifying plant. I was told that hospitals and schools had been hit in raids during the spring. The industrial power plant for the city has been destroyed, and the electric current that emanates from the remaining power plant is feeble and subject to repeated failure. But otherwise Hanoi is remarkably intact. It bears the aspect of a nineteenth-century French provincial capital, very clean and rather drab, with broad tree-lined avenues and airy public buildings of reddish or mustard-colored concrete. The working day starts around dawn, breaks at eleven for four hours, and resumes at three in the afternoon for another four hours. At the beginning and end of every break, the streets are filled with men and women going to and from offices, shops, and factories. The men wear sandals, cotton trousers, and short-sleeved sports shirts, usually white and open at the neck. The women are dressed in the traditional *ao dai*, and they all seem to have the lissome beauty made so familiar to Americans by the women of South Vietnam. Compared with Saigon, where the streets are messy with beggars, prostitutes, peddlers, and families cooking on the sidewalks, Hanoi has almost no street life. The police and the military, both highly visible in Saigon, are rarely seen in Hanoi; even their manning of checkpoints at the city gates—by soldiers in little huts, which they rarely leave—is discreet.

Most shopping is done in the early morning, and the closest thing to a crowd in Hanoi is the collection of housewives bustling about the central market just after dawn. By making huge purchases of food, both abroad and from peasants at home, and by rationing such goods as rice and cloth, the government keeps the prices of necessities within the reach of a consuming public whose earnings average ninety dong, or thirty dollars, a month. Rationed rice (under a system that allots thirty-three pounds a month to a worker, nineteen to a child, and thirty

to a government minister) costs about six and a half cents a pound. When I visited the market, beef was going for about forty-five cents a pound, fresh carp for thirty-five cents a pound, fish sauce for twenty cents a pound, and fresh eggs for a dollar a dozen. Pineapples cost twenty cents apiece, tomatoes thirty-five cents a pound. Ducks were being sold, live, at thirty cents a pound.

Goods other than food are brought at government-controlled department or specialty stores. At one department store, I priced soap at twenty cents a bar for a Russian-made brand and forty cents a bar for a luxury item from East Germany, conical hats at eighty cents apiece, plastic raincoats at a dollar apiece, and sleeping mats at forty cents. Sandals cost four dollars a pair, and shoes were on special sale, reduced from eight dollars a pair to six dollars. A short-wave radio cost three hundred and fifty dollars, a Russian-made camera five hundred dollars. Next to the department store was a tailor shop, and there I found shirts selling for three dollars and fifteen cents apiece, and trousers for four dollars and seventy-five cents a pair. Next to the tailor shop was a Western restaurant—the Restaurant of European Dishes. Its menu, which was displayed, in the Continental style, outside the entrance, included a beef dish for thirty cents, an omelette for thirty cents, and stuffed crab for sixty cents. I had some of the crab, and it was very good.

The availability of fresh seafood in a Hanoi restaurant bears on one of the never-ending American arguments about Vietnam. Despite the mining of the harbors since mid-May, and the intensive bombing of all internal transportation lines, North Vietnam is plainly not paralyzed. Large quantities of goods move at a fairly rapid clip all the time. Trucks provide the chief means of transport, and downtown Hanoi, where the bombing is relatively sporadic, has become a kind of national parking lot. The railways have been cut at all the major rivers, but at night I saw several trains being pulled by steam locomotives on the lines between bridges. One foreign ambassador told me that on a nighttime trip to Haiphong he had counted seven moving freight trains. I myself have no evidence that a way around the mining has been found, but the Swedish Embassy here recently received a consignment of tonic water sent by sea, and curtains sent by ship to the British mission arrived the other day. Rumors persist that the North Vietnamese are unloading freighter cargoes at sea onto landing craft and other shallow-draft wooden vessels, which pass over the mines without activating them.

Laborious individual effort, systematically organized and repeated over and over again, is required to keep transport moving. Pontoon bridges have been set up to replace most of the bombed-out road bridges. Traffic moves in one-way bursts of half an hour each; at fixed times sections of the pontoon bridges are removed to allow passage of river traffic. To supplement the pontoon bridges, ferries—usually barges pushed by river steamers—have been set up at most major crossings. Sections of the railways are constantly being demolished by bombing and are constantly being replaced. Pontoon bridges cannot replace the destroyed railway bridges, but the North Vietnamese move merchandise by rail between bridges, then load it on trucks for the river crossing, and then back on freight cars. The trucks come from all corners of the Communist world—Russia, China, Czechoslovakia, East Germany—and they have been painted brown, numbered, and incorporated into a national fleet. They move mainly by night, with headlights hooded. During the day, they line the streets of Hanoi, parked in the shadow of buildings or trees and often camouflaged with leafy branches.

Underlying this laborious effort is a furious concentration on the war and its object—reunification with South Vietnam. The foremost official expression of this well-nigh obsessive focus is the last will and testament of President Ho Chi Minh, written in May of 1969 and published at his death, on September 3rd of that year. "Even though our people's struggle against U.S. aggression, for national salvation, may have to go through more hardships and sacrifices, we are bound to win total victory," the testament begins. A subsequent passage asserts:

"The war of resistance against U.S. aggression may drag on. Our people may have to face new sacrifices of life and property. Whatever happens, we must keep firm our resolve to fight the U.S. aggressors till total victory.

"Our mountains will always be, our rivers will always be, our people will always be;

"The American invaders defeated, we will rebuild our land ten times more beautiful.

"No matter what difficulties and hardships lie ahead, our people are sure of total victory. The U.S. imperialists will certainly have to quit. Our fatherland will certainly be reunified. Our fellow-countrymen in the South and in the North will certainly be reunited under the same roof. We, a small nation, will have earned the signal honor of defeating, through heroic struggle, two big imperialisms—the French and the American—and of making a worthy contribution to the world national-liberation movement."

The six leading officials of North Vietnam—Le Duan, the First Secretary of the Workers', or Communist Party; Truong Chinh, the President of the National Assembly; Vo Nguyen Giap, the Defense Minister; Pham Van Dong, the Prime Minister; Nguyen Duy Trinh, a Deputy Prime Minister and Foreign Minister; and Le Duc Tho, the Politburo member sits on the North Vietnamese delegation to the Paris peace talks—have all sworn allegiance to Ho's testament. Parts of the testament are reprinted under pictures of Ho in markets, offices, and other public places. A placard bearing the line "No matter what difficulties and hardships lie ahead, our people are sure of total victory" is situated at a particularly lovely spot on the shore of the Little Lake in Hanoi. When I remarked to my interpreter that that seemed a queer place to put a call to arms, he replied that, on the contrary, it was entirely appropriate. The Little Lake, he told me, was also known as the Lake of the Restored Sword. In the early fifteenth century at a time when Vietnam was being invaded by the Chinese from the north, the Emperor Le Loi was out boating, and a tortoise surfaced and gave the Emperor a sword. With that sword, the Emperor beat the Chinese. He then went back to the lake and returned the sword to the tortoise. "The lake," my interpreter said, "is the symbol of our will to be a nation."

Another sign of the intense national commitment to the struggle is the Vietnamese radio. The Voice of Vietnam, as the radio is called, is the principal national medium. Among the twenty-one million residents of North Vietnam, there are five hundred thousand private radios and six hundred thousand loudspeaker units to relay broadcasts to the villages and hamlets. "Our main subject is the fight against U.S. aggression," Tran Lam, the director of the Voice of Vietnam, told me. "Our whole program has as its central theme the strength of our people versus U.S. aggression." On one typical morning, broadcasting began at five with a fifteen-minute program for the peasants. The subject, according to Mr. Lam, was "how to achieve high yield in rice cultivation despite the bombing." At five-fifteen, there was a two-part news bulletin. The first part announced "victories achieved in the past twenty-four hours in North and South Vietnam." The second part dealt with "threats to the dikes by U.S. imperialists and the condemnation of their action by the world public." At five-thirty-five, an announcer read the day's lead editorial in *Nhan Dan*, the official newspaper of the Workers' Party; it dealt with an anti-aircraft unit and the techniques used against low-flying American planes. At five-forty-five, there was a children's program on the subject of "how young people in the country should receive city children who are being evacuated." So it went for the rest of the day. The last program at eleven o'clock at night, was a study of "crimes committed by the U.S. and the lackey Thieu [as President Nguyen Van Thieu is always called here] in terrorizing the students of South Vietnam." The sign-off, at eleven-thirty, was an announcement of the number of American planes shot down—with a separate figure for hits on B–52s—since the war began.

This ceaseless concentration on a war waged against heavy odds has caused some Vietnamese, particularly in the leadership circles, to see themselves at the center of world history—a nation anointed to carry the torch of revolution. In a speech published on February 3rd, which is now deemed important as an expression of Hanoi's decision to launch the March 30th offensive in South Vietnam, Truong Chinh, the Assembly President, called Vietnam "the focus of the basic contradictions of human society." Nguyen Khac Vien, the French-educated editor of the scholarly publication *Vietnamese Studies*, with whom I had one of my rare unsupervised interviews, expounded on the theme without any evident self-consciousness. "Vietnam has become the focus of the three conflicts central to the present age," he said, as though he were stating a known fact apparent to the meanest intelligence. "It is the front line in the fight between colonialists and anti-colonialists. It is the front line in the fight between capitalists and Socialists. It is the front line in the international class struggle between the rich and the people."

Hong Chuong, an editor of the Communist monthly theoretical journal *Hoc Tap*, made the same point with what seemed to me melodramatic self-importance. I met him in the *Hoc Tap* offices, which are in a pleasant tower-shaped building overlooking a pond. The reception room was decorated with cases full of historical mementoes, including a first edition of *Pravada*, some medals depicting Lenin and Ho Chi Minh, and some fragments of American bombs. The ashtrays in the reception room were made from bomb casings. I opened the conversation by asking for a few biographical details, and Mr. Chuong told me, "We don't speak about ourselves, because we consider each individual a drop of water in the ocean of the people. But I can tell you that I am a journalist about fifty years old."

I asked Mr. Chuong whether he was born in North or South Vietnam. He said, "We don't make that distinction. Our President, our Prime Minister, and the First Secretary of our Party were born in the South. Our country is one. The problem of partition is a problem that has been made by you American imperialists."

I asked him to tell me about the Vietnamese approach to Marxism and how it differs from the Russian and Chinese approaches. He said, "Our tradition is one of fighting, and we put it in the framework of Leninism. It is not enough to say that we have been fighting for thirty years. We have been fighting for much longer than that. We have made a contribution to Socialism in military thinking. Let me take as an example our national hero Tran Huong Dao. He rose up against the Mongal invasions two centuries before Columbus. These were the same Mongols who took China and India and Europe. They were defeated in Vietnam. Not

once but three times we defeated them. And each time, I may say, we took prisoners and released them—fifty thousand each time. I once read an article by an American comparing Tran Huong Dao with Clausewitz. I think that underestimates Tran Huong Dao. Clausewitz existed in the eighteenth century; Tran Huong Dao was five centuries before him. Moreover, Tran Huong Dao was not only a great military writer, as was Clausewitz. He was also a great general of armies. I think Tran Huong Dao is a head taller than Clausewitz.

"But you asked about the originality of Vietnamese Socialism. Here is an example. In Russia, Lenin replaced Kerensky and the Czar. Lenin represented the proletariat, and Kerensky and the Czar represented the bourgeoisie and the nobles. But they were all Russians. In China, Mao Tse-tung replaced Chiang Kai-shek. Mao represented the peasants, and Chiang was a representative of the warloads. But they were both Chinese. In Vietnam, however, Ho Chi Minh replaced the Japanese Fascists and the French colonialists. President Ho was Vietnamese. They were foreigners. Our contribution to Marxism is not a question of doctrine. We have creative minds, and we are not stuck on any formula. One mistake that the Americans always make is to think that we will do what the Russians did or the Chinese did. In that sense, you are dogmatists. But we follow our own ways, and that is why you are being defeated. If there is a single piece of advice I would give to Kissinger, the adviser of Nixon, it would be: Abandom dogmatism. For instance, in chess you can imagine a board full of pieces where the right move will win. You can also imagine a board where most of the pieces are gone and where the right move will also win. We have used both tactics against the Americans."

I said that I was not sure I followed his argument, and he said, "A baby of two cannot understand an adult of forty, but an adult of forty can understand a baby of two. The United States will be two hundred years old in four years. Vietnams is now four thousand years old. Vietnam can understand the two-hundred-year-old United States. But the United States cannot understand the four-thousand-year-old Vietnam. Nixon said recently that the war had lasted eleven years and had been hard and long. For us, it has not been long enough. We have been fighting eleven centuries, not eleven years. We fought eighty years against the French. When we came to understand that we would have to fight against the United States, we were sure it would take longer. We thought it would take a century, and we are ready to fight for a century. But Nixon has only two cards to play now. He can destroy Hanoi. That is one. He can destroy the dikes. That is the other. But we are not afraid. Let him play them. After that, he will be defeated."

After that interview, I told Ngo Dien, the official of the North Vietnamese Foreign Office who had finally approved my application for a visa to Hanoi, that some of his countrymen seemed to me positively fanatical in their single-minded attention to Vietnam and the war. He said, "We are not fanatics. If we were fanatics, we would lynch the pilots when they were shot down, not treat them correctly in prison camps. If we were fanatics, you would not be here." He went on to point out that immoderate boasting was one response of a small and backward country caught up in a war with a great power, and that another response was to show the special modesty personified by Ho Chi Minh. "The example of our President," he said, "has had a great impact on the Vietnamese people."

Perhaps by accident, perhaps by prearrangement, in everything that happened to me thereafter in Hanoi the softer side of the Vietnamese character emerged. A curious instance occurred at a dinner given for me by the Vietnamese press association. Among the guests was Colonel Ha Van Lau, the officer who negotiated the military cease-fire with the French back in 1954, and a former member of the North Vietnamese delegation to the Paris peace talks—a man whom I had come to know as the toughest of the tough. Colonel Lau is now in charge of the office that investigates what the North Vietnamese call American war crimes. In an earlier encounter during my visit to Hanoi, Colonel Lau had described American depredations against his country in the harshest terms. He had flung out his words contemptuously, the way a Spaniard spits. But at dinner he was another person. We talked about President Nixon's visit to China and his trip to the Great Wall. I said that the President's comments had not been distinguished but that it was hard to know how an American President should respond to the sight of the Great Wall. Someone suggested that he should have written a poem. "Better a song," Colonel Lau put in. He said that songs were particularly suitable to memorable places. He said there was one song that always reminded him of Paris. It was sung by an American, Josephine Baker. Did I know it? And suddenly the severe military man, who sometimes, in the fury of his nationalism, affected not to speak French, began to sing, in a voice that wasn't at all bad:

"J'ai deux amours
Mon pays et Paris. . . ."

The next day, an interview was arranged with Nguyen Dinh Thi, a writer, whose work ranges from a critique of Aristotle to a song that the national radio uses as its theme. One of his novels, "The Dike That Exploded," was a best-seller. As secretary of the Writers' Union, he has been in touch with literary figures the world over. Yevtushenko had been his guest during a visit to Vietnam. "I liked him very much," Thi said. "But he is an actor. I told him, 'You are the Don Quixote of world literature.'" Thi told me that "by tradition and wisdom and the teachings of Ho Chi Minh, the Vietnamese people have developed a spirit of bitter intransigence in a fight." He went on, "Our people are performing now as the victims of barbarism. I regret that you haven't seen another side of us. We are poor. We are used to a hard life. We have typhoons every year. We do the backbreaking work of cultivating rice. Our tradition is that everybody helps everybody else. We respect literature more than war in our country, and there has never been a military caste here, as there was in Japan. An expression we use all the time is *'Tinh thuong,'* which means a combination of pity, compassion, and love. We know that we live on the edges of the great powers. We see that we have to be prudent and modest. We have a great sense of humanity, a sense of the pity of humanity."

At a reception the day after that, I met Ton That Tung, a distinguished surgeon and a relative of the former emperor Bao Dai. Among other things, Dr. Tung has translated into French the works of To Huu, a leading contemporary poet, who works in the Secretariat of the Workers' Party. I told Dr. Tung that some of his countrymen seemed peculiarly harsh to me—as if fighting were the only way they know of to achieve things. I asked him if there was anything that he found unique in the Vietnamese personality. He said, "You should notice that when we entertain we never lord it over people—we put them wholly at ease. And we don't have religious disputes; except when foreigners were involved, we had toleration for all religions."

He asked me what other impressions I had of North Vietnam. I said something about the need to end the war. Feeling that to be banal, I added that the two sides seemed so far apart and that there was so little mutual trust that I was pessimistic about a settlement. Dr. Tung was not so pessimistic. He said, "I know your people are tired of the war. Do you think our people want to go on fighting forever?"

I found that leaving Hanoi was almost as hard as getting there. Only four regular planes a week come to Hanoi: two small Chinese planes with chancy connections through Nanning to Canton and Hong Kong; an Ilyushin 18, run by Aeroflot, which goes out through Laos; and a converted Second World War Stratoliner, which is run by the International Control Commission set up at the Geneva Conference of 1954, and which also goes out through Laos. Bad weather forced two cancellations, but finally I left aboard the Russian airliner. My chauffeur, my interpreter, and a woman guide from the Foreign Ministry who had supervised my entire trip all came out to the Gia Lam airport to escort me through customs and wait for the plane to take off. As we sipped beer and lemonade in the departure lounge, a good cross-section of the foreign diplomats and journalists stationsd in Hanoi passed in review. They are cut off from normal Vietnamese life by the language barrier and various restrictions, including the prohibition against driving cars.

Much as settlers in the West used to arrange their lives around the pony express, the foreign colony in Hanoi orders its life around the planes from the outside world. Among those I saw were an Arab diplomat, who assured me that a particularly tough statement put out the night before by the North Vietnamese Foreign Ministry was done for "domestic consumption," and an East European diplomat, who said the statement showed that revisionism was finally taking hold in Hanoi. A military attaché observed that he had recently been counting the number of anti-aircraft guns parked along the road from Hanoi to Gia Lam; it was down from ninety-six a week ago to sixty-two—a probable sign that the guns had been moved south toward the front. A West European diplomat observed that though the Paris peace negotiations had resumed, they would probably not get anywhere, because the North Vietnamese did not feel for Nixon the kind of trust they felt for Pierre Mendés-France, who negotiated the Geneva settlement back in 1954. I also saw a Russian diplomat, with whom I shared a bomb shelter at the Foreign Ministry during an air-raid alert, and a Soviet journalist—one of two indistinguishable heavies representing *Pravda* and *Izvestia*, who were known as the speakers of English in Hanoi as Mutt and Jeff. As each of these passing acquaintances talked, my guide drew for me on a napkin the ideograms used to denote their countries. I asked her to draw the characters for America. She did, and then she said, "Literally, the characters mean 'beautiful country.' I wish you Americans would stop behaving in a way that is—I won't say it. I wish you would start behaving again in a way that is beautiful."

JOSEPH KRAFT.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

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

On August 19, 1972:

S.J. Res. 260. Joint Resolution to suspend until March 1, 1973, the effectiveness of certain amendments made by the Education

Amendments of 1972 to the Guaranteed Student Loan Program.

On August 20, 1972:

S. 484. An act to designate the Scapegoat Wilderness, Helena, Lolo, and Lewis and Clark National Forests, in the State of Montana; and

S. 3645. An act to further amend the U.S. Information and Educational Exchange Act of 1948.

On August 22, 1972:

S. 559. An act for the relief of Albinila Lucio Z. Manlucu;

S. 596. An act to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within sixty days after the execution thereof;

S. 2704. An act for the relief of Rita Rosella Valleriani; and

S. 2854. An act to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices.

On August 25, 1972:

S. 2166. An act to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes; and

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Junior, Memorial Parkway, and for other purposes.

On August 28, 1972:

S.J. Res. 182. Joint Resolution authorizing the President to invite the States of the Union and Foreign Nations to participate in Farmfest—U.S.A. and the World Plowing Contest in September 1972.

On August 29, 1972:

S. 3726. An act to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes;

S. 3824. An act to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities; and

S.J. Res. 213. Joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day".

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

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

S. 3490. An act to authorize and request the President to issue annually a proclamation designating August 26 of each year as "Women's Rights Day"; and

S. 3755. An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such Act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes.

The message also announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 8215. An act to provide relief for certain prewar Japanese bank claimants;

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. 1080. Joint resolution providing the observance of "Youth Appreciation Week" during the seven-day period beginning November 13, 1972;

H.J. Res. 1193. Joint resolution to provide for the designation of the week which begins on September 24, 1972, as "National Microfilm Week";

H.J. Res. 1227. Joint resolution 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; and

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

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 8215. An act to provide relief for certain prewar Japanese bank claimants;

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. 1080. Joint resolution providing the observance of "Youth Appreciation Week" during the 7-day period beginning November 13, 1972; and

H.J. Res. 1193. Joint resolution to provide for the designation of the week which begins on September 14, 1972, as "National Microfilm Week"; and

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

H.J. Res. 1227. Joint resolution 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 Certain Measures With Respect to the Limitation of Strategic Offensive Arms; to the Committee on Foreign Relations.

OUTRAGE AT MUNICH OLYMPIC GAMES

Mr. SCOTT. Mr. President, the shooting at Munich is incredible. Holding citizens of Israel as hostages and attempting to halt the Olympic games so that the Arabs can get their way is unbelievable.

The actions by these irresponsible persons, coming during an event being watched by the free world and others, are vile and barbaric.

The Olympic games have been cast over the years as being nonpolitical. Representatives of other countries, whether in tune ideologically or on the other side, have always been able to put their differences aside to compete. This wholesome activity brings us closer to lasting peace.

But the shooting at Munich can set back all of these gains.

It is hoped that all nations will condemn this barbaric action.

Perhaps the United Nations can summon enough courage to join in condemnation of this inhumanity.

Mr. MANSFIELD. Mr. President, will the distinguished minority leader yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. I wish to join the distinguished Republican leader in the remarks he has just made, about the reprehensible and outrageous events which have occurred at the Olympic games in reference to the killing and detention of the Israeli athletes by Arab terrorists.

It is outrageous. It is reprehensible.

I would suggest most seriously that the Olympic games be canceled in memory of those who have been killed as a result of what has happened there.

Mr. JAVITS. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I should like to associate myself both with the majority and minority leaders. This is piracy against the civilized world. The world simply cannot tolerate this kind of lawlessness. I say this without regard to the ideology or social order of any nation—Communist or free.

Mr. President, the last time a dread event like this occurred, the massacre at the Tel Aviv Airport, a high official in the Arab world expressed sympathy with the terrorists. This was hardly designed to discourage them.

I hope that the world will take careful note and hold strictly to account any nation—Arab or otherwise—which gives sanctuary or in any way gives implicit or express approval to these murderers—and that is all they are.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD my statement in the Senate Chamber last June 6 relating to the previous outrage.

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

STATEMENT OF MR. JAVITS

I wish to note that this very morning a United States Air Force plane is bringing back to Puerto Rico the bodies of 16 murdered Puerto Rican Christians who were engaged in a religious pilgrimage to Israel. They were massacred by pro-Arab terrorists at the Tel Aviv airport. This is an outrage that resulted in more than 100 persons being killed or wounded. The citizens of Puerto Rico are American citizens. They serve in the armed forces of the United States, and they are part of our country as much as are the citizens of any State.

These 16 Americans were ostensibly protected by our flag. The responsibility which we have to Americans who travel abroad may well be proven to be devoid of real substance unless our Government does something to dramatize to other governments that we will not countenance airborne terrorism and that we will not countenance any explicit support for such terrorism by any country which has friendly relations with the United States.

I think that the world is appropriately appalled that any people, let alone any nation, would claim credit for such a dreadful and brutal mass murder as took place in the Tel Aviv airport. But credit is being claimed by

people in Lebanon who live or who are at least harbored there, and who seem to be training and arming for such international forays.

There was even some satisfaction expressed in Lebanon that this act had been done. We have not seen anyone arrested by Lebanese authorities as a collaborator for this crime, although Arab terrorist organizational spokesmen have come forward and claimed credit publicly for this deed in an office operated openly in downtown Beirut. We heard of a press announcement by an Arab organization's spokesman in Beirut who said, "Our purpose was to kill as many people as possible."

In addition to this, we have the second highest official in Egypt, the Premier of that nation, commenting upon this murder of innocent people in Tel Aviv, including 16 American citizens, that the deed proved, "that we are able to achieve victory over Israel." Actually, the incident proved nothing except that fanatics could be seduced into performing mass murder against innocent travelers.

In my judgment, the United States should require from the government of Lebanon a full accounting of what takes place on its soil involving the murder of Americans. We must demand an investigation to prove or disprove the complicity of those harbored of Lebanese territory in this terrible crime.

What I am seeking to emphasize today is the fact that we are dealing with the killing of American air travelers and not with Arab-Israel relations. We are dealing with the claim that this terrorism and murder originated from Lebanon with which we are friendly, and the statement by the Number Two Man of Egypt that he derives great satisfaction from it. I do not believe the United States can tolerate this wanton barbarism which has resulted in the killing of 16 Americans. There are steps we can take.

We maintain friendly relations with Lebanon and Egypt. American commercial airplanes travel to each of these countries, as do the airlines of the world.

I think our Government has a duty and a responsibility to get to the bottom of the matter of involvement of Lebanon and Egypt, and, if necessary, to cancel or cause our airlines to cancel international flights to both Lebanon and Egypt. In addition, both of these countries solicit American tourism and there is a question whether American tourists should be encouraged to travel to these areas in light of the recent events. I very much hope that the appropriate agencies of the United States Government will immediately look into this matter.

Additionally, I understand that the wounded and other Puerto Rican survivors are people of very modest means and many have even lost their personal belongings in the holocaust. Our government should make arrangements for transportation home of all Puerto Rican Americans involved and provide extended medical care for the wounded.

Mr. JAVITS. Mr. President, today's act is designed to thwart the whole world let alone the small nation of Israel. We simply cannot tolerate it. As men, we must find some way to deal with it. Certainly no sports event, eminent as it may be, should be allowed to stand in the way of concentrating the attention of the world on this dread calamity.

The Arab terrorists have desecrated the Olympic games concept of brotherhood. Any nation that gives them sanctuary or sympathy must be held accountable to all mankind.

Human lives are certainly more important than any sports schedule and the Olympic games schedule must yield to this overriding calamity.

The Arab terrorist action obviously seeks to intimidate the civilized world. We cannot submit to this strategy of of terror.

The distinguished majority and minority leaders have expressed the views of millions and millions of Americans, and I am honored to join them in those views.

Mr. COOPER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. COOPER. I would like to join in the statements just made. There is no greater problem in the world today of a domestic or international nature than the question of the observance of law. This awful event which has just occurred in Munich is a threat to all law-abiding people in the world—wherever they may live.

I agree with the distinguished minority leader that this unhappy event provides an opportunity for the United Nations, in some way, to express its grave concern and to go beyond that, under its commitment to human rights, and express its outrage at this dastardly crime.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Tennessee (Mr. BAKER) is now recognized for 15 minutes.

REVENUE SHARING

Mr. BAKER. Mr. President, this week, the Congress, at long last, goes into the homestretch in the revenue-sharing derby. It is with a sense of considerable relief and optimism that I rise today to make what I hope and expect to be the last in a long series of formal speeches in the Senate Chamber in support of this vitally important legislation.

The concept of general revenue sharing—or "tax sharing" as it was then called—first came to national attention in the early 1960's, when it was proposed by two distinguished economists, Walter Heller and Joseph Pechman. During my 1966 campaign for the U.S. Senate, I pledged to the people of Tennessee that I would make revenue sharing one of my highest legislative priorities. On March 9, 1967, I devoted my "maiden speech" as a freshman Senator to the introduction of the Tax-Sharing Act of 1967. In 1968, both major political parties included support of general revenue sharing in their national party platforms. On September 23, 1969, I introduced on behalf of the Nixon administration the first general revenue-sharing legislation ever proposed by a President of the United States. On February 9, 1971, I introduced a revised version of the President's proposal. I have testified on behalf of general revenue sharing before five different committees of the Congress and made speeches around the country in support of the plan.

Although I never lost faith in the importance of the concept, I must admit that there were times when I was deeply discouraged about the prospects for its enactment into law. In spite of overwhelming support for revenue sharing at every level of State, county, and municipal government, in spite of strong bipartisan support in the national platforms of both political parties, in spite of the urgent pleas of the President of the United States, in spite of a January 1971 Gallup poll showing 77 percent of the American people supporting revenue sharing, and in spite of bipartisan support in both Houses of Congress, the proposal languished in congressional committees.

On April 26 of this year, however, the House Committee on Ways and Means reported H.R. 14370, the State and Local Fiscal Assistance Act of 1972, and the race toward the finish had finally begun. It has been a story of persistence, hard work, willingness to put partisanship aside, and perhaps most important of all, the eminent logic and necessity of revenue sharing.

There is no need for me to dwell on the well-known virtues of the proposal: its capacity to meet, at least in part, the crushing fiscal needs of State and local governments, the beginning of a reversal of the seemingly inexorable flow of revenue and power to the Central Government, the substitution of progressively raised revenues for regressively raised revenues, the vote of confidence it expresses in the capacity of locally elected officials to meet the most immediate needs of their constituencies, the relative certainty that it will provide for State and local fiscal planning for a period of years, the flexibility it offers State and local governments in making fiscal judgments, and on and on.

I realize that there are those who are deeply and honestly concerned by the fact that the Federal Government, which raises these revenues, will surrender to some degree the control that it has over the expenditure of those funds. It seems to me that there are a number of responses to that concern. There are no such thing as Federal dollars; the Federal tax dollar is not created by the Federal Government but through the exertions and productivity of the American people. The simple fact that the Federal Government collects these dollars does not detract from the fact that the dollars themselves derive from the people. Nor are we proposing to relinquish control over more than a tiny fraction of Federal revenues.

I have long believed personally that the most flexible and creative approach to Federal financial assistance is one that involves a mix of three basic forms: general revenue sharing for general governmental purposes, block grants—or so-called special revenue sharing—for broadly defined areas of national concern and priority, and categorical grant-in-aid programs for those programs and projects where it is adjudged that a strong and detailed Federal administrative presence is called for.

As to the simplistic criticism that there are no revenues to share, the fact is that any Federal expenditure during a period of budget deficit—and who can remember when there was not one?—is an expenditure of borrowed moneys. As far as I am concerned, general revenue sharing, which was included in the President's fiscal year 1973 budget submission, is a pro-

gram of the very highest priority, and if the Congress is worried about budget deficits—as this Senator certainly is—it should pay more attention to the appropriation of funds in substantial excess over what the President has asked for and not so much on obstructing funds that he has asked for. The Congress should also give immediate consideration to the spending ceiling sought by the administration.

Mr. President, when I appeared before the Senate Committee on Finance on June 29 to testify in support of revenue sharing, I appeared in support of S. 3651, a bill which Senator HUMPHREY and I and 42 other Senators of both parties had introduced on May 30. S. 3651 was identical to H.R. 14370 as reported by the Committee on Ways and Means and passed by the House. I tried to make it as clear as I could to the Senate committee that the importance of enacting a general revenue sharing bill in this Congress far transcended any partisan political credit that might inure to any individual or any political party. I believe that even more strongly today. There have been so many people, at every level of government and of every imaginable political and ideological persuasion, involved in the evolution of this legislation, that there will be more than ample credit to go around for everyone.

I also stressed to the Senate committee that, while I hoped it would make certain changes in the House-passed bill, especially that provision penalizing States with little or no personal income tax revenue, the fact that I had joined together with Senator HUMPHREY and others to introduce a bill identical to the House bill was a strong indication on my part that I was more than prepared to accept certain elements of the program that I did not believe wise in order to have the concept itself engraved on the statute books of this Nation. While I am personally delighted by many of the changes made by the Senate committee, and while I believe that in most of its particulars the Senate bill is a better bill than the House bill, I reiterate today my own flexibility with respect to the ultimate product. Although I will resist any effort to restore the so-called strings of the House bill that limit the freedom of local and State governments to spend funds as they choose, and although I will resist any significant change in the ingenious distribution formula devised by the Senate committee, it is hard for me to imagine a general revenue-sharing bill so modified that I could not support it.

General revenue sharing is an idea whose time has long since come. In March of 1971 the Harris poll reported that 85 percent of the American people expressing an opinion on the subject gave the 91st Congress low marks for its inaction on revenue sharing. Let it not be said of this Congress that it let slip through its fingers the most innovative and important means for strengthening our federal system that has come along in decades.

TRANSACTION OF ROUTINE MORNING BUSINESS

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

CALL OF THE ROLL

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

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

The second assistant legislative clerk called the roll and the following Senators answered to their names:

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

Mr. COOPER. Mr. President, I must object.

The PRESIDENT pro tempore. Objection is heard. The clerk will continue to call the roll.

The second assistant legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 387 Leg.]

Allen	Griffin	Randolph
Baker	Javits	Schweiker
Byrd, Harry F., Jr.	Mansfield	Scott
Byrd, Robert C.	McClellan	Spong
Cooper	McIntyre	Stafford
Eastland	Moss	Talmadge
Fannin	Packwood	
	Percy	

The PRESIDING OFFICER (Mr. MCCLELLAN). A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Eagleton	Montoya
Allott	Edwards	Nelson
Bayh	Fulbright	Pastore
Beall	Gambrell	Pearson
Bellmon	Gravel	Proxmire
Bennett	Gurney	Ribicoff
Bentsen	Hart	Roth
Bible	Hartke	Saxbe
Boggs	Hruska	Smith
Brock	Humphrey	Stennis
Brooke	Inouye	Stevens
Burdick	Jackson	Stevenson
Cannon	Jordan, N.C.	Symington
Case	Jordan, Idaho	Taft
Church	Kennedy	Thurmond
Cotton	Long	Tower
Cranston	Magnuson	Tunney
Curtis	Mathias	Weicker
Dole	Miller	Williams
Dominick	Mondale	Young

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER (Mrs. EDWARDS). A quorum is present.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that the period for the transaction of routine morning business, with statements therein limited to 3 minutes, be extended for an additional 15 minutes.

Mr. JAVITS. Madam President, reserving the right to object—and I hope not to object—I should like to have a colloquy, if I may, with the permission of the assistant majority leader.

Mr. ROBERT C. BYRD. Well, Madam President, we have to have an extension of the period for the transaction of routine morning business, if there is to be any colloquy. The period has run its course.

Mr. JAVITS. Madam President, I hope that the Senator will not compel me to object. I believe that the points I wish to make are serious and require answers by him. I would simply object. The Senator leaves me no alternative.

Mr. ROBERT C. BYRD. Madam President, in order to accommodate the Senator, I ask unanimous consent that I may proceed for 3 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. JAVITS. I thank the Senator from West Virginia very much.

It is well known that the House has messaged over a bill, called the antibusing bill, and that it is now on the desk in the Senate.

The Senator from West Virginia has checked the rules, just as I have checked them.

The question which I ask the deputy majority leader is whether under the rules, the House bill having come over and being at the desk, there is any procedure as far as the Senator knows by which I can move to send that bill to committee rather than having it on the calendar, assuming that a Senator objects to further proceeding after the second reading.

Mr. ROBERT C. BYRD. Madam President, under the circumstances there is no such procedure.

Mr. JAVITS. Madam President, with the Senator's permission, if he will allow me, may I make an inquiry of the Chair as to whether there is any way I can move to send the so-called antibusing bill to committee if any Member objects to further proceedings after second reading?

The PRESIDING OFFICER. The bill has to be before the Senate to move to refer a bill. If objection is heard after

the second reading, the bill will go to the calendar under rule XIV. The only way to reverse that procedure would be for the Senator to take an appeal from the ruling of the Chair.

Mr. JAVITS. I thank the Chair.

May I point out, Madam President, that it is essential for those on my side of the issue to make a record of the fact that we could not send the bill to committee, even though we want to do so. Then when I or some other Senators at a later date when the bill is before the Senate wish to speak, we can be heard on the fact that we were not allowed to use all our options at this time.

The second point I wish to raise is also very serious. That question concerns the issue of surprise. This is an extremely serious bill. I would like to call the attention of the Senate to the fact that we have five bills on the calendar this morning under a unanimous-consent agreement which allows a very brief period, something like 20 minutes, on amendments to each bill.

It is possible that H.R. 13915 could be added to any one of those bills, and although we did not know at the time we agreed to the agreement, the bill will be on the calendar and can be kept hanging over the Senate and can be called up at any moment. We are in a very difficult position today, and we face a whole series of bills which could with, I think, complete unfairness to the parties concerned—certainly to those who oppose the House bill—result in a very sharply curtailed debate on the first day that we are back in session, at a time when we had to take an hour to get a quorum of 51 Senators to transact business.

I am not asking any Senator to stay his hand. It is any Senator's privilege, just as it was my privilege to get a live quorum and do everything I can to defeat the bill. I ask the leadership as to its intentions regarding the matter of surprise, because if the leadership informs the Senate that it will, insofar as it can, not allow the Senate to be surprised and will give adequate notice and an opportunity for debate on this issue, then if a motion is made to table, with the leadership's support, it will probably prevail.

So I raise that question of surprise with the deputy majority leader in this connection at the very outset of this situation.

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that I may be permitted to proceed for an additional 3 minutes.

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

Mr. ROBERT C. BYRD. Madam President, as to the question of surprise, the distinguished majority leader is here, and I would defer to him on that matter. However, I would say this in response to the distinguished Senator from New York. Insofar as the bills which are scheduled to come before the Senate following the period for routine morning business today are concerned, no nongermane amendment can be offered to any of those bills under the unanimous-consent agreement previously entered into.

Madam President, I yield to the distinguished majority leader if he wishes to respond.

Mr. ALLEN. Madam President, would the Senator yield?

Mr. JAVITS. Madam President, would the Senator allow me to finish this colloquy?

I do not know that the leadership is ready to tell us anything about this matter today. I would certainly hope they would now express their intentions with regard to the question of surprise with respect to this bill that will be on the calendar. I could not get a pledge from 99 Members of the Senate, any of whom could call up this antibusing measure at any time.

After the leadership has expressed itself on the proposition as to whether they will do their utmost to prevent the Senate from being surprised and will give reasonable notice regarding the measure, a motion to table the measure would probably carry. The leadership cannot guarantee that. However, in the absence of the expression of any views by the leadership on this issue, we stand in great jeopardy with this measure on the calendar and not knowing when it might be called up. Any Member of the Senate might say that it is on the calendar and he is perfectly free to call it up.

Mr. MANSFIELD. Madam President, I agree with the remarks made by the distinguished assistant majority leader. As far as the joint leadership is concerned, it has been our consistent policy down through the years never under any circumstances, insofar as we were aware, to take any Member of the Senate by surprise.

It may be of interest to the distinguished Senator from New York to understand some of the difficulties which the majority leader went through before adjournment. It was his intent at that time to try to protect the rights of all Members of the Senate, both those for and against the proposal which will go on the calendar shortly, not because of his personal interest so much, but because of his interest in the rights of Senators whom he has delegated to look after the matter because of the position which he holds.

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

Mr. MANSFIELD. Madam President, I ask unanimous consent that I may proceed for an additional 3 minutes.

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

Mr. MANSFIELD. Madam President, I will say as far as the joint leadership is concerned—and I know that I can speak for the distinguished Senator from Pennsylvania, the Republican leader—that there never has been and there never will be any surprises pulled. I would not expect any Senator on any side of this question to conduct himself in that manner. I would assume without question that the leadership would be approached and that if any proposals are offered, the leadership would be made aware of them and on that basis the leadership would then be in a position to notify the appropriate interested parties so that they could be on the floor to protect their own interests at that time.

Mr. JAVITS. Madam President, may I say to the distinguished majority leader that so long as this matter is hanging over the Senate, the whole question of unanimous consents will be very difficult. For example, although I was aware of what the Senator from West Virginia (Mr. ROBERT C. BYRD) referred to, that no amendment not germane to the provisions of the bill can be received, an argument can be made and even an appeal taken from the ruling of the Chair respecting the germaneness of an amendment. And if a Senate majority overruled the Chair, the amendment could go on any bill, even the bills on the calendar today that have a limitation of 20 minutes debate on amendments.

I would hope, Madam President, and I raise this suggestion to the leadership, that it will not foreclose any Member of the Senate from offering a motion on any of these bills. And I would not be so presumptuous as to seek a commitment from any Member. However, I wonder if it would not be prudent to wait until after the adjournment of the Senate when we have done our business today to have this matter definitively settled tomorrow so that Members of the Senate may be here and we may have an opportunity to consult.

The bill will go on the calendar. I have studied the rules carefully. I have consulted with the Parliamentarian. There is no way it can be kept off the calendar, but I felt we should give everyone another 24 hours to catch his breath and to see how we can deal with what will be a sword of Damocles hanging over the Senate during what we hope will be a brief session. There will be a tremendous amount of pressing business to which we all wish to lend ourselves but we do not wish to be deprived of due process with respect to this bill.

Mr. MANSFIELD. Madam President, I would be averse to adjourning at this time because we have made commitments to Members and those commitments should be, will be, and must be kept.

Mr. JAVITS. Madam President, if the Senator will yield, I did not suggest adjourning at this time. I was just suggesting we have an opportunity to catch our breath.

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

Mr. MANSFIELD. Madam President, I ask unanimous consent that I may proceed for an additional 3 minutes.

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

Mr. JAVITS. The morning hour has gone by. Unless there is unanimous consent, this measure will not be called up for a second reading today. It will be called up as soon as there is a new legislative day. I have no desire to stall but I did make the suggestion that perhaps after the business today there be an adjournment. Then there will be a morning hour tomorrow, and that bill can go on the calendar tomorrow. This will give everyone a chance to catch his breath, including the leadership, in order to

decide how to deal with this situation so that before it goes on the calendar there could be some assurance to the Senate of what we are faced with.

Mr. MANSFIELD. Madam President, if the Senator will yield, I see nothing to be gained by a 24-hour delay. But in view of the suggestion made, I would defer to the distinguished Senator from Alabama as to his reaction to the suggestion which has been made.

Mr. ALLEN. Madam President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Madam President, I have the floor and I would like to propound that question to the distinguished Senator on my time before my time is up.

Mr. ALLEN. Very well. The junior Senator from Alabama has no objection whatever to carrying the matter over for an additional day, provided there is an agreement that the bill receives a second reading on tomorrow, Wednesday—not on the next legislative day, but on Wednesday.

Mr. JAVITS. Yes.

Mr. ALLEN. The 6th of September.

With regard to the remarks of the distinguished Senator from New York with respect to surprise, the junior Senator from Alabama does not know to what the Senator from New York has reference because the junior Senator from Alabama on Thursday, before the recess on Friday, obtained unanimous consent of the Senate, and it appears in the RECORD, that when the message with respect to H.R. 13915 came to the Senate, whether that message came on Thursday before the adjournment or on Friday before the adjournment, he would be given 10 minutes during which time he could make such motions, requests, or comments with respect to that legislation that he deemed fit.

Well, surely, the distinguished senior Senator from New York knew that the junior Senator from Alabama was going to see that the bill received its first reading.

The PRESIDING OFFICER. The additional 3 minutes of the Senator have expired.

Mr. MANSFIELD. Madam President, I ask unanimous consent that I may have an additional 3 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. ALLEN. Surely the distinguished Senator from New York knew that the bill would receive its first reading the day it came over, that under ordinary circumstances it would receive its second reading today, and go on the calendar for Wednesday. So some 48 hours' notice was given as to what was going to be done. It certainly strikes the junior Senator from Alabama as passing strange that the distinguished Senator from New York would say that there is an element of surprise in connection with this legislation.

Now, the Senator pointed out that with respect to the pending bill, on which time is limited, no amendments not germane can be offered; and if a motion is made to bring this measure up for consideration by the Senate, that would be debatable, as the distinguished Senator from New York knows, and the bill itself would be debatable, so there is no element of surprise. The junior Senator from Alabama is at a loss to understand what the distinguished Senator from New York means by saying he does not want to be taken by surprise and that there is an element of surprise in connection with this legislation.

Mr. MANSFIELD. May I say that it was my assumption that what the distinguished Senator from New York was referring to was not in the past tense but in the future tense and that he was trying to protect his rights in that respect. There has been no element of surprise up to this time nor do I anticipate any element of surprise.

Mr. ALLEN. How could there be surprise? The distinguished Senator from New York knows it is going on the calendar. What surprise could there be?

Mr. MANSFIELD. I assume the Senator referred to taking up the bill or offering it as a substitute to another bill.

Mr. ALLEN. All I am trying to do is to get this bill before us so that it will not be necessary to offer amendments, so that the sole issue is whether or not busing by Federal court decree of schoolchildren should be permitted. He is not asking that it be referred through some collateral means. He wants a vote on this bill, which is basically the President's proposal to Congress.

Mr. MANSFIELD. Madam President, I ask for 3 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from Montana is recognized.

Mr. MANSFIELD. That was what I assumed the distinguished Senator meant.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. The Senator understands me perfectly and I hope the Senator from Alabama will also. I have no complaint about what occurred. As a matter of fact, everybody has been very accommodating. I was not here at the first reading; I could not be; and yet the leadership was perfectly ready and did protect our rights to see that the second reading was not then carried on by unanimous consent. Nor have I any complaint about the Senator from Alabama nor am I trying to get any commitment from him. He has acted within his rights and he has acted under the rules. The Senator from Alabama knows the rules extraordinarily well for a new Member and he has every right to avail himself of them.

I was directing attention to the problem of the leadership in dealing with so extensive an issue, which could be put on a bill, on which there could be nongermane amendments. I have consulted with the Parliamentarian.

I wish to give notice now that I shall object to any unanimous-consent request which allows nongermane amendments from now until the end of the session. We consider a lot of business here in an hour, in a day, and in a week that might be convenient to the mover and very inconvenient to the overwhelming number of Senators. If Senators wish to speak on matters they have to be here and if they are not here the amendment would be acted on in the absence of speakers, if such an amendment were brought up. The Senator from Alabama, and he is very diligent in his attendance, cannot be here every minute the Senate is in session.

As I have pointed out, the matter will go on the Calendar tomorrow, but it will give us a chance to meet with other Members, to meet with the leadership, to see what we can do in an honorable way to work out the matter to avoid disadvantage to the opponents, but without exacting a promise from the proponents, like the Senator from Alabama, which we could not get.

That was my sole purpose. I state it very clearly. I have learned through a long career here that if matters are laid on the table, justice is generally done, and I have every confidence it will be done in this case.

Mr. MANSFIELD. Madam President, I ask unanimous consent that the time for the conduct of morning business, with a 3-minute limitation on statements therein, be extended until the hour of 11:45 a.m.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Madam President, do I understand also that includes the unanimous-consent request that second reading on the bill we are talking about shall be deferred until tomorrow?

Mr. MANSFIELD. If that meets with the approval of the Senator from Alabama. It will go on the calendar, anyway.

Mr. ALLEN. Yes; if part of the unanimous-consent agreement is that the bill will go to the calendar on Wednesday, the 6th of September.

Mr. JAVITS. In view of the fact that the Chair has already ruled that way, I would simply ask that the unanimous-consent request be that second reading be held. I assure the Senator that will be it. I will not take an appeal.

Mr. ALLEN. But the agreement should also be that the bill will go to the calendar, because, obviously, if objection is not made to further consideration, it will then go to committee.

Mr. JAVITS. The Senator will object to further consideration of the bill, I am sure. I hope he will not cause me the pain of that unanimous-consent request. He should simply leave the matter of second reading to tomorrow. The Chair has already ruled.

Mr. ALLEN. Irrespective of the condition of morning business, it will receive such second reading tomorrow. Then it would be up to the Senator from Alabama to object to further consideration, and it would be on the calendar.

Mr. JAVITS. Would the Chair rule on that? Can the unanimous-consent agreement be stated for the RECORD?

The PRESIDING OFFICER. Without objection, the second reading will be deferred until tomorrow.

Mr. ALLEN. At which time it will take place.

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

Is there objection to the request of the majority leader for the 15 minutes?

Mr. ALLEN. As amended by the request of the Senator from Alabama?

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

Mr. BAKER. Madam President, reserving the right to object—and I shall not object——

Mr. MANSFIELD. All I am trying to do is get the Senate back to the normal calendar.

Mr. BAKER. I want to make one comment on this colloquy, before we go into morning business, about reserving the right to object on the question of the germaneness of amendments. The Senator from Tennessee has great interest in the remark made by the senior Senator from New York, putting the Senate on notice that for the rest of the session he would object to any such unanimous-consent requests for such a provision. I thought I had already made such a request. I hereby notify the Senate and the leadership that in the future I shall continue to make such requests.

Mr. MANSFIELD. Madam President, will the Senator yield?

Mr. BAKER. I yield.

Mr. MANSFIELD. The Senator is correct. Before we reached the stage of considering the unanimous-consent agreement, we had that request cleared with the Senator from Tennessee.

Mr. BAKER. I think this is bad precedent. I think it is bad business. As one Senator, I intend to offer an objection to any future request for unanimous-consent agreements relating to germaneness.

The PRESIDING OFFICER. Without objection, the time requested by the majority leader is granted.

Mr. ROBERT C. BYRD. Madam President, may I ask the Senator from Tennessee and the Senator from New York if I correctly understand what they have just said? I thought I understood the distinguished Senator from Tennessee to say that he will object to any unanimous-consent agreement which would prohibit any nongermane amendments from being offered. I thought, on the other hand, the distinguished Senator from New York indicated he would object to any unanimous-consent agreement that allowed nongermane amendments to be offered.

Mr. BAKER. Madam President, if I can answer on my own behalf, the statement I made previously had been, and it is today, that I will object to any unanimous-consent request that attempts to place a restriction on the offering of nongermane amendments to any matter pending before the Senate.

Mr. ROBERT C. BYRD. I understood the Senator correctly. I wonder if I understood the Senator from New York correctly. If so, we will not be able to get any more unanimous-consent agreements.

Mr. JAVITS. Madam President, the Senator did understand me. Obviously, we have different reasons for our objections. The leadership has already stated—and there are five bills listed for our consideration at this time—that we have an arrangement that contravenes the objection of the Senator from Tennessee (Mr. BAKER). Obviously he has been consulted and it is satisfactory. Of course, the leadership will consult with me also.

Mr. BAKER. May I state that I was not here. I was at Miami Beach, attending the Republican Convention. The Senator from Tennessee was not consulted. I assume the leadership consulted with some member of my staff. However, I take full responsibility for not being here, but, for the record, I did not agree to the provision of this order.

Mr. ROBERT C. BYRD. Madam President, may I say that the leadership on this side of the aisle always consults with the leadership on the Senator's side of the aisle, and in many instances the leadership on the other side of the aisle specifically states that contact has been made with the able Senator from Tennessee or people on his staff. In this instance, I do not recall whether that was done, but, in any event, the leadership on this side of the aisle is aware of the feelings that have been expressed by the distinguished Senator from Tennessee, and, as often as we can, we try to conform to the Senator's requests when we present the unanimous-consent agreements.

As of this moment, no more unanimous-consent agreements can be effectuated unless we find some middle ground, and I am sure the majority leader and I will consult both Senators before we attempt to present any unanimous-consent agreements, but both Senators have the leadership's hands tied, because we cannot devise an agreement that will meet the requirements, as stated, of both Senators.

Mr. BAKER. Madam President, may I offer the comment, in all respect, that I think the Senate can function with the rules as they exist and the precedents as they exist without any unanimous-consent agreements. If the effect is to do that, then that is the effect, but as far as I am concerned, I believe unanimous-consent agreements barring nongermane amendments are bad precedent and bad business for the Senate. While I understand it is a matter of expediting procedure on the part of the leadership, I hope the Senate will accept my notice that I intend to object to every unanimous-consent request to that effect.

Mr. ROBERT C. BYRD. May I say that unanimous-consent agreements barring nongermane amendments are not bad precedent. This type of agreement—I suppose—was entered into many, many times before the Senator from West Virginia became a Senator 14 years ago. It is not bad precedent. It has been going on for a long time. When the majority leader asks unanimous consent for a time limitation on a bill and that the unanimous-consent agreement be printed "in its usual form"——

The PRESIDING OFFICER. The 3 minutes of the Senator have expired.

Mr. ROBERT C. BYRD. Will the Senator from Montana yield me 3 minutes?

Mr. MANSFIELD. Yes.

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

Mr. ROBERT C. BYRD. The words of art "usual form" carry with them automatically the provision that no nongermane amendments can be offered, which would indicate that this had been going on a long time. It is not therefore, a matter of setting new precedent.

However, Madam President, I certainly will do everything I can to cooperate with the Senator, and, may I add, the able Senator from Tennessee, Mr. BAKER, is always most cooperative.

Mr. BAKER. Madam President, one final word. The term "precedent" is meant to mean the effect it would have on the future business of the Senate, as far as I am concerned, not the word as it may be compiled by the Parliamentarian. To make it absolutely clear, I intend to object to any requests for the usual form of request if that includes nongermane amendments.

Mr. ROBERT C. BYRD. The usual form always includes nongermane amendments.

I certainly, or the majority leader, will continue to see that the Senator is consulted before agreements are entered into. The Senator is right in saying that the Senate can function without these unanimous-consent agreements, but it will still be functioning on December 31 of this year, I fear, unless we can get unanimous-consent agreements.

I would hasten to assert that we are very much farther along by virtue of the unanimous-consent agreements that have been entered into heretofore than we would have been otherwise.

Mr. BAKER. Madam President, can the Senator from West Virginia assure the Senator from Tennessee that he will be consulting with him before any unanimous-consent requests regarding nongermane amendments are made, for the remainder of this term?

Mr. ROBERT C. BYRD. I personally would not undertake to give the Senator that assurance. I think that is the prerogative of the leadership on the other side. I will only assure the Senator that I will satisfy myself, before making such requests, of his having been contacted by someone—by me or by someone.

Mr. GRIFFIN. Madam President, will the Senator from West Virginia yield to me?

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. I thank the assistant majority leader.

The PRESIDING OFFICER. On whose time?

Mr. GRIFFIN. Madam President, may I be recognized for 2 minutes?

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. I want to indicate support from the leadership on this side for the position expressed by the assistant majority leader. If we are going to complete the business of the Senate, I agree that it will be necessary to have the cooperation of our colleagues in the future as we have had in the past; that it will be essential to obtain unanimous-consent agreements to the extent possible.

I wish to assure the Senator from Tennessee as well as the Senator from New York that the leadership on this side will be constantly aware of their interest and expressions with regard to unanimous-consent agreements. At the same

time, I hope they will not be adamant in opposing all requests for consent agreements because otherwise as has been indicated it should prove to be impossible to obtain any consent agreements.

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

Mr. GRIFFIN. I yield.

Mr. JAVITS. I did not make any such flat statement. On the contrary, the reason for the 24-hour delay that the Senator from Alabama (Mr. ALLEN) graciously agreed to was to get our ducks in a row.

I do not feel that way. I have given notice that I want to know about it, but that does not mean that I will not consent. I am not committing myself any more than I am asking the Senate to commit itself.

Mr. GRIFFIN. I appreciate that very much.

Mr. JAVITS. I pointed out, for example, to the Senator from Tennessee that we had five measures here today to which the restriction was applied. I assumed he knew about it. He was gracious enough to say that perhaps his staff did.

I would hope that neither the Senator from Tennessee nor I would lower the curtain on the Senate; but he will have to speak for himself. I just want to know about it, and I hope the leadership will accommodate me as it always has, so that we may exercise our prerogatives.

Mr. GRIFFIN. Madam President, I wish to make it clear that I have no objection to the procedure that has been agreed to here today. As the distinguished Senator from New York and the distinguished Senator from Alabama know, I have great interest in this particular measure myself. I agree with the Senator from New York that there should be no surprise when this measure is taken up. Even though I am on the other side of the issue, I believe we are in accord with respect to the need for, and the importance of, reasonable notice to all Senators.

On the other hand, my great concern is whether the bill will be taken up and considered in this session before we adjourn, and I would hope that if we cooperate with the Senator from New York in making sure that there will be no surprise, perhaps we might have some cooperation in return to insure that this important measure will actually be considered so there will be an opportunity to vote on it—so it will not just rest and die on the calendar of the Senate.

Mr. BAKER. Madam President, will the Senator yield briefly?

The PRESIDING OFFICER (Mrs. EDWARDS). All time for the transaction of routine morning business has expired.

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that the time for the consideration of routine morning business, with statements therein limited to 3 minutes, be extended for an additional 12 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BAKER. Madam President, just this brief additional word: I do not want to unduly prolong a procedural matter, but it has great substance, in addition to the precedents it may set for the future.

I am not trying to tie the hands of the Senate. I am not trying to deprive the Senate of the right to proceed on the basis of unanimous consent. I am simply saying that, as I thought I had in the past, I do now serve notice on the Senate that I do not like unanimous-consent agreements that preclude the consideration of nongermane amendments, and that any unanimous-consent agreement which includes that provision will be objected to by the Senator from Tennessee unless we make arrangements to the contrary beforehand.

Mr. ALLEN. Madam President, I commend the distinguished Senator from Michigan for putting his finger on the crux of this issue with respect to bringing before the Senate H.R. 13915, the antibusing legislation.

Yes, there is an obligation not to surprise the opposition. I assume, though, they know the matter is going to be sought to be brought up sometime between now and the 1st of October. But nothing has been said by the opponents of the legislation as to when they would be willing to see the measure come before the Senate and to have a vote thereon. There are two sides of the coin, but obviously the opponents of the legislation want to see only one side of the coin.

With respect to the unanimous-consent agreement, much has been said about objecting to unanimous-consent agreements where nongermane amendments are involved. I want to make this request of the majority leadership: That before such time as a request is made for the setting of an order in which bills will be considered by the Senate, the junior Senator from Alabama will be consulted, in order to make sure that the leadership will, at some stage of the proceedings, include in that priority list the antibusing legislation. I feel inclined, unless I am consulted with respect to the order in which bills will be considered by unanimous consent, to interpose an objection to any further setting of a laundry list of bills to be considered in a certain order.

I have no intention of seeking to surprise the able and distinguished Senator from New York with respect to bringing this bill up. As I pointed out, a mere motion to bring it up is debatable, and I assume there will be at least one Member of the Senate on the floor at all times who would be opposed to bringing it up. It is debatable. Then the matter is debatable if the Senate votes to bring it up. So there can be two series of debates there.

So there seems to be no likelihood that anyone will be taken by surprise. But at some stage of this session of this Congress, if the leadership does not set this bill down for consideration before the Senate, the junior Senator from Alabama and others of like mind do plan to make a motion to bring up the bill. That can only be made, to be effective——

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ROBERT C. BYRD. Madam President, I yield the Senator my 3 minutes.

Mr. ALLEN. I thank the Senator from West Virginia.

To be effective, it could only be made at the time the unfinished business is disposed of. Otherwise, if the unfinished business is just set aside temporarily, the regular order could be called for, and we would go back to the unfinished business. But once the unfinished business is disposed of, if the leadership has not indicated that it is going to put this bill on the order for consideration during this session of Congress, the junior Senator from Alabama serves notice right now that when the unfinished business is disposed of, he is going to make a motion to bring up for consideration the antibusing legislation.

So that is notice at this time that unless an agreement has been made to bring up H.R. 13915 for consideration by the Senate when the present unfinished business is disposed of, he is going to make a motion that the Senate proceed to the consideration of the antibusing legislation.

Mr. HARRY F. BYRD, JR. Madam President will the Senator yield?

Mr. ALLEN. I yield.

Mr. HARRY F. BYRD, JR. Madam President, the Senator from Virginia associates himself with the comment just made by the distinguished Senator from Alabama. It is a vitally important piece of legislation. The Senate should have an opportunity to vote on it, and I will join the Senator from Alabama in working to see that the Senate does have an opportunity to express its will one way or the other.

Mr. ALLEN. I thank the distinguished Senator from Virginia.

Mr. JAVITS. Madam President, will the Senator yield me 1 minute?

Mr. PERCY. I yield.

Mr. JAVITS. Madam President, on this very issue it has been made clear that the rights are reserved, including the right to move when the unfinished business is over. I think the Senator from Alabama even said "this unfinished business"—to wit, today's unfinished business.

I simply wish, in return, to serve notice that the very purpose of my colloquy with the leadership was to deal with precisely those situations. We might get into a situation in which the floor has to be monitored every minute in order to avoid what I have defined as surprise—to wit, the bringing up of this matter upon the will of any Member at a time when there may be no possibility even to debate it because Senators simply are not here or do not know about it, and business can finish here in a very summary way, on the consent or other calendar.

So I reiterate my hope that we will not legislate by stratagem without in any way trying to deprive any Senator of his rights, but depending on the leadership to see that a full and orderly debate is possible in respect of so important a measure.

For myself, I do not consider that anybody should exact any promises from me, any more than I am exacting promises from anybody else. It is a leadership

problem, not a problem for any Member, and I reserve every right I have.

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

Mr. ALLEN. Madam President, I ask recognition, in order that I may yield to the Senator.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. JAVITS. I reserve every right I have, as does every other Member who is of the same mind as I respecting this measure; and I hope that the leadership, having heard this situation and having seen it, will take proper account of exactly what has transpired.

Mr. ALLEN. The Senator realizes that the unfinished business is Senate Joint Resolution 241, the interim agreement, and in no likelihood, in my judgment, is this matter going to be disposed of today. So the distinguished Senator from New York has ample notice of the intention of the junior Senator from Alabama.

Mr. JAVITS. But one never knows about any of these things. I am not trying to exact any promise from the Senator from Alabama. He should not and could not do it, and I should not and could not do it. We are simply putting it up to the leadership.

Mr. ALLEN. I will try to give the distinguished Senator from New York personal notification of my intention.

THE ATTACK BY ARAB GUERRILLAS AT OLYMPIC VILLAGE

Mr. PERCY. Madam President, this morning the world has learned of the outrage committed by Arab guerrillas at the Olympic Village in Munich. As a result of this outrage, the officials of the Olympic games have delayed those games for 24 hours. The guerrillas have killed two members of the Israeli Olympic contingent and threaten to kill additional Israeli hostages at the rate of one every 2 hours if their demands are not met.

These acts are an outrage against humanity, another in a series of crimes committed by Arab guerrillas against airports, airplanes, and public meeting places. The Arab guerrillas damaged their cause before world opinion. They will find that no outrage, no violence, no desperate actions will advance their goal.

It is time now for the leaders of the Arab world, who for so long have encouraged and inflamed the guerrillas, to call a halt to these senseless acts. How refreshing it would be to hear President Anwar as-Sadat of Egypt speak out against terrorism, stating that such actions ill serve the Arab cause.

I pray that the crisis at Olympic Village will be resolved without further loss of life, and I urge that responsible Arab leadership now assert itself against these senseless acts of terrorism. Should they not yield to reason, I see no reason why we should not then group this type of terrorism along with aircraft hijacking and bombing of aircraft, and seek world reprisals against such actions that offer safe haven for terrorists of this kind.

The first step that should be taken is simply to refuse to land international aircraft at any capitals or any nations that provide a safe haven. These bandits and guerrillas must learn that there is no place on earth they can now go, after committing such acts, and find safe haven, and that they must pay the penalty for their terrorist actions.

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

Mr. PERCY. I yield.

Mr. JAVITS. Madam President, the words uttered by the distinguished Senator from Illinois are most eloquent and most deserved, and I associate myself with them. The expressions on the floor by the leadership, majority and minority, and other Senators, joined in so eloquently by the Senaotr from Illinois, are very heartening.

The world can put a stop to this, as the Senator has said. I know that he will lend his efforts to this end, as the leadership and other Senators and I will lend ours. Let us hope and pray that this horrible carnage may be ended.

Mr. PERCY. I thank the distinguished Senator.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF DEPARTMENTS OF AGRICULTURE AND HOUSING AND URBAN DEVELOPMENT

A letter from the Secretaries of Agriculture and Housing and Urban Development, transmitting, pursuant to law, a report of those Departments on assistance furnished for nonmetropolitan planning districts in fiscal year 1972 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORTS ON OVEROBLIGATIONS OF APPROPRIATIONS

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, two reports of overobligations of appropriations (with accompanying papers); to the Committee on Appropriations.

REPORTS ON FINAL DETERMINATIONS RELATING TO INDIAN CLAIM CASES

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination in respect to Docket No. 275, The Creek Nation, Plaintiff, v. the United States of America, Defendant (with accompanying papers); to the Committee on Appropriations.

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination in respect to Docket No. 342–E, The Seneca Nation of Indians, Plaintiffs, v. United States of America, Defendant (with accompanying papers); to the Committee on Appropriations.

PROPOSED TRANSFER OF MOTOR BOAT

A letter from the Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, on the proposed transfer of the Officers Motor Boat, Hull No. C–12928 to the Admiral Nimitz Center, Fredericksburg, Tex.; to the Committee on Armed Services.

REPORT ON LAOS ASSISTANCE-RELATED FUNDS

A letter from the Assistant Secretary for Congressional Relations, transmitting, pursuant to law, reports showing the Laos assistance-related funds expended during the fourth quarter of the fiscal year beginning July 1, 1971 (with accompanying reports); to the Committee on Armed Services.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on Export Control, for the second quarter of 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION RELATING TO CERTAIN VESSELS

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to deduct from gross tonnage in determining net tonnage those spaces on board vessels used for waste materials (with an accompanying paper); to the Committee on Commerce.

PROPOSED AMENDMENT OF COMMUNICATIONS ACT OF 1934

A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures (with accompanying papers); to the Committee on Commerce.

REPORTS OF NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Vice President, Public Affairs, National Railroad Corporation (Amtrak), transmitting, pursuant to law, a report of that corporation for the months of March and April 1972 (with an accompanying report); to the Committee on Commerce.

A letter from the Vice President, Public Affairs, National Railroad Corporation (Amtrak), transmitting, pursuant to law, a report of that corporation for the month of May 1972 (with an accompanying report); to the Committee on Commerce.

REPORT ON THE GREAT LAKES AND ST. LAWRENCE SEAWAY STUDY OF INSURANCE RATES

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the Great Lakes and St. Lawrence Seaway Study of Insurance Rates, dated June, 1972 (with an accompanying report); to the Committee on Commerce.

REPORT OF U.S. TRAVEL SERVICES

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the activities of the United States Travel Service, for calendar year 1971 (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO U.S. MERCHANT MARINE ACADEMY

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to permit not more than thirty persons at a time from foreign countries to receive instructions at the United States Merchant Marine Academy (with accompanying papers); to the Committee on Commerce.

REPORT ON WORK INCENTIVE PROGRAM

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on the Work Incentive Program (WIN), dated June 1972 (with an accompanying report); to the Committee on Finance.

REPORT ON CAMBODIAN ASSISTANCE-RELATED FUNDS

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, reports showing the Cambodian assistance-related funds obligated during the fourth quarter of the fiscal year beginning July 1, 1971, and for the entire fiscal year (with accompanying reports); to the Committee on Foreign Relations.

REPORT OF U.S. INFORMATION AGENCY

A letter from the Deputy Director, U.S. Information Agency, transmitting pursuant, to law, a report of that Agency, for the fis-

cal year 1972 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a confidential report on U.S. System for Appraising and Evaluating Inter-American Development Bank Projects and Activities (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Further Improvements Needed in Controls Over Government-owned Plant Equipment in Custody of Contractors", Department of Defense, dated August 29, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Impartial Cost-Effectiveness Studies Found Essential To Selecting New Weapons", Department of Defense, dated August 21, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Economies Available Through Increased Use of the Federal Telecommunications System by Military Installations", Department of Defense, General Services Administration, dated August 24, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems of the Atomic Energy Commission Associated With the Regulation of Users of Radioactive Materials for Industrial, Commercial, Medical, and Related Purposes", dated August 18, 1972 (with an accompanying report); to the Committee on Government Operations.

REPORT ON THE BUDGETARY AND FISCAL DATA PROCESSING SYSTEM AND BUDGET STANDARD CLASSIFICATIONS

A letter from the Secretary of the Treasury, and Director, Office of Management and Budget, transmitting, pursuant to law, a report on the budgetary and fiscal data processing system and budget standard classifications (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Achievements, Administrative Problems, and Costs in Paying Black Lung Benefits to Coal Miners and Their Widows," Social Security Administration, Department of Health, Education, and Welfare, dated September 5, 1972 (with an accompanying report); to the Committee on Government Operations.

REPORT ON PROTOTYPE DESALTING PLANTS

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on prototype desalting plants (with an accompanying report); to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT IN LAKE MEAD NATIONAL RECREATION AREA, NEV.

A letter from the Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract in Lake Mead National Recreation Area, Nev. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON RECEIPT OF PROJECT PROPOSALS

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of project proposals under the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

REPORT OF PERSONS EMPLOYED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

A letter from the Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report of persons employed by that Commission, for the fiscal year 1972 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered relating to certain aliens (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders relating to the suspension of deportation of certain aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders relating to temporary admission of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORTS RELATING TO THIRD PREFERENCE AND SIXTH PREFERENCE FOR CERTAIN ALIENS

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

REPORT OF COMMISSION ON RAILROAD RETIREMENT

A letter from the Chairman, Commission on Railroad Retirement, transmitting, pursuant to law, a report of that Commission (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED AMENDMENT OF PUBLIC BUILDINGS ACT OF 1959

A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Public Buildings Act of 1959, as amended, and for other purposes (with an accompanying paper); to the Committee on Public Works.

REPORT ON PROJECTS TO BE FINANCED AND CONSTRUCTED BY THE POSTAL SERVICE

A letter from the Acting Administrator, General Services Administration, reporting, pursuant to law, on projects to be financed and constructed by the Postal Service; to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION No. 6

"Relative to oil drilling

"Whereas, Well blowouts in federal waters off the California coast have caused damage to the coastline and hardship to the people of this state; and

"Whereas, No adequate oil cleanup system capable of operating in rough seas has been developed as yet, much less deployed; and

"Whereas, Although to date no oil has been produced in water depths greater than 380 feet, future oil production in the Santa Barbara Channel is contemplated at water depths of 700 to 1,500 feet, in spite of the fact that the Santa Barbara region is still suffering from the effects of the disastrous 1969 oil spill in federal waters; and

"Whereas, The residents of California coastal areas have the right to the full protection of their property from oil spill damage and the Santa Barbara Channel spill and numerous other environmentally detrimental offshore oil spill accidents off the Gulf Coast in lesser water depths indicate inadequate protection; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States and the Department of the Interior to:

"1. Forestall any future oil production in any federal waters until absolute safeguards for production and cleanup to protect the coast have been developed, and full and open hearings have been conducted to satisfy and answer the questions of all concerned citizens of the coastal areas; and

"2. Deny the granting of permits for oil drilling in waters off the coast of California until an underwater fail-safe system of extraction has been demonstrated and an adequate oil cleanup system has been developed and deployed; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, and to the Administrator of the Environmental Protection Agency."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"ASSEMBLEY JOINT RESOLUTION No. 35

'Relative to the Santa Ynez River Flood Protection Project—San Miguelito Watershed

"Whereas. In 1951 and 1952 the United States Soil Conservation Service, in cooperation with the Lompoc Soil Conservation District, constructed the Santa Ynez River Flood Protection Project—San Miguelito Watershed, consisting of a debris basin and earthen channel to carry floodwaters directly across a flood plain to the Santa Ynez River; and

"Whereas, At the time of the original construction the purpose of the project, hereinafter referred to as the Miguelito Project, was to protect 3,000 acres of farmland west of the City of Lompoc, and the project was therefore designed for a capacity of 1,575 c.f.s., which was considered the yield of a 25-year storm for the drainage area; and

"Whereas, Since the construction of the original project in 1951 and 1952, conditions have substantially changed in that (1) the population of the City of Lompoc has increased from 7,500 to 26,000 due primarily to the expansion of Vandenberg Air Force Base, (2) provisions have now been made for the diversion of surface storm waters from the city into the existing Miguelito Channel Project, (3) further expansion of the city is probable due to expected new programs at Vandenberg Air Force Base, and (4) because of recent developments in the state of the science and art of hydrology it has recently been determined that the original estimate of the watershed runoff was underestimated; and

"Whereas, Recent studies now indicate a need for expansion of the existing Miguelito Project so that it will have an increased capacity to a total of 7,700 c.f.s. which is the estimated capacity to safely divert the runoff of a 100-year-frequency storm; and

"Whereas, The presently existing lack of capacity of the Miguelito Project endangers

the existing federal and local investment in the present project which could be destroyed by a storm in excess of its capacity; and

"Whereas, The Santa Barbara County Board of Supervisors has advanced $30,000 for the preparation of necessary new bridge designs, which are now completed, and the Santa Barbara County Flood Control and Water Conservation District has funds available and will provide safety fencing for the entire project and will accept the responsibility for maintenance of the project upon completion; and

"Whereas, The City of Lompoc will provide funds for bridge betterments not covered by the Department of Water Resources allocation; and

"Whereas, Due to the foregoing there is an urgent need to immediately construct the necessary improvements for the expansion of the Miguelito Project; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the United States Soil Conservation Service to provide funds for the construction of necessary improvements to increase the level of protection of the Santa Ynez River Flood Protection Project—San Miguelito Watershed; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Administrator of the United States Soil Conservation Service, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of Maryland; to the Committee on the Judiciary:

"RESOLUTION 34

"Joint Resolution ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women

"Whereas, The 92nd Congress of the United States has passed a Joint Resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

"Whereas, This Joint Resolution passed the House of Representatives of the United States on October 12, 1971, passed the Senate of the United States on March 22, 1972, and now has been submitted to a vote of the states; and

"Whereas, The State of Maryland wishes to ratify this proposed amendment to the Constitution of the United States which, when ratified by the Legislatures of three-fourths of the several states, shall be valid to all intents and purposes as part of the Constitution of the United States, viz:

" 'ARTICLE

" 'SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

" 'SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

" 'SEC. 3. This amendment shall take effect two years after the date of ratification.'

"Resolved by the General Assembly of Maryland, That the foregoing proposed amendment to the Constitution of the United States is ratified by the State of Maryland to all intents and purposes as a part of the Constitution of the United States; and be it further

"Resolved, That the Governor of the State of Maryland is requested to forward authentic copies of this Resolution, under the Great Seal of the State of Maryland, to the Secretary of State of the United States, to the presiding officer of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the Administrator of General Services of the United States."

The petition of Ronald S. Burgess, of Newton, N.C., praying for a redress of grievances; to the Committee on Armed Services.

A resolution adopted by the National Association of Attorneys General, praying for the enactment of legislation relating to offshore revenue sharing by the Federal Government with coastal States and all other States; to the Committee on Finance.

A resolution adopted by the City Council of Los Angeles, Calif., praying for the enactment of House bill 16058; to the Committee on the Judiciary.

A resolution adopted by the board of directors of Credit Union National Association, Inc., Madison, Wis., expressing appreciation to the President and Congress for their action to provide assistance to Federal credit unions; ordered to lie on the table.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that, on August 18, 1972, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 2166. An act to authorize the establishment of the Grant-Kohrs National Historic Site in the State of Montana, and for other purposes;

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Junior, Memorial Parkway, and for other purposes;

S. 3726. An act to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes; and

S.J. Res. 260. Joint resolution to suspend until March 1, 1973, the effectiveness of certain amendments made by the Education Amendments of 1972 to the Guaranteed Student Loan Program.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that, on August 19, 1972 he presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 182. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest-U.S.A., and the World Ploughing Contest in September 1972; and

S.J. Res. 213. Joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day".

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—REPORT OF A COMMITTEE (S. REPT. NO. 92-1086)

Mr. NELSON, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, submitted a report thereon, which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SCOTT:

S. 3946. A bill to grant a Federal charter to the American Golf Hall of Fame Association. Referred to the Committee on the Judiciary.

By Mr. TALMADGE (by request):

S. 3947. A bill to prevent the unauthorized manufacture and use of the character "Woodsy Owl," and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. HRUSKA:

S. 3948. A bill to establish a National Institute of Corrections for the purpose of providing Federal, State, and local corrections personnel with continuing education and guidance on methods of treatment and rehabilitation of criminal offenders. Referred to the Committee on the Judiciary.

By Mr. BAKER:

S. 3949. A bill for the relief of Mohan Deva Bhattarai. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 3950. A bill to permit the Capital Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. HUMPHREY:

S. 3951. A bill to establish within the executive branch an independent board to establish guidelines for experiments involving human beings. Referred to the Committee on Government Operations.

By Mr. TOWER:

S. 3952. A bill to provide increased job training opportunities for people with limited English-speaking ability by establishing a coordinated manpower training program, a teacher training program for instructors of bilingual job training, and a capability to increase the development of instructional materials and methods for bilingual job training. Referred to the Committee on Labor and Public Welfare.

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

S. 3953. A bill for the relief of Datronics Engineers, Inc. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD:

S. 3954. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of a portion of State sales taxes on motor vehicles which are imposed at a rate higher than the general sales tax rate. Referred to the Committee on Finance.

By Mr. DOLE:

S.J. Res. 263. A joint resolution to authorize and request the President to issue a proclamation designating a week as "National Welcome Home Our Prisoners Week" upon the release and return to the United States of American prisoners of war in Vietnam. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HRUSKA:

S. 3948. A bill to establish a National Institute of Corrections for the purpose of providing Federal, State, and local corrections personnel with continuing education and guidance on methods of treatment and rehabilitation of criminal offenders. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk a bill to establish a National Institute of Corrections within the Executive Office of the President. I ask that the bill be appropriately referred. In addition, I ask unanimous consent that the complete text of the bill be printed in

the RECORD at the conclusion of my remarks.

Mr. President, improving all aspects of the correctional systems of this Nation from the first moment of confinement through parole or probation should be one of the high priority items for action by all levels of government—local, State, and Federal.

For too long we have been guided by the basic philosophy that the best and most effective way to deal with criminal elements in our society is to lock them behind bars for long periods of time and do little or nothing for them during their imprisonment. We have paid far too little attention to developing and implementing rehabilitative procedures that will pay dividends by returning useful and law-abiding citizens to society.

Unless we change the offender while he is incarcerated, the prospects of his returning to society as a law-abiding and contributing citizen are remote indeed. The endless cycle of arrest, imprisonment, release, and rearrest has plagued this Nation for too long. It must be reversed.

The ability of a man who has committed a crime to stay out of trouble once he is released is directly tied to his ability to get and hold a job. Yet, the success of prisons in training convicts for jobs and their ability to get one in the field of that training has been notoriously low. Coupled with this has been the inability of the entire correctional process to get either the money or the staff to do the kind of work it ought to be doing.

Mr. President, the bill that I introduce today has as its rationale the creation of a body of experts whose duty it will be to promulgate to all persons concerned with corrections in this country the best and latest thinking on the subject of corrections.

This approach would insure that there is a comprehensive, integrated and rational approach to this subject. By covering all aspects of the corrections problem, this bill would eliminate the possibility that proposals directed only to fragmented and limited portions of the corrections field will result in inconsistent, contradictory and overlapping recommendations and techniques.

This bill would create a National Institute of Corrections in the White House charged with four main functions: first, a clearinghouse and information center on corrections; second, an educational center; third, a research center; and fourth, development of correctional standards and goals. These functions are carefully detailed in section 5042 of the bill.

The Institute would be headed by a Commission of 14 experts in the corrections field serving as the board of trustees with responsibility for setting policy and affording direction to the permanent staff. Permanent members of the Commission would be the Administrator of the Law Enforcement Assistance Administration, the Director of the Federal Bureau of Prisons, the Administrator of the Youth Development and Delinquency Prevention Administration, the Director of the National Institute of Mental Health, and the Director of the Federal Judicial Center. Nine additional members would be appointed by the President. The Commission would select its own Chairman from among its members.

The day-to-day operations of the Institute would be in the hands of a Director appointed by the Commission. The Director would have sufficient authority to manage the running of the Institute and all of its operations aspects.

One of the important functions of the Institute would be to conduct seminars and workshops and other educational programs aimed at improving the quality of corrections in this country. Sufficient money would be authorized by the bill to carry out the work of the Institute, including the expenses of those participating in the educational programs.

Mr. President, I believe this is a useful proposal consistent with the work of the National Corrections Conference held last December at the direction of President Nixon. At that time the Attorney General indicated that he was directing that a National Corrections Academy be created. Mr. Mitchell said:

> First, as you know, the need for better training and common performance standards among correctional officials is shared by all governmental levels. In this connection I am today directing the Federal Bureau of Prisons and the LEAA to work with the states and localities in establishing a National Corrections Academy. This would serve as a national center for correctional learning, research, executive seminars, and development of correctional policy recommendations. It would cover the whole range of correctional disciplines, from the new employee to the management level. Besides giving professional training of the highest quality, it would provide a continuing meeting ground for the exchange of advanced ideas on corrections. I believe it will be the most effective single means of upgrading the profession and assuring that correction is more than a euphemism for detention. I hope that the members of this Conference will give us the benefit of their ideas on implementing this Academy in the most effective way.

This bill would codify that directive.

It is my hope that the bill can receive early and favorable consideration by the Senate.

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

S. 3948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "National Institute of Corrections Act".

SEC. 2. Part IV of title 18, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 404.—NATIONAL INSTITUTE OF CORRECTIONS

"Sec.
"5041. Establishment; purpose.
"5042. Functions.
"5043. Director and staff.
"5044. Powers.
"5045. Commission.
"5046. Location; facilities.
"5047. Educational Programs.
"5048. Admissions.

"§ 5041. ESTABLISHMENT; PURPOSE.

There is hereby established in the Executive Office of the President, an institute to be known as the National Institute of Corrections (hereinafter referred to as "Institute"). It shall be the purpose of the Institute to collect and disseminate useful data regarding the treatment and rehabilitation of criminal offenders; to provide assistance to Federal, State, local, public and private organizations and individuals relating to the treatment and rehabilitation of criminal offenders; and to formulate correctional policy, goals and standards.

"§ 5042. FUNCTIONS.

The institute is authorized—

(a) to serve as a clearinghouse and information center for the collection, preparation and dissemination of all information on crime and corrections, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal offenders;

(b) to assist and serve in a consulting capacity to Federal, State, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities and services for education, diagnosis, prevention, counseling, training, treatment, and rehabilitation with respect to criminal offenders;

(c) to encourage and assist State and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement corrections programs;

(d) to devise and conduct in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay and paraprofessional personnel, connected with the treatment and rehabilitation of criminal offenders;

(e) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several states and with the State and local agencies which work with prisoners, parolees, probationers, and other offenders;

(f) to make grants to or enter into contracts with any public or private agency, institution, or individual to carry out seminars, workshops, and training programs authorized by this Act and to evaluate their effectiveness;

(g) to conduct, encourage, and coordinate all forms of research relating to the causes, sociological aspects, prevention, diagnosis, and treatment of criminal offenders;

(h) to make grants to or enter into contracts with any public or private agency, institution, or individual to carry out research programs authorized by this Act; and to prepare reports on the research programs funded under this Act, including a review of the results of such research, an assessment of the application of such results to existing and to new corrections programs, and detailed recommendations for further research to be conducted under this Act; and

(i) to formulate and disseminate correctional policy, goals, and standard recommendations for Federal, State and local correctional agencies, organizations, institutions, and individuals.

"§ 5043. DIRECTOR AND STAFF.

(a) The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Commission to serve for a term of four years. The Director shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power

to appoint such technical or other advisory councils comprised of consultants to guide and advise the Commission. The Director is authorized to delegate his powers under this Act to such persons as he deems appropriate.

(c) If the Office of Director is left vacant, by resignation or otherwise, the Commission shall appoint a successor who shall serve for the unexpired portion of the term of office.

"§ 5044. POWERS.

The functions, powers, and duties specified in this Act to be carried out by the Institute shall not be transferred elsewhere unless specifically hereafter authorized by the Congress. In addition to the other powers, express and implied, the Institute is authorized—

(a) to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute;

(b) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel or facilities or equipment of such departments and agencies;

(c) to confer with and avail itself of the cooperation, services, records, and facilities of State and local government or other public or private agencies, organizations or individuals;

(d) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute;

(e) to compensate consultants and members of any technical or other advisory councils who are not in the regular full-time employ of the United States, at a rate to be fixed by the Director but not exceeding $100 per diem and while away from home, or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently; and

(f) to submit to the President for transmittal to the Congress an annual report of the Institute's operations, activities, financial condition, and accomplishment under this Act, which may include such recommendations as the Institute deems appropriate.

"§ 5045. COMMISSION.

(a) The overall policy and operations of the Institute shall be under the supervision of the Commission.

(b) The Commission shall consist of the Administrator of the Law Enforcement Assistance Administration, the Director of the Bureau of Prisons, the Administrator of the Youth Development and Delinquency Prevention Administration, the Director of the National Institute of Mental Health, the Director of the United States Judiciary Center, and nine persons having training and experience in the area of corrections appointed by the President.

(c) Members of the Commission appointed by the President shall serve for terms of four years and shall be eligible for reappointment, except that for the first composition of the Commission, one-third of the members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms, thereafter each member's term shall be for four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission designated by reason of his office shall serve without term.

(d) While performing their duties, members of the Commission shall be reimbursed under Government travel regulations for their expenses, and members who are not employed full time by the Federal Government shall receive in addition a per diem of $100 in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Commission shall elect, from among its members, a Chairman and Vice Chairman. The Commission shall establish its governing rules of procedure.

"§ 5046. Location; facilities

(a) A suitable location for the Institute shall be selected by the Commission.

(b) Following the selection of a location for the Institute, the Director, with the approval of the Commission, shall:

(1) acquire such property as has been selected pursuant to subsection (a), and

(2) make such arrangements as may be necessary or desirable for the construction, equipping, and organization of the Institute.

"§ 5047. EDUCATIONAL PROGRAMS.

The Commission shall design and supervise such seminars, workshops, and training programs utilizing interdisciplinary approaches (to include law enforcement, judicial, correctional, and welfare as well as probation disciplines) which shall be appropriate to the needs of the Institute's students.

"§ 5048. ADMISSION.

(a) Each candidate for admission to the seminars, workshops, and training programs of the Institute may apply for a tuition grant to the State agency established under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 198; 42 U.S.C. 3701 et seq.), in the State in which the candidate resides. The Director shall prescribe the form of all applications for admission to the seminars, workshops, and training programs of the Institute and shall make the final decision concerning the admission of all students.

(b) While attending any seminar, workshop, or training program of the Institute and while traveling in connection therewith, including authorized field trips, each student may be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code.

SEC. 3. The table of contents to "Part IV—CORRECTION OF YOUTHFUL OFFENDERS" of title 18, United States Code, is amended by inserting after

"403. Juvenile delinquency---------- 5031"

the following new chapter reference:

"404. National Institute of Corrections ---------- 5041".

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. HUMPHREY:

S. 3951. A bill to establish within the executive branch an independent board to establish guidelines for experiments involving human beings. Referred to the Committee on Government Operations.

NATIONAL HUMAN EXPERIMENTATION STANDARDS BOARD ACT

Mr. HUMPHREY. Mr. President, much invaluable research is done by the Federal agencies capable of conducting clinical investigation on human subjects. As a result, countless thousands of lives have been saved. Massive sums of taxpayers' money support such investigations. But despite several attempts to legislate national standards, no such standards exist.

Even as our Nation was shocked by the revelation of a barbaric syphilis study involving black men which had been conducted over a period of 4 decades, human experimentation continued, and continues, with neither controls, review or regulation.

A few days ago, we learned of an experiment conducted in the early 1950's on 840 women. They were given the hormone diethylstilbesterol—DES—and now their daughters, aged 15 to 21, are found to have an alarmingly high rate of malignancies. One girl has died. One of the participants in the experiment, in 1950, was only advised she had been part of an experiment in August 1972.

Laws are needed now. But the Congress must be very careful as to how it proceeds.

Laws which make each agency ultimately responsible for the nature of its own experiments are inadequate. What is needed is not a plethora of guidelines, review panels, commissions, and so forth, but a single body capable of reviewing human experimentation programs, establishing national standards, and having the authority to take quick and decisive action if abuses occur. This body should be independent of the agencies conducting the experiments, and dissociated from the experiments themselves.

For this reason, I propose the establishment of a National Human Experimentation Standards Board.

The National Human Experimentation Standards Board would be a separate agency of the executive branch and would operate unencumbered by the guidelines or policies of any single agency. It would be free of any considerations other than those of a medical, social, and ethical nature. The Board would develop national standards which would apply with equal weight to any human experimentation study where Federal dollars are being spent.

The Congress would indeed be remiss if it established a human experimentation review board or boards selected by, and reporting to, the same official in the Government who might also be responsible for the approval of the study.

The question of independence, therefore, is essential to the establishment of a human experimentation standards board. Of equal importance, however, is that the board, knowledgeable in clinical investigations, be empowered to determine the standards of such investigations. The Congress of the United States should not take such powers onto itself. Indeed, the Congress should facilitate the Board's capability to adapt its standards as new discoveries or clinical advances become established among the medical profession.

WHO VOLUNTEERS FOR MEDICAL EXPERIMENTS?

The Congress would make a serious error in adopting measures which establish informed, voluntary consent as the primary standard governing human experimentation.

We have all personally experienced situations in which we were either subtly or overtly coerced into volunteering for something. Does anyone here honestly believe that there is a total absence of subtle pressures, including psychological pressures, in every case involving prisoners serving extended sentences who vol-

unteer for medical projects in the belief that they might get "good time" before the parole board? Parole boards are under no obligation whatsoever to commit themselves to reducing the sentences of those who volunteer in our prisons; indeed, established policy is the contrary. However, we are all aware of cases such as the Leopold case, where parole has occurred accompanied by public statements indicating that the parole resulted from an exceptional voluntary contribution to the advance of medical science.

I submit that consent is a totally inadequate standard for human experimentation. After all, the tragic case of the Tuskegee volunteers demonstrated beyond any doubt the fact that $50 plus burial expenses served as an inducement to the participants to continue in the study.

Consent is often granted under duress, as in cases where a family member is critically ill, and permission is given to try anything. In general, however, it is not clear that where consent is granted, most people know what they have consented to. In fact, the reverse appears to be true.

The famous medical authority Henry Knowles Beecher of Harvard has recently written a book, "Research and the Individual," which is a monument in the field of human experimentation. He writes:

> Lay subjects, sick or well, are not likely to understand the full implications of complicated procedures, *even after careful explanation.*

Who are the people who have been the subjects of medical experiments? The clear and shocking implications of the most recently revealed experiments indicate that the powerless, the poor, the least educated, and members of minority groups are the likeliest human guinea pigs.

Those who are confined, and for whom the experiment at least appears to be a way out of confinement, volunteer their bodies.

Those for whom as little as a $50 payment, or in the case of prisoners, $1 a day, constitutes an inducement, permit experimentation on their bodies.

Those who have been duped, as in the case of the women—mainly Chicano women—who thought they were being given aids to contraception. They too, are the likely subjects of experimentation.

It is those who cannot understand what is being done to them that constitute by far the largest numbers among human experimentation subjects.

Children, the institutionalized and even mentally retarded, they too are the subjects of human experimentation.

In a Missouri prison, 36 volunteers were paid to take part in a malaria experiment. The prisoners were not offered a reduced sentence. At the conclusion of the experiment when the 36 human subjects were compared to prisoners who had not volunteered, there was no difference whatsoever between the levels of comprehension of the two groups as to the nature of the experiment, or what malaria was. Yet, the volunteers had been briefed and had given their informed consent before participating. The study disclosed that in this case about half the prisoners who volunteered had done so for the remuneration.

J. D. Arnold has conducted several investigations into the nature of human experimentation studies. He writes:

> The stake in medical progress involves all classes of people. There is reason to believe . . . that the lower socio-economic groups are the most acutely concerned.

It may be categorically stated that those most likely to purchase and benefit from newly-tested drugs have virtually no likelihood of ever participating in the tests which make new drugs possible.

In his book, "Research and the Individual," Dr. Beecher cites the work of E. E. Smith, whose article, "Obtaining Volunteers for Research," appeared in a 1962 edition of American Psychology magazine.

According to Dr. Beecher's sources, the U.S. Employment Service is considered to be an extremely good source for obtaining volunteers for human experimentation, and it does not hurt to let the U.S. Employment Service know when the experiment is Government financed.

It is contended in this book that those referred by the U.S. Employment Service are much more amenable than students, who tend to anticipate goals and by virtue of their natural curiosity about what is happening to them, are less desirable. It is apparently not necessary to go through channels to gain the cooperation of the U.S. Employment Service.

Dr. Beecher's book further notes that military reserve units are also considered a good source for human volunteers. Again, there is not much redtape involved and if the project is Government financed, so much the better.

The very fact that Government sponsorship or Government funds facilitate the determination of who becomes a clinical investigation subject must make us extremely chary of how we permit these funds to be used.

Dr. Beecher's book cites several other probable sources for medical research volunteers. Operational military units were said to be good sources because the military volunteers were superior to students in their greater naivete regarding the research. The military volunteers were thought to be better motivated and, of course, much more likely to be available for longer periods of time.

Prisoners and firemen were also among the frequent subjects of medical research involving human beings. Other subjects included students, hospital and laboratory personnel, patient volunteers, and members of certain religious or conscientious objector groups.

Many States have laws and regulations governing the basis for the use of prisoners in human experimentation. Some States, however, do not stipulate in the regulations that the subjects should have given their informed consent prior to the experiment.

Informed consent legislation has proved difficult to interpret. Such language was added to the Food, Drug, and Cosmetic Act of 1962, but no overall, standard policy has resulted as yet.

There is just beginning to be amassed a body of data concerning the mental states of those who volunteer for human experiments. In the past, normal subjects were presumed mentally healthy and were usually only examined in terms of their physical health. One study, however, shows that psychiatric tests indicated psychopathology in 46 percent of those who volunteered for hallucinogen studies and they were thought to have volunteered, in the main, due to their maladaptive personality traits.

I hasten to assure the Congress and the public at large that I would not hamper the extraordinary legitimate research in our Nation which has saved so many lives and brought so many of us from sickness to health. Certainly, the overwhelming majority of research is conducted with the strict observance of both medical and ethical considerations. But we must act very carefully, to protect our country from abuses in experiments on human beings, however rare such abuses might, in fact, be.

Let us recall Hippocrates admonition:

> Life is short, and the art long; the occasion instant, decision difficult, experiment perilous.

WHO CONDUCTS HUMAN EXPERIMENTATION?

Professional estimates indicate that 85 to 90 percent of all clinical investigations are Government sponsored and funded.

It is difficult to determine how many agencies or projects there might be since, in some instances, medical investigations are not clearly stated as involving human subjects.

The principal Federal agencies concerned are the Veterans' Administration, the Department of Defense—the Army, Air Force, and Marine Corps—and the National Institutes of Health.

Even the Atomic Energy Commission can become involved in licensing the use of radioisotopes for experimental purposes.

The Congress should act now. There is every indication that clinical investigations will be enormously proliferated in years to come, as cancer research and other major investigative efforts are stepped up.

LEGISLATIVE ACTION ON CONTROL OF EXPERIMENTS INVOLVING HUMANS

A decade ago, a significant amendment was added to the Food, Drug, and Cosmetic Act to provide a statutory basis for policies governing investigations of new drugs.

According to the provisions of this law, manufacturers were to report to the Secretary, projecting the planned clinical tests and including material on preclinical trials on animals, et cetera.

The persons conducting the clinical investigation were to assume direct responsibility for the patients, supervise them directly, and not give out the drug to anyone else to use while tests were still going on.

Of course, since that time we have seen drugs—such as thalidomide—which were widely distributed before they were finally tested and approved. It was later discovered that thalidomide adversely affected thousands of unborn infants.

The 1962 law also defined a new drug, and included in its definition drugs to

which new components were added. Commercial distribution and test marketing of drugs were prohibited until such time as the new drug application was acted upon by the Food and Drug Administration.

Finally, the sponsor of the investigation was to obtain signed statements of informed consent from the participants in the experiment. If the subjects themselves could not sign, however, the decision regarding investigation was to be left to the professional judgment of the investigator.

THE NATIONAL HUMAN EXPERIMENTATION STANDARDS BOARD

The National Human Experimentation Standards Board would be an independent agency in the executive branch of the Government. Its members would be appointed by the President by and with the advice and consent of the Senate.

The members of the Board would be persons of demonstrated knowledge, education, and experience in the field of clinical investigations. Each member would serve for a period of 3 years, and would be eligible for reappointment for one additional term.

The members of the Board would be authorized to appoint personnel, and fix the compensation of the personnel in accordance with the provisions of title 5 of the United States Code.

The Board would make the rules which would govern its functions, and have the right to delegate authority.

Experts and consultants could be made available, under the terms of section 3109 of title 5, United States Code.

The Board could appoint one or more advisory committees to be composed of such private citizens and officials of government at all levels as the Board would deem suitable.

The services and facilities of other agencies of Government would, with their consent, be called upon. Other services of a voluntary and uncompensated nature could be accepted by the Board, notwithstanding the provisions of section 3676 of the revised statutes, and unconditional gifts of services or property could be accepted as well.

The Board could enter into contracts or agreements with other public or private nonprofit entities to conduct studies as required by the provisions of this act.

The Federal agencies are authorized and directed to make available to the Board whatever services or information the Board whenever services or information the Board requests, insofar as practicable.

The Chairman and members of the Board would be compensated, respectively, at levels 3 and 4 of the executive pay schedule.

The Board would have subpena powers, and the right to hold hearings. Those who conducted experiments and failed to respond to the Board could be held in contempt of court.

The Board would establish national guidelines for human experimentation in those projects financed by Federal funds. Any experiment could be reviewed in its formulative stages to insure its compliance with the guidelines.

Where experiments already underway are found not to comply with established guidelines, the Board could obtain an injunction to discontinue the experiment.

The Board would submit an annual report to the President which would be transmitted to the Congress with recommendations regarding legislation.

Mr. President, I ask unanimous consent that the text of the National Human Experimentation Standards Board Act be printed at this point in the RECORD, together with the August 30, 1972, Washington Post article on DES experimentation.

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

S. 3951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "National Human Experimentation Standards Board Act".

ESTABLISHMENT OF BOARD

SEC. 2. (a) There is hereby established, as an independent agency in the executive branch, a National Human Experimentation Standards Board (hereinafter referred to as the "Board").

(b) The Board shall be composed of 5 members to be appointed by the President by and with the advice and consent of the Senate from among individuals who by virtue of their service, experience, or education are especially qualified to serve on the Board. The members shall select a Chairman and a Vice Chairman from among their membership. The terms of office of each member of the Board shall be 3 years except that—

(1) the members first appointed shall serve, as designated by the President, 1 for a term of 1 year, 2 for a term of 2 years, and 2 for a term of 3 years;

(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed; and

(3) a member shall be eligible for reappointment for one additional term.

(c) Any vacancy in the Board shall not affect its powers and 3 members of the Board shall constitute a quorum except that the Chairman may prescribe a lesser number to constitute a quorum for the purpose of conducting hearings.

(d) Members should be chosen from persons who are representative of the fields associated and concerned with clinical investigations.

ADMINISTRATIVE POWERS

SEC. 3. (a) In order to carry out the provisions of this Act, the Board is authorized to—

(1) appoint and fix the compensation of personnel of the Board in accordance with the provisions of title 5, United States Code;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in the Board and delegate authority to any officer or employee;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise it with respect to its functions under this Act;

(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 3676 of the Revised Statutes;

(7) accept unconditional gifts of donations of services, money, or property, real, personal, or mixed, tangible, or intangible;

(8) take such actions as may be required for the accomplishment of the objectives of the Board; and

(9) make contracts with public or private non-profit entities to conduct, studies related to the purposes of this Act.

(b) Upon request made by the Board, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Board in the performance of is functions with or without reimbursement.

(c) Each member of a committee appointed pursuant to clause (4) of subsection (a) of this section who is not an officer or employee of the Federal Government shall be compensated at the rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

(d) (1) The Board or any duly authorized subcommittee or member thereof may, for the purposes of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Board or such subcommittee or member may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Board, and may be served by any person designated by the Chairman or such member.

(2) In the case of contumacy or refusal to obey a subpena issued under paragraph (1) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States at the request of the Chairman of the Board, shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of such person to obey any such order of the court may be punished by the court as a contempt thereof.

COMPENSATION

SEC. 4. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Chairman, National Human Experimentation Standards Board."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(96) Members, National Human Experimentation Standards Board (4)."

FUNCTIONS

SEC. 5. (a) It shall be the function of the Board to—

(1) establish guidelines for the involvement of human beings in medical experiments which are funded in whole or in part with Federal funds;

(2) review all planned medical experiments that involve human beings which are funded in whole or in part with Federal funds to determine if the guidelines established under paragraph (1) are being complied with;

(3) obtain an injunction to prevent such experimentation in a case where such experiments are found not to comply with established guidelines; and

(4) prepare and submit an annual report to the President, for transmittal to the Congress recommending legislation, if required, and detailing the performance of the Board during the preceding year.

TESTING OF DES IN EARLY 1950'S DISCLOSED

(By Bernard Gavzer)

CHICAGO.—A synthetic female hormone—recently associated with cancer—was given to 840 pregnant women here in 1950–52 as part of a clinical experiment of which they were unaware. The cases are only now being followed up.

The hormone is diethylstilbesterol, also called DES or stilbesterol. In the late 1960s three Boston researchers found "a highly significant association" between DES and vaginal cancer among the daughters of women there who had taken the drug to prevent miscarriage. The daughters were 16 to 23 years old when the malignancies were identified and treated. One of them died.

(Late last year, the Food and Drug Administration said it was requiring the manufacturers of DES and similar hormones to change the prescribing instructions to warn that they must not be used in pregnancy.)

At the time of the Chicago experiment, physicians had no reason to suspect DES of cancer-causing potential in the patients' children.

Dr. Charles McCartney, who participated in the experiment, said its purpose was to determine whether DES was really helpful in preventing complications of pregnancy, as was widely believed then. The answer from the experiment was negative, he said.

The study was conducted at the University of Chicago's Department of Obstetrics and Gynecology among patients at Chicago's Lying-in Hospital from Sept. 28, 1950, through Nov. 20, 1952.

As each woman registered at the hospital's prenatal clinic during that period, she was automatically entered into the experiment. There were 2,162 in all, but the group was subsequently reduced to 1,646. Of these, 840 were given DES. The others received placebos, or tablets containing no drugs.

Which pill the patient received depended on whether she was an even or odd number or consecutive order. Not even clinicians who attended the women know which tablets had DES because they were concealed in a code.

Describing the manner in which the experiment was conducted, the researchers reported:

"Every patient on registering in our prenatal clinics who was thought to be pregnant between six to 20 weeks, inclusive, was offered a box of tablets without charge. Included were women who were known to have complications such as chronic hypertensive vascular disease, diabetes mellitus, or repeated abortions.

"Each patient was told that previous reports indicated that the tablets were of value in preventing some of the complications of pregnancy and that they would cause no harm to her or her fetus." The report appeared in the American Journal of Obstetrics and Gynecology, Vol. 66, 1953.

The chief author of the report was the late Dr. William J. Dieckmann, chairman of the Department of Obstetrics and Gynecology as well as chief of staff of the hospital. He died in 1957.

Dr. McCartney, who participated in the experiment, said Dr. Dieckmann urged the study because "thousands of women were taking stilbestrol and a great deal was written about the increased salvage rate in high-risk pregnancies . . . Dr. Dieckmann was skeptical . . ."

Dr. McCartney said the experiment was conducted in an era in which there was "no such thing as informed consent." He said, "Informed consent is a current regulation. Now they have very rigid controls. It's done by committee and all that. At that time there were no regulations like that . . .

"At the time of the experiment, there was nothing known about the malignancy potential of this material. Indeed, this still has to be determined."

MAY HOLD ANSWER

Dr. McCartney said the Dieckmann study is of particular value today because it may hold the answer to whether there is a time-bomb effect to DES use.

"As the only satisfactory, scientifically controlled study dealing with the administration of stilbestrol," he said, "it provides a basis for studying the long-range effect of use of the drug during pregnancy.

"It would help us a great deal if the patients in the study can be traced."

The job of tracking down the women involved in the experiment and their children has fallen to Dr. Frederick P. Zuspan, chairman of the Department of Obstetrics and Gynecology and chief of staff at Chicago Lying-in. Zuspan did not take part in the experiment. Officials at Chicago lying-in declined to answer questions about the experiment and directed all inquiries to Zuspan.

"I can answer no questions regarding the study or plans for a follow-up," Zuspan said.

However, a follow-up is in the works. It was learned 1,600 letters had been sent over Zuspan's signature.

A Chicago mother who was involved in the experiment said:

"I first learned of it when I received a letter from the university dated Aug. 8, 1972. I had never been told I was part of an experiment.

"I had no trouble conceiving. I had never had a miscarriage or aborted. I already had one child. There were no complications at all about my pregnancy. I was amazed to learn I was in such an experiment."

She does not know whether she received DES or the blank tablets. Her daughter, who will be 21 in October, has had only one serious illness and that resulted from a ruptured appendix.

The identities of the women who participated in the experiment are known only to Chicago Lying-in officials.

The first indication there might be some association between DES-treated mothers and the occurrence of vaginal cancer in their daughters was contained in a report April 22, 1971, in the New England Journal of Medicine.

EACH TREATED WITH DES

Drs. Arthur Herbst, Howard Ulfelder and David Peskanzer, working at Vincent Memorial Hospital, were mystified by seven cases of vaginal cancer which came to the hospital's attention during the period 1966–69. The patient's ages ranged from 15 to 22. This was considered rare. In the detective work that followed, the investigators sought a variety of explanations and discovered that in each case, the mother had been treated with DES during pregnancy.

The scientists then reported:

"There is a highly significant association between the treatment of the mothers with estrogen diethylstilbestrol during pregnancy and the subsequent development of adenocarcinema of the vaginas in their daughters."

They said, "The time of birth of these patients (1946 to 1951) coincides with the beginning of widespread use of estrogens in support of high-risk pregnancy.

"It is likely that more patients with the tumor will appear as girls who were exposed in utero come to maturity. Furthermore, although our eldest patient was discovered at the age of 22 years, it is possible that these tumors will appear in even older women as the 'at risk' populations matures."

The women who participated in the Chicago experiment were given doses of DES early in pregnancy and the dosage was increased regularly. According to the researchers' report, early doses contained five to 25 miligrams of DES. "In the course of pregnancy, doses increased to as much as 150 mg daily in the 34th and 35th week," the researchers said.

Diethylstilbestrol is still in use. It is prescribed primarily for cancer of the prostate in men, and for menopausal symptoms in women, and in some cases for treatment of breast cancer in women. In some drugs it is combined with male hormones.

By Mr. TOWER:

S. 3952. A bill to provide increased job training opportunities for people with limited English-speaking ability by establishing a coordinated manpower training program, a teacher training program for instructors of bilingual job training, and a capability to increase the development of instructional materials and methods for bilingual job training. Referred to the Committee on Labor and Public Welfare.

BILINGUAL JOB TRAINING ACT OF 1972

Mr. TOWER. Mr. President, I am today introducing the Bilingual Job Training Act of 1972.

For some time now, the Federal Government has undertaken in a variety of forms the task of providing equal educational and economic opportunities for our disadvantaged and minority group citizens. In the field of manpower training, which this proposal addresses, some progress has been made in providing job security for our citizens who lack adequate preparation for many employment opportunities. Unfortunately, this progress has not been consistent across the full spectrum of our society. For instance, a great deal more could be done to provide the tools necessary for those with limited English-speaking ability and those whose culture is very different from that of the English-speaking majority.

Coming from the State of Texas, I can speak with some knowledge about the plight of our Mexican American citizens whose primary language is Spanish. There has been progress in providing many Mexican Americans with those skills needed to become productive members of our society. For instance, Operation SER, Jobs for Progress, is a Spanish-speaking organization primarily involved in scope, Operation SER has had a tremendous impact in many communities across Texas. Other Spanish-speaking service organizations have also been very much involved in teaching Spanish-speaking individuals the proper skills in order to achieve economic success and security.

Nevertheless, I have become convinced of the great need for more direction at the Federal level so that these needed skills may be obtained by those in our society who do not speak English as their primary language. While the Department of Labor and other agencies of the Government have in the past 4 years increased their emphasis on assisting these people, it is apparent that more can be done with the resources available to us.

Additionally, many manpower training

programs have been unable to include a component recognizing the simple fact that Spanish—or some other language—is the participant's primary language. Since these programs are English-based the services offered do not reflect the needs of those for whom they are intended.

A number of vocational training institutions in the State of Texas have also been devoting their efforts toward providing job training for persons with Spanish-speaking backgrounds and some excellent programs have been developed. However, almost without exception, the programs embrace a preliminary basic education program, perhaps followed by a pre-vocational program. Both of these programs are aimed at developing enough English-language ability to allow the participants to be trained in conventional English-language courses, or at best in such English-language courses supplemented by coaching in Spanish. Thus, the participant who is interested in job training is forced into a holding pattern before he is even able to enroll in the training he may desperately need and desire. Naturally, the psychological and economic factors involved result in a high dropout rate.

Mr. President, the legislation I am introducing today is intended to assist the bilingual individual in closing the gap between his own ability and that of others in our society caused by his language and his culture. Further, it is intended to allow the participant to utilize his cultural experience rather than sacrifice it. It is most important that we realize that America's Spanish-speaking and other bilingual people want to achieve success in our society while retaining pride in their own heritage. In implementing socioeconomic programs intended to benefit the disadvantaged, Government should keep this in mind so that the programs will effectively utilize the participants' own experience and background.

This basic fact was well stated in a recent report issued by the Inter-Agency Committee on Mexican American Affairs. The report opened with the following paragraph:

> In addressing ourselves to the special problems of the Mexican-American in education, we must keep in mind that the Mexican-American does not want, nor is he going to accept, systems and techniques which may provide a skill at the expense of his culture and identity.

I think it is safe to assume that this premise exists among all people in our Nation whose main language is something other than English. The bill I am introducing today, focuses upon manpower training in a way that would utilize the background of the bilingual person so that it would not become a crutch in his efforts to achieve economic security. At the same time, the programs as implemented, would be flexible enough to allow for English training when needed. It would be, therefore, intercultural in many respects placing emphasis upon the needs of the individual trainee rather than a particular technique or method.

Part B of the legislation provides for assistance to States, local educational institutions and certain private nonprofit organizations to enable them to conduct bilingual training programs primarily in a language other than English. This is the major section of the bill and would receive 65 percent of the funds appropriated.

Part C would provide grants to State and educational institutions so that they could provide training for teachers and related educational personnel to enable them to participate in bilingual job training programs. It would also provide inservice and development programs to improve the qualifications of those persons participating in the programs. In my research on this overall problem, I found that this type of training was greatly needed and was not being given enough priority by the Federal Government to have a significant impact.

Part D is intended to provide for the development of instructional materials such as textbooks and audiovisual materials. I believe that this type of research and development is very important if this manpower training effort is to keep up with our complex and changing technology and occupational needs.

Mr. President, I sincerely believe that this approach can result in very productive results for our governmental effort to assist the disadvantaged. While I am convinced that it can have a lasting positive impact on all segment of the bilingual community, as a Texan I am particularly interested in the Spanish-speaking American. I am convinced that the Spanish-speaking American has a great deal to offer this Nation and is, for the most part, concerned with obtaining equal opportunity in our society. He is singularly uninterested in welfare. An increased job training effort would be welcomed by the Spanish-speaking community. If we are to remove the vestiges of second class citizenry within this community, I think programs such as the Bilingual Education Act, minority enterprise development, and this Bilingual Job Training Act offer the best type of public response.

In considering legislation of this nature one cannot easily disregard the fact that the average median income of Spanish-speaking families is nearly $3,000 below the average for the rest of our population. Nor can one easily disregard the unemployment rate which is also above the national average, or the fact that approximately one out of every five adults of Spanish origin has completed less than 5 years of schooling compared with only one out of 25 for all others.

My proposal, therefore, represents an investment in the future to assist many of our disadvantaged citizens who, through no fault of their own, have experienced many difficulties. Ultimately, as opposed to a welfare program, it represents an investment toward a stronger nation from both a cultural and an economic standpoint. A meaningful program emphasizing job training and economic security will have the effect of reducing welfare dependency and increasing our economic output.

For these reasons, I am hopeful that Congress will give this legislation its very careful consideration. It entails a program that offers great potential for many of our citizens and for the Nation as a whole.

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

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

S. 3952

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

BILINGUAL JOB TRAINING

PART A—GENERAL PROVISIONS

SHORT TITLE

SEC. 101. This act may be cited as the Bilingual Job Training Act of 1972.

CONGRESSIONAL STATEMENT OF FINDINGS AND PURPOSE

SEC. 102. The Congress hereby finds that one of the most acute problems in the United States is that which involves millions of citizens, both children and adults, whose efforts to profit from job training is severely restricted by their limited English-speaking ability because they come from environments where the dominant language is other than English; that these persons are therefore unable to help to fill the critical need for more and better-trained personnel in many vital occupational categories; and that such persons are unable to make their maximum contribution to the nation's economy and must, in fact, suffer the hardships of unemployment or under-employment. The Congress further finds that there is a critical shortage of instructors possessing both the job knowledge and skills and the dual language capabilities required for adequate instruction of such language-handicapped persons, and a corresponding shortage of instructional materials and of instructional methods and techniques suitable for such instruction.

It is therefore the purpose of this Act to provide for the conduct of job training programs in the combined languages of English and of the person's dominant language and, further, to provide for the development of skilled instructors and of instructional materials and techniques for bilingual job training.

AUTHORIZATION OF APPROPRIATIONS

SEC. 103. There are hereby authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 30, 1975, for the purpose of making grants in accordance with the provisions of Parts B, C, and D of this Act: *Provided*, That 65 per centum shall be for grants pursuant to part B of this Act, 25 per centum shall be for grants pursuant to part C of this Act, and 15 per centum shall be for grants pursuant to part D of this Act.

DEFINITIONS

SEC. 104. For the purpose of this Act—

(a) The term "job training" means training or retraining which is given in schools or classes (including field or laboratory work and remedial or related academic and technical instruction incident thereto) under public supervision and control or under contract with a State board or local education agency or is conducted as part of a program designed to prepare individuals for gainful employment as semi-skilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations, but excluding any program to prepare individuals for employment in occupations which the Commissioner of Education determines, and specifies by regulation, to be generally considered professional which requires a baccalaureate or higher degree; such term includes guidance

and counseling (either individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations to which the students are in training or instruction necessary for students to benefit from such training; the training of persons engaged as, or preparing to become teachers in a job training program; travel of students and job training personnel while engaged in a training program; and the acquisition, maintenance, and repair of instructional supplies, aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(d) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of an educational program.

(e) The term "high school" does not include any grade beyond grade 12.

(f) The term "post-secondary educational institution" means an institution legally authorized to provide post-secondary education within a State for persons sixteen years of age or older who have graduated from or left elementary or secondary school.

(g) The term "private vocational training institution" means a business or trade school, or technical institute or other technical or vocational school, in any State, which (1) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution, and (2) is legally authorized to provide, and provides within that State, a program of training designed to fit individuals for useful employment in recognized occupations.

GENERAL RESPONSIBILITIES OF THE SECRETARY OF LABOR

SEC. 105. The Secretary shall, in addition to the specific responsibilities imposed by this act, (1) develop and disseminate accurate information on the status of bilingual job training in all parts of the nation, (2) evaluate the impact of such bilingual job training on the shortages of well-trained personnel, the unemployment or under-employment of persons of limited English-speaking ability and the ability of such persons to contribute fully to the nation's economy, and (3) report his findings annually to the Congress.

PART B—STATE BILINGUAL JOB TRAINING PROGRAMS

AUTHORIZATION OF GRANTS

SEC. 106. From the sums made available for grants under this part pursuant to section 103, the Secretary is authorized to make grants to States, local educational agencies, post-secondary educational institutions, private vocational training institutions, or to such non-profit organizations especially created to serve a group whose language as commonly used is other than English, in supplying training and employment in recognized occupations and new and emerging occupations, to assist them in conducting bilingual job training programs for persons of all ages in all communities of the States which are designed to ensure that job training programs are available to all individuals who desire and need such bilingual job training.

USE OF FEDERAL FUNDS

SEC. 107. Grants under this part may be used, in accordance with applications approved under section 108, for the following purposes:

(a) Bilingual job training programs for high school students which are designed to prepare them for entry into a work situation upon graduation from high school.

(b) Bilingual job training programs for persons who have completed or left elementary or secondary school and who are available for training by a postsecondary educational institution.

(c) Bilingual job training programs for persons who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment.

(d) Training allowances for participants in bilingual job training programs subject to the same conditions and limitations as those set forth in section 2583 of the Manpower development and Training Act of 1962 as amended by the Manpower Act of 1965.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

SEC. 108. (a) A grant under this part may be made to State boards of vocational education upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such applications shall—

(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the State board for vocational education;

(2) set forth a program for carrying out the purposes set forth in section 107 and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) set forth a program of such size, scope, and design as will make a substantial step toward achieving the purpose of this act;

(4) set forth policies and procedures which assure an equitable distribution of funds for the purposes stated in section 107 and among the various potential applicant agencies within the State;

(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(6) provide for making an annual report and such other reports in such form, and containing such information, as the Secretary may reasonably require to carry out its functions under this Act and to determine the extent to which funds provided under this part have been effective in improving the training opportunities of persons in the area served, and for keeping records and for according such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) A grant under this part may be made directly to a local educational agency or agencies, or to postsecondary educational institutions, or to private vocational training institutions, or to such non-profit organizations especially created to serve a group whose language as commonly used is other than English, in supplying training and employment in recognized occupations and new and emerging occupations, upon application to the Secretary at such time or times as the Secretary deems necessary, but only if and when the agency of this State which serves the State Board of Vocational Education approves such application in advance. Such application shall conform to the same requirements as those listed under subsection (a) above.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

SEC. 109. (a) The Secretary shall pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant under the application for the purposes set forth therein.

(b) Payments under this part may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayment or underpayment.

PART C—TEACHER TRAINING PROGRAM

AUTHORIZATION OF GRANTS

SEC. 110. From the sums made available for grants under this part pursuant to section 103, the Secretary is authorized to make grants to States or directly to educational institutions, either public or private, to assist them in conducting training for instructors of bilingual job training programs.

USE OF FEDERAL FUNDS

SEC. 111. Grants under this part may be used for the following purposes: (a) Providing preservice training designed to prepare persons to participate in bilingual job training programs as instructors, aides, or other ancillary education personnel such as counselors, and inservice and development programs designed to enable such persons to continue to improve their qualifications while participating in such programs.

(b) Fellowships or traineeships for persons engaged in such preservice or inservice training.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

SEC. 112. (a) A grant under this part may be made upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall contain—

(1) a description of the nature, duration, purpose and plan of the proposed training program;

(2) full information as to the capabilities of the applicant institution to teach the job-skills content of the programs for which persons are being trained, including a listing of the job training courses offered by that institution together with the indication of approval by State agencies and/or accreditation by regional or national accrediting associations;

(3) the qualifications of the principal staff who will be responsible for the training including, specifically, information to show that such principal staff is qualified to teach in the language other than English to be used in the bilingual job training program for which the persons are being trained;

(4) a statement of the minimum qualifications of persons to be enrolled in the training program, a description of the processes to be used in the selection of persons to be trained, and the amounts of fellowships or traineeships to be granted to the persons enrolled;

(5) a justification of the amount of grant funds requested; and

(6) such control and fund accounting for Federal funds paid to the applicant.

(b) The Secretary may approve applications for grants under this part only if—

(1) the applications meet the requirements set forth in subsection (a);

(2) the Secretary determines that bilingual job training programs requiring the services of the persons to be trained have been or will be actually conducted in the State or States being served and that enrollees will be selected from or for such programs; and

(3) the Secretary determines that the applicant institution actually has on-going job training programs in the field for which persons are being trained; and that the applicant institution can provide instructors with adequate language capabilities in the language other than English to be used in the bilingual job training program for which the persons are being trained.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

PAYMENTS

SEC. 113. (a) The Secretary shall pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant under the applications for the purposes set forth therein.

(b) Payments under this part may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayment or underpayment.

PART D—DEVELOPMENT OF INSTRUCTIONAL MATERIALS, METHODS AND TECHNIQUES

AUTHORIZATION OF GRANTS

SEC. 114. From the sums made available for grants under this part pursuant to section 103, the Secretary is authorized to make grants to States, to educational institutions, either public or private, or to other organizations, either profit or non-profit, to assist them in developing instructional materials, methods or techniques for bilingual job training.

USE OF FEDERAL FUNDS

SEC. 115. Grants under this part may be used for—

(a) research in bilingual job training;

(b) training programs designed to familiarize State agencies and training institutions with research findings and successful pilot and demonstration projects in bilingual job training;

(c) experimental, developmental and pilot programs and projects designed to test the effectiveness of research findings; and

(d) demonstration and dissemination projects.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

SEC. 116. (a) A grant under this part may be made upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such applications shall contain—

(1) a description of the nature, duration, purpose and plan of the project;

(2) the qualifications of the principal staff who will be responsible for the project.

(3) a justification of the amount of grant funds requested; and

(4) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant.

(b) The Secretary may approve applications for grants under this part only if—

(1) the application meets the requirements set forth in subsection (a);

(2) the program set forth in the application is consistent with criteria established by the Secretary (where feasible, in cooperation with the State educational agency) for the purpose of achieving equitable distribution of assistance under this part within each State.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

PAYMENTS

SEC. 117. (a) The Secretary shall pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant under the application for the purposes set forth therein.

(b) Payments under this part may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayment or underpayment.

By Mr. ROBERT C. BYRD:

S. 3954. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of a portion of State sales taxes on motor vehicles which are imposed at a rate higher than the general sales tax rate. Referred to the Committee on Finance.

Mr. ROBERT C. BYRD. Mr. President, I send a bill to the desk and ask that it be appropriately referred.

This bill will correct, what I believe to be, an unjust Treasury Department regulation, administered by the Internal Revenue Service, as it applies to the State of West Virginia, and incidently, also to the State of Vermont.

West Virginia currently has in effect a motor vehicle privilege tax, which until very recently has been treated by the Internal Revenue Service as a sales tax on automobiles. As long as this automobile tax was 3 percent—the same rate as West Virginia's general sales tax—the IRS treated it as a sales tax and West Virginians were allowed to deduct these payments on their Federal tax returns.

Last year, the West Virginia Legislature raised this vehicle privilege tax rate to 5 percent, and IRS has now ruled that since this tax exceeds the 3 percent sales tax rate, none of this amount can be deducted from Federal returns. I believe this is an erroneous and an unfair ruling. My bill, if enacted, will permit West Virginians to deduct 3 percent of this 5 percent automobile privilege tax from their returns, and it would make this provision retroactive to January 1971, in order that those who have purchased automobiles since this tax ruling will be covered.

I ask unanimous consent to include in the RECORD a news clipping from the Huntington, W. Va., Herald-Dispatch of August 30, which further explains the need for such relief as would be provided by my bill.

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

WEST VIRGINIA LEGISLATORS SEEK NEW RULING ON TAX DEDUCTION

CHARLESTON, W. VA.—The state's two top legislators are going to Washington to try to obtain relief from a ruling that has deprived West Virginia car buyers of a federal income tax deduction.

Senate President Hans McCourt, D-Webster, said Tuesday he and House of Delegates Speaker Lewis N. McManus, D-Raleigh, plan to go to Washington soon after Congress reconvenes Sept. 5.

After conferring with members of the West Virginia delegation, they will seek a meeting with Rep. Wilbur D. Mills, D-Ark., House Ways and Means Committee chairman, McCourt said.

Their purpose, he said, will be to investigate the possibility of obtaining federal legislation to nullify an Internal Revenue Service ruling involving West Virginia's motor vehicle privilege tax.

The tax is imposed when a car title is issued or transferred. It formerly was 3 per cent of the purchase price, less trade-in. Since the rate paralleled that of the state's 3 per cent sales tax (which does not itself apply to cars), the IRS treated it as a sales tax and permitted taxpayers who itemize deductions to deduct payments of the state tax on their federal returns.

Then last year the legislature raised the vehicle privilege tax rate to 5 per cent. Since the rate now exceeded that of the sales tax, the IRS refused to treat the privilege tax any longer as a deductible sales tax. The IRS would not even permit deduction of the privilege tax portion that equalled the sales tax—that is, 3 per cent of the 5 per cent total.

West Virginians who bought cars last year and paid the 5-per-cent tax were not permitted to deduct the payments on their federal returns. The same thing happened to car buyers in Vermont, the only other state affected by the IRS ruling.

"We don't think that Congress intended to treat people in Vermont and West Virginia any different from people in any other state," McCourt said.

McCourt said he and McManus feel seeking corrective federal legislation is "a better approach" than to try to change state law. He added:

"The speaker and I feel that any way we change our state law (to restore a deduction) is going to cause us considerable problems, either in administration or loss of revenue."

The privilege tax brings in about $23 million a year at the 5 per cent rate. All proceeds are earmarked for the state road fund.

The 1972 legislature considered a bill to separate the 5 per cent tax into two taxes of 3 and 2 per cent, with the view that at least the 3-per-cent tax would be deductible on federal returns. But the lawmakers were unable to develop a version acceptable to the leadership from the standpoint of administrative workability and avoidance of revenue loss, and nothing was passed.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2087

Mr. HRUSKA. Mr. President, I ask unanimous consent that at the next printing, the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of S. 2087, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police of officers killed in the line of duty. My understanding is that the Senator from South Carolina had thought he was already a cosponsor and had made such a request. This request is made to make sure that he will have his name on it.

I also ask unanimous consent that the names of the Senator from Delaware (Mr. BOGGS), the Senator from Michigan (Mr. GRIFFIN) and the Senator from Illinois (Mr. PERCY) be added as cosponsors of the bill.

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

S. 3812

At the request of Mr. CHURCH, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3812, a bill to authorize the appropriation of funds to the Department of Transportation for the use of the Washington Metropolitan Area Transit Authority for the

purpose of assuring that the facilities of the Metro Rapid Transit System are accessible to the physically handicapped, and for other purposes.

S. 3871

At the request of Mr. BOGGS, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 3871, a bill to amend the Federal Aviation Act of 1958 in order to provide a more effective program to prevent aircraft hijacking, and for other purposes.

S. 3877

At the request of Mr. BELLMON, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 3877, a bill to prohibit the impoundment of funds for the Highway Trust Fund.

SENATE RESOLUTION 357—SUBMISSION OF A RESOLUTION TO REFER S. 3953 TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. SPONG, for himself and Mr. SPARKMAN, submitted the following resolution:

S. Res. 357

Resolved, that the bill (S. 3953) entitled "A bill for the relief of Datronics Engineers, Inc.", now pending in the Senate, together with all the accompanying papers, is referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of Sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

The Chief Commissioner is specifically requested to determine the expenses, damages and losses of the claimant to which claimant is entitled by way of equitable or legal relief, attributable in whole or in part, directly or indirectly, to transactions with the United States Navy under contract numbered NBY 48950 awarded on July 19, 1963.

The Congress of the United States waives the defense of lack of privity between the United States and the claimant as a bar to relief or entertainment of a claim for relief commenced under this resolution.

FEDERAL REVENUE-SHARING ACT AMENDMENT

AMENDMENT NO. 1465

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

URBAN DIVIDEND AMENDMENT

Mr. JAVITS. Mr. President, in behalf of myself and Senators BROOKE, CASE, INOUYE, MATHIAS, and PERCY, I propose an amendment to the revenue-sharing bill which restores urbanization to the revenue-sharing formula.

This amendment designates an additional $900 million of "no strings" revenue-sharing money as an urban dividend, to be divided annually among the States on the basis of urbanized population. "Urbanized population" carries the same definition as it does in other parts of the Senate bill, but the distribution is made on a simple proportional basis.

The amendment does not change the distribution formula within the States; it changes the amount of money going to each State as a whole. Thus, during the first year almost every State would receive some part of this $900 million, and many of the urban States would recover close to what such States "lost" because of the Senate Finance Committee changes from the House-passed bill.

In my view, the amendment is noninflationary. This is because it is financed largely out of the $300 million annual growth factor which has been written into the basic bill. Section 123(a) of my amendment retains this $300 million only for the last calendar year of operation, that is, 1976. As a result, the amendment, which adds $900 million to the Finance Committee bill in the first year, adds only $600 million in the second and $300 million in the third; for a total additional cost of the amendment over the 5-year period of this bill of $1.8 billion. By 1975, when we should have reached full employment, the annual cost of revenue sharing under my amendment is exactly the same as under the committee bill.

But there is another, more important, reason why the cost of the amendment should not be a bar to its passage. This is because of the rationale for revenue sharing in the first place: that our State and local governments—particularly our urban governments—need the money and will spend it usefully. If we are serious about our rhetoric about reordering our national priorities, now is the time to bring our actions in line with our words.

The amendment we are introducing, therefore, answers a national priority need by restoring urbanization as a factor in the distribution of revenue sharing funds. Passage of the amendment would make revenue sharing dependent upon four variables: general tax effort, relative poverty, population, and concentrations of urban population. The latter factor, which my amendment introduces, would contribute approximately 14 percent to the distribution formula of basic "no strings" revenue sharing money; in other words, 14 percent of that money would be distributed to the States according to urbanization, and the other 36 percent according to the other three factors—general tax effort, relative poverty, and population.

Mr. President, there is general agreement that these four factors comprise the basic package of criteria which most accurately describe the real need of our State and local governments. By the same token, failure to include urbanization ignores a glaring fact which our big city mayors and our urban State Governors know all too well: that the fiscal crunch is felt worst where the concentrations of population are the greatest. It is no exaggeration that in many instances our central cities are disaster areas in need of disaster relief. And, the figures compiled by the Advisory Commission on Intergovernmental Relations—perhaps the most authoritative body in Washington on the subject of State and local government spending—show that the biggest tax increases have come in the urbanized States.

The bill as reported out of the Finance Committee recognizes the needs of big city governments in the formula for distribution of funds within each State; but compared to the House bill it short-changes the urban States, which must also bear the burden of the cities which are in deep trouble. And it leaves out almost completely those local governments which do not fit within the Census Bureau definition of an urban area.

Mr. President, I ask unanimous consent that the text of the amendment, together with two tables illustrating its effect, be printed in the RECORD.

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

On page 63, after line 16, insert the following:

Subtitle B—Allocation and Payment of Funds based on Urbanized Population.

Subtitle B—ALLOCATION AND PAYMENT OF FUNDS BASED ON URBANIZED POPULATION

SEC. 121. CREATION OF TRUST FUND.

(a) IN GENERAL.—There is created on the books of the Treasury of the United States a Trust Fund to be known as the Urban Dividend Trust Fund (referred to in this subtitle as the "Trust Fund"). The Trust Fund shall consist of the amounts appropriated to it as provided in this section. There are hereby appropriated to the Trust Fund, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to—

(1) for the fiscal year ending June 30, 1972, one-half of one percent of the Federal individual income taxes received in the Treasury during such fiscal year;

(2) for the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976, one percent of the Federal individual income taxes received in the Treasury during each such fiscal year; and

(3) for the fiscal year ending June 30, 1977, one-half of one percent of the Federal individual income taxes received in the Treasury during such fiscal year.

The amounts appropriated by paragraphs (1), (2), and (3) shall be transferred from time to time from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such paragraphs. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the amounts required to be transferred.

(b) FEDERAL INDIVIDUAL INCOME TAXES.—For purposes of subsection (a), the term "Federal individual income taxes" means the tax imposed by chapter 1 of the Internal Revenue Code of 1954 on the income of individuals and the tax deducted and withheld at source on wages under chapter 24 of such Code.

(c) TRUSTEES; REPORTS TO CONGRESS.—The Secretary of the Treasury shall be the trustee of the Trust Fund, and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year.

(d) EXPENDITURES FROM TRUST FUND.—Except as provided in this subtitle, amounts in the Trust Fund shall be available for, and may be used only for, payments by the Secretary to State governments and units of local government under this subtitle. Such amounts shall remain available without fiscal year limitation.

(e) TRANSFERS FROM TRUST FUND TO GENERAL FUND.—The Secretary shall from time to time transfer from the Trust Fund to the general fund of the Treasury any moneys in the Trust Fund which he determines will not be needed to make payments to State governments and units of local government under this subtitle.

SEC. 122. PAYMENTS TO STATE AND LOCAL GOVERNMENTS.

Except as otherwise provided in this subtitle, the Secretary shall, for each entitlement period, pay out of the Trust Fund to—

(1) each State government a total amount equal to the entitlement of such State government for the period (determined under section 123(c)), and

(2) each unit of local government (within the meaning of section 105(d)) a total amount equal to the entitlement of such unit for the period (determined under section 123(d)).

Such payments shall be made in installments during the entitlement period but not less often than once each quarter. Such payments for any entitlement period may be initially made on the basis of estimates. Proper adjustment shall be made in the amount of any payment to a State government or a unit of local government, to the extent that the payments previously made to such government under this subtitle were in excess of or less than the amounts required to be paid.

SEC. 123. ALLOCATION AMONG STATE AND LOCAL GOVERNMENT.

(a) IN GENERAL.—The Secretary shall, for each entitlement period, allocate among the States so much of the moneys appropriated to the Trust Fund for the fiscal year which includes such entitlement period as does not exceed—

(1) $450,000,000, in the case of the entitlement period beginning on January 1, 1972,

(2) $900,000,000, in the case of each of the entitlement periods beginning on July 1 of 1972, 1973, 1974, and 1975, and

(3) $450,000,000, in the case of the entitlement period beginning on July 1, 1976.

(b) ALLOCATION AMONG STATES.—There shall be allocated to each State for each entitlement period an amount which bears the same ratio to the total amount to be allocated for such period under subsection (a) as the urbanized population of that State bears to the urbanized population of all the States.

(c) DIVISION BETWEEN STATE AND LOCAL GOVERNMENTS.—The State government shall be entitled to receive one-third of the amount allocated to that State for each entitlement period. The remaining portion of each State's allocation shall be allocated among the units of local government of that State as provided in subsection (d).

(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—The amount to be allocated to the units of local government within a State under subsection (c) for any entitlement period shall be allocated among such units of local government so that each unit of local government will receive an amount which bears the same ratio to the total amount to be so allocated as—

(1) the payments to which such unit of local government is entitled under subtitle A for the same entitlement period, bears to

(2) the aggregate payments to which all units of local government within the State are entitled under subtitle A for the same entitlement period.

Each unit of local government shall be entitled to receive the amount allocated to it under this subsection.

(e) APPLICATION OF SUBTITLE A.—The provisions of sections 107, 108, 109, and 110 of subtitle A shall apply to the making of payments under this subtitle.

(f) COORDINATION OF PAYMENTS.—To the maximum extent feasible, payments under this subtitle shall be made at the same time and in the same manner as payments are made under subtitle A.

SEC. 124. DEFINITION OF URBANIZED POPULATION.

For purposes of this subtitle, the term "urbanized population", when used in reference to any State, means the population of each area, within such State, which consists of a central city or cities of 50,000 or more inhabitants (and of the surrounding closely settled territory for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes. The data used for determining urbanized population under this section shall be the most recently available data provided by the Bureau of the Census, except that where the Secretary determines that the data so provided are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations.

On page 38, strike out lines 5 through 14, and insert the following:

(2) $5,300,000,000, in the case of the entitlement period beginning July 1, 1972,

(3) $5,300,000,000, in the case of the entitlement period beginning July 1, 1973,

(4) $5,300,000,000, in the case of the entitlement period beginning July 1, 1974,

(5) $5,450,000,000, in the case of the entitlement period beginning July 1, 1975, and

(6) $2,875,000,000, in the case of the entitlement period beginning July 1, 1976.

On page 63, line 17, strike out "B" and insert "C".

On page 63, line 19, strike out "121" and insert "131".

On page 64, line 12, strike out "122" and insert "132".

On page 66, line 5, strike out "123" and insert "133".

On page 67, line 1, strike out "C" and insert "D".

COST OF REVENUE SHARING BILL

[In billions of dollars]

Calendar year	Senate bill		Senate bill with urban dividend amendment	
	Annual cost	Cumulative cost	Annual cost	Cumulative cost
1972	$5.3	$5.3	$6.2	$6.2
1973	5.6	10.9	6.2	12.4
1974	5.9	16.8	6.2	18.6
1975	6.2	23.0	6.2	24.8
1976	6.5	29.5	6.5	31.3

1ST-YEAR DISTRIBUTION OF REVENUE SHARING FUNDS

[In millions]

	House bill	Finance Committee bill [1]	Committee bill with proposed amendment
Alabama	$80.2	$127.6	$137.3
Alaska	6.6	5.5	5.5
Arizona	46.1	55.1	66.2
Arkansas	38.3	60.4	63.2
California	610.8	510.4	633.1
Colorado	59.4	60.0	70.5
Connecticut	72.6	57.5	73.5
Delaware	17.3	12.9	15.6
District of Columbia	26.0	14.1	19.8
Florida	150.0	160.3	191.7
Georgia	103.4	120.7	135.0
Hawaii	25.9	22.7	26.1
Idaho	15.4	21.8	22.4
Illinois	301.8	250.9	310.7
Indiana	113.8	114.6	132.8
Iowa	67.8	84.6	91.0
Kansas	47.7	58.0	64.0
Kentucky	71.8	95.9	104.4
Louisiana	83.2	124.8	137.7
Maine	19.9	34.2	35.5
Maryland	117.5	94.8	114.5
Massachusetts	179.0	143.5	176.4
Michigan	243.7	210.9	253.9
Minnesota	114.1	108.2	122.6
Mississippi	46.0	99.6	102.0
Missouri	$107.6	$108.5	$128.1
Montana	16.7	22.6	23.7
Nebraska	34.5	47.1	51.6
Nevada	12.4	11.9	14.4
New Hampshire	13.5	16.7	18.0
New Jersey	179.7	142.6	188.8
New Mexico	22.5	36.5	38.8
New York	649.6	507.1	615.5
North Carolina	113.0	148.8	158.0
North Dakota	12.0	21.7	22.1
Ohio	227.4	185.4	235.9
Oklahoma	52.9	65.3	73.3
Oregon	60.1	61.8	69.3
Pennsylvania	300.9	290.2	342.8
Rhode Island	25.9	23.1	28.8
South Carolina	57.9	89.5	94.4
South Dakota	13.5	27.6	28.2
Tennessee	79.3	108.1	119.4
Texas	248.3	268.6	321.2
Utah	29.0	34.5	40.1
Vermont	11.0	16.3	16.3
Virginia	115.6	109.7	127.7
Washington	79.1	92.3	106.5
West Virginia	36.4	57.5	60.1
Wisconsin	137.0	147.1	162.8
Wyoming	6.1	10.7	10.7

[1] Excluding social services grant.

AMENDMENT NO. 1466

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

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENT NO. 1467

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

Mr. TAFT. Mr. President, today I am introducing an amendment to H.R. 14370, the Revenue Sharing Act of 1972, which would provide for Federal Government withholding of city income taxes from compensation paid Federal employees. The amendment would apply to all cities with 200 or more Federal employees, and any other city where the Treasury feels it would be beneficial.

The purpose of the revenue sharing bill is to increase the Federal financial assistance to States, and particularly urban areas, which are hard pressed to make ends meet. This amendment would provide an additional source of income for our cities, without requiring increased Federal funding other than the amount necessary to cover administrative costs.

The increment in local funds would result largely from a reduction in tax delinquencies, and an increase in the cities' ability to collect delinquent taxes from Federal employees. Cleveland's tax department estimates that by reducing losses in uncollected taxes, my amendment could increase the city's resources by $300,000 to $400,000 annually. The city of Cincinnati expects the enactment of the amendment to save its taxpayers about $100,000 per year. Similar savings would, of course, be realized by cities in other States.

To help improve the administration of non-Federal taxation systems, the Revenue Sharing Act of 1972 contains a title authorizing the Federal Government to act as a collection agent for State income taxes. My amendment would make

a positive contribution along the same lines. It would decrease the administrative burden for our cities' tax collection departments, by relieving them of the necessity to devote extra attention to Federal workers.

In my own State of Ohio, the cities of Akron, Columbus, and Toledo expect that they could each save between $20,000 and $35,000 annually by trimming administrative costs in this manner.

The cities would benefit greatly from my amendment. The greatest benefits, however, would be realized by the hundreds of thousand of civilian Federal workers affected. Because local income taxes are not withheld from the wages of Federal employees, these workers are forced to pay the taxes in lump sums on a quarterly or annual basis. The obligation to pay a substantial amount in local taxes at one time is a serious hardship for many Federal workers. As of last winter, more than one-third of Cleveland's postal workers had not been able to meet this obligation, and owed the city hundreds of dollars per person in back taxes,

My amendment would allow Federal workers to pay their city taxes in the same convenient manner as other workers, by making the payments in even installments throughout the year.

The major organizations representing groups which my amendment would affect strongly support it. These organizations include the National League of Cities, U.S. Conference of Mayors, the National Postal Union, and other major Federal employees' associations. The Treasury Department has historically supported this type of legislation, and I have been informed that the Department's position has not changed.

I hope that the Senate will seize this opportunity to provide additional assistance for our Federal workers and our cities.

AMENDMENTS NOS. 1469 THROUGH 1472

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

Mr. BUCKLEY submitted four amendments intended to be proposed by him to the bill (H.R. 14370), supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1460

At the request of Mr. TUNNEY, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of Amendment No. 1460, intended to be proposed to H.R. 14370, an act to provide payment to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday and Friday, September 7 and 8, 1972, at 10:30 a.m., in room 2228, New Senate Office Building, on the bill H.R. 13366, to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Massachusetts (Mr. KENNEDY) chairman; the Senator from California (Mr. TUNNEY), and the Senator from Nebraska (Mr. HRUSKA).

ADDITIONAL STATEMENTS

OLYMPIC TRAGEDY

Mr. RIBICOFF. Mr. President, the shocking crime now taking place in Munich is more than an outrage against the Olympic games; it is a direct challenge to civilization.

But this is not the first act of barbarism committed by this same group of demented terrorists. Unless all the nations of the world do what is necessary, it will not be the last. Already, it seems, the tragic lesson of the Lod Airport massacre has been forgotten as the current skyjacking conference is deadlocked with political squabbling.

For too long, Arab terrorists have found refuge and welcome in countries like Lebanon, Syria, and Libya, and Algeria.

For too long, Western nations, including West Germany, have succumbed to terrorist blackmail.

For too long Arab murderers and terrorists have been routinely described as "commandos" and "guerrillas."

Those who deliberately ambush school buses, attack innocent air travelers, and plant bombs in supermarkets are not commandos or guerrillas; they are criminals and outlaws.

Those nations which arm them and permit them to operate on their soil share their guilt directly.

And countries which do not take action against those harboring these madmen, and which do not treat these terrorists as criminals only encourage further the acts of outlawry.

According to the latest report from Munich, two members of Israel's Olympic team have been shot dead and nine others are being held hostage. In 1976, it could be members of the American Olympic team, the German team—or the Russian team.

The Olympic games are supposed to represent the brotherhood of man. Instead, we are witnessing the depths to which man can stoop in seeking to impose their perverse will on others.

Whatever the final outcome of the latest assault on innocent civilians, it is clear that we cannot permit these outrages to continue. The only way to stop these outlaws is to deny them safe haven. They must understand that no place on earth will be a refuge for them.

No nation should be permitted to assist these murderers under any pretext. Whether this means denial of landing rights to certain Arab countries or other measures these will be a small price to pay for protecting our civilization from these new barbarians.

I join millions of Americans in praying for the safety of the Israeli hostages, and I plead with all governments, including our own, to immediately take the steps necessary to put a halt to these crimes.

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, according to current Census Bureau approximations, the total population of the United States as of Friday, September 1, was 209,609,246. This represents an inincrease of 191,207 since August 1 of this year, an increase roughly equivalent to the population of Flint, Mich. It also represents an addition of 1,684,388 since September 1, 1971, an increase roughly equivalent to the population of Dallas, Tex.

THE FOURTH ANNIVERSARY OF THE SOVIET INVASION OF CZECHOSLOVAKIA

Mr. MOSS. Mr. President, the Senate was in recess on August 21, the fourth anniversary of the invasion of Czechoslovakia by the Soviet forces. But I cannot allow this infamous anniversary to pass by unnoticed.

August 21, 1968, is particularly ingrained in my mind because on that date I was in the Soviet Union as a delegate to the Seventh World Power Conference in Moscow. How well do I remember the feelings of emptiness I shared with Czech delegates to that conference. We were all shocked at the Soviet Union's brutal action—an invasion which succeeded in snuffing out the flickering hope of liberal reforms brought about by the Alexander Dubcek government. When I asked one Czech delegate if he would return to his home, he replied simply, "Where is my home now?"

Mr. President, the Soviet Union's terrible aggression may indeed have broken the pace of reforms of the first Czech Government in 32 years to receive popular support, but it did not break the spirit of a freedom-loving people. Even today the Czechs carry on the struggle for independence—a struggle which has a history extending at least 350 years. They tasted the liberties of democracy for a brief 20 years between 1918 and 1938, only to have it stamped out by the tyranny of an insidious Nazi occupation and later Communist control.

What effect has this foreign despotism had on Czechoslovakia? The only East European state to remain an effective parliamentary democracy throughout the period 1918–38, Czechoslovakia was politically defeated when Germany, France, Italy, and the United Kingdom geographically sliced up the country in 1938. Militarily, she was defeated the next year when Germany invaded and established a Nazi "protectorate."

For 6 years Czechs were subject to the control of the Nazi war machine. "Liberation" came in 1945, but it was only short lived. According to "Background Notes," of March 1972, compiled by the U.S. Department of State:

From May 1945 until the spring elections of 1946, a coalition including Communists ruled the country. The democratic elements, led by President Eduard Benes, hoped the So-

viet Union would allow Czechoslovakia freedom to choose its own form of government, and they aspired to have Czechoslovakia act as a bridge between East and West. This objective was sustained by Czechoslovakia's highly developed economy, its strong democratic traditions, and its readiness to accept a considerable degree of socialization of the economic system. The Communist Party, however, which won 38 percent of the vote in the 1946 elections, held most of the key positions in the Government and gradually managed to neutralize or silence the anti-Communist forces. Under the cover of superficial legality, the Communists seized power in February in 1948.

After a period of severe purging to consolidate its authority (1949–52) the party held a trial of 14 of its former leaders in November 1952 and sentenced 11 to death. Thereafter, the Czechoslovak Communist leadership was characterized by its stability in tenure.

As a result of the repressive Communist dictatorship, Czechoslovakia's economic system suffered as well. "At the time of the Communist takeover in 1948, Czechoslovakia had a balanced economy, including the highest level of industrialization in Eastern Europe." Under the influence of the Communists, great emphasis was placed on heavy industry and capital goods production—throwing the economy out of balance. Quoting from the "Notes" again:

Waste and inefficient use of resources resulted from the adaptation of centralized planning techniques to the complex Czechoslovak industrial sector. Although the labor force was traditionally skilled and efficient, inadequate material incentives for labor and management contributed to a high labor turnover, low productivity, and unsatisfactory quality. Economic failures reached a critical stage in 1963 following a poor 1962 harvest, balance-of-payments deficits, material shortages, and construction delays.

Communist Party Central Committee members who were displeased with the slow pace of economic reform and resistance to cultural liberalization showed their displeasure (in the mid-sixties)—with broad support—by removing hardliner Antonin Novotny from party leadership in January 1968 and from the presidency of the Republic in March. A long-time party activist . . . Alexander Dubcek, replaced Novotny as principal party leader.

Dubcek recognized the necessity of political and social reforms in addition to granting wider economic freedoms. Therefore, he launched an action program, adopted in April 1968, which set guidelines for a modern, humanistic-socialist democracy which would guarantee freedom of religion, speech, press, assembly, and travel; separate the government from the Communist Party; create independent courts; introduce multiple-choice, secret-ballot elections; and effect economic reforms. Many hardline government leaders were replaced by reform-minded leaders, who pledged to adhere to the interest of all the people of Czechoslovakia. These fundamental changes were promoted by the newly freed public media, dominated by "progressives."

As a result of Dubcek's efforts to liberalize the country, the public began to take an active interest in government and politics. For the first time in 20 years, a national leader enjoyed broad public support. The government's program called for closer contacts with West European countries and Yugoslavia and Rumania. Czechoslovak citizens were allowed to travel freely and tourists were welcomed in Czechoslovakia.

But these reforms which meant so much to the Czech people caused great concern among other Warsaw Pact Communist governments and parties. They viewed it as a serious threat to the stability and security of their own socio-political and economic systems. And why not? History is replete with examples of how the contagious winds of freedom can inspire men to rise up and throw off the bonds of tyranny.

According to the State Department:

The Soviet Union, with Bulgaria, Hungary, Poland, and East Germany following suit, insisted on a series of meetings with the Czechoslovak leadership, beginning with a meeting at Dresden, East Germany, in March and concluding with the meetings at Cierna and Bratislava (Czechoslovakia) in late July and early August 1968. At each of these meetings, the Czechoslovaks were asked to explain in detail their internal reforms and their developing foreign policy. Warsaw Pact military maneuvers, held in Czechoslovakia in June, were prolonged at Soviet initiative. These and subsequent maneuvers, in western Ukraine and southern Poland brought large numbers of Soviet troops to Czechoslovakia borders.

Mr. President, the Communists could not tolerate the reform movement in Czechoslovakia. The following passage from the "Background Notes" recounts the terrible course of events set in motion while the Senator from Pennsylvania (Mr. SCOTT) and I were in Moscow:

On the night of August 20, Soviet, Bulgarian, Hungarian, Polish and East German troops invaded and occupied Czechoslovakia. The Czechoslovak Government immediately declared that the invading troops had not been invited into the country and that their invasion was in violation of socialist principles, international law, and the United Nations Charter. The principal Czechoslovak leaders, were secretly and forcibly taken to the Soviet Union. Under obvious Soviet duress, the Czechoslovaks engaged in a series of negotiations at Moscow on August 23–26 and again on October 2–3, and finally at Prague on October 16. On the latter date, Soviet Premier Aleksei Kosygen, acting on behalf of all of the invading countries, and Czechoslovak Premier Oldrich Cernik signed a treaty which provided for the "temporary" stationing of an unspecified number of Soviet troops on Czechoslovak soil. In November the troops of the other countries and some of the Soviet troops were withdrawn. In addition to accepting the "legalization" of the stationing of Soviet troops in Czechoslovakia, the Czechoslovak leadership was forced to apply strict censorship of all public media and to curb all the reforms promoted by Dubcek.

The Czechoslovak Central Committee meeting of November 14–16, 1968, formalized the censorship of the public media; restricted travel abroad; reasserted the authority of the police; made Czechoslovak foreign policy subordinate to Soviet policy; accepted the priority of the interest of the international Communist movement over those of Czechoslovakia; and recognized the obligations of the agreements (all signed under duress) reached at Moscow on August 26 and October 3 and at Prague on October 16.

Alexander Dubcek was removed from the position of General Secretary on April 17, 1969. On September 27, he was removed from the Communist Party Presidium and replaced as President of the National Assembly. Dubcek's followers and supporters were forced out of power.

By October 27, 1969, the Soviets had achieved their basic invasion objectives. The Czechoslovak liberalization movement was dismantled; elements of the orthodox Communist Party were back in control; and Soviet troops remained stationed in Czechoslovakia. On that date General Secretary Gustav Husak, Premier Cernik, and President Svododa signed a joint communique with the Soviets at Moscow which justified the invasion, accepted the Brezhnev doctrine limited sovereignty, avowed that the stationing of Soviet troops in Czechoslovakia was essential to the security of Czechoslovakia's western borders, and opened the way for integration of the Czechoslovak economy with that of the Soviet Union. This relationship was further formalized in a 20-year Soviet-Czechoslovak treaty of "friendship, cooperation, and mutual assistance" signed on May 6, 1970.

Mr. President, the Czechoslovak people have struggled for 350 years to rid themselves of a heavy burden inflicted by foreign oppressors. Since the founding of our Republic, America's greatest moments have come when she shared the burden of the oppressed, and strove to alleviate that burden. Now after 25 years of cold war with the Communists, we are attempting to find new solutions to combating evil and oppression and the denial of civil liberties. As we forge forward in this effort, we are acutely aware of the struggle of the people of Czechoslovakia. We do not and cannot forget that struggle. Their freedom and ultimate independence remain a matter of greatest concern to all Americans. We affirm our commitment to their struggle and share their aspirations on this fourth anniversary of the Soviet invasion.

RURAL DEVELOPMENT ACT OF 1972

Mr. CURTIS. Mr. President, as ranking minority member of the Subcommittee on Rural Development of the Committee on Agriculture and Forestry, I was particularly gratified when President Nixon signed the Rural Development Act of 1972 into law on August 25.

Without doubt, this legislation is the most far reaching ever enacted by Congress to attempt to halt the migration from the countryside to our already overcrowded urban centers.

I think it would be good for all Senators to understand what the President thinks about the Rural Development Act of 1972 and what the Nixon administration has already been doing in the area of rural development. Therefore, I ask unanimous consent that there be printed in the RECORD the text of the President's signing statement and a Department of Agriculture release with regard to the Rural Development Act of 1972.

I also ask that following these two items the text of two releases from the USDA with regard to other rural development activities be printed.

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

SIGNING STATEMENT—THE RURAL DEVELOPMENT ACT OF 1972

During the last year and one-half I have on three separate occasions sent to the Congress proposals designed to marshal more effectively the energies of the private sector and of government at all levels in a cooperative program of rural development. The most important of those proposals are:

Rural Community Development Special Revenue Sharing to provide additional financial resources to State and local government without counterproductive Federal strings attached.

The creation of a Department of Community Development to coordinate and focus all Federal programs for rural and urban community development.

New loan authority for commercial, industrial, and community development under a credit-sharing system which would allow the States themselves to select most of the loan recipients. And strengthening certain of the Department of Agriculture's conservation and environmental programs.

The Rural Development Act of 1972 which has finally been enacted by the Congress—H.R. 12931—incorporates some of the important provisions which I originally proposed:

It authorizes new loans for commercial and industrial development in communities whose population is under 50,000 as well as for various local facilities in communities whose population is under 10,000. These new loans represent a major potential for increasing employment opportunities and modernizing our communities in rural areas.

The new loans which it authorizes would be insured and guaranteed, rather than direct, Federal loans. This means that the private sector can play a major role in rural development and that the inflationary impact on the Federal budget will be reduced.

It authorizes new cost-sharing provisions including those related to improving water quality and conserving natural resources which I proposed on February 1 of this year in my message to the Congress on rural development.

And, it includes various improvements in the administrative machinery of the Farmers Home Administration which would facilitate more effective program administration.

The most disconcerting feature of this act is that it does not include one of my most important proposals for rural development, the substitution of Special Revenue Sharing for categorical grants and instead creates a number of new categorical grant programs. That means more decision-making in Washington instead of decentralized decision-making at the State and local level where the pressing needs actually exist. While this act is praiseworthy in providing additional Federal funds for community development, it unfortunately will also bring Federal decision makers into fields of community activity that were previously free from such outside involvement. In addition, this act—if fully funded—would add $400 to $500 million in expenditures to the Federal budget at a time when it has already been overloaded with large spending increases by the Congress this year.

In short, while I would have much preferred that this act contain the provisions which I proposed and reiterated last February, I believe that it probably represents the best compromise which could be enacted by this Congress. Even with the shortcomings I have noted in this act, it is a significant first step in our determination to strengthen economic opportunity and community life through rural America. I do strongly urge, however, that the Congress act quickly and affirmatively on my Government reorganization and Special Revenue Sharing proposals related to rural development. They hold substantially greater promise than this act does for community development in rural and urban areas. Because this act represents an important step—but only the first of several essential steps—I take pleasure in signing it today. But I look forward to early Congressional action on my other proposals which would provide our communities with the tools so desperately needed to attain this Nation's objective of balanced and beneficial growth.

RICHARD NIXON.

A BOOST FOR RURAL OPPORTUNITY

WASHINGTON, September 1.—The Rural Development Act of 1972 can remake the face of rural America and broaden opportunity for all Americans—urban as well as rural, Earl L. Butz, Secretary of Agriculture, said today.

The Act confers the major responsibility to coordinate rural development on the Department of Agriculture and provides several new authorities that will help to improve rural economic opportunity and community life. "The result should improve rural America, bolster agriculture and help to relieve urban congestion by reducing migration from farms to city and by encouraging a more balanced national growth," Mr. Butz said.

Highlights of the new legislation include:

1. It authorizes guaranteeing and making loans for commercial, industrial, and community development. Private banks and other lenders could make government guaranteed loans to finance rural job creation.

2. It authorizes substitution of insured for direct loans. This would permit private lenders to assume an increased role in financing rural development and reduce the impact on the Federal Budget of such programs.

3. It authorizes loans to rural youth, and increases the limit for farm operating loans from $35,000 to $50,000.

4. It provides for a number of improvements in the administrative machinery of the Farmers Home Administration which will result in more effective program administration.

5. It authorizes cost sharing in watershed project areas for water quality improvement, water supply, pollution abatement, and ground water recharge. Similar authority along with rural fire protection is provided for Resource Conservation and Development areas.

6. It provides for a program to inventory and monitor soil, water, and related conditions, and a land inventory report at five-year intervals.

7. Funds are provided to expand rural development and small farm research and extension activities through the Land-Grant Colleges and Universities.

8. It provides annual authorizations for pollution abatement grants of $25 million to be made to individuals and an additional $50 million to communities.

9. It authorizes a three-year grant program for rural fire protection of $7 million annually.

10. It provides an increase in the annual sewer and water grant authorizations to $30 million for planning grants and to $300 million for development grants.

11. It authorizes ten-year cost share contracts under the Rural Environmental Assistance Program, and provides for cost sharing under this program for pollution abatement practices.

Mr. Butz said the Department will cooperate with all other governmental agencies and the private sector to find the best possible means to implement the legislation and to exploit its full potential to the advantage of rural residents and rural communities.

The Secretary said considerable planning and advance work must be done to implement and coordinate this legislation with ongoing programs. This planning which is already underway will require several weeks more. Furthermore, congressional appropriations may be necessary to implement certain of the newly authorized programs.

USDA EXPANDS RURAL DEVELOPMENT WORK

WASHINGTON, September 5.—Employees of the U.S. Department of Agriculture and State Cooperative Extension Service devoted 34 percent more time to rural development activities in fiscal year 1972, and helped local leaders organize more than 150 new rural development committees.

In a report to Congress, the Department stated that USDA and Extension employees devoted 4,300 man-years to efforts to stimulate progress in rural America from July 1, 1971 to June 30, 1972, compared to 3,200 man-years the previous fiscal year.

The report said 51 new area or multicounty rural development committees were formed, bringing the number of area committees in the nation to 235, and that more than 100 new county committees were formed, pushing the national total to 2,193.

Much of the report is devoted to accomplishments of specific State and local rural development committees.

For instance, government agencies and church groups helped set up a self-help housing program in a Maryland county where housing was poor and rents were high. The program enabled low-income people to occupy modern homes for up to $10,000 less than they would cost commercially. Cooperation and self-help construction reduced costs.

Another cooperative effort was a three-county area of Missouri in need of a hospital. Local citizens raised more than $300,000, civic clubs and local governments supported the project. Location of the adequately-financed hospital has been decided.

Alabama county committees actively pursued industrial development. The Extension Service studied the chances for more lumber finishing in one area. This contributed to a half-million dollar expansion of a wood products firm in the study area.

The report, transmitted to Congress by Secretary of Agriculture Earl L. Butz, said that rural development must advance on several fronts if it is to succeed.

"This third annual report to the Congress . . . reflects USDA's determination to help local leaders push development ahead," the report stated. "The USDA efforts in broad program thrust areas are aimed at making rural America a better place to live and work," the report said.

Single copies of "Rural Development—Information and Technical Assistance Delivered by the Department of Agriculture in Fiscal Year 1972" are available free upon postcard request to the Office of Information, U.S. Department of Agriculture, Washington, D.C. 20250.

HUD-AGRICULTURE PROGRAM SPEEDS FORMATION OF RURAL PLANNING PROGRAMS

WASHINGTON, September 1.—A report issued jointly today by the U.S. Department of Agriculture and the U.S. Department of Housing and Urban Development points to a sharp increase in fiscal year (FY) 1972 over previous years in assistance from both for comprehensive rural development planning by local multicounty organizations.

HUD provided $7.7 million for 260 nonmetropolitan planning districts in FY 1972 compared with $3.4 million for 155 districts in the preceding year, according to the report, submitted to Congress today.

USDA field staffs also increased by 25 percent their technical services for land use planning, housing studies, community facilities planning, citizen participation, and other elements of district planning programs. The Department contributed approximately 316 man-years of such services in FY 1972.

"In cooperation with the Federal Government, the States are now actively seeking better methods to improve planning and

management at the local government level and to insure that planning will influence government decisionmaking and area development initiatives," Secretary of Agriculture Earl L. Butz and Secretary of Housing and Urban Development George W. Romney said in sending the report to Congress.

The Housing and Urban Development Act of 1968 authorized USDA and HUD assistance to States for support of nonmetropolitan district planning programs. The Agricultural Act of 1970 requires an annual report on this activity, as well as other USDA and Federal services and programs for rural areas.

The report, issued today, is third in an annual series and is entitled "Financial and Technical Assistance Provided by the Department of Agriculture and the Department of Housing and Urban Development for Nonmetropolitan Planning Districts in Fiscal Year 1972."

Copies may be obtained through Office of Information, USDA, Washington, D.C. 20250 or the New Services Division, Office of Public Affairs, Department of Housing and Urban Development, Washington, D.C. 20410.

THE EXPORT-IMPORT BANK

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

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

STATEMENT BY SENATOR SPARKMAN

On June 11, the Senator from Wisconsin (Mr. Proxmire), Chairman of the Joint Economic Committee, issued a committee report and included in it "a study" entitled "Export Credit Subsidies and U.S. Exports: An Analysis of the U.S. Eximbank," by Professor Douglas R. Bohi of Southern Illinois University.

While the report was issued as a committee report, I knew nothing about it, had not seen it, and certainly did not agree with the conclusions reached. As a matter of fact, I consider the report as being faulty in that it was based on certain premises that simply are not correct.

I was greatly disturbed when I learned that the report presumed to represent the thinking of the full Committee.

I have long regarded the Export-Import Bank as having probably the greatest potential for stimulating export trade by American manufacturers, farmers, and producers of every kind. I have followed its work over the past several years and have been pleased to be able to put through an Act that greatly expanded its possibilities. Very soon, I believe, a report will be issued by Mr. Henry Kearns, President of the Bank, and by his colleagues on the Board. This report, I am confident, will give us a picture of the tremendous job that the Bank has been doing under its new powers. Mr. Kearns and his Board are entitled to the highest commendation for what they have done.

It seems to me rather odd that the Export-Import Bank should be dealt with and criticized as making "subsidized loans." I think that placing these loans in that category is stretching the definition of "subsidized." Actually, the Export-Import Bank makes a profit.

A very fine and objective study of the Export-Import Bank was made by Dr. Howard Piquet, whom many of us recall as being with the Legislative Reference Service for more than 20 years. He is a well-known economist, and is respected internationally.

Other members of the Joint Economic Committee, I know, were likewise surprised and disappointed that the report, which we feel does not correctly represent the majority of the Joint Economic Committee, has been issued in its name.

The study Dr. Piquet made is available. If Senators would like to have a copy, I shall be glad to send a copy to each one requesting it. Excerpts from Dr. Piquet's report were placed in the CONGRESSIONAL RECORD by Senator Javits on August 17, pages 28703–05. Likewise, I call attention to the statements by Senator Fong and Senator Tower on the same date, page 28705.

BOMBING OF DIKES IN NORTH VIETNAM

Mr. BAKER. Mr. President, much has been written and said recently about the so-called intentional destruction of dikes in North Vietnam by American bombs. If such a policy were, in fact, deliberate or intentional, then it would, indeed, deserve the attention it has drawn, but deliberate it is not.

On June 29, the President was asked in a news conference about reports that the United States was intentionally bombing dikes. He responded that orders were out not to hit dikes because the "results in terms of civil casualties would be extraordinary."

There is not a shadow of a doubt in my mind that this is the policy being scrupulously followed by our pilots, and I am further convinced that any damage done to dikes that was either filmed or shown to visitors was either accidental or a result of knocking out war installations strategically placed on or near North Vietnamese dikes.

Mr. Joseph Treaster recently spent several days on board the U.S.S. *Saratoga* speaking with some of the American pilots who fly the raids over North Vietnam and filed the following story printed on the front page of the New York Times of August 12.

I ask unanimous consent that Mr. Treaster's article be printed in the RECORD.

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

DIKE BOMBING DENIED BY U.S. CARRIER PILOTS

(By Joseph B. Treaster)

ABOARD U.S.S. "SARATOGA" IN THE GULF OF TONKIN, Aug. 8.—The pilots aboard this aircraft carrier swear that they have never tried to bomb the dikes of North Vietnam and they say they are hurt and irritated that so many Americans at home do not seem to believe them.

The pilots are troubled, too, they say, that some Americans apparently think they are deliberately bombing other civilian targets like schools and hospitals and residential areas.

"The thing that hurts us," said Comdr. Richard Bardone of Pittsburgh, the stocky, curly-haired leader of the pilots on this ship, "is that we make every effort to avoid the dikes. We do not, absolutely not, go after dikes."

Lieut. Comdr. Lew Dunton's eyes flashed, "There are a lot of prisoners in the Hanoi Hilton," he said, "because they were shot down trying to avoid civilian targets. It really galls me."

The pilots and their senior officers scoff at the foreign visitors to North Vietnam who have been quoted as saying they have seen dikes damaged by bombs and that they believed the United States had "deliberately tried to destroy the dikes."

The airmen argue that only isolated damage has been reported—the kind that might likely result from an accident—and they say none of the visitors so far appears to have been qualified to determine whether the damage was done by bombs or other explosives.

"The absurd part about it," one senior officer said, "is that somebody comes up with a hole in a dike and he translates that as meaning we're going after the dikes."

"If we were hitting the dikes with malice or aforethought," the officer continued, "we could clean all of them out in a week without many bombs."

The dikes, the pilots say, are not in well-defended areas and "they'd be a piece of cake."

It seems important to the pilots that they be believed. They put their lives on the line every day and they stand together under an old-fashioned code of military honor. They see themselves as patriots in the service of their country and their President. They would like to have been respected and appreciated. Now they will settle for being believed.

They insist that the President has proscribed the dikes as targets and that they have sometimes increased the risk to themselves to comply with his orders.

An insight into the minds of the pilots came from one senior air officer who said, "Probably the best reason for not hitting the dikes is the fact that the President of the United States has advertised to the whole world that were not hitting the dikes, and we don't want to make a liar out of him."

Not only are the pilots under standing orders not to bomb the dikes, they say, but before each mission they are specifically told again to stay away from them.

During prestrike briefings the pilots say they pore over detailed maps and reconnaissance photographs. Dikes and other "no-no's"—hospitals, churches, clusters of homes and P.O.W. camps, for example—are pointed out and the paths for approaching and departing the targets are planned so as to minimize "collateral" damage.

In some instances, the pilots say, the North Vietnamese have incorporated into the dike system roads, gun positions and missile sites which the United States generally regard as fair game. But, the pilots say, these targets are "off limits" when they are on a dike.

Still, Bardone concedes, "there can be mistakes, especially in a hot environment—where there is heavy antiaircraft fire."

"There is a possibility of a dike being hit," he said. "But I think this is very remote. If it did happen it would be purely accidental."

One pilot on the Saratoga is said to have reported that he accidently bombed a dike, but reconnaissance photographs showed no damage.

Discussing the effect of the bombing on the civilian population of North Vietnam, Commander Bardone said, "most of the targets are isolated, but some are near the civilian population. There is a tremendous amount of secondary explosions and there is debris. There is a lot of overflow and I'm sure this gets over into the populated areas.

"I can't say absolutely that we do not put bombs outside the target area," he continued, "if we put a bomb a couple of hundred feet away from the target it might get into civilian areas. But I'd say 99 per cent of the time it's debris overflow that gets into the civilian areas."

The pilots say that the so-called "smart bombs" that are guided by laser beams and television have greatly reduced the margin of error in bombing. But, they add, even the smart bombs sometimes go astray.

It is routine procedure for pilots under attack by enemy planes to jettison their bombs so they can pick-up speed. These bombs are not armed and are not supposed to explode when they land, but since they

weigh several hundred pounds they may have damaging impact.

Another danger to the civilian population, the pilots say, is debris and flak from North Vietnamese antiaircraft guns and missiles. "It all has to come down," said Commander Dunton, who is from Melrose, Mass. "and sometimes it comes down on their heads."

At least once foreign diplomats in Hanoi have said that damage attributed by the North Vietnamese to American planes had actually been caused by Communist missiles.

Citing an example of the official concern for civilian casualties, one senior officer said that before the first big raid this year in the Hanoi-Haiphong area, the attack plan was routinely reviewed in Washington and "they knocked off some targets—some damn fine targets, because they were too close to civilians."

Lieut. Comdr. Grady Jackson, a bombardier-navigator from Indianapolis, said that he and his pilot turned back from a target in the vicinity of Haiphong a few weeks ago because they felt it was too close to civilians.

The pilots know, though, that no matter how painstaking they are, some civilians are likely to be killed.

"Let's face it," said Commander Dutton, who is a boyish-looking 32, "some of the military targets are probably manned by civilians. If you rolled in on the Boston navy shipyard there'd be a lot of civilians hurt. But they are working for the Government war effort. We don't go after those people in their suburban homes and supermarkets."

RETIREMENT OF GORDON F. HARRISON, STAFF DIRECTOR, COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCLELLAN. Mr. President, Gordon F. Harrison recently retired as staff director of the Senate Committee on Rules and Administration after more than 17 years of outstanding service in this important post.

Gordon Harrison served under five chairmen and compiled an outstanding record of achievement—a record that was the capstone of 35 years of faithful and fruitful public service. He served with courage as an officer on the U.S.S. *Franklin* when she was crippled during World War II; with distinction as an attorney in the civil division of the Department of Justice and with integrity and skill as a Senate staff member.

As staff director of the Committee on Rules and Administration, Gordon Harrison was a professional in the finest sense of the word. The test of this is the fact that he is known not only to the members of the committee for which he worked, but to every Member of this great body.

He has served them truly and well. He knows every facet of the Senate and its work and has devoted his considerable knowledge and energy to advising and assisting Members and staff in dealing with questions of law, practice, and procedure that faced them.

Despite his heavy responsibilities, he was always ready to offer advice and help—and not merely with the attitude of a person fulfilling a responsibility—but with the sympathy and courtesy of a friend.

I am certain, Mr. President, that I speak with the full support of the Senate when I salute Gordon Harrison on the occasion of his retirement and wish him many more happy years.

OLYMPIC TRAGEDY

Mr. BOGGS. Mr. President, like many other Senators, I was shocked to learn of the murder of two members of the Israeli Olympic team by Arab guerrillas this morning. I deplore this appalling incident, and I call upon the Arab countries to take whatever action is required to bring an end to the activities of these terrorists.

Their disregard for innocent human life is contrary to the humanitarian principles and the laws of all nations. It must be stopped.

The latest incident of Arab terrorism against Israelis is all the more distressing because it has taken place in the midst of one of man's greatest cooperative ventures. The Olympic spirit of friendly competition and mutual respect has been marred by the hatred of a small band of Arab commandos.

While we pray for the release of the Israeli hostages unharmed, let us resolve to do everything in our power to insure that such an outrage does not happen again.

OUTDOOR RECREATION ON OUR PUBLIC LANDS

Mr. MOSS. Mr. President, a new dimension is developing in outdoor recreation. It is the "open space" dimension—the idea of using open space for whatever recreational opportunity it affords wherever it can be found.

Traditionally we have thought of outdoor recreation as associated with mountains, forests, and water. But in many parts of the country we do not have enough of any of them to meet the explosive demands of our outdoor-hungry, mobile, leisure-timed citizens. Particularly, we do not have enough access roads to those areas which have special attractiveness to allow all of those who seek their recreational benefits to reach them.

So people are looking for an outdoors experience wherever they can find it, and in the Western part of the United States they are finding it more and more often on some of the plains and deserts administered by the Bureau of Land Management. The Bureau is involved in a growing recreation business.

Some 68 million acres of the public land which the Bureau administers are within 120 miles of 16 major urban areas. Much of this land is easily accessible to city dwellers who seek an evening or a weekend away from the tension and pollution that characterizes city life today.

Once they reach the area that is their recreation objective, they are not entirely dependent upon engineered roads. Modern technology has made the lands immediately accessible by the use of a sand buggy, or any other four-wheel drive vehicle—or even just a motorcycle. The normal harshness and aridity and natural restraints of the land are easily overcome. People can roam or explore at will.

The recreationist merely needs to carry his own water, food, and shelter, and he is free from the restraints of city life for a weekend—or a week. Millions of Americans are using our public lands for camping, picnicking, horseback riding, hiking, hunting, fishing, water sports, vehicle competitions, rockhounding and artifact collecting.

Currently, conflicts are building up with this growing use of our public lands for outdoor recreation. Conservation and environmental groups are extremely concerned about natural values of the land which are destroyed by indiscriminate criss-crossings by off-the-road vehicles. There is strong nationwide sentiment for some sort of control of the ORV's. The Bureau of Land Management has drafted regulations to protect natural resources, promote public safety, and minimize use conflicts. These conflicts must be settled, as must the abuse of streams, the scattering of litter, the danger of wild fires, and the other problems which arise from the increasing use of land where there are no sanitary or other types of facilities. And the Congress must consider these problems more carefully in future Bureau of Land Management budget discussions. It may be necessary to give the Bureau some new authorities. But the important thing is that a management program is emerging, and we are aware of our problems and are working toward solutions of them.

A new management plan for the 98-square-mile Little Sahara Dunes Recreation Area in Utah was recently announced by Mr. Robert D. Neilsen, State director of the Bureau of Land Management. The Dunes Area, which is visited by about 100,000 persons each year, is located south and west of Salt Lake City near Eureka, Utah.

A 62-square-mile area within the Dunes is being designated for off-road vehicle use, including Sand Mountain in the southern portion which provides some of the finest competitive hill climbing in the West.

Another section, where dunes provide the best opportunity for sand play, will be off limits to vehicles as a safety measure, as will an area which is ecologically unique which will be designated as the Rockwell Natural Area.

Picnic and campsites with water and sanitary facilities are planned for the north end of the large sand play area, as well as for the sand play area in the southeast portion, and in the center of the site at a point available to both sand play and off-the-road vehicle areas. Facilities are planned for parking, equipment unloading, and sanitation. Some access roads will be constructed to these sites.

Livestock grazing will be allowed to continue and mineral leasing will continue subject to special surface protecting conditions.

I consider the establishment of the Little Sahara Recreation Area in Utah as a great recreational development in the State, and I am hopeful other such developments will follow.

The Bureau of Land Management should be encouraged in this undertaking, and in the many other outdoor rec-

reational programs it is pursuing—its identification and management of primitive areas, of research natural areas, of national conservation areas, and of other designated recreational lands. We need to seek out and develop all areas which have recreational potential in this land. Our existing outdoor recreational facilities of all types are seriously overcrowded.

TERRORISM AT THE OLYMPIC GAMES

Mr. TAFT. Mr. President, even as we discuss here in the Senate, Arab terrorists, calling themselves the Black September Group, have killed two Israelis and are holding others hostage at the Olympic games in Munich. The world is now witnessing on live television coverage an act of unbelievable criminality which is an outrage to all civilized people.

Those who would turn the Olympic games into a spectacle of blood and savagery undermine the very cause which they purport to espouse. Kidnaping and killing do not advance the Arab cause. Kidnaping and killing bring shame, not honor, to the nations which are the homelands of these terrorists. Killing does not advance the cause of religion. Terrorism does not advance the cause of Arab nationalism, and I believe that the Middle East leaders know it. Now is their time to show it. I call upon President Sadat and other Arab leaders to personally convey their outrage to these terrorists. They should do so, not next week, not tomorrow, but this afternoon, while these blood-thirsty terrorists still hold their innocent victims. If Egypt and the Arab States seek a responsible settlement of the problems of the Middle East, this is their hour to demonstrate their concern.

This is blood that can stain the Middle East. This is an hour for statesmanship and an hour for humanity. The Arab leaders, the guerrilla leaders, and their sponsors including the U.S.S.R., must actively demonstrate that the cause of humanity, the cause of peace, and the cause of civilization, are more important than the desire of a few demented terrorists to bring bloodshed and misery to the Jewish people. If they will do so, it can set a pattern to bring a halt to the continuation of repression of the Jews and light a new spark of hope for human freedom and decency under international sanction.

CENTER FOR APPLIED RESEARCH IN THE APOSTOLATE CONTRIBUTES TO BALANCED URBAN-RURAL GROWTH

Mr. HUMPHREY. Mr. President, 67 million people live in nonmetropolitan America, outside of the cities, suburbs, and the urban fringe. Of these, 20 million live in towns of 1,000 to 10,000 populations, and 47 million live in smaller towns or strictly rural areas.

Athough economic, social, educational, and religious characteristics of rural areas vary considerably from region to region, the phenomenon of rapid social change is common to all. This change has resulted from shifts in the economic basis of the population including the decline of the family farm and the rise of rural industry, and from the technological revolutions in transportation, mass media, and so forth, which have greatly altered the traditional rural patterns of social communication.

The resulting breakdown in small-town human, social, and religious values presents a challenge to all our institutions, incuding our churches. Our churches are well aware that they are not called upon to uphold some historical ideal of rural romanticism, but to redeem and reform change, by inserting ultimate religious meaning into the new town and country way of life.

Foremost among the research organizations helping our churches focus on the question of balanced urban-rural growth is the Washington-based CARA—the Center for Applied Research in the Apostolate—the nonprofit, independent but church-related research center founded in 1965 by Catholic church leaders and organizations. CARA's Town and Country Department, which handles the center's nonmetropolitan programs, was founded and is still supported by the vision of the Glenmary Fathers, whose chief concern is the welfare of rural America. The Department's program, directed by the Reverend Bernard Quinn, D., Mass., is largely ecumenical and interfaith in nature as attested by the fact that Father Quinn is also coordinator of the research council of CORA—the Council on Religion in Appalachia.

Because of the major contribution which CARA's nonmetropolitan department is making to our understanding of rural America, I ask unanimous consent to have printed in the RECORD information from Origins—NC Documentary Service and a recent list of the publications from CARA's Town and Country Department. As chairman of the Senate's Rural Development Subcommittee, I believe that the outstanding work of CARA's research program will be of interest to all those interested in the question of rural change and development.

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

THE CHURCH IN RURAL AND SMALL TOWN AMERICA—MINISTERING TO THE HEARTLAND

Americans may be flocking to the cities, suburbs and the so-called urban fringe in ever-increasing numbers, but a still sizable segment of our population makes its home in the small towns and rural regions celebrated in our national folklore. In fact, say 1960 figures, 67 million Americans live in non-metropolitan America where tradition has it, human and religious values are best realized. If this was ever really so, church observers today say it is no longer true. The traditional small town religious values are breaking down they say—a consequence of rapid social change. As old patterns disappear and new ways of living emerge, the Church must seek new forms of ministry to serve them. In town and country America, argues the text below, a re-evaluation of the Church's role is demanded as well as the shaping of a ministry that meets the specialized needs of the countryside. The following section on rural ministries was prepared with the help of the town and country department of the Center for Applied Research in the Apostolate (CARA), and features its materials. In the text below, an excerpt from an outline of CARA's town and country research program, the case for a rural ministry is examined. It it followed by questions for a rural ministry taken from the same text.

Sixty-seven million people live in nonmetropolitan America, outside of cities, suburbs, and the urban fringe. Of these twenty million live in towns of 1,000 to 10,000 population, and forty-seven million live in smaller towns or strictly rural areas.—(1960 Census, v. 1–A, p. 1:11.) CARA's interest in town and country research arises from the conviction that the Church's ministry to such a large segment of population is both an important aspect of the over-all American apostolate, and that it presents specialized problems and challenges.

RAPID CHANGE IN TOWN AND COUNTRY

Although economic, social, educational, and religious characteristics of rural areas vary considerably from region to region, the phenomenon of rapid social change is common to all. This change has resulted partly from a shift in the economic basis of population (the decline of agriculture and the rise of rural industry), and partly from the technological revolution (transportation, mass media, etc.), which has greatly altered the traditional rural patterns of social communication.

The change-process in town and country is closely related to the over-all urbanization of American culture, although it would be an over-simplification to explain it entirely on this basis. As Dr. Shirley Green has observed:

The American culture, (some) would say has become an "urbanized culture" and the problem of the church in town and country is simply this: that it is now belatedly beginning to recognize this fact and the recognition has thrown it into a state of shock. Sometimes I wish I could accept so simple a diagnosis. In my opinion, this over-simplified analysis of the cultural situation reflects a form of "urban fundamentalism" which can only be compared in its blindness to some of the follies of "agrarian fundamentalism" of which some of us in the rural movement have been guilty in times past. The actual facts are much more complex and pluralistic than this urbanization thesis assumes. (The Church and Culture in Crisis in Town and Country [United Church of Christ,] 1964, p. 54.)

This implies that, although town and country problems cannot realistically be considered in isolation from the over-all problem of American urbanization, very real differences requiring specialized attentions will continue to exist and cannot be ignored. The "agrarian fundamentalism" mentioned by Green can be described as the conviction that human and religious values are somehow best realized in a rural atmosphere. As Max Lerner puts it:

The phrase "small town" has come itself to carry a double layer of meaning at once sentimental and condescending. There is still a belief that democracy is more idyllic at the "grass roots," that the business spirit is purer, that the middle class is more intensely middling. There is also a feeling that by the fact of being small the small town somehow escapes the corruptions of life in the city and the dominant contagions that infest the more glittering places. History, geography, and economics gave each American town some distinctive traits of style that are imbedded in the mind, and the memory of this style is all more marked because of the nostalgia felt, in a largely urban America, for what seems the lost serenity of small-town childhoods. (*America as a Civilization*, Simon and Schuster, 1957, p. 151.)

The reality of social change has now forced perceptive rural leaders to abandon this

ideology and image. The new image is still in the process of development; and this creates very special problems for the Church and religion.

In the past, religious values and rural values were considered to have special affinity, and the Church in the small town was considered a "last stronghold against urban paganism." Yet according to the studies of Victor Obenhaus, Arthur Vidich, William Ashdown and others, this hypothesis can no longer be sustained. The evident breakdown of the traditional small town religious values is to be explained partly on the basis of the decline in the "agrarian fundamentalism" with which these values were intertwined, and partly from the secularization process at work in the rest of American life—both factors occasioned by the rapidity of social change.

THE CHURCH'S ROLE

This breakdown in small town values presents a challenge to the Church, because the Church is called upon to redeem and reform this change-process, by inserting ultimate Christian meaning into the newly-emerging town and country way of life. This means that the Church must seek deeper insight into the Christian message and mission as it applies to rural America, must provide the ministry of Word and Sacrament where this is lacking, and make it more effective where it already exists. The Church must examine its own organizational structure so that its ministry becomes truly available and acceptable to every person and within every institution that forms the fabric of rural life. Means of ecumenical cooperation must be sought, in an effort to strengthen the over all Christian witness. A deeper understanding must be achieved about the attitudes, values, social structures, and regional differences which affect people's religious development. And finally, there must be careful and controlled experimentation, in an effort to discover creative new approaches to today's needs.

QUESTIONS FOR A RURAL MINISTRY

1. What is the over-all situation in town and country?
2. What is the religious situation in town and country?
3. What is the past and present response of the Catholic Church to the challenge of town and country? What means is the Church taking to fulfill its responsibility in rural areas, in light of the importance of the town and country apostolate in the over-all mission of the Church?
4. What "philosophy of life" should be developed, to replace the old "agrarian fundamentalism" as the basis for the newly emerging town and country way of life? How can this philosophy be related to solid Christian principles, in order to serve as vehicle for an expression of the Church's catholicity in these areas?
5. In an ecumenical era, what is the theological basis for specifically Catholic witness in areas characterized by Christian pluralism?
6. What are the hierarchical, priestly, religious, and lay roles in the Church's religious and social ministry in town and country?
7. What adaptations in institutional Church structures will be needed in order to serve the changing town and country more effectively?
8. What approach should the Church use in working with the evangelical branch of Protestantism in rural areas?
9. How can the Church achieve ecumenical cooperation with main-line Protestant groups in town and country?
10. What approach should the Church take in working with the so-called "sect religions?"

THE PARISH: GOALS AND PURPOSES

How can the parish apostolate itself be adapted to provide certain types of specialized ministries—such as religious education, counseling and community service—that people in rural areas are coming to expect? At the heart of the problem, according to Rev. Bernard Quinn, director of CARA's town and country program, lies the struggle to define the purpose of the parish today. The parish needs to discover what elements of the Church's over-all mission it can carry out in a highly specialized society like our own, and to concentrate on doing them well. Further, it needs to know what it cannot do, he says, so that instead of feeling threatened, it can encourage the formation of new forms and structures that can. In the excerpt below of his study "Towards a Job Description for the Non-Metropolitan Catholic Parish," Father Quinn lists some of the things he thinks the parish can and should do.

As a local religious organization with residential territorial boundaries, the non-metropolitan parish is in a position to participate in the Church's over-all mission in the following ways:

1. In an age of specialization, it can provide an 'integralist' ministry, a service to the whole man as a total person, in response to those generalized, basic, and elementary spiritual needs that each man has in common with every other. Specialized needs will have to be met at other levels.

2. Its ministry can be directed primarily to persons-as-individuals, in the private dimension of life, rather than to the task of Christianizing the social order. Consequently, the parish must have a 'personal' rather than a 'bureaucratic' flavor, at the same time avoiding the character of an exclusive club.

3. As an organization, the parish can be 'available' to those who seek its ministry, whether they reside within its boundaries or come from the outside. At the same time it can assume responsibility for 'initiative' in seeking out and serving each individual who 'resides' within its boundaries. Thus the Church will have at least one way of making sure that someone is repsonsible for everyone.

4. Its ministry can include both Christian nurture, and evangelistic outreach to the unchurched.

5. As a 'net' structure, containing both good and bad fish, the parish can serve both as a point of focus for the spiritual good of the relatively uncommitted, and as a setting within which the committed can express a higher Christian dedication. As a 'net' structure the parish itself cannot expect to be found at the cutting edge of Christian mission.

6. The parish can be an organization that looks outward as well as inward, and rejoices to have a generous amount of its financial and human resources dedicated to the Church's mission in the world beyond its boundaries.

In this particular job description, the parish is located within the Church's over-all mission, as one important structure among many. In the post-medieval world the parish cannot be "all things to all men," can no longer serve as the Church's all-purpose organization. By consciously divesting itself of certain functions carried in the past but inappropriate to the present, it can be "some things to all men." In today's non-metropolitan world, the parish can remain a vital force as long as it concentrates on doing these "some things" exceedingly well.

FROM THEORY TO PRACTICE: PLANNING AND EXPERIMENTATION

Up to this point an attempt has been made to rough out a tentative job description for today's non-metropolitan parish. Some of the working assumptions underlying the parish's daily operations have been challenged—working assumptions that often are encumbered by unrealistic expectations left-over from a previous age. And at the same time, a matrix has been suggested, within which a modern parish might be able to articulate a new sense of purpose.

Such theoretical speculation can be useful only if skillfully reduced to practice. And in fact, speculation may even be harmful, if practical applications are not made skillfully *enough*.

What is needed here, it seems to me, can be summed up under the rubric of 'planning and experimentation.'

By planning, I mean a conscious process of discovering goals, setting concrete objectives, and devising means of achieving them.

The key word here is 'conscious.' Planning involves an effort to articulate and define goals, objectives, and methods. Conscious planning can be done even in a parish setting, as Lyle Schaller amply demonstrates in the first two chapters of his book, *The Local Church Looks to the Future*. (Schaller also offers much practical advice on methods of involving the entire congregation in the parish planning process.)

The first phase of planning is to articulate general over-all goals; in other words, to define the parish purpose. The present paper has been concerned primarily with certain aspects of this task.

The more crucial phase of planning comes in the effort to translate *purpose* into *objectives*; in other words, to set definite priorities which can serve to balance the various aspects of mission over and against each other. For example, questions like these need to be asked:

1. What percentage of time, effort and resources needs to be devoted to the *nurture* aspect of ministry (congregational care), and what percentage to evangelical *outreach* to the unchurched? Thirty percent to nurture and ten percent to outreach? Seventy-five to nurture and five to outreach? Twenty percent to each?

2. How much effort needs to go into ministry of the Word (catechetics, adult education, and the like), and how much into Worship?

3. What emphasis should be placed on *institutional care*, (administration, finance, and supporting services)? What proportion of finances should be devoted to parish concerns and what proportion to ministries structured outside the parish, and to home or world missions? Fifty percent inside and fifty outside the parish? A percentage of seventy to thirty? Or, perhaps, ninety to ten?

The effort to discover *present* priorities in terms of percentage of time, effort, and funds expended, is salutory. By unmercifully uncovering the parish working assumptions, this effort reveals where the *real* parish priorities lie. It can also lead to adjustment of priorities more in line with what the Church professes its mission in the world to be.

Even after articulating the parish purpose, however, and readjusting its priorities, the task remains of translating these priorities into creative approaches to apostolic action. Some of these approaches will be new; others will represent new ways of doing old things. This is the level of planning where creative ingenuity and imagination come into play, and where the experience of other parishes can be helpful in generating practical ideas for action.

Here the parish enters the area of experimentation, a concept that bears the weight in today's Church, of both favorable and unfavorable connotations. A friend of mine, for example, has defined experimentation as "moseying around like an old cow looking for greener grass." Experimentation can also be a responsible process, whereby the parish, working within a well-defined sense of purpose, and in accordance with definite priorities, seeks to discover new approaches, in a context of calculated risk, which neither denies the possibility of failure nor fears to launch out into the deep.

The territorial parish as an organization has a long history in the Church. Many feel that it is obsolete today. But others feel that—properly renewed—it has a vital contribution to make to today's Church. Perhaps, as has been suggested here, the planning process, involving as it does a concern for purpose, priorities, and experimentation, will be able to help make the task of parish renewal into a hundred-year project instead of a two-hundred-year one. Anyway, there is not a moment to lose.

IN CONTEXT/A CASE HISTORY: A SMALL SOUTHERN TOWN

In the preceding text, it was said that the parish could no longer serve as the "Church's all-purpose organization," but that by divesting some of the functions carried over from its past that are inappropriate to the present, "it can be 'some things to all men,'" and serve well. In the case history below, compiled and written by Father Norman Choate, CARA'S town and country research associate, we see what happened in a small rural parish in the South where Catholics are a minority, when the priests' attempts to serve the community-at-large were caught in a crossfire between the parishoners' expectations and the townspeople's response. The text below is excerpted from Father Choate's report, "Experiments in Town and Country Ministry: Three Case Studies." All names of persons and places in the study are pseudonyms.

Not so very long ago it seemed that the most pressing need was to keep the people close to the church and the parish—a preoccupation that was not without wisdom. In the early years the Catholic Church's concern for its own survival greatly influenced the way in which the priest defined his role. Serving the needs of a large urban parish left him little energy for services to the community. Neither was there much leisure for speculation on the injustices in our midst.

Now that the church is relatively well-established, clergymen are finding that the demands of their calling have undergone radical change. There is great contemporary concern for the poor; but it is generally not the parishioners who are poor. The devices employed by the church in its early years and from which so much of its strength was drawn are simply no longer necessary. It is not uncommon for the St. Vincent de Paul Society, a parish organization founded to feed and clothe the needy, to come to the realization that there are few parishioners who really need their help.

Furthermore, the people of this country are on the move. There is hardly a place where one will not hear pastors speaking of that mobility as a problem. As whites move out of the central cities, leaving the minorities behind, the church in the city is confronted with the need to define the locus of its responsibility. Who will be served—those who stay, who are often not members of the church at all? Or will it be those who go—those whom the church defines as its members and who constitute the community of Christians about which so much is said and written?

In the suburbs, where so many of those leaving the central cities settle, the problems facing the priest are different. Suburban parishes, because they are composed of people who, having moved once, are likely to move again, face all the problems that mobility brings. There is also the question of the approach to be made to people with a new-found wealth and great variety of ways to disperse it. That wealth is intended to bring something vaguely described as security. Some want to respond, from their secure position, to the needs of those they have left behind. These comprise the newly-formed group of liberal Catholics. Others, however, want to enjoy the fruits of their ambition, and not get involved in all that was less pleasant in the past. They are not in sympathy with the clergyman who appears before them with a variety of social causes, demanding that they respond.

Farther away from the central city, in small southern towns such as this study describes, the movement and diversification of industry brings some of the more highly educated Catholics into a culture that is somewhat alien. Those Catholics do not come to reform the existing social system. They come because their jobs brought them there perhaps with the promise of an immediate promotion and a chance for steady advancement.

The movement of population also touches the people who have always lived in small towns. The drain of talent and skill as the young people leave often creates a mentality of defeatism in those who remain behind. Yet it is not only the most talented who leave home. Among those leaving are the least employable—those with the lowest expectation of success at home, who leave with the vague hope that in the city somehow things will be better. This group becomes problematic for the cities in which they settle. A sizeable number return home, after reaching the bitter conclusion that they cannot succeed in the city either. They were a cause of social concern before they left home; they are even more so after they return.

None of this change in our mobile society has been lost on those who are charged with the daily responsibilities of the parish. In all types of areas—cities, suburbs, and towns—priests have begun to turn to those who seem to them to be in need.

It is this "looking outward" that can create difficulties for the parish. The parishioners do not understand why their needs do not receive the same exclusive attention as before. The parish priest continues to serve the people of his parish, but on a more contracted scale. At the same time, with a mandate provided by the Second Vatican Council, he looks outward toward the community, to be of service wherever the needs exist. He begins to move in the direction of a ministry conducted on two levels.

FOOTHILL

It is perhaps in the small southern town with some industry where the parish will most clearly exemplify this two-level ministry, and the problems and success with this new direction implies. Here traditional parish patterns are not likely to be so impervious to change. And here the mobility patterns which pervade the country appear in high relief.

For these reasons, St. Andrews' Parish in Foothill, a small town in a small county in the South, has proved to be a rewarding subject for study. Despite the social and economic characteristics which place it in marked distinction from a large, well-established urban parish, it seems to present something of the future of the church in the United States in microcosm.

Not much of historical note has happened in Foothill, though there was one brief shining hour, in 1825, when gold was discovered in the local streams. The annual "Gold Rush Days" testify to the singular importance of that event. The old courthouse at the center of town has been converted into a museum commemorating the discovery of gold and the promise of a prosperity never fulfilled.

The town is typical of that area, with two exceptions: it contains a small military college, and a small army training base is located nearby. Many of the college students are from out-of-state urban centers, or from military families who have travelled extensively. There is an almost tangible barrier between the students and the townspeople. The young people of the town see the college students as competitors; the older folks find them rather stand-offish and pretentious. Academic pursuits are not accorded high status in Foothill. Neither is the military style, with its penchant for regimentation and commitment to something so abstract as duty.

There is also a small army training base in the county, which utilizes the mountainous terrain for its specialized needs. As with the college, there is a built-in antipathy between the soldiers and their families, and the townspeople. That division is lamented neither by the military administration nor by the town. Foothill is not a shopping center so it stands to lose little by discouraging the soldiers from spending their leisure hour there.

About ten years ago, Foothill benefited from the exodus of the textile industry from New England, when the Worthington Conglomerate built a small plant in the town. This plant employs about 700 people; sizeable for Foothill, but not for Worthington. There are no labor unions in Foothill.

The textile plant brought its own management people from the Northeast, adding yet another element to the town's social fabric. The various strands have been woven into one fabric, but it is clearly not without seams. While the college, the army and the textile industry all provide some prominent citizens for the town, that prominence is more honorary than real, since it carries little real social power. The people who held the power before the outsiders came still hold it, and continue to see the town as an isolated and autonomous entity still very much in their possession. An illustration of the depth of that sense of possession may be seen in the recent indictment of some of the local officials, among them the fire chief, for the burning down of some public buildings. One might hazard the conjecture that some townspeople were quite indignant at the intrusion of the outside investigators who brought the case to light.

One more group of people looms large on the scene in Foothill—the rural poor. It is difficult to categorize them for several reasons. The unemployment rate is not abnormally high, at least for that part of the country. But half of the employed earn wages which place them below the poverty line. There is a substantial school drop-out rate, but apparently most of those who drop out manage to find jobs at home or leave the county.

The crime rates are low and, at least from the reported statistics, the health of the population seems adequate. The two indicators of poverty that seem to be employed most often by the town's socially concerned are the appearance of the homes of poor people and the demeanor and dress of their children at school. Whatever the reality, there is much comment about "our poor." One suspects that the comment stems more from an awareness of the recent and widespread notoriety of the problems of Appalachia than from a firsthand knowledge of the problem itself. When the people of Foothill talk about the poverty-stricken, it is usually in terms of an anonymous "they" who are "out there."

While the various groups in town act very much in awareness of each other, there is no significant social integration apparent to the outside observer. Neither does anyone seem to be much concerned about fusing the different elements.

Most of what is presently familiar to those who live in Foothill is soon to change—for better or for worse. A large and rapidly growing metropolitan center is about an hour's drive from Foothill in one direction and a second is about an hour away in another. It is difficult to image that any area within a hundred mile radius of those growth centers will escape the impact of rapid change. A marked slowing of the emigration from the county, a brisk real estate market, a size-

able increase in capital savings and a growing tourist industry all indicate that Foothill can look forward to new life.

ST. ANDREW'S PARISH

In 1960 the Home Missioners, a group of priests dedicated to serving in non-metropolitan areas of low Catholic population, decided to establish a parish in Foothill, with an attached mission church some twenty-five miles away in Mountainview. What makes the story of St. Andrew's Parish of significance is the ministerial roles which the priests have assumed both in the town and in the parish.

Two factors encouraged the Home Missioners to establish a parish in Foothill: an increasing number of Catholic students on the college campus and the serious shortage of priests in the local diocese. The decision was well advised. The parish has grown in ten years from 5 families to 31. The congregation at this writing numbers 131—a small figure, but one that represents a mean growth rate of 47% a year.

In the relatively short period of its existence, St. Andrew's has taken on all the appearances of a well-established and permanent parish. Operating initially out of a not-too-luxurious one-story rental near the center of town, it has gone on to purchase and renovate a former Protestant church and to build a sizeable parish center next door. This center provides not only living quarters for the pastor and staff, but a parish hall, a club room for the college students, meeting rooms and the pastor's office. The center is more extensive than might have been expected in a parish of this size. Most of the building costs—and a considerable part of the operating expenses—were provided by the diocese and the Home Missioners. It was also undeniably a stroke of good luck to have been able to occupy a long existing church building at the center of town. This avoided the need to be ostentatious about the Catholic presence by thrusting an unfamiliar spire into the Foothill sky.

The growth of the parish is due mostly to the emigration of the textile people, the expansion of the college and the flow of military personnel. While a few of the many unchurched in the area have joined the congregation there has been no significant increase in membership from that quarter.

A small southern town like Foothill has a rapid turn-over in ministers, since the ministers are young and are looking forward to larger pastorates. Only the Southern Baptists, with their large, well-established congregations are exceptions to the general rule. The Protestant clergy have had little reason to look upon the priests in Foothill as competitors, and the priests in turn seem not to have become involved in the less gracious expressions of proselytism. Consequently, relations among the clergymen of the town have been good. There is a desire for frequent fellowship and a certain degree of cooperation.

THE PARISHIONERS

The Catholics who have moved into Foothill have usually come from traditional urban parishes, where the needs of the parishioners have occupied the major portion of the priests' time. In Foothill they find the priests heavily involved in the community and actively working toward a more collegial style in the church. The priests assigned there have been strong personalities, holding strong views. To the parishioners, their actions and the directions they have proposed have been sometimes puzzling, occasionally infuriating and at times delightful. Almost invariably there is a reaction from the people simply because the priests operate differently from what they have experienced in the past. Furthermore, the parish has been established and built largely without the peoples' moral, physical or financial support. The particular freedoms that come from not being financially dependent on the congregation and from belonging to a minority religion, allow for a redefinition of the clerical role. This is an opportunity that has not escaped the priests who have served St. Andrew's. A good deal of the creativity and much of the impact of Catholicism in Foothill has come from the pastor and his staff.

THREE IDEAS THAT WORKED

Part of CARA's town and country research program is to gather information on creative apostolates. CARA's files currently contain data on about 300 rural ministries throughout the United States. Twenty of these ministries were selected for inclusion in the "Town and Country Idea Book" published by program. Its foreword states: "It is hoped that the 'Idea Book' will help multiply their impact beyond the the local area. Good ideas are often hard to come by. Christian stewardship demands that they be shared." With this in mind, "Origins" has printed below three of the programs detailed in the "Idea Book." They include the Rochester diocese's plan for acquainting its middle class and its poor, the Spanish-speaking apostolate of the Toledo diocese and the ministry to vacationing youth devised by the resort town of Lake George, N.Y.

1. ROCHESTER'S HOUSE OF CONCERN

The House of Concern in Penn Yan, New York, through a food-clothing-furniture sales operation, provides a place where middle class women can become acquainted with the poor and discover how best to help.

Father John Hempel, director of the office of human development of the Rochester diocese, and on assignment to Yates County to work among the poor, began the House of Concern in 1968. Father Hempel discovered that 25% of the people in the county were living in "fringe poverty"—barely managing to survive financially, and prone to disaster in case of temporary job loss or sickness. He felt that if middle class people had some way of becoming acquainted with the poor, and learning of their difficulties at first-hand, they would soon discover how they might be able to help. A place where volunteers could sell food, clothing and furniture to the poor at a minimum price, could serve as a concrete focal point where the middle class might learn and the poor might be helped. Thus, the idea for the House of Concern was born.

To set up the House, Father Hempel contacted middle class women living in and around Penn Yan who, by their participation in social action committees in both Protestant and Catholic churches, had already shown the type of concern needed. He explained the rationale behind the proposal and requested their help. Seventy women responded, principally from the local units of the Catholic Daughters of America and the Church Women United.

For $80 a month, the women rented a building formerly used as a garage and automotive parts store. To stock the store, the group contacted several Catholic parishes in the Rochester diocese that agreed to collect canned food, and used clothing and furniture and to deliver them to the store. With sufficient stock on the shelves and a schedule of volunteer workers drawn up, the store opened three days a week to customers who in a short time numbered about 25 families weekly.

A board of directors was soon established for the operation composed of one woman from each of the seven congregations to which the women belonged—Baptist, Catholic, Episcopal, Lutheran, United Methodist, Presbyterian and United Church of Christ.

As the women volunteers came into closer contact with poverty families through the House of Concern, they soon uncovered other urgent needs. The first project to come from this increased awareness was a small clinic offering inexpensive medical and dental care in the neighboring town of Rushville. The women secured a charter for the clinic from the county officials, purchased and renovated a building for its use, and helped raise funds for its operation. The clinic is one example of what is hoped will result from increased contact between the poor and people who out of a Christian concern are seeking ways to help.

2. TOLEDO'S MINISTRY TO MIGRANTS

Each year between May and October approximately 25,000 Mexican-American migrant workers flow in and out of the northern and western sections of the diocese of Toledo. In addition, the diocese contains 30,000 permanent residents who are Spanish-speaking, representing 8% of the total Catholic population.

Priests, sisters and lay persons from parishes that work with the Spanish-speaking have joined together to share ideas, coordinate work, and improve their ministry. They meet monthly to pray and plan their work, as well as to wrestle with their most difficult apostolic challenge: how to serve Mexican-Americans in such a way that their own culture, and particularly their religious culture, can find the proper type of expression in American life.

A six member diocesan department for the Spanish-speaking (a lay director, priest, sister and three other lay persons) assists the apostolate's efforts in various ways, particularly through arranging for part-time placement of clergy in places where migrants swell the population, recruiting sisters to work full time or part time with migrants, arranging training programs in Mexico for priests assigned to the apostolate on a regular basis, and program development. Sisters play an important part in the apostolate to the migrant camps. They provide many of the little services so important for daily survival: helping a house-wife find the best grocery stores, advising on medical care, assisting in buying a car or obtaining a driver's license. They teach religion to children after school, recruit children for the summer schools provided by the state and sometimes serve as full-time volunteers in tutoring programs.

Various services are also offered to permanent residents. Participants in the apostolate, for example, have tried to incorporate Mexican-American cultural elements into their teaching of Christian doctrine. Radio and television programs have been produced, to alert communities to the special needs of the Spanish-speaking. A hymnal has been prepared, containing both old and new Spanish hymns. Programs have been organized for adult religious education and for marriage counseling.

Special centers in Fremont and Toledo, funded jointly by the OEO, offer job assistance, counseling services, health and dental care, legal aid, immigration assistance, housing referrals, and high school equivalency classes. Lay volunteers assist in staffing these centers.

Members of the apostolate have also cooperated with the State Board of Education in sponsoring a leadership training program for Mexican-American residents. To date approximately 165 have participated.

3. LAKE GEORGE: THE SUMMER PLACE

The Lake George Center, Inc., came into being in 1964 to serve the 2000 or 2500 young people who visit Lake George, New York each summer. Most of the young people come to work in the resort's motels, concessions and dining rooms; some, however, come as vacationeers or "wanderers."

The center originated after a minor disturbance on Labor Day weekend, 1963. After hearing rumors that young people from Ft. Lauderdale intended to visit Lake George and "break up the town," and concerned about the crowds of youths that were beginning to gather, anxious officials closed the

bars early and called out the fire department to disperse the crowds with water.

Long after the actual disturbance, the community continued to simmer; "simmering" on the part of the churches took the form of general concern for the problems of youth and a specific desire to help the many young people who worked in the resort during the summer. Thus, in the winter of 1964, representatives of the Presbyterian, Episcopal, United Methodist and Catholic congregations held a series of meetings, out of which emerged the Lake George Center, Inc. The center is a non-profit corporation, formed so that the youth ministry would not have a denominational attachment. Although the churches and their members have served on the corporation's committees and have from time to time given both encouragement and financial support, it is the corporation itself and not the local churches that has formally sponsored the ministry.

The first project undertaken by the corporation was to establish a place for young out-of-town summer workers to come. The center, located at first in the room of the Presbyterian Church, and later in a hall donated by a civic club, was to provide both recreation and counseling. For the first three years (1964 to 1966), the center drew young people who used the facilities for a "home away from home"—for inexpensive entertainment, including pool and ping pong, and even for a place to cook.

In 1967 and 1968 the "Summer Place" as the youth center was now called, had become a popular gathering place for all manner of young people: summer workers, vacationers and "wanderers." By 1967 the center was attracting nearly 1000 young people on weekends and from 300 to 500 during the week. Not surprisingly, crowds at times blocked the street. In addition, 1967 marked the beginning of long hair, bare feet, beads and drug abuse at Lake George.

By 1969 community pressure had caused the Summer Place to close. The civic group that had donated the hall informed the corporation that the hall was no longer available for its use. Thus, the Summer Place did not operate during 1969 and 1970.

Although the corporation absorbed the brunt of community displeasure, it continued to minister to young people in other ways. Father Paul Engel, Catholic campus minister at Hudson Valley Community College in Troy, New York, for example, held informal morning "rap" sessions on the beach (a favorite gathering place for "wanderers"), where as many as 25 participants might gather on a given day. In addition, the corporation established an office, directed by a lawyer from Lake George, which helped with housing for young people coming to work at the resort, and involved summer workers in community-oriented programs. This office also recruited young people to inform visitors on busy weekends about town safety regulations.

By 1971 the corporation was again offering a drop-in center, now called "Utopia" and located in the basement of the Episcopal church. This time coke and coffee, magazines, television, discussions, movies, and bands have replaced pool and ping pong. By eliminating pool and ping pong, some of the crowding has been reduced, without seriously affecting the center's popularity. The center provides not only recreational activities, but referrals to agencies able to help with drug problems, mental and physical illness, legal problems, unfair practices and employment counseling.

At the present time, the center receives support from members of the Episcopal, United Methodist, Baptist, United Presbyterial, Jewish, and Catholic churches. Funds for the center's program come from various sources: local churches; the Narcotics Guidance Counsel and the Youth Service divisions of the State of New York; and from Vacationland Interfaith Projects, and ecumenical organization of laymen and ministers concerned with leisure ministries in the Adirondacks.

Currently those concerned with the center are trying to cope with the problem of young people who arrive with sleeping bags, indefinite job plans, no money, and no place to stay. In the summer of 1971, a campsite was provided; eventually the center hopes to be able to provide a hostel where young people can stay while searching for a job.

In general, Lake George Center, Inc., represents a successful ecumenical effort to minister to the young people who work at or visit the resort each summer.

PUBLICATIONS FROM CARA'S TOWN & COUNTRY DEPARTMENT

1. Town and Country Idea Book, edited by James Romer and Bernard Quinn. Brief information on twenty creative rural ministries. [40 pages]

2. Experiments in Town and Country Ministry, by Norman Choate. Three case studies: a rural parish in the South, regional communities in the Diocese of Des Moines, and the Interchurch Coordinating Council in southwestern Missouri. [30 pages]

3. The Changing Context of Town and Country Ministry, by Bernard Quinn. A framework for insight into the social dynamics at work in nonmetropolitan places—from isolated hamlets to rural megalopolis. [42 pages]

4. Toward a Job Description for the Nonmetropolitan Catholic Parish, by Bernard Quinn. Suggested role for the rural parish of the future. [34 pages]

5. Mission, Missions and the Creative Planning Process, by Bernard Quinn. Theological basis for pastoral-missionary action. [30 pages]

6. The Protestant Approach to Town and Country. A Study-Guide for Catholics. [34 pages]

7. Church and Community: Nonmetropolitan America in Transition, edited by Victor Klimoski. Contents: H. Wilson Yates, "Social Change and the Church in Nonmetropolitan Society;" George Donohue and Edward Gross, "The Rural System as an Ideal Model;" William Cofell, "The School and the Church in Changing Rural America;" Edward Henry, "Rural-Urban Balance: Looking Ahead to 1980;" George Tjaden, "Ecumenical Response to Town and Country Mission;" E. W. Mueller, "Is the Church on the Offensive?;" Arleon Kelley, "Tactics for the Church on the Offensive;" Osgood Magnuson, "Planning for Tomorrow." [114 pages]

8. Bibliography: Understanding the Small Community. An annotated bibliography, listing community case studies, works on community theory and rural sociology, and Protestant town and country materials. [64 pages]

9. Supplement to the above: Recent Acquisitions of Cara's Town and Country Library.

10. Booklet: Planning for Action: Aids for Leaders in Church Planning. Practical planning aids for use by local church groups, in popular style. [46 pages]

PROBLEMS OF THE RAILROADS

Mr. TAFT. Mr. President, the report recently issued by the Securities and Exchange Commission on the Penn Central collapse raises very serious questions about the performance of the management of that company and the adequacy of our securities laws in protecting investors. The outrageous management practices which have been reported, if true, should be met with vigorous enforcement action on the part of the SEC and other appropriate agencies.

It would be a serious mistake, however, if we were to conclude that the problems of the Penn Central and other major American railroads are attributable solely to inadequate management. We only deceive ourselves if we believe that good management alone can solve the problems of the Penn Central and other American railroads.

Unfortunately, America's railroads are beset with problems which significantly handicap their ability to remain as viable enterprises. On March 3 of last year I addressed the Senate on the extent to which unprofitable branch lines, unproductive work rules, and archaic rate structures seriously debilitate our Nation's railroads. I introduced a bill which was designed to meet these problems. While the ICC has somewhat facilitated the abandonment of the most unproductive branch lines, we have not done enough in this area and the Congress has failed to act. Recently, I joined with the distinguished Senator from Indiana (Mr. HARTKE) in introducing the Interstate Railroad Act of 1972, which was designed to promote improved service by upgrading main lines. This act would provide to the railroads Federal funds equivalent to the real estate taxes which they pay on their main intercity rights-of-way, which funds would be used for the purpose of improved maintenance of the rights-of-way and roadbeds.

We cannot expect America's railroads to provide good service to shippers and consumers when they are saddled with tens of thousands of miles of unproductive branch lines; when they are forced to retain employees solely because of archaic work rules; when they pay unfair taxes on their rights-of-way; and when they have a rate structure which involves 43 trillion rates on file with the ICC. Years ago, it was popular to blame all of the railroads' problems on the passenger train. Today, it may become fashionable to lay these problems at the door of outrageous management practices.

As questionable as those management practices may have been in the case of the Penn Central, we do the Nation a great disservice if we do not follow through with the fundamental reforms that are required. Unless we are prepared to let America's railroad industry collapse into nationalization, we must understand the necessity of enacting prompt reforms, without further delay.

The Wall Street Journal of August 16 contains an article entitled "Getting the Penn Central Back on Track." I ask unanimous consent that it be printed in the RECORD.

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

GETTING THE PENN CENTRAL BACK ON TRACK

(By John E. Cooney)

PHILADELPHIA.—Ever since the Penn Central Transportation Co., the rail subsidiary of the Penn Central Co., filed for reorganization in June 1970, the railroad's hierarchy has been roundly drubbed in a series of extensive government investigations exposing

blundering mismanagement, titillating scandal and shabby ethical practices. A Securities and Exchange Commission report released threatens "possible enforcement action" against unnamed former officers, directors and advisers to the railroad giant.

Indications are that the circus side of the Penn Central will keep going strong even if the railroad doesn't. Take the fascinating game of pin-the-blame-on-somebody-else being played by former chairman Stuart T. Saunders, ex-president Alfred E. Perlman, and former financial officer David Bevan.

Perlman, for instance, leaked substantial information to a major financial publication for an article on the Penn Central and indicated that it was Saunders who did much to run the railroad aground. Saunders, meanwhile, washed his hands of the affair and said he had no idea of the goings on in which Bevan is accused of manipulating Penn Central funds for his own use. And Bevan retorts by releasing a "diary" purporting to show that he's being made a "scapegoat" and that Perlman and Saunders "failed to do their job" and were "incapable of keeping the railroad solvent."

TIME TO TAKE STOCK

But while the Byzantine machinations and lighter side of corporate intrigue are surfacing as factors that hastened the railroad's inglorious foundering, it's time to question how much of the Penn Central's plight is actually due to the human element. It's also time to take stock of the direction the reorganization is going. And although Congress, for the most part, has testily tried to ignore many aspects of the railroad's situation, it appears that whatever the outcome a greater amount of federal intervention will be needed to determine the future of the railroad and the industry as a whole.

If for no other reason than its vast size, the Penn Central must be dealt with. It has some 20,000 miles of lines criss-crossing 16 states, the District of Columbia and two Canadian provinces. More than a million tons of freight travel its lines each day, and 70% of its traffic involves other railroads using its tracks. And with about half of its passenger operations under the aegis of Amtrak, its lines carry about 300,000 passengers a day. Moreover, it is the largest hauler of mail in the United States.

While its size poses problems other railroads don't have to worry about, unfortunately the Penn Central isn't alone. A look at the rail industry reveals that apart from the embarrassing albatross of past managers who continue to make headlines and an intricate system of leased lines that staggers the mind, the Penn Central is merely a big unhealthy chunk of an unhealthy industry.

Indeed, it becomes obvious that the Penn Central, like much of the rest of the industry, would have had problems no matter what its management was like. In the past several years, five of the nation's 68 Class I railroads have filed for reorganization. (Class I systems have at least $3 million in annual operating revenues.) All five came from the Northeast Corridor that is a Penn Central stronghold. Last year, George M. Stafford, chairman of the Interstate Commission, said at least another dozen major railroads were in shaky financial shape. ICC figures show that while freight revenues rose to $11.8 billion last year from $8.2 billion in 1960, operating income steadily slipped to $702 million from $943 million for the industry during the decade. Railroads have the lowest rate of return on investment of any regulated carriers—about 2.5% last year, also one of the lowest rates for any industry.

Moreover, shifting industry, particularly in the Northeast, has caused a loss of freight revenue. Anthracite coal production, once a staple of the rails, is dying out. Although bituminous coal still provides steady revenues, utilities are increasingly turning to oil and gas for their energy sources. And railroads haven't proven to be very aggressive in seeking new sources of freight traffic.

The obvious question is "What's wrong?" Well, the Penn Central's trustees in their reorganization report issued earlier this year made a checklist of critical problems confronting the giant railroad. If the problems are not solved, chances for a viable reorganization are nil, the trustees warned.

The major crises are three, the trustees said. First, they contend that some 9,800 of the company's 83,000 employees are "surplus" and must be phased out for an annual savings of about $100 million a year. Recent agreements with the United Transportation Union have made significant inroads in this area, but the hardest bargaining may be yet to come.

The trustees next recommended cutting the system's 20,000 track miles almost in half to remove unprofitable and marginal freight lines, which means dealing with state and local opposition as well as hoping for sluggish federal action. Thus far, the trustees have identified about 3,200 miles that they want to let go, but the ICC has approved the abandonment of only 585 miles.

The third condition for profitability is that losses from passenger operations be made up from pockets other than the Penn Central's, which most likely means governmental subsidies or unloading remaining passenger lines. The only Penn Central passenger lines left are commuter trains in a half-dozen major cities.

To the trustees' trio of ills, other rail leaders add amendments. They complain that railroads today are hamstrung by regulations designed to hinder 19th century monopolies, especially in the areas of track abandonment and the payment of local property taxes. These conditions, combined with federal subsidies for highways, waterways, and airways give their competitors an unfair advantage, they grouse. And although railroads have received five rate increases within the past five years, industry spokesmen say costs outstrip the increases and they are seeking yet another rate boost. The average cost of freight cars has risen almost $4,000 a unit to nearly $14,000 in 1971 from what it was in 1960, they say.

The precariousness of the Penn Central's position was seen recently when Tropical Storm Agnes battered the East Coast. The railroad suffered about $20 million in damages and anticipated revenue losses for July of $10 million.

To meet the emergency, the road took drastic steps. It laid off 1,000 employees for expected savings of $1 million monthly. It indicated it may defer payments on equipment obligations for "grace periods" until it becomes a matter of default. The trustees rushed to the reorganization court for authorization to use the remaining $15 million in trustees certificates of the $100 million government-backed loans granted the railroad in January 1971. (Even with the $15 million, the company predicted its cash balance this month will only be $11.8 million.) And William H. Moore, the railroad's president, went begging to Washington along with the heads of other roads for $40 million in emergency funds for storm-damaged railroads.

Indeed, the outlook for the Penn Central appears so gloomy that alternatives to an income-based reorganization are periodically profferred by interested parties. The United Transportation Union, for instance, has called on Congress to study nationalization of the railroad, saying the nation's needs aren't being served by privately-run roads. Richard Joyce Smith, trustee of the bankrupt New Haven Railroad, which is one of the Penn Central's largest creditors as well as the holder of nearly one million shares of the transportation company's stock, has recommended that the company sell off the railroad and retain other assets. Only yesterday Mr. Smith sent a letter to the Penn Central Co. recommending that the holding company file Chapter 10 bankruptcy proceedings.

Just last week, a group of creditors and indenture trustees, including some of the largest banks and insurance companies in the nation, petitioned the reorganization court to ignore the trustees' plans for an income reorganization. "Once it becomes clear that the railroad cannot be reorganized on the basis of earnings, there is no longer any legal basis for further erosion of creditors' security, nor for the further suspension of creditors' rights," the petition declared. The group, however, doesn't offer any alternative reorganization proposals.

SOME GAINS MADE

Strides toward the trustees' objectives thus far haven't been altogether fruitless. Recent agreements with the UTU call for phasing out of some 3,100 firemen through attrition and opened the gates for removing excess train crew members with an initial 285 crews to be reduced. The reductions in this category are minimal, though, compared with the more than 6,000 "surplus" crewmen the railroad feels are on trains.

And the train crew agreement expires Nov. 30, leading some observers to speculate the contract is merely the result of White House pressure to delay a strike threatened for this summer until after the presidential election. Indeed, a similar agreement in 1964 backfired when the contract expired two years later; unions struck and the nation's railroads were forced to replace most of the jobs that had been vacated.

Some gains are perhaps more secure. The company has trimmed the total number of employes to 82,818, or 8.8% from last year at this time. In addition, the net loss for the first six months of this year was $124.8 million, some $3.1 million less than a year ago despite the additional costs of nearly $20 million from Tropical Storm Agnes. And as another gauge of success, the company says that freight service complaints are only averaging four a week compared with a high of 70 in March of last year. Moreover, ICC officials say, customers have actually submitted unsolicited praise for improved freight service conditions, "although they couldn't have gotten any worse," one official says.

Overall, however, the image of the Penn Central remains that of a debilitated Gargantua and in that truth apparently lies its base of power. Since it is so powerless, and yet seemingly so insatiable in its demands, Congress can't shunt it aside.

In fact, Congress is being relentlessly driven to do something about the Penn Central and the rail industry as a whole. Measures taken so far, though, have merely been stop-gap emergency funding. First, there was the unprecedented government-backed $100 million in trustees' certificates. Now there is the prospect that Congress will shell out substantial sums for flood stricken railroads with the Penn Central being a major beneficiary. And just this month, the Senate passed a bill that would authorize up to $3 billion for railroads wanting to buy more box-cars to relieve the shortage in the industry.

There are other bills proposed that would help the railroads. The Surface Transportation Act, for example, would make it easier for railroads to abandon tracks, get government-guaranteed loans, and receive some form of tax aid to keep up track beds. And the proposed Interstate Railroad Act of 1972 envisions the creation of an interstate rail system to promote improved service for both freight and passenger operations by encouraging the use of other railroad's lines through track rights arrangements.

THE ROLE OF CONGRESS

While it becomes increasingly clear that Congress is going to have an ever-larger role in the Penn Central's affairs—ranging from labor reform to box-car modernization—it

isn't at all clear what the ultimate nature of that role will be. Neither specific recommendations nor forthright debate on the subject exists. "Congress just doesn't want to deal with the Penn Central right now," says one ICC official.

Meanwhile, the Penn Central keeps lumbering along, its trustees putting a brave face on things and steadfastly maintaining that a traditional reorganization is possible. The trustees have asserted that if their goals are met, the Penn Central may begin "to see light at the end of the tunnel" by 1975 or 1976.

The price of the Penn Central's success, however, may be stiff. The Penn Central may require so much help from Congress in order to meet its goals, that the government will demand a greater voice in the operations of the railroad. A quasi-governmental agency, such as Amtrak, may be created to run marginal or unprofitable freight operations, allowing the railroads to run the more profitable lines. And there will more than likely be increased governmental pressure to upgrade the private railroads' services.

"Someday, Congress is going to look at all the money its bound to put up for the Penn Central and the rail industry generally. It will conclude that it may as well start putting the railroads to better public use than the private interests that own them are able to do because they're trying to turn a profit," concludes the federal official.

REPRESENTATIVE DRINAN REPORTS ON ISRAEL

Mr. RIBICOFF. Mr. President, my good friend and colleague, Representative ROBERT DRINAN, recently reported to his constituents on developments in Israeli-American relations. BOB DRINAN is uniquely qualified to offer his observations on this important subject, having involved himself in this area for many years. Since coming to Congress, his eloquent voice has been repeatedly heard regarding America's vital stake in preserving Israel's security and on behalf of Soviet Jews.

BOB DRINAN'S perceptive reports on his visit to Israel and his lucid testimony before the Democratic Platform Committee have already earned him the respect not only of his congressional colleagues, but friends of Israel everywhere.

In his latest report, Representative DRINAN has analyzed the nature of the continuing Soviet role in the Middle East in the wake of the partial Soviet withdrawal from Egypt. Warning that "danger signals are already flashing" with regard to the Soviet drive to control Middle East oil, he contrasted the administration policy with congressional initiatives to assist Israel.

I am confident that as long as BOB DRINAN is a Member of Congress, his voice will be heard and his votes counted on behalf of Israel and world peace.

I ask unanimous consent that his news column be printed in the RECORD.

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

ISRAEL-AMERICAN RELATIONS: RECENT DEVELOPMENTS

(By Congressman ROBERT F. DRINAN)

In May I had the opportunity to visit Israel once again—my first trip there since being elected to Congress in 1970. Several years before when I was Dean of the Boston College Law School, I was honored to lecture at Hebrew University in Jerusalem under the auspices of the Israeli government. I made my recent trip as a fact-finder on behalf of the National Interreligious Task Force on Soviet Jewry.

During my trips I have talked with Israelis from many walks of life—immigrants, "sabras," (natve-born Israelis), workers, students, government officials. In May I conversed at length with Abba Eban, the distinguished Foreign Minister of Israel.

Dramatic and even astonishing changes have taken place in Israel between my trips there. Events of recent weeks—since my last trip—indicate that the Middle East situation is in a state of momentous change.

While the full significance of the partial Soviet withdrawal from Egypt is yet to be assessed, it is only a single piece of a shifting mosaic. Rational behavior and logic have never in the past characterized Middle East politics. But what does remain clear is that the limited withdrawal of Soviet advisers does not mean the end of a significant Soviet role either in Egypt or in the entire Middle East.

Economically and diplomatically, the Russians have scored notable gains in an area not only of great strategic importance, but one which contains two-thirds of the world's known oil reserves. Predictions of an "energy crisis" in our country in the 1980's are linked with an estimate that 50% of American oil will have to come from the Middle East by 1985. The implications of these predictions are certainly ominous for Israel. They could become a nightmare for that country if the United States were in fact to become wholly dependent on Arab oil.

Danger signals are already flashing. Only recently Iraq nationalized the Iraq Petroleum Co.—a consortium controlled by British, French, Dutch, and American oil interests. The Soviet presence in Iraq can be expected to increase as a result, and along with it Soviet domination over Iraqui oil.

Communist bloc nations also provide the Arab oil nations with oil markets, which give the Arab nations more flexibility in their efforts to exert political pressures on the international oil companies. Libya, which is pushing for union with Egypt, has already shown its skill at exerting such pressures. But Russia's target in this area may really be the Persian Gulf, where most of the Mideast oil reserves are located. For decades Britain dominated this area militarily while American oil companies did so economically. Britain's recent military pullout from this area, however, left a political vacuum. Will Russia fill this vacuum?

With the Russians able to meet their own oil requirements, it is not difficult to see why the Soviet Union is actively seeking domination over the sources of Mideast oil. It appears that Russia would like to become the middleman for Mideastern oil, supplying its friends and controlling the oil tap for Western European countries.

How have American policymakers reacted to these key developments? How have we perceived the threat to Israel posed by intensive Soviet and Arab maneuvering in the Middle East? Until the beginning of this year our government's position with respect to Israel had been weak, vacillating, and, in fact, inflammatory.

The historical record shows that a very serious crisis in U.S.-Israel relations exited for the first three years of the Nixon Administration. It began with the Rogers Plan in December of 1969 which called for almost total withdrawal of Israeli forces from all Arab territories—including Sharm-el-sheikh, which is a strategically essential point for Israel. The crisis was aggravated by the Soviet-Egyptian ceasefire violations in August 1970—and the pervasive American silence which followed those blatant violations.

Relations deteriorated further with the refusal of the current Administration to meet Israel's requests for Phantom jets and other advanced weapons so desperately needed. During the first three years of the Nixon Administration, and during Nasser's war of attrition against Israel, only 18 Phantom jets were sold to Israel. This virtual arms embargo by the United States against Israel was being used to force Israel into agreeing to a political settlement not in Israel's or the United States' interest.

This unfortunate situation has now changed—temporarily at least. Israel is now able to buy a variety of weapons from the United States, including Phantom jet aircraft, air-to-ground missiles, M-60 tanks, heavy field guns, C-130 transport planes, and electronic equipment.

Mainly because of actions started in the Congress during the past three years, Israel is now receiving both military credits and direct economic supporting assistance.

In June, Congress passed legislation since signed into law for non-military foreign assistance, including provisions which I had sponsored for $85 million in aid to Israel for the resettlement of Soviet Jewish refugees.

These provisions, like those in previous legislation benefiting refugees from Cuba, Hungary, Czechoslovakia and other countries which persecute dissent and punish minorities, will aid Israel in providing homes and finding jobs for the 40,000 Soviet Jews expected to arrive there this year.

During my trip to Israel in May I was deeply moved by the plight of the Soviet refugees. Most of them are forced to leave Russia with virtually no possessions.

Israel is doing a tremendous job to assist the refugees readjust to a normal life, but Israel, beset with many problems, needs help: It is expected to cost Israel more than one billion dollars in 1972 to resettle the Soviet Jewish immigrants who will enter that country this year. American assistance will now ease that great burden.

Each of these legislative proposals to help Israel was met with Administration opposition when they were introduced.

Throughout Israel's history the Congress has sought to counter the pro-Arab bias and bad advice of the State Department on the Middle East. If the State Department's views had prevailed Israel would have never been born in the first place. During the recent crisis in American-Israel relations the Congress has been the focal point for strong pressures on the Administration to give Israel greater economic, military and diplomatic support. These pressures have included letters from Congressmen to the Secretary of State and to the President calling for Phantom jet deliveries, and otherwise seeking American solidarity with Israel. In September of 1970, over Administration objections, $500 million in military credits for Israel was approved by the Congress by an overwhelming margin. This amendment authorizing military credits for Israel is being extended by Congress through the end of 1973 to ensure continued support. Through these decisive actions a reluctant Administration was repeatedly reminded of the Congress' firm position on the issue of assistance to Israel.

My support for measures to assist Israel diplomatically, economically and militarily is based on my belief that these policies are in the best interests of the United States and of world peace.

I use the words "world peace" with great prudence. During my testimony on Israeli-American relations before the Democratic Platform Committee on June 22, I discussed at length the many clear differences between American military intervention in Indochina and non-interventionist economic and strategic support for Israel. I shall not

repeat that analysis here, except to state emphatically that the nature of the United States' supportive role has been vastly different in these two areas. In Indochina, the United States has lost 50,000 American lives and countless billions of dollars. Conversely, we have never sent a single American soldier to Israel; indeed, in 1971, General Moshe Dayan stated emphatically that American manpower, in either a military or advisory capacity, was the last thing in the world Israel wanted.

We must remember that Israel has not asked for American donations of arms or military equipment; rather, it has merely sought authorization to purchase that equipment.

Finally, American self-interest in the two areas is vitally different. Our involvement in Indochina is determined in large part by an unexamined, reflexive and outmoded policy of "containment," which makes it difficult to pursue a rational policy in Southeast Asia. No such "cold war" interests motivate the United States in the Middle East, where we are motivated not by an unrealistic crusade against Communism, but by a genuine commitment to a democratic country to aid it in its struggles against other countries which have openly vowed to destroy it.

A crucial factor in the recent shift in American policies was the courage and steadfastness of the people of Israel and the remarkable qualities and skills of Prime Minister Golda Meir.

At her meeting with President Nixon last December 2nd, she stated Israel's case frankly and eloquently. No American President, or any world leader for that matter, could have failed to be impressed by her courage, compassion and tenacity. This meeting resulted in the temporary shelving of the Rogers' Plan and the beginning of a flow of desperately needed armaments. One wonders, however, what the situation will be after the elections in November. Should President Nixon be reelected will he be more likely to listen to the advice of the President of Standard Oil or the advice of those who have Israel's interest at heart?

One important factor which appears constant is Arab belligerency and unreasonableness. Allies may be fickle—as the French Government has demonstrated—but Israel's Arab enemies have been remarkably consistent in their intransigence. Mrs. Meir's recent eloquent pleas in the Knesset for direct peace negotiations with Egypt were met with total hostility by President Sadat. Until the day when an Arab leader is ready to go before his people and utter the magic words "peace with Israel", Israel must maintain its vigilance and insist upon secure and defensible borders. But if Israel is to persevere in reaching these goals it must have the solid support of the United States Government and of the Congress.

The history of the Middle East since the Six Day War clearly demonstrates that during the times that the United States has lent Israel its diplomatic and military support the chances for peace have improved. Conversely, during the times when Israel was threatened by the United States with a cutoff of assistance and was pressured to commit itself to withdrawal as a precondition to negotiations, the threat of hostilities increased.

A medieval scholar once said—"The height of stupidity and weakness is not to know an enemy from a friend." It would be the height of folly for the United States to ignore this dictum. The United States must continue to treat Israel as a true friend. Failure to do so can only result in tragedy for Israel, for the United States, and for the entire world.

After all, this tiny, beset democratic nation represents the best of everything in which we Americans believe.

RURAL REHABILITATION—THE COUNTY AGENT

Mr. TOWER. Mr. President, I recently read an article entitled "Rural Rehabilitation—The County Agent," which was published in the Journal of Rehabilitation. It was written by Dr. Carl E. Hansen and William F. Weber, who are associated with the rehabilitation counselor education program at the University of Texas at Austin. The article is well worth reading, for it describes a pilot program which could bring information of rehabilitation services to underserved rural communities. The key to this program is the utilization of existing professional manpower—the county extension agent who already works in conjunction with Texas A. & M. University and the U.S. Department of Agriculture. I ask unanimous consent that the article be printed in the RECORD.

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

RURAL REHABILITATION—THE COUNTY AGENT

(By Carl E. Hansen)

RURAL REHABILITATION PROGRAMS

The delivery of rehabilitation services to the rural American seems to be pretty spotty, varying considerably from one section of the country to another. Mississippi has, for example, established a chain of workshops in small communities to provide vocational evaluation, work adjustment and other services best provided in a work setting.[8] Wood County, Wisconsin, conducted a project to find out what it would take in staff, funds and other rehabilitation resources to rehabilitate everyone in the county in need of vocational rehabilitation services. Half of the 60,000 residents of Wood County live in a rural setting.[8]

The regional medical programs are concentrating on ways of making services more available to those living in rural areas. Mobile units are being proposed in certain regional medical programs to take select medical services to sparsely populated areas. One of the most dramatic examples comes from North Carolina where the regional medical program has established a network of small coronary care units in the rural Smokey Mountain area.[7] The mobile unit concept has also been tried in Oklahoma. The Oklahoma state rehabilitation agency formed a team consisting of a psychiatrist, a clinical psychologist and a psychiatric social worker to travel to rural area rehabilitation offices to work and consult with rehabilitation personnel.[8]

In Wyoming, housewives residing in certain small communities have served as rehabilitation aides for clients of their community.[6] The concept of utilizing housewives as aides in a rural setting gathers further impetus from a study conducted by the University of Utah Regional Rehabilitation Research Institute where the use of aides in the rural areas to facilitate the rehabilitation process is strongly recommended.[5] This same study also noted the need to make the potential client aware of rehabilitation services sooner in rural areas.

For the most part, it appears rehabilitation services are being provided by itinerant rehabilitation counselors covering the rural areas of America. The services are being delivered by rehabilitation counselors seeking out those rural residents, as best they can, that need services.

Isolation [2], low occupational aspiration,[3] unemployment,[4] poverty [10] and lack of education [1] are key words or phrases used by authorities concerned with the problems of the rural American. To date, the sociologist, economist and psychologist have been instrumental in focusing our attention on the rural poor living in America. To this list of concerned professional groups, we can add the rehabilitation counselor. The key concern for the rehabilitation counselor is how to effectively deliver services to the disabled, rural individual.

Numerically, the rural population is shrinking, but the intensity of the problem is increasing. It is increasing to the point where new approaches and dramatic ideas need to be considered for the abatement of some of the problems caused by living in a rural setting.

RURAL POPULATION

The definition of *rural* varies slightly from study to study. The Bureau of the Census defines rural as a town with a population of 2,500 or less. The University of Utah study defined rural as a community of 10,000 population or less.[5] It would appear communities with 10,000 population or less may be considered rural.

The question of a defined rural population becomes somewhat more elusive than a numerical definition if one looks closely at the rural scene. It would appear we have three distinct rural populations to consider. Three populations tied together by an agrarian economy but perhaps little else. Population I may be thought of as those citizens living in a rural town of 10,000 or less. Population II may be thought of as the farmer, either the land owner or tenant farmer. The farmer and the small town dweller are relatively stable in the sense of living location. Population III may be thought of as the migrant rural worker. This individual is not very stable in his living arrangements and is often accepted in the rural community as a necessary evil. The migrant labor force represents a necessary community intrusion to be dealt with at harvest time, beet thinning season, etc. Rapidly developing technology in farm equipment may ultimately spell the demise of this flowing rural work force.

It is the migrant worker we know least about, and who is probably the individual most in need of rehabilitation services. The 1967 Amendments to the Vocational Rehabilitation Act clearly point this out in the amendment dealing with handicapped migratory workers. The amendment was based on the consideration that among migratory workers, as among all groups of low-income people, health problems and disability are more prevalent than among the population generally. Some of this arises from chronic illness long neglected; in other instances it is the result of accidents on the job, on the highway or elsewhere. The special system of project grants to state rehabilitation agencies to pay from federal funds up to 90% of the cost of providing vocational rehabilitation services to handicapped migratory agricultural workers.[9]

COUNTY EXTENSION AGENT

It would appear that one of our first concerns in the delivery of rehabilitation services of the rural American resolves about the need to make the potential client aware of rehabilitation services sooner. Who has continuing contact with the rural scene? Who has rapport established with the rural American? Who has the sophistication to understand a state rehabilitation agency, yet easily communicate with rural individuals sometimes suspicious of "outsiders"? The trend of this thinking leads one to believe the county extension agent

Footnotes at end of article.

may logically be a source of professional help to the rehabilitation counselor and the disabled, rural individual.

The county extension agent works in cooperation with the A & M university in his state and the United Sttates Department of Agriculture. He is responsible for and provides leadership and direction to agricultural, home economics and related areas of an educational program, which includes working with youth and adults. The Agricultural Extension Service has always had the role and responsibility of providing information about the services of the U.S. Department of Agriculture. One of the bases upon which the Agricultural Extension Service was established and now functions is that of assisting rural Americans to solve their problems.

The county agent could become an extremely viable source in the rehabilitation of the disabled rural individual. Here is an individual assigned to a specific geographical area within a state, operating on the philosophy of helping rural Americans solve their problems. He has continuing contact with the three rural populations this paper earlier developed, his presence is felt in the small town, definitely with the farmers in his assigned region, and with the migrant work force since he is concerned with the crop production of the farmers in his area.

Since the county agent's role by definition is flexible and meaningful to the time, he could well act as a resource person in the dissemination of rehabilitation information and in the referral and establishment of rapport between the client and counselor. Toward this goal of welding forces with the county agent, a possible precedence may be cited. In early 1969, the Texas Department Mental Health and Mental Retardation entered into formal agreement with the Agricultural Extention Service of Texas A & M University to foster public awareness, interest and concern for mental health and mental retardation in the rural and sparsely populated areas of Texas. The Texas project is of a trial nature, covering 42 of the 254 Texas counties. The project aims at utilizing a force of professionals heretofore untapped in the rural regions of America.

It would appear that the county agent's role could be conceived as that of a rehabilitation aide. Conceiving the county agent as a support person may be inaccurate though. Rather, the role of the county agen should be thought of a lateral relationship. A relationship entered into between two agreeing professional groups both concerned about the problems of the rural American. This type of role relationship follows the the thinking of the Sixth Institute on Rehabilitation Services dealing with support personnel where "the concept of support personnel does not refer to reciprocating lateral relationships between the rehabilitation counselor and collaborating occupations such as the social workers, psychologist, physician, etc." [8]

THE COUNTY AGENT'S ROLE

The program plan of action for the county agent might include the following:

1. To refer potential clients to the rehabilitation agency.

2. To increase public awareness and concern for rehabilitation of handicapped persons in rural areas.

3. To act as liaison person between client and counselor as the need arises.

4. To develop recommendations for more effective delivery of services in rural areas.

5. To help stimulate community action programs for handicapped persons at the local level.

These program objectives place heavy emphasis on the county agent to disseminate rehabilitation information. He could do this in his normal course of action, since he is constantly involved with the rural scene. The dissemination of information would be from person-to-person contact, through local meetings, individual consultations, newspaper columns, and radio and television programs. A high percentage of county agents have regular radio programs and prepare weekly newspaper columns for the express purpose of acquainting the public with research information, as well as calling attention to specific educational and community services available to rural residents.

Apart from disseminating information, the county agent could play a vital role in helping as a liaison person between select clients and the rehabilitation counselor. The rural scene may well present a picture of "cultural chasm" between certain rural residents and the rehabilitation counselor. Many rehabilitation studies point out that there are frequently gaps of cultural discrepancy not easily overcome by the counselor on initial contact with certain clients. The county agent may serve as the one person able to bridge this initial gap between client and counselor. Certain farm families, especially in remote regions, have had little contact with agencies providing social services and, therefore, they are sometimes reluctant to admit an "outsider" to their problems. The county agent may be the person available to help allay these feelings of suspiciousness and resistance to aid from a state agency. Many migrant workers certainly present a "cultural chasm." The county agent may be of considerable help, being more attuned to the problems, needs and the very language of the migrant worker.

REHABILITATION'S TRAINING RESPONSIBILITIES

Rehabilitation's commitment in seeing a cooperative plan of this nature take place is in the provision of training for the county agent. This training is needed so he can be knowledgeable about rehabilitation services. The state rehabilitation agency would also have to supply written literature about the services they offer, so each county agent could disseminate informative pamphlets, brochures, etc..It would appear the rehabilitation agency could meet the needs of training by sponsoring short-term workshops. These workshops would not only acquaint the county agent with rehabilitation guidelines, but they would also provide the agent with an insight into the philosophy of rehabilitation. In other words, the county agent needs to not only understand the rehabilitation agencies' services but also the spirit and philosophy of the organization.

Most new program suggestions are viewed with hesitancy due to the additional cost factor and the energy needed to put them into action. Any program of involvement between two professional groups, such as extension agents and rehabilitation counselors, will require an attitude of cooperation and a certain amount of initial energy to get the ball rolling.

The question of money for short-term workshop training is another matter. Energy and desire alone do not always start new program ventures. It would appear though, that the 1967 Amendments to the Vocational Rehabilitation Act allow us to consider some innovative ways in providing services to the migratory agricultural worker. The amendment dealing with the handicapped migratory worker allows the federal government to pay up to 90% of the cost in providing rehabilitation services to the migratory worker. The service of the county agent working in an area where migrant labor is used would logically seem to fit under this amendment. Perhaps some of these funds could be used for training programs, especially in those states having large numbers of migratory workers.

SUMMARY

The county agent appears to be a possible force in the dissemination and understanding of rehabilitation services in the rural areas of America. His contact with the rural community allows him insight and knowledge far greater than most rehabilitation counselors have of the rural scene. His ability to communicate and possibly bridge cultural gaps between select clients and rehabilitation counselors could be useful. The concept has some precedence where in the State of Texas an experimental program between the Department of Mental Health and Mental Retardation and the County Extension Office is in effect to disseminate information about mental health and mental retardation. This precedence could possibly be a starting point for a rehabilitation precedence.

FOOTNOTES

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[3] Burchinal, L. G., "Differences in Educational and Occupational Aspirations of Farm, Small Town, and City Boys" *Rural Sociology*, 1961, 26, 107–121.

[4] Freedman, R. and Freedman, Deborah, "Farm-Reared Elements in the Nonfarm Population" *Rural Sociology*, 1965, 21, 50–61.

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[6] Lucas, Harry, Wolfe, Richard R., *Use of Support Personnel in Vocational Rehabilitation*, Sixth Institute on Rehabilitation Services, Rehabilitation Services Administration, U.S. Department of Health, Education and Welfare, 1968.

[7] "Coronary Care Comes to the Smokies," *Roche Medical Image and Commentary*, 1969, Vol. 11, No. 2.

[8] *Delivery of Services*, Staff Paper prepared for NRA Citizens' Involvement Training Institute, March, 1969 (mimeographed).

[9] *Six Steps Forward*, Rehabilitation Services Administration, U.S. Government Printing Office, 1967–0–276–705.

[10] "The People Left Behind." A report by the President's National Advisory Commission on Rural Poverty, September, 1967.

ENVIRONMENTAL CHALLENGE

Mr. MOSS. Mr. President, I have just had brought to my attention the National Wildlife Federation's evaluation of global environmental quality.

This publication was produced in cooperation with the United Nations Conference on the Human Environment which I attended.

Secretary-General Maurice Strong, in a foreword to the publication, emphasizes that the environmental challenge is a challenge to all mankind.

I was particularly impressed with the section on minerals, and in view of the work the Senate Committee on Interior and Insular Affairs has been doing in the area of surface mining reclamation, I ask unanimous consent that the section on minerals be printed in the RECORD.

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

MINERALS—ENERGY CRISIS LOOMS—REAL CRUNCH: EARTH CANNOT SUPPORT PRESENT POPULATION AT WESTERN EUROPEAN STANDARD OF LIVING

The World Picture on energy and minerals is dominated by this foreboding sequence of facts:

Fossil fuels create energy . . .

Energy runs industry . . .

Industry produces a higher standard of living . . .

All the world aspires to a higher standard of living . . .

There are not enough mineral resources to support 3.7 billion people at a standard of living equal to Western Europe—at least not without important new breakthroughs in technology.

Fossil fuels now provide 97 percent of all energy. Because they are being burned up at such an accelerated pace, experts predict that oil and natural gas wells will run dry within a century—at current consumption rates. Other minerals are in fair supply, with the exception of copper, mercury and silver.

Compounding the problem is the fact that world use of metals and energy has been tremendously uneven. The United States, with only 6 percent of the world's population, consumes 37 percent of the world's energy.

The peoples of Asia, Africa and Latin America are also understandably demanding the fruits of industrialization. But to give every one of the 3.7 billion people on earth an American standard of living would put a fantastic drain on finite mineral resources: 12 times as much natural gas . . . 100 times as much copper . . . 6 times as much petroleum . . . 75 times as much iron as is now produced each year would be needed.

A more optimistic note is sounded by some experts who point out that for many years the United States has had only a 15-year reserve of petroleum. New discoveries, more efficient extraction methods and new technology keep solving the problems—before they reach crisis proportions.

Leaders around the world are gradually waking to the urgent need to step up mining and processing efficiency, and to recycle every single bit of metal. They're also searching for alternate, more efficient sources of power:

Nuclear: Nuclear energy is our best long-term bet. New fission breeder reactors, which convert non-fissionable material into fuel—*while they are producing power*—are being developed, with the Soviet Union in the lead, followed by the United States.

Research is also underway to develop a *fusion reactor* in an attempt to harness the power of the hydrogen bomb. If this long-term project succeeds, fuel will be almost limitless because the oceans supply the heavy water (water enriched in deuterium), the basis of this "fuel." But this is probably decades away.

Solar: Each day the sun's rays deliver the equivalent of one million megawatts to our earth. However, to collect enough solar energy to equal one modern power plant (1,000 megawatt capacity) would require a factory "umbrella" spread over an area of 42 square kilometers. Possible, but hardly practical.

Hydroelectric: The world's water power potential is about four times the total present electric power capacity. But there are two serious drawbacks to developing more: Many people are no longer willing to sacrifice beautiful scenery and productive cropland to produce electric power. And most sites can produce power for less than a century before the reservoirs behind the dams fill with sediment.

Geothermal: Using the natural heat from the Earth's interior can sustain small power plants in local situations. It has been used in Italy for years. More than one oil company is drilling test holes, probing for this energy. However, the potential has been estimated at only 8 percent of the world's total present electric power capacity.

Tourists from industrialized nations traveling through rural Asia and Oceania smile at the local use of paddy husks, coconut shells, jute sticks, and cow dung for heating and cooking. Yet their own children's children may have to resort to such fuels because of drastic energy shortages. Fossil fuels, we must remember, are non-renewable resources and once burned, they're gone forever.

TERRORIST RAID AT THE OLYMPIC GAMES IN MUNICH

Mr. BEALL. Mr. President, I was shocked and distressed to hear of the tragic incident that has marred the 20th Olympiad in Munich, Germany.

These games bring together athletes from all corners of the globe without regard to race, religion, or social, economic, and political systems. The competition actually serves to bring the world closer together and I commend the Olympic officials for the contribution they have made to increasing international understanding and the cause of world peace.

Today's guerrilla raid on the Israeli compound in Munich is an act of unmitigated barbarism. This type of senseless violence has absolutely no place in any peaceful forum where nations meet to increase their awareness of one another. This brutal raid, which was designed to take advantage of the fact that the world's attention is focused on Munich, serves only to weaken the respect for the Arab cause.

The nations directly involved, as well as the rest of the international community, should respond to this barbaric act with determined resolve. I urge the leaders of the Arab world to denounce this criminal act and demand the release of the hostages. The ultimatums should be unequivocally rejected, the terrorists should be captured and tried in accordance with West German law, and the Olympic games should continue—after an appropriate observance of mourning for those participants who have lost their lives.

RURAL MINNESOTA: THE HEALTHIEST PLACE TO LIVE

Mr. HUMPHREY. Mr. President, the New York Times of August 18 contains an article by Mr. Andrew H. Malcolm about a recent study conducted by the American Medical Association revealing its latest profile of the "healthiest American," who, I am proud to report, is a 16-year-old farm boy named Dick FitzSimmons, living near Good Thunder, Minn.

In their study, the AMA found, on the average, that farm people are healthier than city people, Middle Westerners are healthier than any other region's residents, men healthier than women, young healthier than old, affluent healthier than poor, whites healthier than blacks, those living with relatives healthier than those living alone, and July through September the healthier months of the year.

This particular study not only extolls the virtues of farm life with its abundance of exercise, clear air and open spaces, but, in particular, reveals the wonderful and refreshing quality of life of rural Minnesota.

Mr. President, the Senate recently took final action on the Rural Development Act of 1972, which the President subsequently signed. This historic piece of legislation will, if agressively administered, enhance and broaden the opportunities for farm and rural citizens to remain in rural Minnesota as well as other rural regions of our Nation. It will also hopefully make it possible for many millions of other Americans now living in overcrowded cities to choose a life in the countryside or a smaller community if they desire to make that move. According to this latest AMA study, a healthier atmosphere and way of life is also awaiting them there, should they make that choice, especially should that choice be rural Minnesota.

Mr. President, I ask unanimous consent that Mr. Malcolm's article entitled "Midwest Farmboy: A Picture of Health," be printed in the RECORD.

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

MIDWEST FARMBOY: A PICTURE OF HEALTH

(By Andrew H. Malcolm)

GOOD THUNDER, MINN., Aug. 17.—The farmyard light keeps its nighttime vigil over by the toolshed where the farm's six tractors are resting.

Then, slowly, a thin band of pink light eases up into the eastern sky just over the tasseled tops of the mile-long cornfield. As if on a signal, the crickets' chirping gives way to the birds' singing. The stars start to fade. And soon the sun is out, baking the corn and soybeans and anyone not in the shade.

But by then, 16-year-old Dick FitzSimmons has already had his first breakfast and done over an hour of calisthenics for the upcoming football season.

A sturdy 5-foot-10-inches tall, young FitzSimmons has long, dark blond hair billowing over his forehead. His tanned hands are strong and toughened. He is, in fact, the very embodiment of the American Medical Association's latest profile of the healthiest American—a teen-age boy living with moderately affluent parents on a farm in the north-central United States in the summertime.

DISABILITY DAYS

The medical group reached its findings by analyzing the nation's disability days—days when a citizen's normal activity is restricted by illness.

On the average, the A.M.A. found farm folk healthier than city people, Middle Westerners healthier than any other region's residents, men healthier than women, young healthier than old, affluent healthier than poor, whites healthier than blacks, those living with relatives healthier than those living alone and July through September the healthiest months.

For Dick FitzSimmons, a soft-spoken farmboy in Good Thunder (pop. 468), 1,100 miles west of Times Square, as for thousands of other farm residents in towns like Freeborn, Blue Earth and Blooming Prairie, problems like crime and smog are remote.

So on these muggy summer days, life goes on as usual—slowly, physically demanding, fiercely independent and dictated, as always, by nature and a never-ending list of chores.

There is also always something to be repaired. But it would never occur to anyone to call a repairman. If anything is broken, you fix it yourself.

BIG SPREAD

The FitzSimmons place is a sizable spread, 1,400 acres farmed in partnership by Robert FitzSimmons and his brother, Michael. They raise over 600 hogs, as well as corn, soybeans and oats, and the income brings Robert Fitz-

Simmons—Dick's father—around $17,000 a year.

But it could all be gone tomorrow in the pelting fury of a hailstorm. And it means a lot of six-day work weeks and very long days for everyone in the family.

Dick awakens at 5 A.M. nowadays, grabs a piece of toast and a pillowcase holding his clean athletic clothes and heads down the dirt road in his seven-year-old Chevelle, the deep-throated mufflers echoing off the towering corn at roadside. His tape player blares the Grass Roots singing "Walking Through the Country."

Twelve miles and 15 minutes later he is in the locker room of the Amboy-Good Thunder High School. By 5:50 A.M. he and 50 other football hopefuls are on the field, where the mosquitos rise in tribute from the dew-covered grass.

"A BEAUTIFUL MORNING"

"It's a beautiful morning," barks Rich Bullard, coach of the Chargers. "C'mon, FitzSimmons, move it." And he does, for two hours, until the once-white T-shirt is soaked with perspiration and dirt and grass stains.

Then a shower and a quick drive to Larson's Gas Station and Lunch Counter where he downs 20 ounces of milk and a couple of his favorite caramel rolls.

At home, young FitzSimmons, his father and some cousins bale straw, expertly stacking over 300 of the dusty 50-pound bales on wagon after wagon under a cloudless deep blue sky. Very quickly Dick's clean brown shirt shows the stains of perspiration.

"I don't know why it's never cool when you're putting up hay or straw," he mutters.

Mrs. FitzSimmons, who is finishing her four daily loads of wash, serves lunch at noon—over three pounds of hamburgers, two dozen ears of corn, a salad, cottage cheese, peaches and pitcher after pitcher of cold milk. In the summer Mrs. FitzSimmons buys at least 14 gallons of milk a week.

"But I've never bought any vitamin pills," she says. "We never seemed to need them. We just get lots of fresh air, exercise and work."

She doesn't recall exactly when anyone in her family was last ill. "I think we had someone down in bed back in the early sixties," she says, "and Dick had a sore throat a few winters ago." Last year's medical bills for the 11 members of the family totaled $203.17.

"I guess we just don't have time to be sick," says Dick FitzSimmons as he buckles on his heavy work boots. His afternoons are spent bailing straw, running errands in town, feeding the hogs, overhauling a tractor or his car or turning the soil between crop rows to keep weeds down.

But every so often those tasks are interrupted by one of those awesome, flashing Middle Western thunder storms that come rumbling in off the Western prairie, within minutes soaking Good Thunder's black soil before rolling on eastward.

This summer it has rained more than usual here—and at the right times. The corn is now over seven feet high and many stalks have two ears. So it looks like a bountiful crop to be sold or ground up to feed the pigs. Feeding the pigs is one of Dick's last chores before an early dinner of pork chops, green beans, carrots, a salad, milk and, perhaps, a homemade doughnut or two.

But by 6 P.M. young Mr. FitzSimmons, who is unsuccessfully cultivating a mustache, is back on the football field in Amboy in search of a likely starting assignment as center and middle linebacker. After another shower he discovers his weight is 159 pounds, a loss of nine pounds in two days.

At home around 8:30 he works on his car, tosses a football around with his brothers or telephones his girl friend, Julie Shouts, a sophomore cheerleader. He usually gets to bed by 11. On Friday nights they see a movie in Mankato, 13 miles to the north, or sip a soda at the Pioneer House Cafe in Good Thunder, where Jesse James is reputed to have once shot his horse.

Mr. FitzSimmons, a junior who gets average grades, has no desire to attend college. "Dad keeps saying this land will be ours someday," he says, and I reckon he's right. I'll stick to farming. It's all I've ever known, you know. No one's hanging over your shoulder all the time telling you what to do. I'd just go up a wall."

Besides, he doesn't like cities. He and three friends recently camped in northern Minnesota, visiting a city on the way home. "That Duluth is a mad place," said Mr. FitzSimmons, "the people are all over you. And all those hills . . ."

FITTING THE HANDICAPPED FOR JOBS

Mr. DOLE. Mr. President, the mentally handicapped face a multitude of problems in their lifetimes, but many difficulties could be minimized if they were only given a chance to lead more independent lives. Gainful employment is one of the surest routes to this independence, for a good job offers the handicapped a chance for self-support and self-respect.

But before an employer hires a mentally handicapped job applicant, he has a legitimate interest in knowing how well the individual will be able to handle the responsibilities and problems of the job. He wants to know how well the individual communicates; can he be understood on the job? How will his fellow employees communicate with him? Can he understand and use the vocabulary required for the position? And if a individual is looking for a job in business or sales, for example, has he been trained to handle money? Can he use the telephone?

A major effort to supply the answers to these questions and to increase opportunities for the mentally handicapped has been initiated at Union High. School counselors can for the first time assure that prospective employees have such skills and car perform all their duties.

A description of the process involved in preparing the handicapped for employment is found in an article written by Velma Krauch for American Education. I ask unanimous consent that the article entitled "Fitting the Handicapped for Jobs," be printed in the RECORD.

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

FITTING THE HANDICAPPED FOR JOBS

(By Velma Krauch)

The noontime rush was just beginning. Customers hurried into the small hamburger shop and headed for vacant stools along the counter. As they seated themselves, Bruce, a 16-year-old part-time student worker who had been setting out silverware and napkins, picked up his order pad. This was the cue for a cameraman waiting nearby to adjust his equipment and focus on Bruce.

"One burger, with onion—and hold the mayonnaise," Bruce called out as he carefully translated the words onto his writing pad in newly learned restaurant code. He hung the order slip on a metal rack above the cook's counter, prepared a plate with lettuce and a slice of tomato, then went back to the counter and his next customer.

Most of the office workers and businessmen who flocked into the restaurant for their quick-order lunch were in a hurry; a few were downright impatient. Bruce, trying to conceal his shyness and nervousness, smiled pleasantly as he took orders. Off to one side, removed from the crush and confusion of the lunch crowd, the cameraman continued with the filming, catching the attention of a few customers who paused to stare. Was a movie scene being shot? A TV documentary perhaps, or maybe something to catch on the six o'clock news?

The fact is that this little episode was none of these things. It was instead a part of a job training program. The cameraman was a television producer-director from the Fullerton Union High School District in the Los Angeles area. He was filming Bruce as part of Project Worker, a special Fullerton High career education program launched in 1968 and designed for handicapped students. The program is more particularly aimed at training and finding jobs for three groups: the educably mentally retarded (those with IQ's that fall below the "normal" range according to standard testing and who have learning difficulties and, more often than not, accompanying emotional problems); the educationally handicapped (those with average and above average IQ's but who are afflicted with learning disabilities in one or more clearly defined areas); and the orthopedically handicapped (those with physical disabilities and, in some cases, learning and emotional difficulties).

Says Nolan Noble, administrator of instructional services, "The handicapped student obviously will be competing at a distinct disadvantage because of his limited learning or physical capabilities. We feel it is our responsibility not only to develop programs that will train these high school students but also to graduate them with skills for which there is a specific demand."

Adds Walter Retzlaff, director of Exceptional Pupil Services and overseer of the project, "We're not babysitting anymore. These students are learning marketable new skills or upgrading those they already possess."

Of approximately 700 students in various special education classes throughout the Fullerton district, some 250 are in Project Workers. Within the district there are three centers for the educable mentally retarded, 12 educationally handicapped sections, and one orthopedically handicapped facility. Classes are small, and any one of them will have students of different abilities working at different grade levels. This variegation succeeds because the emphasis is on the individual—the guiding principle being that each individual is unique and of value, that each has the potential for growth, and that each should have the opportunity to develop that potential.

When a student comes into Project Worker, the staff attempts to find out everything it can about his abilities, aptitudes, and difficulties. Staff members consult in his school records, administer psychological and vocational tests; discuss his condition with teachers, parents, and others who know him well. Priority is placed on searching out the student's own individual needs and special abilities, and his potential for particular kinds of work. Then an attempt is made to match his interests with a suitable job. The emphasis on job training does not mean, however, that academics are left behind.

"If a student's weakness in a certain academic area would prevent him from being hired, then we work on strengthening that weakness in terms of the job he has specifically selected," says John Dewey, a staff vocation specialist. "In some cases, the handicapped person may end up being better trained in that one area than a regular student."

In his beginning year the handicapped student is asked to plot out his personal objectives and goals and start a work-study sched-

ule that calls for classroom-supervised training in such areas as simple office work, washing windows, hosing down patio areas, helping clean laboratories, or setting up for food service in the cafeteria. During this time the teachers closely observe the student's attitudes and performance. Is he able to follow directions well? Is he consistently on time? Does he get along with other people?

"When he demonstrates he's job-ready," says Carol Michael, a department head for the educable mentally retarded, "we place him in an on-campus job situation—the cafeteria, the library, the autoshop, an office, or any number of other available spots. Sometimes with pay, sometimes not. Either way, in most cases the student sets up a pattern of reporting as a regular employee and working for a boss for an established amount of time—usually an hour—each day."

Generally, students hold on-campus jobs during their second year of high school, and most move to an off-campus job during their last two years. Their daily schedule calls upon them to spend two hours on the job, another two hours in regular classrooms, and two hours in special education.

To ready himself for on-the-job training, the student begins an individual study plan. He selects three jobs in which he has an interest and then studies the situations in which he will be expected to perform. His work counselor arranges for him to visit, under supervision, actual work sites in those fields which he has chosen. At these sites he is given an opportunity to talk with workers and potential employers. On the relatively rare occasions when a firsthand visit is not feasible, the staff uses a collection of tapes, slides, pamphlets, and films focused on various job categories.

Students also go through classroom simulations of jobs. If a particular job normally calls upon the employee to work standing up, then the trainee is expected to stand. For one student, a "mockup" station could mean learning to make change from a cash drawer, as was the case for Bruce. For a mechanic trainee, it might mean following directions in repairing automotive equipment, or for a potential nurse's aide, practicing bed-changing techniques with sick patients. During the tape showings and simulation sessions a teacher or teacher aide is in the classroom to guide the student and reinforce his progress.

To illustrate: Bruce chose to work as a waiter in a hamburger drive-in. With his "minimal brain dysfunction" giving him a memory bank on the level of a seven-year-old, Bruce obviously needed special help. His reading was at a third-grade level. Thus remembering instructions and being able to sift out what applied to him was a continual challenge.

Seated at a table with a cash drawer and real money, Bruce drilled on problems of making change as they were flashed on the small TV screen in front of him. The narrator on the screen posed a specific situation, then paused a number of seconds to afford Bruce time to do the necessary computation and then physically to make the proper change. When the correct answer was revealed, Bruce compared the change he had made with the coins and bills shown on the screen.

In addition to working this exercise, Bruce drilled singly or with a teacher memorizing food prices and restaurant order abbreviations. This drill was done in a corner of the classroom using a Carousel slide projector synchronized with tape-recorded narration. The small screen was darkened by folding out hinged wooden sides and top, thereby eliminating the need to darken the entire classroom. Thus by drilling himself daily, Bruce was able to develop the skills he needed to fill the requirements for his chosen job.

Later in the classroom training, when his job choice has been narrowed to a single selection, a student begins learning from videotapes that have been prepared by the district's full-time television technical adviser in cooperation with a work-study coordinator. A videotape library is maintained at the instructional materials center which distributes tapes to all high schools where the project operates. In some cases, training tapes are provided by an individual company or a particular industry.

When a student's performance is seen to be about on a par with that of the worker in the training film, the teacher records the student's actions on videotape for purposes of comparison and evaluation. When the program first began, tapes that displayed students at their maximum proficiency were shown to prospective employers, but this practice proved to be so time-consuming for the employers that it was dropped. Now, interested employers are briefed on a student's competence by a counselor and given a one-page written report on the student's qualifications.

Once a student attains a degree of proficiency in his classroom drills, arrangements are made to place him with an employer participating in the project for on-job training. The employer evaluates him on a quarterly basis. When needed, one of the student's teachers or his counselor is available to consult with the employer.

To insure a steady availability of jobs for the trainees, counselors regularly visit local business firms to solicit their participation in Project Worker. Says one counselor, Carson Hall, "We do a selling job on the advantages of hiring the handicapped. With the help of a three-minute tape we show an employer how we can save him time in recruiting eligible people for jobs that are hard to fill because, for example, of the unusual hours involved. We have a large number of students available at odd hours for full-time or part-time work. And we assure the employer that if one student doesn't work out, we can replace him with another at no cost in time or money to him." To the extent possible, Project Worker attempts to line up jobs that are within walking or bicycling distance of the student's classroom.

When an employer signs up to participate in the program, the counselor provides the students with a written report describing the various conditions and qualifications called for in the job or jobs this employer can offer—whether the student will work inside or outside, whether he will be in cramped quarters, the moving objects he will need to be aware of and what hazards he might encounter, whether the job requires the students to work alone, what special instructions he will be asked to follow. Accompanying this report is a detailed job description and task analysis. The student thus knows in advance what is expected of him before he opts for a particular job.

During his rush-hour filming scene, Bruce was working a daily two-hour, on-the-job shift which is a component part of his special high school curriculum. Subsequent to this "post-employment followup" staged by a counselor, Bruce had an opportunity to view his on-the-job performance and to hear the comments and suggestions of his classmates and his teacher. Actually, the film was designed not only to indicate to Bruce those particular aspects of the job in which he needed to improve but, in showing his accomplishment, to inspire in his classmates a determination to do as well.

Teachers frequently serve as cameramen in the videotaping process. For the more tightly focused evaluative work in a classroom a teacher can use a small, portable taping unit, powered by batteries. When larger areas are involved—service stations, warehouses, or manufacturing plants—the television producer transports regular camera equipment in the district's mobile van.

"Our program is more than 'just another vocational class for the handicapped,'" says one of the teachers in the project. "These kids have hope now. Many of them have been unable to cope with regular classes and could think of themselves only in terms of failing. In Project Worker, one of our first aims is to help them feel better about themselves, to appreciate what they have, and to know that they have a job potential."

Because his job situations is integrated with his school curriculum, Bruce receives work credit for his hours of employment. Also while on the job he is paid $1.65 per hour, the going wage for his job classification. "We don't allow our students to be exploited," says Retzlaff. "If they are capable of performing in their chosen job, we expect them to be paid accordingly and see to it that they are."

Records to date indicate that close to three-fourths of the students in Project Worker are satisfactorily employed, with the number growing as the semester progresses. The program has attracted the participation of 31 companies, some locally owned, some chain-operated. Among them are restaurants, service stations, motels, a supermarket, a department store, manufacturing plants, and an automotive repair shop. Students prepare for such job classifications as assembler, waitress, food preparer, moldmaker, nurse's aide, service station attendant, secretary, office worker, cook, counterman, and sewing machine operator.

And about hiring the handicapped, what do employers say? "Our problems are no greater with them than with other students," says one restaurant manager. "We recognize that the educationally handicapped perform best in set procedures, and if the procedures vary, they may have a tendency to become confused. So we keep an eye on them. Regular students will look for shortcuts, but handicapped students are rigid in hewing to the line."

Then he adds: "But by the same token, they're usually gung-ho because they're holding a paying job, and a certain amount of prestige goes with that. And for us, it's extremely difficult getting consistent, part-time help. These kids can come when we need them. In the case of Bruce, he's one of my best workers—serious, ambitious, and he's learning to think things out on his own."

Says a local manufacturing-plant owner, "Our mentally retarded worker was so well trained when he first came to us that our regular employees took it for granted he could handle more than he really could or should. As a result, he got into a situation where he made the mistake of slipping up on a crucial ingredient in a plastic mixture, which meant some dollars lost for us. But after that, we just made sure someone checked him at this point of the operation. Now he's one of our best workers—reliable, extremely cooperative, and he takes pride in his work. Last summer we hired him full time as a 'regular.' I wish I had more like him."

Project Worker evolved from a concept of Howard Levine, a teacher on one of the eight Fullerton High School district campuses. Levine had already adapted tape-recordings to his approach to teaching the educable mentally retarded and planned to apply for Federal money to support a program that would train such people in job skills. He was thinking of limiting the program to one school. But the idea generated so much enthusiasm that Nolan Noble and Walter Retzlaff proposed an expanded program to be attempted on a districtwide basis. With Superintendent Lenard Murdy lending assistance and support, Project Worker was launched.

Funds came from a Federal grant under title VI–B of the Elementary and Secondary Education Act and also the Vocational Education Amendments. "We ran up our share of wrong-way streets and dead-end alleys until we finally came up with what we believe is a realistic approach," says Retzlaff.

"Now we feel that anyone launching a project of this nature could duplicate it at almost half our original cost."

Understandably, one of the persistent problems is in obtaining personnel who can handle both special education teaching and the technological know-how of videotaping and general television mechanics. Project Worker teachers hold credentials in the field of special education and are required to attend regular inservice workshops during the semester.

Recalls Retzlaff, "We lost a couple of teachers with this new program, but most are very supportive. A few still have reservations, but then there are some so enthusiastic they push us to try new things."

In accenting the positive, one of the satisfying effects of the program has been that the school board and the Fullerton staff have helped make the community think first of the abilities of these young people rather than their disabilities. And in the judgment of Superintendent Murdy:

"Project Worker demonstrates that the educable mentally retarded, the educationally handicapped, and other handicapped students can learn many different tasks, both manipulative and intellectual, when a program of learning is carefully prescribed for each individual. It demonstrates that young people, even those with limited intellectual functioning, can learn when the student is the center of the instructional program. It demonstrates that equality of education is not the same program for all, but the best for each."

URGENT NEED TO CONTROL AIRPORT NOISE

Mr. TUNNEY. Mr. President, in the last few days, two important articles have appeared in the press on the subject of damage from and new attacks on airport noise.

The first article, which appeared on the front page of the Los Angeles Times on August 31, cites evidence from a University of California report that the physical and emotional health of children attending schools near Los Angeles International Airport is being threatened by jet aircraft noise.

According to the report, continuous exposure to a 90-decibel level is a health hazard and peak jet noises in the seven schoolyards surveyed ranged from 95 to 115 decibels. In the classrooms of those schools, jet noises resulted in levels of from 80 to 96 decibels, which, in one example, prevented children from distinguishing among the words "where," "we're," and "wear," because they could not hear the difference in sounds. To the physical and emotional effects from excessive noise must be added these problems in vocal response. Already, two schools around the Los Angeles Airport have been forced to close.

A second article on this subject appeared on the front page of the New York Times of September 3. Entitled "Clamor Against Noise Rises Around the Globe," the article carefully documents the case that noise, "belatedly recognized as the most ubiquitous and most annoying, if not the most deleterious of all the pollutions—is under new attack on many fronts."

Three bills to control noise pollution are now pending before Congress: H.R. 11021, which passed the House earlier this year, and S. 1016, the administration bill, are now pending before the Senate Public Works and Commerce Committees; S. 3342, which I introduced and which is cosponsored by Senator MUSKIE, is pending before the Public Works Committee.

The Air and Water Pollution Subcommittee completed action on S. 3342 on June 8, and the Public Works Committee has given careful attention to the legislation in three markup sessions since that date. While it is commendable that all aspects of the legislation be thoroughly considered, it is noteworthy that this legislation has been the subject of numerous hearings, extensive comment from outside groups, exhaustive staff sessions and discussions by members of the committee. It is to be hoped that the Senate will have a chance to act on the legislation in this session.

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

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

[From the Los Angeles Times, Aug. 31, 1972]

HEARING DAMAGED: JET NOISE THREAT TO STUDENTS TOLD

(By Harry Nelson)

The physical and emotional health of children attending schools near Los Angeles International Airport is being threatened by jet aircraft noise, according to a UCLA study released Wednesday.

Noise levels at Felton Junior High, one of 15 schools under the east-west flight path, are so intense that children incur a high risk of permanent hearing damage, the researchers reported.

There have been examples of children having traumatic responses due to jet noise, school officials report a great number of fights among children at these schools and the air pollution is very high due to fallout of jet exhaust fumes, the UCLA study said.

Teachers are forced either to shout or lose teaching time as the jets fly over, causing strained voices. Sometimes the teachers and staff have had to use bullhorns to be heard, the report said.

EVERY 2 MINUTES

Because the schools are not sound-proofed or air-conditioned, the interruption of classroom activities by jet noise every two minutes results in serious disruption of the learning tasks, according to the report.

"These noise levels (in the classroom) exceed by far any known legal limits (or any criteria) for noise in houses, offices, schools, work places and outdoor recreation areas," wrote Dr. William C. Meecham, a UCLA engineering professor, and graduate student Samuel R. Lane.

Their assertion that the children's physical and emotional health are threatened is based on studies reported in the technical literature showing a relationship between high noise levels and hearing damage, psychosomatic disorders and emotional disorders.

Also, they said, hearing tests conducted by school nurses at Felton Junior High revealed that virtually all of the children tested had some hearing loss.

Airport officials declined comment until they could read the report.

Acoustic experts generally consider continuous exposure to a 90-decibel level as hazardous to mental and physical health.

Using precision sound level meters, the researchers surveyed seven of the 15 schools during the spring semester and found that peak jet noises in the school yards ranged from 95 to 115 decibels and in the classrooms from 80 to 96 decibels.

Airport Junior High at 9000 Airport Blvd. was closed more than two years ago because of noise and safety hazards from airplanes using International Airport. The year before that, school officials closed Westchester Elementary School for the same reasons.

TENFOLD INCREASE IN NOISE

The normal background noise level in a quiet neighborhood is about 45 to 50 decibels. An increase of 10 decibels represents a 10-fold increase in noise. Therefore, 100 decibels is 100,000 times noiser than 50 decibels.

The seven schools surveyed were Felton Junior High, Jefferson Elementary, Buford Elemenetary, Lennox High and Whelan Elementary in Lennox, and Woodworth Elementary and Morningside High in Englewood.

The report quotes a letter written in 1970 by Mrs. Sandrah Pohorlak, a teacher at Jefferson, which begins:

"Tonight my nerves are shot! I struggled all day in a losing battle against those jets. The children couldn't hear me and I couldn't hear them, unless I stood 18 inches away from them.

"A child asked me how to spell 'we're'. I say, 'Use it in a sentence, please. He says, 'I we're my jacket. Then I know very well he has not heard the fine sound distinction between where, we're and wear."

In compensating for the noise the children probably are becoming abnormal in their emotional response and vocal behavior, Meecham and Lane said.

They suggested three ways in which the health hazard might be decreased:

Operate the noiseiest aircraft in such ways as to reduce their noise levels.

Have incoming aircraft touch down on runways at a point one mile west of the present touchdown spot. This would allow them to fly over the school areas at a much higher altitude. Jets use only 4,200 feet of the 12,000-foot runways in landing, the report said.

Have all aircraft land from the west, or ocean side, instead of from the east.

A 10-decibel noise reduction is immediately possible by a reduction in throttle settings, a higher altitude or both as the aircraft approach the critical school areas, the report said.

Changing flight patterns so that all planes would land from the west would virtually eliminate the noise problem for most of the Los Angeles area, according to the researchers.

The Federal Aviation Agency recently announced the airport will begin testing a new landing procedure in which aircraft coming in from the north and west will approach over the ocean.

The new procedure, which will begin Sept. 21, applies only to aircraft landing between midnight and 7 a.m.

[From the New York Times, Sept. 3, 1972]

CLAMOR AGAINST NOISE RISES AROUND THE GLOBE

(By Gladwin Hill)

WASHINGTON, September 2.—Noise, long tolerated around the world as an inevitable concomitant of accomplishment and progress, is reaching a historic peak of unpopularity.

Belatedly recognized as the most ubiquitous and most annoying, if not the most deleterious of all the pollutions, it is under new attack on many fronts.

The current debate in New York City over a proposed new antinoise ordinance is symptomatic of the growing clamor against din—a movement now involving the United Nations, Federal, state and local governments, science, industry, the legal profession and citizens.

Their common goal is to revitalize a public asset so fundamental that, ironically, it is cited in the first sentence of the Constitution: ". . . to insure domestic tranquility . . ."—a reference that courts have held covers noise. At stake in the effort are countless billions of dollars and possibly the

mental and physical health of millions of people.

Evidences of the mounting concern about noise include the following developments:

Only last Wednesday, the University of California reported that children attending schools near Los Angeles International Airport ran the chance of suffering permanent hearing damage and were threatened emotionally because of jet aircraft noise.

The United Nations environmental conference in June pinpointed noise as an important area for international study and control.

Congress is now processing noise control legislation.

The states have begun adopting, comprehensive antinoise laws.

Cities are abandoning ancient ineffectual "nuisance" laws on noise in favor of more enforceable scientific standards.

Courts have been handing down an increasing number of rulings granting citizens physical or monetary relief from noise.

The medical profession, long preoccupied with the specialized problem of noise within industry, is giving more attention to the effects of noise on ordinary citizens.

Industry is giving quietness new emphasis in the design of many kinds of machines.

START BEING MADE

To date, no one has noted any marked increase in quietude across the nation. But many signs suggest that a start is being made on stemming the steady ominous increase in background noise in recent decades, and that an actual rollback of the country's cacophony level may not be far in the offing.

At the same time, the conquest of noise gives indications of being the most intricate and difficult of all efforts against pollution. On the troublesome side are such considerations as the following:

A certain level of noise, probably in an objectionable degree, is inherent in present patterns of urban life—although these can be changed.

Enforcement of antinoise laws is difficult because noise is intangible and so often fleeting.

Amelioration of a major noise source, airplanes, is a legal mare's nest that will be years in resolving.

Although persistent noise has irritated people to the point of murder, and there is evidence it can cause mental illness, noise's long-term effects generally are inconspicuous and scientifically imprecise.

Mobilizing public opinion against noise is difficult because people have become accustomed or even addicted to it (subconsciously, for instance, equating the thud of car doors and the roar of vacuum cleaners with solidity and power).

MEASURED IN DECIBELS

Noise is measured in decibels, on a scale that runs, for practical purposes, from zero, the threshold of human hearing to around 140, in the area of loudness that causes pain and permanent ear damage. Each increase of 10 on the scale represents a tenfold increase in sound intensity.

Thus, while 30 decibels is approximately the quietness of a library, 60 decibels represents a thousandfold increase in noise, and is about the point where it becomes objectionable. This is roughly the equivalent of big-city traffic noise.

Ninety decibels is the Federal limit for all-day exposure of factory workers, and constant exposure to more than 90 decibels can cause permanent hearing impairment.

The noise of jet planes is in the 90-to-120 decibel bracket. The volume of some rock concerts has been measured at over 130 decibels, where even short-term exposure can cause ear damage.

Measurements of environmental noise inevitably fluctuate from place to place and from moment to moment. Therefore there is no ready yardstick of the "noise level" of a community. However, experts concur that the noise level in American cities has been steadily rising rather than diminishing. The Environmental Protection Agency and other authoritative observers have estimated the increase at at least one decibel a year, equivalent to a tenfold increase in a decade. At this rate, they have said, by the year 2000 the general din would be deafening.

EXTENT OF DANGER DEBATED

How grave this danger is is a matter of debate among scientific observers. But most of the emerging evidence tends to substantiate concern about it.

The Environmental Protection Agency's latest figures are that about one out of 20 persons has some hearing impairment, and that in about 25 per cent of these cases, the impairment is "noise-associated."

"We are becoming a nation of auditory cripples," according to Dr. Moe Bergman of Hunter College in New York. "Environmental noise is one of the most serious public health problems, urgently requiring solutions and public controls."

Dr. Jack Westman, a University of Wisconsin Medical School psychiatrist, reported at a recent scientific meeting that housewives' increasing complaints of headaches, stomach upsets and nervous tension "are related to exposure to noise, which brings to the surface submerged tensions and results in emotional outburst."

STUDY MADE IN ENGLAND

A recent two-year study of 124,000 persons in two communities in England disclosed a significantly higher rate of admissions to mental institutions from the group that lived near London's Heathrow Airport, with recurrent exposure to 100 decibel noise.

Dr. Lester Sontag of the Fels Research Institute at Yellow Springs, Ohio, reported in 1969 that his studies of unborn babies "justify our concern about the possibility of fetal damage from such violent sounds as sonic booms."

And Dr. William F. Geber, a pharmacologist at the Medical College of Georgia, reported that rabbits and rats exposed to urban noise levels only 10 per cent of each day had produced 25 times as many defective fetuses as animals kept in a quiet environment.

Apart from bodily trauma, noise's toll is extensive. The World Health Organization has reported that in the United States excessive noise cost: upward of $4-billion a year in compensation payments, accidents, inefficiency and absenteeism.

Noise's depreciation of real estate values also undoubtedly runs into the billions. School buildings in Los Angeles and elsewhere had to be deactivated because airplane and traffic noise cut down effective classroom time by as much as 30 per cent. In Mesa Verde, Colo.; Bryce Canyon, Utah, and other national parks in the West, sonic booms have damaged ancient dwellings and caused landslides. The Air Force has had to pay out about $1-million in sonic-boom damage. The noise element was a big factor in the termination last year of the multibillion-dollar supersonic transport development program.

TWO TYPES OF NOISE

There are two kinds of environmental noise: the noise inherent in 20th-century machines, from kitchen blenders to airplanes; and entirely untoward manmade racket, from the snorting hot rod to the wild neighborhood party.

Four obvious avenues of noise abatement are available:

Making and enforcing laws against unnecessary manmade tumult.

Building quieter machines.

Muffling noise, through better building construction, landscaping and use of sound-absorbers such as trees and shrubs.

Through land use planning, segregating unavoidable community noise sources, such as industrial and commercial activity, heavy traffic and airports, from residential and recreational areas.

Generalized laws against undue noise go back to ancient Rome. Alvin G. Greenwald, a Los Angeles legal expert on noise, has counted more than 12,000 community noise codes in the United States. But until lately there has been little effective use of them.

ENFORCEMENT DIFFICULT

Equipment that will scientifically measure sound and record it can now be obtained for about $1,000. But catching of excessive-noise makers in the act, getting conclusive evidence and prosecuting them is a task most local law enforcement agencies have despaired of. The Los Angeles Police Department, when querried recently, could not produce statistical evidence of a single noise arrest last year despite a municipal antinoise ordinance.

Public apathy has contributed to noise increase. A recent visitor to Stockholm, a city with heavy traffic, heard an automobile horn only three times in three weeks. Yet of all the cities in the United States, only Memphis has achieved a comparable reputation.

Memphis in 1938 simply banned unnecessary horn blowing and began issuing tickets for it. This reduced offenses to a current rate of only about 150 a year. This has won Memphis numerous "quietest city" awards, although some Memphis residents say that in other respects it is not notably quieter than other cities.

STRESS ON VEHICLE NOISE

Until recently the most explicit effort to abate din was the action of a number of states in limiting vehicle noise on highways to around 85 decibels. But here also enforcement has been sketchy.

Federal officials say California has the most comprehensive vehicle noise law. Its state highway patrolmen handed out 18,000 tickets last year for noisy cars. But with only six two-man teams to cover 162,000 miles of highways, the level of enforcement is admittedly low.

The first comprehensive state noise legislation was enacted by New Jersey last January. The law made excessive noise a state offense, with fines up to $3,000, and directed the state's Department of Environmental Protection to draw up antinoise regulations.

The agency is now in the process of implementing that legislation. A 13-member citizen council provided for in the law to review regulations is just being appointed.

"We're trying to frame a model ordinance for communities," the Environmental Commissioner, Richard J. Sullivan, said, so the state won't be in the business trying to deal with noisy neighborhood parties.

"Airplanes we can't do anything about, because the Federal Government has preempted jurisdiction. But we've got to formulate standards and enforcement methods for major noise areas like traffic and industry. A year from now we'll be able to tell you whether we're making any progress."

Illinois, Colorado, and some other states are in similar preliminary stages of noise regulation.

CHICAGO ANTINOISE PROGRAM

In July, 1971, Chicago put into effect the most comprehensive program to curb noise of any American city.

Its 3,000-word ordinance sets noise limits for a dozen categories of sources, from bulldozers to garden tools. The limits range from 94 decibels for heavy machinery down to 55 decibels as the maximum that may emanate from a residence. Progressive reductions bring the limits on vehicles and machinery down as low as 65 decibels by 1980. The law carries a penalty of up to a $500 fine and a six-month jail term.

The law is administered by the city's Department of Environmental Control, under a novel technique designed to overcome the classic obstacle in noise law enforcement: the

fact that police officers do not have the time or technical wherewithal to issue citations, while technical people generally do not have police powers.

In Chicago three-man teams comprising two noise inspectors and a police officer cruise the city. When violations are spotted, citations can be issued on the spot.

Under this system, 1,649 cases were brought to court in the year ending last June. Of about 1,000 cases completed to date, convictions were obtained in 809 and compliance was obtained in most of the others. A $5,950 fine was imposed on the Grand Trunk Western Railroad for 40 violations at one of its loading docks.

Since Chicago instituted its program, another group of cities has adopted or moved toward similar legislation. The group includes New York, Washington, Baltimore, Kansas City, Mo., Dallas, St. Paul, Minneapolis and Grand Rapids, Mich.

The proposed New York City ordinance, like Chicago's, sets decibel limits for practically every sort of noise source, including subway trains.

It limits the blowing of auto horns to "emergency use" and provides for the muting of horns starting in 1974. A 76-decibel limit is set on car noise, as perceived at a distance of 25 feet, in the city, and this maximum is to be reduced in 70 decibels in 1978.

Enforcement of the ordinance is assigned to the Police Department, with criminal penalties ranging from a $50 fine to $2,000, and 60-day jail terms.

The proposed ordinance has been challenged by people in the construction industry as entailing undue increases in building costs. It is expected to come to a vote in the City Council around the end of September.

AIRPLANES CITED AS SOURCE

The most acute single source of noise is airplanes. About one out of every 10 persons in the country lives close enough to airports to be bothered by plane noise and the number of airports and the amount of air traffic are expected to multiply in the years ahead.

Abatement of airplane noise is a legal puzzle that has lawyers and public officials, as airport area residents, in a quandary.

The Federal Aviation Administration has jurisdiction over all civilian air traffic and over many aspects of airport design and operation. In 1968 Congress also gave the agency the authority to set noise limits on planes from a design standpoint.

In November, 1968, the F.A.A. promulgated limits of 102 to 108 decibels, as "perceived" from nearby points, for the new "generation" of jumbo passenger planes—the 747's, DC–10's and L–1011's.

The older passenger jets produce from 110 to 120 decibels. Argument has been raging for two years about quieting aircraft engines, with the air transport industry saying "retrofitting" is impractical because it would cost a billion dollars. The F.A.A. is expected to issue some modification requirements within the next few months.

AIRPLANE NOISE CONTINUES

Meanwhile, the F.A.A.'s design limits on plane noise do not necessarily match the amount of racket a plane may make flying over a community, and the F.A.A. does not profess to monitor or police individual flights' noisemaking.

This appeared to leave a jurisdictional gap in which communities could set noise limits for airplane operations. A number of communities have tried this. But the Federal courts have repeatedly invalidated such ordinances as an intrusion on a Federal regulatory area.

A Burbank, Calif., "curfew" banning jet traffic between 11 P.M. and 7 A.M. is before the United States Supreme Court and a contested Inglewood, Calif., regulatory ordinance is headed there.

The jurisdictional gap has left airport operators in the middle. California courts have awarded several million dollars in property devaluation damages to residents around the Los Angeles International Airport and the city of Los Angeles is faced with nearly $5-billion in additional suits. Hundreds of similar suits have been filed in other parts of the country.

The jurisdictional bind was made particularly acute in May when a California court ruled in a case involving the city of Santa Monica that an airport was liable not only for property devaluation but also for compensation for personal annoyance.

This ruling moved Los Angeles officials to exclaim that on that basis they might have to close down the Los Angeles airport, second busiest in the country, lest they incur astronomical damage claims. The problem remains unresolved.

Meanwhile, the state of California, which contends it can legally promulgate aviation regulations as long as they do not conflict with existing Federal enactments, is preparing to put into effect in December flight restrictions aimed at reducing noise. The state fully expects its regulations will be challenged by the Federal Government and the airlines.

The mounting concern about airplane noise convinced Congress it should do something about noise generally.

In December, 1970, it created an Office of Noise Abatement and Control in the Environmental Protection Agency, and directed it to study the problem.

The agency turned in a massive report last January. The House of Representatives in February passed a noise control bill (HR 11021) drafted by Representative Paul G. Rogers, Democrat of Florida.

It directs the environmental agency to establish national noise emission limits for four kinds of machinery: transportation equipment, construction equipment, motors and engines, and electrical equipment. It authorizes the agency to assess civil fines of up to $25,000 for violation of these standards by manufacturers and distributors.

In regard to airplanes the measure gives the environmental agency only an advisory role, leaving authority with the F.A.A.

TOUGHER BILL IN SENATE

The Senate has been considering a more stringent bill (S. 3342) sponsored by Senators Edmund S. Muskie of Maine and John V. Tunney of California, both Democrats.

The chief difference in the Senate bill is that it would give the Environmental Protection Agency comprehensive jurisdiction over aircraft noise—even though the agency has demurred at accepting this responsibility on the ground it lacks technical expertise.

The Senate has completed committee hearings and the next step will be to reconcile House and Senate versions of the legislation.

Both bills give the states leeway to formulate their own noise control regulations as long as they do not conflict with Federal standards. The laws would also provide states with technical assistance from the Environmental Protection Agency in setting up organizations to administer noise-control regulations.

EFFORTS BY INDUSTRY

Industry began sensing the public unhappiness about noise several years back, and doing something about it.

The auto makers have been trying to make cars quieter. New York City last year completed replacing its old fleet of 1,480 clanking refuse trucks with quieter hydraulic-compaction trucks.

Inspired by European progress, American manufacturers have been designing quieter air compressors, a major racket-maker on construction projects. Research is under way to tone down the noise of diesel trucks, whose snorting often reaches the noise level of jet planes.

New York City is experimenting with such refinements as recorded siren noises for emergency vehicles, which can be focused at street level, rather than actual sirens, which project a needless barrage of sound in all directions.

The "leisure time equipment" industry, involving everything from snowmobiles to hedgeclippers, advanced last year through the National Industrial Pollution Control Council a noise-reduction program for machines. Under it, equipment noise now as high as 92 decibels at a distance of 50 feet would be reduced over the next decade to a maximum of 77 decibels.

LAND USE PLANNING

The least-used tactic to date to lessen noise has been land use planning, because most of the nation's communities are locked in, at least for the time being, to archaic layouts in which noise problems were not considered.

Congress has before it several proposals for Federal-state collaboration in more rational land use, in which noise would be a factor. But the measures have been bogged down in debate, and there is no telling when, if ever, legislation will emerge.

Meanwhile, the chief influence in this direction has been the Department of Housing and Urban Development, which can control many things through its construction financing.

A year ago the agency set noise limits in construction specifications and in the location of buildings financed by H.U.D. As a result plans for a number of big projects have been altered.

A planned residential development near the new Dallas-Fort Worth airport in Texas was relocated. Noise-reduction features were superimposed on the design of a nursing home in New York City. H.U.D. is a party in the environmental-impact delay in construction of the new outlying Los Angeles airport at Palmdale.

Perhaps the nation's most venerable anti-noise campaigner, is Dr. Vern O. Knudsen, an internationally noted acoustics expert and chancellor emeritus of the University of California at Los Angeles.

As far back as 1927, in an era of relative silence, he said: "Americans today are paying in shortened tenure of life and reduced efficiency for the noise amid which they must work and live."

Dr. Knudsen is naturally pleased with the blossoming of public awareness of his favorite problem. But he does not think it's any too soon or too fervent.

"I always used to say, quoting Victor Gruen, that noise and smog are slow agents of death," he said recently. "But in a few years we can change 'slow' to 'sure' if this continues. If everybody gives up, we'll be like the dinosaur."

CARE OF THE MENTALLY RETARDED

Mr. TOWER. Mr. President, I am pleased to join Senators JAVITS and WILLIAMS, and other Senators, in the sponsorship of S. 3759. This legislation is to provide for the humane care, treatment, rehabilitation, and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards. Also, it supports the implementation of such standards by Federal assistance and establishes State plans which require a survey of need for assistance to residential facilities to enable them to comply with the standards set forth in this

measure. It seeks to minimize inappropriate admissions to residential facilities and develop strategies to stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities.

Mental retardation is one of our Nation's leading health, social, and economic problems. It is widespread, with an estimated 6 million Americans afflicted by it and 120,000 mentally retarded born in the United States each year.

Because of the thousands who reside there, residential care for the mentally retarded demands particular attention. Nationally, 200,000 mentally retarded live in institutions. Texas Department of Mental Health and Mental Retardation facilities were caring for almost 13,000 residents at the close of fiscal year 1971, with over 1,000 on the active waiting list. Also, the quality of residential facilities is crucial due to the greater dependence on their environment than nonretarded individuals. In order to develop their full genetic potential, we must work toward optimum quality in their institutional surroundings.

Texas has made progress in providing for the retarded. New construction was completed at facilities in Corpus Christi, Lufkin, Abilene, Travis, Lubbock, and Richmond, helping to make possible 835 new first admissions during the fiscal year 1971. Also, there was a decrease in the number awaiting admission to mental retardation facilities of over 30 percent.

I am also pleased that Texas institutional programs for the mentally retarded were aided by over $2.9 million in Federal grants.

In order to further aid State, local, and private efforts to improve institutional life for the mentally retarded, I urge passage of this legislation. It will significantly work toward a better life for these mentally retarded who are so dependent on our help.

Specifically, this legislation makes the following provisions:

The bill authorizes $15 million to be appropriated for fiscal year 1973 and each of the 2 succeeding years for State strategy planning. This money is authorized in order to assist the States in comprehensive surveys and analyses of the cost of bringing existing facilities into compliance with the standards of this act and to review existing State plans regarding provision of services and programs for the mentally retarded. It would also aid in the development of strategies which include mechanisms which minimize inappropriate placement in residential facilities and aid in the study of administrative relationships.

Second, it authorizes $15 million to assist the States in upgrading existing residential facilities for the mentally retarded in order to provide the resident with an environment conducive to his development and a fulfilling life. Grants not exceeding $300,000 per institution could be made to cover costs of administering and operating demonstration facilities and training programs.

Third, this legislation would make authorization for appropriations of such sums as are necessary to assist States in meeting the expenses for bringing publicly operated and publicly assisted facilities into compliance with the standards of part C of this act. Priority consideration will be given to those applications whose facilities are in greatest financial need in order to comply with this act. It outlines steps which a State must take in order to receive such grants. Criteria for the amount of grants, payments of grants and maintenance of effort by applicants are also prescribed.

Fourth, this bill provides that 5 years after enactment, no residential facility for the mentally retarded shall be eligible to receive payments either directly or indirectly under any Federal law, unless such facility meets the standards promulgated under part C of this act.

Fifth, for cases in which appropriations for grants under section 1102 of this act do not meet the amount authorized, this legislation authorizes extension of time for the recipients of such grants to comply with the standards of this act.

Sixth, it also makes provision for alternative programs of care to provide community living situations for the mentally retarded other than living-in residential facilities.

Seventh, this legislation establishes a 15-member National Advisory Council on Standards for Residential Facilities for the Mentally Retarded. A majority of this Council shall be representative of consumers of such services. It will advise on regulations implementing standards, study and evaluate such standards to determine their effectiveness, and recommend any changes or improvements in the standards.

Eighth, this bill establishes "Standards for Residential Facilities for the Mentally Retarded." These consist of a detailed and comprehensive description of the standards with which a residential facility must comply in order to qualify for assistance under this act, and eventually, for assistance and funds under any Federal program. These are in the areas of administrative policies and practices, resident living, professional and special programs and services, records, research, safety, and sanitation, and administrative support services.

I believe that these standards and means of Federal assistance will result in significant improvement in the care provided for those who live in residential facilities for the mentally retarded. For the sake of these individuals who are so dependent upon society's help, I urge the passage of this legislation.

NATIONAL FOOD AND FIBER BOARD

Mr. HARTKE. Mr. President, the American farmer is in trouble. For two long decades he has been caught in the grips of an increasingly devastating cost-price squeeze. This squeeze has taken a terrible toll. Every year, 70,000 farm families are forced off their land into our already congested cities. The departure of these families from rural America has now swollen into the greatest mass migration in history. Most of these losses have not been marginal, inefficient farms, but sound, productive units that have produced efficiently down through the years and that could have continued to do so had they been given a chance. Thus, while the productivity capability of America's farm plant has increased dramatically over the past two decades, that increase has been an unrewarding one for the Nation's small- and medium-sized commercial farmer.

The steady and seemingly inexorable demise of the family farmer has, in large measure, been caused by the rise of highly organized big businesses which seek to consolidate their economic power and eventually control this Nation's food supply system. With the independent farmer standing by helplessly, the gigantic corporate interests continue to absorb our productive farmland and turn it into big, depersonalized business units.

With both political parties, the economic power of agribusiness has had far more political clout than individual farmers. The revolutional changes which threaten to alter for all time the face of American agriculture, could not occur without the acquiescence and encouragement of our Government. The American farmer deserves newer and more imaginative thinking from Washington. One such dynamic proposal has come from the Honorable J. J. Exon, Governor of the State of Nebraska. His suggestion for the establishment of a National Food and Fiber Board represents the type of approach which will reverse the current trend of agribusiness.

Mr. President, I ask unanimous consent that Governor Exon's statement on this subject be printed in the RECORD.

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

A NEW HOUSE FOR AGRICULTURAL POLICY

During the past year, as Governor of one of the Nation's leading agricultural states, I have had the opportunity to visit with many other governors, congressmen and U.S. Senators concerning what I believe to be among the most pressing of problems facing the vast part of our Nation that exists outside the huge metropolitan areas. I refer, of course, to the problems of modern agriculture.

I am convinced that without an economically healthy agricultural production industry, many of the problems facing rural America will never be solved.

Without a healthy agriculture, plans for economic development in many of our small towns will not be able to accomplish established goals, for the economic well-being of small businessmen in rural areas is directly linked to the stability, or lack of it, in earnings of the Nation's farms and ranches.

Even Consumers residing on the 50th floor of a high-rise apartment in New York City have an economic interest in the well-being of those individuals who produce the bulk of this Nation's food and fiber.

If farm and ranch families fail to keep pace with earnings of other sectors of our economy, then the Nation outside the cities may well be drained of the youth and investment opportunities that will be necessary to maintain a steady flow of reasonable priced foodstuffs to the 200 million plus American consumers that depend upon our agriculture.

The solution of the problems of modern

agriculture—unstable and depressed average earnings—lies in the establishment of sound, acceptable and long-range policies.

I am convinced, that the future will offer no improvement in the area of farm policy if we continue present methods of yearly squabbling among ourselves and hoping the Congress will somehow "hit" upon a solution. I believe that what must be done is to establish long-range goals for American agriculture, and once these goals are established develop the detailed programs to reach these goals.

I have devoted considerable time during this past year exploring new approaches to agricultural policy. I have had the opportunity at regional and national governors' conferences and with private visits with other national leaders to present my thoughts on a new house for agricultural policy.

The foundation for a new house for agricultural policy should thus be based on the principle that modern farming must receive a parity of income with other sectors of the economy. Parity of income—equal returns to invested resources—is the foundation. The parity price concept, used for nearly 40 years, is not able to properly evaluate the income situation of modern agriculture. Since farming is a business we must use the measurement tools appropriate for business—returns, not prices.

The second problem area of modern agriculture production is stability, and it is closely related to the problem of returns. Modern business could not operate if the future was completely uncertain. Non-farm business has the capacity to inject stability into market situations by control, to a large degree, of product prices through management of total output. Farms do not have this power—the ability to stabilize output price—and thereby, reduce fluctuations in earnings.

The difficulty is that the cost reducing techniques used by the individual farmers are, by their very nature, also output expanded techniques. The expanded supply often drives prices downward—reducing returns. The change in the quantity of agricultural production is never much in any one year, but enough to cause wide swings in prices and earnings.

I, therefore, suggest that the foundation of a new house for agriculture policy seek stability of agricultural production and prices on an equal footing with the concept of equal returns to invested resources.

I suggest that Congress adopt the concept of stability and parity of resource earnings as the long-term policy goals for modern agriculture and then establish a national food and fiber board to develop the detailed production management programs necessary to insure an adequate supply of food and fiber for the future.

Members of such a board would be nonpartisan, appointed by the president, and would represent all phases of modern agriculture, from the farm-ranch level through to the consumer. Such a board would have broad powers to stabilize agricultural prices by various control and information devices, and to raise earnings of commercial producers by regulating the total quantities produced. Such a board would have major responsibility for the establishment of strategic reserves necessary for price stability. The board would encourage and support farm bargaining associations that also have as their goal the stabilization of an efficient agriculture industry.

This national food and fiber board would provide the focal point for the realization that modern agricultural policy cannot be framed in an arena where the farmer is pitted against the middleman and the consumer. The board would have but one charge, to establish production and marketing control programs—to be implemented by USDA—that will insure production of food and fiber in the most efficient manner by providing stability and reasonable earnings to all concerned.

I might also add that there is some degree of urgency for change in our agricultural policies. First, low earnings in agricultural production today can endanger supply of food in the future. Secondly, the American public is rapidly becoming disenchanted with the inability of past and present programs to "solve" agriculture's problems, and pressures for change might become so great that expediency will be substituted for careful evaluation.

To me, parity of income for agriculture means agricultural resources receive the same income as similar resources are receiving now in the non-agricultural economy. To be more specific, the board should examine the current earnings of typical—highly efficient family farms and compare the returns to management, land, family labor and invested capital to what similar resources are earning in the non-agricultural sector.

Many bases for comparison could be established, and agricultural economists will be required to determine the most equitable measuring rods. However, I suggest that if family labor on our efficient farms is earning wages equal to the average wage of industrial workers, and if returns to land are equal to the returns on industrial bonds, and if returns to invested capital are equal to the average return to stockholders of some broadly based index, then agriculture would be close to parity of income.

The board would require constant information from the agricultural sector as to what earnings are on our efficient farms. One method that could accomplish this—without establishing a vast bureaucracy—would be to draw upon—and coordinate—the ongoing research at our various land grant colleges of agriculture. Farm management specialists in each State have farms under observation and they are continually analyzing the data they receive from these farms on sophisticated computers.

The statistical reporting service of the USDA working through the various State-Federal divisions of agricultural statistics might assume this coordinating function to create a national sample of farms. Farmers selected for the national sample probably should receive some payment to reimburse them for the additional workload that will be associated with the record keeping required to establish their resource earnings.

For the grains, I can visualize the board might use a combination of techniques to adjust production—long-term land retirement for Macro changes in total land use and yearly diversion programs for the Micro adjustments needed to "fine tune" the projected production of certain crops.

The board should activate a strategic reserve of key crops to prevent wide swings in prices caused by unforeseen changes in production or consumption. Food is a basic product, and a program to maintain certain minimum levels in reserve is not only justified, but required for stability in our economy.

Stabilizing the grains will also tend to add stability to the livestock and poultry sectors. I believe stability can be accomplished in the livestock sector without the restrictive controls that are abhorrent to most Americans. I believe that an active information system could be the basis of stability.

Such an active information system would evaluate the data in terms of the impact of observed changes in production on prices in the future, and if these prices appear to be fluctuating above or below a predetermined range, then advise producers of required changes in feeding levels.

If the reactions of producers are sluggish to the degree such that wide fluctuations in price are still occurring, the board could provide incentives for stability through premiums and discounts for various classes of livestock.

Altering the level of premiums and discounts is a sound business practice to accomplish inventory adjustments. In the nonagricultural economy, inventories are constantly being adjusted so that earnings can be stabilized. I am suggesting that agriculture adopt this same concept.

For our smaller farms—and by smaller I mean smaller in terms of total product for sale and not simply acreage—adjusting total production to raise product prices will still leave these farms at depressed income levels. I am firmly convinced that no politically feasible or economically sound price program is capable of raising incomes on our smaller farms to levels deemed adequate—these farms simply produce too little to be meaningfully affected by price programs. Past programs have not raised the small farmer from the poverty position, but the board could generate new thinking in this area based on concepts that retain the dignity of useful labor.

As an example, take the many rural male residents in the 20 to 45 age bracket who do not have large enough production, adequate resources for expansion or opportunity to secure income needed to maintain their families as residents in rural America. This important age group is vital in furnishing replacements to a food production industry where presently the workers' average age is 58 years. A well-trained and qualified labor pool or replacement force is also vital in enticing agri-business or industry to locate in rural America.

I suggest we consider developing a new approach that could have an impact similar to the homestead act that strengthened and settled rural America.

Our modern version of homestead opportunity in rural America could be called the PAL program—a professional agriculture-agribusiness labor force. Men on small farming operations that utilize only a portion of the families' labor capabilities and other individuals anxious to remain residents of a rural community could participate in the PAL program by registering for employment in rural America and thereby immediately secure additional income payments for the family.

Workers registered in the PAL program would be available to both private and public employers requiring temporary help. These employers would reimburse the PAL program for the services of the workers. When opportunity for fulltime employment became available, the PAL member would transfer from the program to a regular employee basis.

The PAL program would retain the dignity of useful labor and could bring immediate hope to rural Americans who are now frustrated in the attempt to provide adequate incomes for their families. This program could aid in reducing the exodus to urban centers and the resulting social problems that are producing unburdenable costs to society.

TERRORISM AT THE OLYMPICS

Mr. BROOKE. Mr. President, the Olympic games symbolize the principles of peace and cooperation among nations. Twenty times in modern history the nations of the world have met for these illustrious competitions.

Today, the vision of peace and human excellence was tragically shattered. Five Arab terrorists, allegedly members of an

organization called the Black September, scaled the walls of Olympic Village, reportedly killed two members of Israel's Olympic team, and are currently holding nine other members hostage.

It is reported that these terrorists belong to the same band of willful cowards who hijacked a Belgian airlines jet in 1971, and perpetrated the unbelievably callous slaughter at Lod Airport in Tel Aviv earlier this year.

Mr. President, it is inexcusable that these terrorists should be given sanctuary and allowed to conduct their business by Arab governments or any other government. Their actions shouud long since have been halted by the governments which now cannot but find themselves embarrassed, and their policies threatened by terrorist activity.

In the spirit of cooperation which can bring about the Olympic games, the nations of the world—Communist and free—should band together in concerted action against any and all terrorists, whatever their professed cause.

I pray for the immediate and safe release of the endangered athletes. And I urge President Nixon to issue the sternest possible warning to any nation which might consider aiding or condoning this senseless terrorism.

SPIRIT OF '76

Mr. CRANSTON. Mr. President, we are now in the midst of preparations for the Nation's 200th birthday celebration—the 1976 Bicentennial. Appropriately, this celebration has been characterized by the theme "The Spirit of '76."

California brandy is also enjoying its bicentennial, as it has brought cheer and comfort to generations of Americans for some 200 years. In fact, it can be said that one of the great traditions of American life is the enjoyment of that noble spirit of nature—California brandy—the "soul" of the renowned California grape.

Because of its great heritage and its totally American character, I propose that California brandy be named the "Bicentennial Spirit" as part of the 1976 Bicentennial Celebration. I hope that the Bicentennial Commission will heed this proposal and grant California brandy the recognition it deserves.

SAVAGE BARBARISM AT THE OLYMPIC GAMES

Mr. PACKWOOD. Mr. President, a new spirit has been sweeping the globe for the past several days, thanks to the 1972 World Olympics in Munich. This renewed spirit has been the product of the finest amateur athletic competition in the world. All of us have either seen the superb television coverage provided by the American Broadcasting Co., or read detailed accounts in our daily newspapers. We have all been thrilled by the accomplishments of our own athletes and by athletes of competing nations.

But to see this worldwide, worthwhile competition disrupted by a bunch of craven cowards calling themselves Arab commandos make my blood boil.

These cowards—and I emphasize that they are cowards—have not the courage to fight out their differences man-to-man. Instead, they use the pretext of the World Olympics to seize innocent people and use their lives as pawns in a game that no civilized society will accept.

This savage barbarism must be stopped. The time has come for the United States to seriously consider breaking diplomatic relations with any country which gives these bandits refuge or encouragement.

The civilized world cannot—and will not—stand by for this inhuman level of conduct.

BARBARIC RAID AT THE OLYMPICS

Mr. TALMADGE. Mr. President, law-abiding and peace-loving people the world over are shocked today by the barbaric raid by Arab terrorists on the Israel compound at the Olympics in Munich.

This was a tragic occurrence which can only further inflame the already highly incendiary situation in the Middle East. It not only is a threat to stability in that part of the world, but to peace and unity throughout the rest of the world as well. It is an affront, not only to the splendid athletes who have gathered in Munich, from the free world and the Communist world alike, but also to civilized people everywhere.

One can only guess at the motives of this band of terrorists, other than to create chaos and confusion. However, I hope all the world will join the United States in denouncing this sneak, dastardly attack—including the governments of the Arab States, if indeed they have not become insensitive to public opinion. This was a crime against the world society. It was a violation of every law of human decency.

Our prayers go out for the well-being of the Israel hostages, and every possible effort should be put forth to secure their safe release. Unfortunately, two members of the Israel Olympic athletic delegation have already died, victims of Arab guerrilla brutality. This is the same group which was responsible for the assassination of the Premier of Jordan, and for several aircraft hijackings.

Such terrorism has become characteristic of the Arab dispute with Israel. It has largely prevented the Arab States and Israel from coming together to seek a settlement of their differences in the longstanding Middle East crisis.

So long as insane and dangerously irrational elements of the Arab world are spreading discord and terror, not only in the Middle East but throughout Europe as well, there can never be a suitable settlement of differences in this part of the world. Such harassment and terrorism has become prevalent in the Middle East conflict, and each time the pillars of world peace are shaken.

Terroristic tactics are like attacks of wild, mad dogs, which endanger everyone and everything in their path. They should be dealt with accordingly.

MURDER AT THE OLYMPIC GAMES

Mr. ROTH. Mr. President, all of us are keenly aware that in the past few hours one young man—and possibly two—has been murdered in cold blood at the Olympic games in Munich. Nine athletes are held hostage and countless others endangered by the most ruthless, irresponsible, unforgivable actions possible.

As far as I am concerned, Mr. President, there can be no conceivable excuse or reason for these murders. As great as the differences between Israel and the Arab States may be, they are not so great as to justify this kind of wanton disregard for the lives and safety of young men who were in Munich only for the sake of athletic competition. Those are my sentiments, and I believe they are the sentiments of every other responsible person in the world, regardless of his nationality or religion.

Mr. President, we do not have enough details at this time to know exactly what has happened or to predict what will happen in Munich. But I for one, speaking as a Member of the United States Senate, insist that if the Arab guerrillas escape, they be returned to Germany to stand trial. Furthermore, I believe that if any nation provides refuge for these guerrillas, the United States should take every action appropriate to insure that the guerrillas are returned to stand trial. For these actions, there cannot be and should not be sanctuary.

TWENTIETH ANNIVERSARY OF THE MENTAL RETARDATION NEWS

Mr. DOLE. Mr. President, I wish to take a moment today to recognize an anniversary which means much to the many thousands of Americans who are parents of developmentally disabled children.

Twenty years ago a handful of dedicated pioneers in the field of developmental disabilities started Mental Retardation News, a newspaper to bring the latest information on new developments in the prevention of disability and the care of mentally disabled persons to a special readership who would find this information most valuable.

Starting with a few thousand circulation, this newspaper has grown steadily until now it has a readership of nearly one million around the globe. The newspaper has become the medium through which parents of mentally retarded children, their friends and other concerned persons, as well as physicians, government employees, and legislators, have been able to follow progress and achievements in the developmental disabilities field.

This newspaper has reported for its readers the passage of the developmental disabilities bill, landmark suits for mandatory education and better treatment of developmentally disabled residents of institutions—and stories of courage and triumphs over seemingly insurmountable handicaps. For 20 years it has told of the strides that have been made in bringing mentally disabled citizens into new

areas of a more meaningful and fulfilling way of life.

Mental retardation news has been published without interruption since its first issue in August 1952. It is the official publication of the National Association for Retarded Children and has proven to be an exceptional medium for bringing reliable information to concerned citizens throughout the world.

I congratulate this newspaper on its 20th anniversary and for its dedication to serving the mentally handicapped.

TRAGEDY AT THE OLYMPIC GAMES

Mr. SPONG. Mr. President, the Arab guerrilla attack on the Israeli Olympic team is a dastardly and reprehensible act which offends the entire world. It is the product of warped minds and inhumane spirits. It focuses attention not on the plight of Arabs but on the fact that there are elements in the Arab community who, in and of themselves, are incapable of assuming a responsible place among the world of nations.

The act is a blemish upon an ideal that is a symbol to the world—an ideal of nations coming together ever 4 years to compete in fairness and good sportsmanship. The proud history of the Olympic games has been tarnished by a monstrous act against all those who compete and all those who observe.

I know our Nation will cooperate in every way possible to secure the release of those still held hostage, to prevent the loss of further lives, and to restore in some small way a glow to an ideal which should not be defiled.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The time for the transaction of routine morning business has expired.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senate will now proceed to consider the following bills, in the following order: S. 2087, S. 16, H.R. 9323, S. 2567, and H.R. 9222.

Debate on each bill is limited as follows: Debate on any amendment to any of the bills will be limited to 20 minutes, to be equally divided and controlled by the mover of the amendment and the manager of the bill, Mr. MCCLELLAN, unless the manager of the bill is in favor of the amendment, in which case the time in opposition thereto will be controlled by the minority leader or his designee.

Debate on final passage of any of the said bills shall be limited to 1 hour on S. 2087 and S. 2567 and one-half hour on H.R. 9323, H.R. 9222, and S. 16, with the time for debate on final passage of each bill to be equally divided and controlled by the manager of the bill, Mr. MCCLELLAN, and the Senator from Nebraska (Mr. HRUSKA).

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1972

The PRESIDING OFFICER. The Senate will now proceed to the consideration of S. 2087, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2087) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Public Safety Officers' Benefits Act of 1972".

DECLARATION OF PURPOSE

SEC. 101. It is the purpose of this Act to promote the public welfare by establishing a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents.

SEC. 102. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455, respectively, as sections 421 through 425;

(2) redesignating sections 501 through 521, respectively, as sections 550 through 570;

(3) redesignating parts F, G, H, and I of title I, respectively, as parts I, J, K, and L of title I; and

(4) adding at the end of part G of title I as amended by this Act, the following new part:

"PART H—DEATH AND DISMEMBERMENT BENEFITS FOR PUBLIC SAFETY OFFICERS

"DEFINITIONS

"SEC. 525. As used in this part—

"(1) 'child' includes a stepchild, an adopted child, an illegitimate child, and posthumous child;

"(2) 'criminal act' means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime;

"(3) 'dependent' means a person who was wholly or substantially reliant for support upon the income of a decreased public safety officer;

"(4) 'dismemberment' means the loss of all or a substantial portion of one foot or one hand or legal blindness in one eye;

"(5) 'Intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body;

"(6) 'line of duty' means within the scope of employment or service; and

"(7) 'public safety officer' means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to—

"(A) the enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the Armed Forces,

"(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, parolees,

"(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

"(D) firefighting.

"AWARDS

"SEC. 526. (a) Upon a finding made in accordance with section 529, the Administration shall provide the following benefits:

"Loss	*Benefit payable*
Death or multiple dismemberment	$50,000
Single dismemberment	25,000

"(b)(1) Whenever the Administration determines, prior to taking final action, that a death or dismemberment of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding $5,000 to the public safety officer, dependent, or dependents entitled to receive a benefit under section 527 of this part.

"(2) The amount of any interim benefit paid under paragraph (1) of this subsection shall be deducted from the amount of any final benefit paid to such public safety officer, dependent, or dependents.

"(3) Where there is no final benefit paid, the recipient of any interim benefit paid under paragraph (1) of this subsection shall be liable for repayment of such amount. The Administration may waive all or part of such payment.

"(c) The benefit payable under this part shall be in addition to any other benefits that may be due from any other source, but shall be reduced by—

"(1) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (4–531(1) of the District of Columbia Code);

"(2) gratuitous lump-sum death or dismemberment benefits authorized by the United States, a State, or unit of general local government without contribution by the public safety officer, but not including insurance or workmen's compensation benefits;

"(3) amounts received under any Federal program, or program of a State or unit of general local government receiving Federal assistance under this title which provides for the compensation of victims of crime.

"(d) No benefit paid under this part shall be subject to execution or attachment.

"RECIPIENTS

"SEC. 527. Upon receipt of a certification from the Attorney General, the Governor or the highest executive officer of a State that a public safety officer has been killed or has suffered dismemberment in the line of duty and the proximate cause of such death or dismemberment was a criminal act or an apparent criminal act, the Administration shall pay a benefit as provided in section 526 of this part as follows:

"(1) If the public safety officer suffered dismemberment, to the public safety officer.

"(2) If the public safety officer was killed—

"(A) to the dependent person or persons specifically designated in the public safety officer's duly executed authorization to receive the benefit provided for in this part;

"(B) if there is no such surviving designated person or persons and no surviving dependent child of such officer, to the surviving dependent spouse of such officer;

"(C) if there is a surviving dependent child or children and a surviving dependent spouse of such officer, one-half to the surviving dependent child or two-thirds to the surviving dependent children of such officer in equal shares, with the remainder to the surviving dependent spouse of such officer;

"(D) if there is no such surviving dependent spouse, to the dependent child or children of such officer, in equal shares;

"(E) if none of the above, to the dependent

parent or parents of such officer, in equal shares; or

"(F) if none of the above, to the other dependent next of kin of such officer under the laws of domicile of such State of such officer at the time of his death, in equal shares.

"LIMITATIONS

"SEC. 528. No benefit shall be paid under this part—

"(1) if the death or dismemberment was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death or dismemberment;

"(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death or dismemberment;

"(3) in the event the public safety officer was killed, to any person who would otherwise be entitled to a benefit under this part, if such person's actions were a substantial contributing factor to the death of the public safety officer; or

"(4) if a notification of death or dismemberment has not been filed by or on behalf of public safety officer under this part with the Attorney General or the Governor or highest executive of a State within one year after the date of death or dismemberment, unless the Administration finds that the failure to file was justified by good cause.

"PROCEDURE

"SEC. 529. (a) Awards under this part shall be made as follows—

"(1) in the event the death or dismemberment of a public safety officer serving a State or unit of general local government, the notification of such death or dismemberment shall be filed with the Governor or the highest executive officer of the State of service; or

"(2) in the event the death or dismemberment of a public safety officer serving the United States, the notification of such death or dismemberment shall be filed with the Attorney General or his designate.

"(b) The Governor, the highest executive officer of a State, or the Attorney General upon receipt of notification of the death or dismemberment of a public safety officer shall promptly notify the Administration of the pendency of a certification, and, after due investigation, shall certify to the Administration all facts relevant to the death or dismemberment upon which the benefit will be paid.

"(c) The Administration, upon receipt of certification by a Governor or the highest executive officer of a State, or the Attorney General, indicating that a benefit is due under this part, shall pay such benefit.

"(d) The adjudicatory provisions of chapter 5 of title 5 of the United States Code are not applicable to the procedures authorized under this part.

"MISCELLANEOUS PROVISIONS

"SEC. 103. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and as redesignated by this Act, is amended by inserting '(a)' immediately after '569' and by adding at the end thereof the following new subsection:

"'(b) There is authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1973, for the purposes of part H.'

"SEC. 104. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities, or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

"SEC. 105. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

"SEC. 106. This Act shall become effective on the date of enactment and the benefits thereunder shall be retroactive with respect to any dismemberment or death of a public safety officer as defined in part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, which occurred on or after January 1, 1967."

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

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

The PRESIDING OFFICER. (Mr. HARRY F. BYRD, JR.). Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask unanimous consent that Mr. Gerald Brecher, Mr. Peter Coogan, and Mr. P. J. Mode of my staff be permitted the privilege of the floor during debate on the crime bills that are before the Senate or will come before the Senate.

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

Mr. HRUSKA. Mr. President, I ask unanimous consent that Mr. Malcolm Hawk of the Judiciary Committee staff be granted the privilege of the floor during consideration of the five bills to be under consideration by the Senate today.

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

Mr. THURMOND. Mr. President, I ask unanimous consent that a member of my staff, Mr. William E. Hancock III, be permitted the privilege of the floor during the discussion of the five bills in question.

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

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that none of the time be taken out of either side.

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

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute on the bill.

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

TIME LIMITATION ON ECONOMIC OPPORTUNITY ACT CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the conference report on H.R. 12350, the Economic Opportunity Act, is called up before the Senate, there be a time limitation of 20 minutes thereon, to be equally divided between the manager of the conference report, the distinguished Senator from Wisconsin (Mr. NELSON), and the distinguished Republican leader or his designee. It is my understanding that this matter has been cleared with the other side of the aisle.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object to the request—the agreement is satisfactory with the disinguished ranking member of the committee, the Senator from New York (Mr. JAVITS), and also with the Senator from Colorado (Mr. DOMINICK). I do hope, however, that we might have a little notice as to when the matter will be called up so that the Senator from Colorado and others could come to the floor.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that the distinguished Senator from Wisconsin (Mr. NELSON), the manager of the conference report, is awaiting the arrival of certain papers before he calls up the conference report.

Mr. GRIFFIN. I thank the Senator very much.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum with the understanding that there be no time charged against either side.

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.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Wisconsin (Mr. NELSON) may now be recognized for the purpose of calling up the conference report on the Economic Opportunity Act and that the time under the previous order on that conference report not be charged against the time on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, before the Chair rules, let me say I was not here when the unanimous-consent agreement was entered into. I agree with it, but we may be 5 or 10 minutes short in time. Will the leadership assist me if I need 5 or 10 minutes?

Mr. ROBERT C. BYRD. Very well. The leadership will do everything possible to accommodate the Senator.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—CONFERENCE REPORT

Mr. NELSON. Mr. President, I submit a report of the committee of conference on H.R. 12350, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of August 18, 1972, at pp. 29143–29149.)

Mr. NELSON. Mr. President, I ask unanimous consent that the joint explanatory statement on the part of the managers be printed at this point in the RECORD.

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

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 House bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, 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 points in disagreement and the conference resolution of them are as follows:

The House bill authorized $2,304,066,000 for fiscal year 1972 and $3,000,000,000 for fiscal year 1973. Of these amounts $350,000,000 a year was reserved for local initiative programs and a specific authorization of $500,000,000 for fiscal 1972 and $1,000,000,000 for fiscal 1973 was authorized for Project Headstart.

The Senate amendment authorized the following amounts:

[In millions]

	1972	1973	1974
Department of Labor programs:			
Title IABE	$900.0	$950.0	$950.0
Special NYC	500.0	500.0	500.0
Health, education and welfare programs:			
Headstart	500.0	500.0	500.0
Follow Through	100.0	100.0	100.0
ACTION programs: VISTA	37.0	58.0	
OEO programs:			
Total titles II, III, VI, VII, IX, X	(950.0)	(1,000.0)	(1,000.0)
Local initiative [1]	328.9	328.9	328.9
Legal services [1]	71.5	71.5	71.5
Comprehensive health	114.0	114.0	114.0
Emergency food	62.5	62.5	62.5
Family planning	25.0	25.0	25.0
SOS	8.8	8.8	8.8
Alcoholic counseling	$18.0	$18.0	$18.0
Drug rehabilitation	18.0	18.0	18.0
Environmental action	5.0	5.0	5.0
Rural housing	10.0	10.0	10.0
Consumer action	7.5	7.5	7.5
Design and planning	10.0	10.0	10.0
Youth recreation and sports	6.0	6.0	6.0
T. & T.A., SEOO, R. & D.	117.6	117.6	117.6
Title III migrants	38.0	38.0	38.0
Titles VI and X	18.0	18.0	18.0
Title VII	58.0	58.0	58.0
Other	33.2	83.2	83.2
Add ons:			
Title VII		62.0	62.0
Legal services		100.0	100.0
Rural housing		5.0	5.0
VISTA	16.0		
SOS		21.2	21.2
Urban housing	20.0	20.0	20.0
Special assistance	50.0	50.0	50.0

[1] These amounts are reservations as well as authorization levels.

The conference agreement contains the following authorizations of appropriations:

For title I, Parts A, B, and E (work and training programs) the sums of $900,300,000 for fiscal year 1973 and $950,000,000 for fiscal year 1974;

For Headstart the sums of $485,000,000 for fiscal year 1973 and $500,000,000 for fiscal year 1974;

For Follow Through the sums of $70,000,000 for each of fiscal years 1973 and 1974;

For title VIII (VISTA) the sum of $74,000,000 for fiscal year 1974;

For all OEO-administered programs, titles II, III, VI, VII and IX the sums of $840,000,000 for fiscal year 1973 and $870,000,000 for fiscal year 1974. Of the amounts appropriated for OEO programs, the conference agreement reserves not less than $328,900,000 for programs under section 221 of the Act (Local Initiative) for each fiscal year and not less than $71,500,000 for Legal Services programs under section 222(a)(3) for each fiscal year. The conference agreement further provides that the remaining amounts are to be so allocated that for each fiscal year not less than $18,000,000 shall be used for the Alcoholic Counseling and Recovery program under section 222(a)(8) and not less than $30,000,000 shall be used for the Emergency Food and Medical Services program under section 222(a)(5).

For the balance of the programs operated by OEO, the conferees strongly recommend that the following amounts be made available for each of the programs;

	Fiscal 1973	Fiscal 1974
Comprehensive health	$100,000,000	$100,000,000
Family planning	20,000,000	20,000,000
Senior opportunities	8,000,000	18,000,000
Drug rehabilitation	18,000,000	19,000,000
Environmental action	5,000,000	5,000,000
Rural housing	15,000,000	20,000,000
Consumer action	7,500,000	7,500,000
Design and planning	10,000,000	10,000,000
Youth recreation and sports	4,500,000	4,500,000
T. & T.A., SEOO, R. & D.	109,600,000	109,600,000
Title III (migrants)	36,000,000	36,000,000
Title VI and IX (administration and evaluation)	18,000,000	18,000,000
Title VII (community economic development)	40,000,000	55,000,000

In paragraphs (2) and (3) of section 3(c) of the conference agreement, the term "reserve and make available" is used in connection with the reservation and allocation of funds. By this the conferees mean that the sums required to be "made available" shall be newly obligated during each of the fiscal years for which such sums are required to be made available.

The Senate amendment authorized the Secretary of HEW to establish procedures to assure that not less than 10% of the enrollment opportunities in Project Headstart in the nation be available for handicapped children. There was no comparable House provision. The House recedes.

The House bill extended the authority for programs under the Act for two additional years. The Senate amendment extended the provision for three additional years. The House recedes.

The Senate amendment extended the length of time a person can serve on a community action board from three to six consecutive years and increased the total number of years a person may serve to twelve years. There was no comparable House provision. The conference agreement extends the length of service on a community action board to five consecutive years and increases the total number of years to ten.

The House bill required that the public officials who comprise one-third of each community action agency board be elected officials except where fewer than the requisite number of elected officials were available and willing to serve, in which case appointive public officials could be counted toward fulfilling the requirements of this subsection. There was no comparable Senate provision. The Senate recedes with the understanding that elected officials refers to those with general governmental responsibilities or responsibilities encompassing antipoverty programs—not to officials with limited or administrative responsibilities in specialized areas, such as a water district commissioner.

The House bill established guidelines which must be followed by the Secretary of Health, Education, and Welfare in promulgating fee schedules for the participation of non-low-income children in Project Headstart. No charge could be made with respect to any child who was a member of a family with an annual income less than $4,320. A graduated fee schedule was prescribed up to the level of the lower living standard budget as determined by the Bureau of Labor Statistics. Beyond that point the Secretary is given discretion. There was no comparable Senate provision. The Senate recedes.

The Conference agreement further provides that if the Secretary of HEW certifies that the establishment of such a fee schedule would substantially impair the ongoing Headstart programs, he may postpone their establishment, but under no circumstances may such establishment be postponed beyond April 1, 1973.

The Senate amendment allowed addicts enrolled and participating in methadone maintenance treatment or therapeutic programs to participate in the program. The House bill limited participation to rehabilitated addicts. The House recedes.

The Senate amendment allowed the Director to undertake special programs assisting employers in dealing with problems of employee "drug abuse and dependency." The House bill only allowed programs dealing with "drug abuse." The House recedes.

The Senate amendment required that priority be given to areas within the States having the highest percentage of addicts. There was no comparable House provision. The House recedes.

Both the House bill and the Senate amendment called upon the Director to establish procedures whereby addicts undergoing rehabilitation and participation in this program who, during the course of such rehabilitation, became non-low-income as a result thereof would nevertheless remain eligible to participate in this program until they had completed a full course of rehabilitation. The House bill also made clear that there is to be no exception to income criteria for initial entry into the program. The Senate amendment had no comparable provision. The Senate recedes.

Both the House bill and the Senate amendment established an Environmental Action program through which low-income persons would be paid for working on projects to combat pollution or to improve the environment. The Senate amendment also required

that such work projects be those which would not otherwise be performed. There was no comparable House provision. The House recedes. The purpose of the provision in the Senate amendment is to insure that the program be operated in such a way as not to displace persons currently employed in similar tasks, but the conferees wish to make clear that they do not expect the Director to arbitrarily use the language as an excuse for no funding programs authorized under this section.

Both the House bill and the Senate amendment authorized a new program to be known as Rural Housing and Rehabilitation. In addition, the Senate amendment allowed the use of persons enrolled in Mainstream programs in the construction, rehabilitation, and repair of housing for low-income persons under this paragraph. The House recedes. The conferees wish it clearly understood that this new program is intended for a limited number of sponsors in order to fully demonstrate its potential. The conferees expect that the program will be administered in the national office of the Office of Economic Opportunity and that no regionalization of the program will take place until Congress has had an opportunity to assess its effectiveness.

The Senate amendment placed the administrative responsibility for the Youth Recreation and Sports Program with the Director of the Office of Economic Opportunity. The House bill placed such responsibility with the Secretary of Health, Education, and Welfare. The House recedes. The conferees wish to make clear that the Director of the Office of Economic Opportunity is given the discretion to continue to enter into delegation agreements he considers appropriate.

The Senate amendment specifically required the participation of all significant segments of low-income population to be served. There was no comparable House provision. The House recedes.

The House bill and the Senate amendment authorized the Director to provide financial assistance for projects designed to serve groups of low-income individuals who are not being effectively served by other programs under this title. The Senate amendment authorized $50 million for fiscal year 1972 and the two succeeding fiscal years. The House bill authorized $50 million for fiscal year 1972 and such sums as may be necessary for each succeeding fiscal year, creating in effect a permanent authorization. The conference agreement contains the substance of the amendment but eliminates the specific dollar authorizations.

The House bill provided for the equitable distribution of financial assistance under the Act to all significant segments of the low-income population within a State and within a community. The Senate amendment required such equitable distribution only within a community. The Senate recedes.

The conferees urge the Director to exercise authority under this section to the extent appropriate to accomplish its purposes, utilizing funds available under the authorization for programs conducted under title II of the Act.

The House bill prohibited the use of funds appropriated for Teacher Corps or ACTION from being used to finance any activity designed to influence the outcome of any election, or for voter registration, or to pay the salary of any officer or employee of OEO, Teacher Corps or ACTION who in an official capacity engages in such activity. As used in this amendment, "election" and "Federal office" are defined as in the Federal Election Campaign Act of 1971. There was no comparable Senate provision. The Senate recedes.

The House bill required that any standards for day care programs be no less comprehensive than the interagency day care requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968. There was no comparable Senate provision. The Senate recedes.

The Senate amendment amended section 616 of the Economic Opportunity Act to increase the portion of an allocation that may be transferred from one program or activity to another from 15% to 25%. The amendment also deleted the limitation which placed a ceiling on the amount that may be transferred into a program. Existing law provided that such transfers could not result in increasing by more than 100% any program for which there was available $10 million or less or by increasing by 25% any program for which amounts available were in excess of $10 million. The House bill reduced the authority of the Director to transfer earmarked funds to 10% of the amount appropriated or allocated. The House bill further limited the degree to which the program or activity could be increased. The conference agreement increases the portion of an allocation that may be transferred from one program to another to 20 per centum.

The House bill prohibited any funds appropriated for programs administered by the Office of Economic Opportunity or ACTION from being used to finance any activity in which students in higher education perform voluntary or community service where, as a condition for eligibility for funds, an institution is required to award credit to students for training or experience derived from such voluntary or community service. There was no comparable Senate provision. The House recedes.

The Senate amendment prohibited the Director from providing financial assistance to anyone under this Act unless the grant, contract or agreement under which funds are to be provided specifically provides that no person with responsibilities in the operation of such program will discriminate because of race, creed, color, national origin, sex, political affiliation or beliefs. There was no comparable House provision. The House recedes.

The Senate amendment prohibited sex discrimination, to be enforced in accordance with Civil Rights Act procedures. There was no comparable House provision. The House recedes.

The House bill required the national poverty action plan to be presented by December 31, 1971. The Senate amendment required submission by August 1, 1972. The House bill required subsequent plans no later than December 31st of succeeding years. The Senate amendment required subsequent reports on January 31st of each year. The dates provided in both the House and Senate bill presented a situation where it would have been impossible for the agency to comply. Therefore, the conferees dropped the specific date that the national poverty action plan was to be presented to the Congress. It is the intention of the conferees, however, that at the earliest possible date the Office of Economic Opportunity submit such a plan.

Both the House bill and the Senate amendment consolidated all evaluation activities into a single title. They differed in the following respects:

(a) The Senate amendment specified that such evaluations may be made of programs under the Office of Economic Opportunity Act, or related Acts. There was no comparable House provision. The House recedes.

(b) The Senate amendment qualified the directives to develop evaluation standards with the words "to the extent feasible". There was no comparable House provision. The House recedes.

(c) The House bill required the results of evaluation to be considered in renewing financial assistance. There was no comparable Senate provision. The Senate recedes.

(d) The Senate amendment required the Director to exchange data "on a cooperative basis with such agency." There was no comparable House provision. The House recedes.

(e) Under the House bill the Director would "consult where appropriate with States to sponsor jointly funded evaluations" while the Senate amendment read "may consult when appropriate." The Senate recedes.

(f) The House bill required the publication of evaluations where the Senate amendment only required the publication of summaries of such evaluations. The conference agreement requires that summaries prepared by the evaluator be published. The conferees want to make clear that the publication of such summaries in no way relieves the Director from existing obligations to make evaluation reports in their entirety available to the Congress.

(g) The Senate bill authorized the head of any agency administering a program authorized by the Act to conduct evaluations or take other actions authorized under this title but specified that nothing in this section would preclude the Director from conducting such evaluations or taking such actions as otherwise authorized under the Act. There was no comparable House provision. The House recedes.

Both the House bill and Senate amendment established a new title of the Economic Opportunity Act to create a National Legal Services Corporation.

The Conferees regret that it was necessary to delete Title IX, which would have established a National Legal Services Corporation, as a result of the failure to reach agreement with respect to the composition of the Board of Directors and certain other elements of the Corporation.

The Conferees continue to strongly support the existing legal services program and the concept of a legal services corporation and intend to continue to seek appropriate means of expanding the program and insuring its independence, to provide the poor greater access to our system of justice under law.

The Senate amendment established a new program in title II, Design and Planning Assistance Programs, providing for the Director to fund to community-based design and planning organizations to provide technical assistance and professional services to community organizations and to continue existing section 232 programs of a comparable nature. There was no comparable House provision. The House recedes.

The Senate amendment established a new program in title II, Consumer Action and Cooperative Programs, providing for the Director to fund programs in consumer advocacy and protection and to continue existing section 232 programs of a similar nature. There was no comparable House provision. The House recedes.

The Senate amendment established a new program in title II, Urban Housing Demonstration Projects, to authorize the Director to provide financial assistance for demonstration projects in urban areas, and authorized $20.0 million for each of three fiscal years. There was no comparable House provision. The Senate recedes.

While the conferees did not adopt the new specific authority for Urban Housing Demonstration Projects contained in the Senate amendment, they expect the Director of the Office of Economic Opportunity to increase funding of projects to assist low-income families living in neighborhoods characterized by abandonment and deteriorating residential housing to maintain and upgrade existing substandard residential housing in such neighborhoods. The projects are to be carried out by appropriate community based organizations including tenant associations. It is anticipated that such projects may include financial assistance in the form of grants and loans for administrative expenses and to defray costs of repair and moderate rehabilitation, for tenant organization and

counseling, management and maintenance services, and for encouragement of home ownership by low-income families. It is anticipated that such projects will be funded from general sources available under the Act, including general demonstration authority and authority under Title VII. Community Economic Development, to the extent consistent with that title; however, no such projects are to be funded from sums made available under the new Rural Housing and Rehabilitation programs.

The Senate amendment prohibited the Director from delegating his functions under section 221 and title VII of such Act, notwithstanding the provisions authorizing delegation of programs of section 602 of the Economic Opportunity Act. There was no comparable House provision. The House recedes.

The Senate amendment combined the existing title I–D Special Impact Program and title III–A Rural Loan Program into a new unified Community Economic Development Program (title VII). This new title provided expanded authorization for grants as well as loans to rural cooperatives. There was no comparable House provision. The House recedes.

The rules of the House forbid managers on the part of the House from accepting Senate amendments that provide for appropriations within authorization bills. It was felt that the transfer of funds from one agency to another and the requirement that interest payments on loans from a revolving fund be returned to the fund rather than to the Treasury would violate the rule against including appropriations provisions in authorizing legislation.

It was therefore necessary for the conferees reluctantly to delete those provisions of title VII that detailed the operation of the newly authorized Community Development and Rural Development revolving funds, to delete those provisions that would have transferred the assets of the existing title III–A loan fund from the Department of Agriculture back to the Office of Economic Opportunity for consolidation with the new Rural Development revolving fund, and to delete those provisions in title VII that would have repealed title III–A. As approved by the conferees, title VII authority for a Rural Development Loan revolving fund will exist in addition to the authority in title III–A for the present Rural Loan revolving fund. It is the intent of the conferees, to the extent not prohibited by law, that the revolving funds authorized by title VII operate as is common with such funds, i.e., that repayments of principal shall be returned to the fund to be available for new loans and that the budget provide for the appropriation of the amount of the interest paid on such loans to the fund, to be used to offset the cost of operating such funds. Further, it is the intent of the conferees that the Office of Economic Opportunity seek to operate the Rural Loan Fund provisions of title VII and those under title III–A in close conjunction pending legislation to transfer the title III–A loan fund to this title. In deleting the language in title VII that detailed the operation of the new revolving funds it was necessary to delete the provision authorizing the use of interest payments to the funds to defray administrative expenses. However the conferees wish to make it clear that it is their understanding that the statutory authority of the Director to make payments out of the existing title III–A revolving fund for "loans, participation, and guarantees" encompasses the same authority as is provided in other federally supported revolving funds to defray such costs as are necessarily incurred in the administration of loans from such revolving funds.

The Senate amendment amended title VIII of the Act by making clear authority for VISTA volunteers to work on environmental problems focused primarily on the needs of low income persons and the communities in which they reside. There was no comparable House provision. The House recedes.

The Senate amendment added a new section to title VI requiring frequent review and revision of the poverty levels based on the changes in the consumer price index. There was no comparable House provision. The House recedes.

The Senate amendment authorized persons who are otherwise eligible and live in public and private institutions to participate in Neighborhood Youth Corps programs. There was no comparable House provision. The House recedes.

The Senate amendment amended section 211 by requiring the Director to insure no local community action agency election be held on a Sabbath Day. There was no comparable House provision. The House recedes.

The Senate amendment amended the Federal Property and Administrative Service Act of 1949 by requiring the GSA to continue its policy of making excess property available to a grantee of any agency under a program established by law for which funds had been appropriated. There was no comparable House provision. The Senate recedes because the rules of the House prohibit House conferees from agreeing to a nongermane Senate amendment.

CARL D. PERKINS,
ROMAN C. PUCINSKI,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
PATSY T. MINK,
ALBERT H. QUIE,
JOHN N. ERLENBORN,
WILLIAM A. STEIGER,
Managers on the Part of the House.

GAYLORD NELSON,
HAROLD E. HUGHES,
ADLAI STEVENSON III,
JENNINGS RANDOLPH,
BOB TAFT,
J. JAVITS,
RICHARD S. SCHWEIKER,
PETER H. DOMINICK,
J. GLENN BEALL, JR.,
Managers on the Part of the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I yield myself 5 minutes.

Mr. President, with the agreement of the distinguished Senator from New York (Mr. JAVITS), the previous conference report was recommitted to conference for the purpose of seeing if we could reach agreement on modifying the two principal points that seemed to be most objectionable to the administration. The first point involved the size of the authorizations in the bill. The other involved the structure of the Legal Services Corporation.

We agreed in the new conference to cut back the authorizations a total of $1,031,900,000 from the authorization for fiscal year 1973, below what the Senate-passed bill had contained, and to make a reduction of $918.2 million from the fiscal 1974 Senate authorization.

The conference agreed to those cutbacks because the size of the authorization was objected to by the administration, and also because there was no point in authorizing more money than it was practicable to get appropriated.

A majority of the Senate conferees were willing to modify the provision for Legal Services Corporation to provide that the President would have full discretion to name all of the appointments to the Board of Directors, subject of course to Senate confirmation. I did not think this was a particularly important point because, in fact, the President had, under the previous conference bill, in his control all of the appointments to the Legal Services Corporation.

I never did understand the technical objections the administration was making. I did not think their objections important on the merits. I did not think they were substantive. But if it was so bothersome to them, I was prepared to move, and did move, in conference that the composition of the Board of Directors of the Legal Services Corporation be modified to provide the President with all of the appointments, without even making any specific reference to the provision that the various national legal services associations could make recommendation, as was provided in the previous bill that was then resubmitted to conference.

The willingness of a majority of the Senate conferees to give outright unlimited apppointments to the President was not assented by a majority of the House conferees.

The House did agree to the reductions in the authorization, which still ended up $200 million above the budget request for fiscal year 1973 and $300 million above the actual spending level for fiscal year 1972.

Since we could not reach agreement on the Legal Services Corporation, we simply agreed that the provision for the Legal Services Corporation be stricken from the bill, and that the legal services program remain within the Office of Economic Opportunity where the program has been administered in past years.

Those are the two modifications made in the conference subsequent to the previous conference report which was recommended back to conference.

Mr. President, I wish to make a fuller statement on the Economic Opportunity Act of 1972 conference report.

The conference agreement meets every objection raised by the President when he vetoed the previous Economic Opportunity Act extension in December of 1971.

Briefly, the Economic Opportunity Amendments of 1972 extends through fiscal year 1974 the life of the Office of Economic Opportunity and such programs as Headstart and Mainstream and other work and training programs administered by HEW and the Labor Department under delegation arrangements from the Director of OEO. The bill establishes a National Legal Services Corporation and also enacts a new title VII, consolidating and expanding the present rural and urban community economic development efforts.

Let me take a moment to review the history of the congressional consideration of this legislation over the past year and to remind the Senate of our efforts to meet the President's concerns in regard to poverty legislation.

The Economic Opportunity Act extension vetoed last December was not legislation lightly enacted. Hearings had spread over 9 months— on OEO programs, on legal services, and on child

care. Major compromises were reached within the Congress and between the Congress and the administration.

The major provisions of that legislation—the extension of the OEO, the establishment of a Legal Services Corporation and of a new child development program—were each in response to wide public demand and in line with concerns expressed by the administration.

After the President vetoed the Economic Opportunity Amendments of 1971 in December of last year, we reviewed everything we had included in that legislation and responded to each of the President's objections to that legislation.

In response to the President's objections to the child development title of that bill, we dropped the child development title from this year's Economic Opportunity Act extension altogether. Separate compromise child care legislation has passed the Senate and is pending in the House committee.

In his veto message, the President objected to the earmarking of funds for 15 programs in the 1971 poverty legislation. In this year's conference agreement we have dropped all spending level requirements except on four programs: Local initiative community action programs; legal services; emergency food and medical services; and alcoholic counseling and recovery. For two of these programs—local initiative and legal services—we wrote into the bill the administration's budget level. The conference agreement provides earmarking above the President's budget request only for two programs—it earmarks $30 million for the emergency food and medical services program and $18 million for the alcoholic counseling and recovery program.

In his veto message, the President objected to the provision in last year's bill that would have prevented further delegation of OEO programs to other agencies of the Government without specific congressional authorization. This year's bill responds to the President's objections by substantially modifying the provision with respect to spinoffs of OEO programs.

First, the provision only prohibits the Director of OEO from delegating to other agencies two programs—local initiative community action programs under section 221 of the Economic Opportunity Act and the community economic development program under title VII of the act. Any other program may be delegated administratively without congressional review as authorized by section 602(d) of the Economic Opportunity Act—just as the Job Corps, Headstart, and other programs which originated in OEO have in the past years been spun off to other departments.

Second, even with respect to local initiative and community economic development, the President may transfer such programs by Executive reorganization plan. The antispinoff provision of the pending legislation in no way affects the Executive reorganization authority of the President—which he may exercise with respect to all government programs. Of course, any legislation creating a new department or agency may include provisions transferring OEO programs to such department.

Mr. President, now I come to the Legal Services Corporation that has been the chief matter in disagreement.

We began consideration of a Legal Services Corporation after a consensus developed among lawyers and others interested in the program that the cause of the poor and of equal justice in America would best be served by removing the legal services program from the Office of Economic Opportunity and establishing it as a separate National Legal Services Corporation.

President Nixon himself proposed the establishment of a National Legal Services Corporation. However, the administration's position was that it could not agree with the structure of the Corporation as passed last year and preferred that Congress deal with the legal services program in separate legislation. The conferees reluctantly dropped the Legal Services Corporation from this legislation and will consider it in separate legislation in the future.

In terms of the appropriations authorizations, the conference committee cut a total of $1,031,900,000 from the authorization for fiscal year 1973 below the level which the Senate-passed bill had contained and a reduction of $918,200,000 from the fiscal 1974 Senate authorization.

Let me end with this summary:

In his veto message, the President strongly criticized the child development title in the 1971 extension of the Economic Opportunity Act.

Congress has dropped the child development program from this bill.

In his message the President objected to earmarking funds for some 15 separate programs.

Congress has cut earmarking back to only four programs, two of which are earmarked at precisely the level the President requested in his budget.

The veto message objected to a prohibition against the delegation or transfer of any more programs from the Office of Economic Opportunity.

Congress cut back the antispinoff provisions so that they now cover only two programs and those programs may still be transferred by legislation or pursuant to Executive reorganization plan.

The veto message objected to the provisions regarding the Legal Services Corporation in last year's bill and asked that Congress consider the Corporation in separate legislation.

Congress dropped that title, leaving the legal services program under the control of the Director of OEO.

The Congress has granted what the President requested.

Mr. President, I believe it would be fair to say that the Congress has gone the extra mile to meet the President's concerns in this legislation extending the Economic Opportunity Act.

Our overriding concern was with the need to extend the Economic Opportunity Act so that antipoverty programs may go on. The Office of Economic Opportunity is the one agency in the Federal Government with responsibility for championing the cause of the Nation's poor.

I hope that in accommodating the President by meeting every objection raised in his veto message of last year, we have accomplished that overriding purpose.

Mr. JAVITS. Mr. President, will the Senator yield me 10 minutes?

Mr. NELSON. I yield the Senator whatever time he may need.

The PRESIDING OFFICER. The Senator has only 5 minutes remaining.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have 10 minutes to speak on the conference report.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, as indicated in the conference report, title IX, which would have established a National Legal Services Corporation, was dropped from the bill because it was impossible to reach agreement among the conferees and with the administration and because we were not desirous of seeing a veto of an antipoverty bill. The rock upon which we split was basically the composition of the board of directors. The group representing the House side voted down the idea of a National Legal Services Corporation with the directors appointed by the President and confirmed by the Senate. They wanted to attach some qualifications to the members of the board with respect to where they came from. That was unacceptable to the administration. On the one hand, it was too liberal, on the other hand, it was too conservative, and the corporation fell between both those stools.

Mr. President, it is most regrettable and unfortunate that this fine initiative, which was supported in both Houses previously, and by the administration, as a gifted way in which to establish, for practical purposes, a National Legal Aid Society—and thereby to greatly advance the objective of insuring justice for the poor under our system of law—should have failed and fallen between these two stools.

In that connection, I call the Senate's attention to language in the joint explanatory statement of the committee of conference, which was included at my request and which reads as follows:

> The Conferees regret that it was necessary to delete Title IX, which would have established a National Legal Services Corporation, as a result of the failure to reach agreement with respect to the composition of the Board of Directors and certain other elements of the Corporation.
>
> The Conferees continue to strongly support the existing legal services program and the concept of a legal services corporation and intend to continue to seek appropriate means of expanding the program and insuring its independence, to provide the poor greater access to our system of justice under law.

Mr. President, I thoroughly subscribe to that. I shall devote my efforts in every way toward bringing it about, and I would now like to ask the chairman of the Senate conferees, the Senator from Wisconsin (Mr. NELSON), if I may have his attention, a few questions.

First, does he, as chairman of the Subcommittee on Employment, Manpower and Poverty of the Committee on Labor and Public Welfare, which has jurisdiction of legislation concerning the legal services program, share my desire to proceed at the earliest opportunity with legislation to establish a Legal Services Corporation, or to find other appropriate means of assuring the independence of the program? I yield to the Senator from Wisconsin.

Mr. NELSON. Yes. As the Senator knows, I so stated during the conference. I share that concern, and I regard both the maintenance of the independence of the existing program and the establishment of a corporation or any other appropriate means to increase that independence as of great importance and of a high priority.

Mr. JAVITS. I thank my colleague very much. Second, I ask the Senator from Wisconsin whether he feels with me that the situation calls for an expansion of funding for the legal services program, and that the authorizations which we have in the bill, $840 million for fiscal year 1973 and $870 million for 1974, which amounts are, respectively, $80 million and $110 million above the $760 million requested by the administration for the current fiscal year, 1973, are, therefore, susceptible of increased appropriations above the basic figure of $71.5 million reserved for the legal services program.

Mr. NELSON. Yes, I do.

Mr. JAVITS. Additionally, I ask the Senator whether he agrees with me that various add-on items which we had and which we dropped from this conference report, including $50 million for fiscal 1973 and $100 million for fiscal 1974 for legal services, were dropped solely as a means of getting the total authorization through, and that the deletion of these items in the conference should in no way be construed as a finding by the conferees that the legal services program does not need—as in fact it does—substantially more than the $71.5 million reserved as a minimum.

Mr. NELSON. Yes, I agree with the Senator from New York.

Mr. JAVITS. Would the Senator consider that any Senator is free to seek to increase the appropriation for legal services above the $71.5 million when we reconsider the HEW-Labor appropriations bill, which will be back before us because the basic bill was vetoed by the President?

Mr. NELSON. As the Senator knows, any Senator is within his rights in offering such an amendment, and if it were offered, I would be inclined to support it, myself.

Mr. JAVITS. The Senator also agrees, does he not, that similarly, with the same history, an effort could be made to raise the amount which may be provided by appropriations for special assistance for Senior Opportunities, and for community economic development—I note in regard to the former, special assistance, that in the joint explanatory statement the conferees urged the Director to exercise authority under that section to cover low-income individuals who are not being served effectively by other programs under the community action title; this statement apparently was inadvertently printed in the conference report after a reference to the House provision relating to significant segments, rather than after discussion of the Senate provision, as agreed to by the conferees.

Mr. NELSON. I agree with the Senator from New York.

Mr. JAVITS. I thank the Senator.

Mr. President, on another aspect of the conference report, I wish to call the Senate's attention to the fact that there was deleted a Senate amendment, of which I was the author, to authorize the Director of OEO to furnish financial assistance for demonstration projects in urban housing, authorizing $20 million for each of 3 fiscal years. The conferees did not adopt that provision because of their concern over establishing an authorization for a new program and the concern of the chairman of the conferees on the House side that somehow or other to adopt it as a specific authorization might cut down on sums available for the new rural housing and rehabilitation program.

I had no such desire; and therefore, at my request, though it was dropped, the conferees specifically set forth in their agreed statement in the joint explanatory statement of the committee of conference, that:

> While the conferees did not adopt the new specific authority for Urban Housing Demonstration Projects contained in the Senate amendment, they expect the Director of the Office of Economic Opportunity to increase funding of projects to assist low-income families living in neighborhoods characterized by abandonment and deteriorating residential housing to maintain and upgrade existing substandard residential housing in such neighborhoods. The projects are to be carried out by appropriate community based organizations including tenant associations. It is anticipated that such projects may include financial assistance in the form of grants and loans for administrative expenses and to defray costs of repair and moderate rehabilitation, for tenant organization and counseling, management and maintenance services, and for encouragement of home ownership by low-income families. It is anticipated that such projects will be funded from general sources available under the Act, including general demonstration authority and authority under Title VII, Community Economic Development, to the extent consistent with that title; however, no such projects are to be funded from sums made available under the new Rural Housing and Rehabilitation programs.

Mr. President, this is critically important. The conferees expected that it would be done without the specific authorization. The specfic authorization was stricken out only in order to be wary of any interference with the rural housing and rehabilitation. I hope, therefore, that with the good faith shown in this matter, we will not be disappointed by some attitude of holding back by the OEO. The conferees fully intend, and say so, that projects dealing with deteriorating neighborhoods because of their substandard residential housing should be tried out, as the Senate amendment provided.

Mr. President, I regret very much that we are here with what, to me, is a very sad measure, having gone up the hill on legal services and down again, but to me it was simply either a matter of having some antipoverty bill or none at all, the parties having, as I say, separated because of irreconcilable positions on the two sides, not by Senator NELSON or me, but by the majority of the conferees on the House side and by the administration.

We must simply give it a try again. I am convinced that the legal services program is the new departure for the poor. It gives them a sense of dignity which is priceless and will redeem many from the curse of the poverty syndrome because of this sense of dignity and belonging. But it is inadequately funded, and it cannot possibly be run with effectiveness and independence unless it is some kind of an independent entity. The corporate idea is a very gifted one. Every precaution was taken to preserve the overriding public interest in respect to such a corporation. I am confident that we will have to come back to it, and I want to see us do that at the earliest possible moment, to continue what is probably the most gifted single program for the poor. But under the circumstances, I know of nothing else to do except send the President an antipoverty program by accepting this conference report.

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

Mr. JAVITS. I yield to the able Senator from Ohio, the ranking minority member of the subcommittee.

Mr. TAFT. I just want to say that I echo very strongly the point the Senator has expressed, and to state that I believe very strongly in the type of legal services program considered in the committee and acted upon favorably, not once but twice. I believe it is going to come to pass eventually, if not in the near future.

I hope also that the functions it can perform, not merely the functions presently being performed, and the additional professionalism and real separation from the political process that could come from an independent legal services program, will merit the early attention of the House and the Senate to this matter.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the conference report.

The conference report was agreed to.

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1972

The Senate continued with the consideration of the bill (S. 2087) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Arkansas has 30 minutes.

PRIVILEGE OF THE FLOOR—QUORUM CALL

Mr. McCLELLAN. I yield myself 10 minutes.

I ask unanimous consent that the following individuals have the privilege of the floor during the consideration of this bill: G. Robert Blakey, Elizabeth Bates, Kenneth Lazarus, and Thomas Rowe.

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

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

Mr. McCLELLAN. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

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

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

Mr. McCLELLAN. Mr. President, this bill was introduced last fall by Senator HRUSKA and myself at the request of the administration. It was reported upon favorably by the Committee on the Judiciary on August 16, 1972. Introduced in response to the alarming increase in killings of public safety officers, S. 2087 was also considered by the committee as title III of S. 2994 and S. 2995, omnibus victims-of-crime bills. As S. 2087 or in these forms, it was cosponsored by 45 of my colleagues: Senators BAKER, BAYH, BEALL, BENNETT, BIBLE, BOGGS, BURDICK, CANNON, CASE, COOK, CRANSTON, EASTLAND, FANNIN, GRAVEL, GRIFFIN, GURNEY, HANSEN, HART, HARRIS, HOLLINGS, HRUSKA, HUGHES, HUMPHREY, KENNEDY, MANSFIELD, MATHIAS, METCALF, MILLER, MONDALE, MOSS, MUSKIE, NELSON, PELL, PERCY, RANDOLPH, RIBICOFF, ROTH, SCHWEIKER, SCOTT, STAFFORD, STEVENS, STEVENSON, THURMOND, WILLIAMS, and YOUNG.

Mr. President, the statistics on violence involving public safety officers are truly disturbing. During 1971, 125 law enforcement officers were killed by felonious criminal action. This figure represents a 25 percent increase over 1970, when 100 law enforcement officers were slain. Since 1961, 758 officers have given their lives to protect persons and property in our society. The most disturbing statistic is that since 1966, 49 officers have been slain from ambush, 20 of them in 1971.

I recognize that 96 percent of these police slayings are now solved within 30 days by the efforts of local officials, assisted by the special Federal investigative aid authorized by a recent directive of the President. But this high clearance rate is of little moment to the officer's family or dependents. It is important that the murderer be brought to justice, but it is also important that concern be paid to the human and personal consequences of his conduct. This is especially true when it was often society in a real sense that was the target of the defendant's attack.

It is not only the policemen who must brave the risk of a felonious death. Civil disorders and social strife have, in recent years, produced new hazards for firefighters. Two firefighters were killed in the Detroit riots, one in Watts, another in Newark. From 1967 to 1969, over 600 firefighters were injured during civil disorders, and an additional 113 sustained injuries due to acts of individual violence.

Finally, mere reference to a small upstate town in New York—Attica—brings to mind the terrible risk that correction officers must now face in this age of anti-establishmentism, protest, and riot.

It was to meet these sad and tragic facts that S.2087 was introduced. Briefly, S. 2087 would provide a lump-sum gratuity of $50,000 to the dependent survivors of public safety officers killed in the line of duty as the result of a criminal act. In the case of dismemberment, the officer would receive $25,000.

Generally, "public safety officer" is defined as a public servant whose occupation places him in danger of physical injury by a criminal act. The concept is broad. It includes full-time and part-time officers and those who are paid and those who are not.

In the case of dismemberment, the award is paid directly to the officer. In case of death, the award will be paid according to a specified order of precedence to the surviving dependents of the officer. If the officer does not exercise an option to specify other dependent persons as recipients, the award will be paid according to criteria set out in the bill and, of course, if no one qualifies as a dependent, no payment would be made.

The officer must have been acting in the line of duty, and the death or dismemberment must have been suffered as the result of a criminal act or an apparent criminal act.

Unless the administration determines that there were extenuating circumstances, notification must be made to an appropriate official within a year after the death or injury. The official will be, depending upon the circumstances, the Governor or highest executive officer of a State, or the Attorney General.

Upon notification, the Governor or Attorney General will in turn notify the administration, which will make the proper payment. Pending a final determination, the administration may make an interim payment of $5,000.

Benefits under S. 2087 would not be subject to Federal income taxes, according to the Internal Revenue Service.

These benefits would be retroactive to deaths occurring under the specified conditions since January 1, 1967, the year that the number of police murders suddenly increased at such a great and horrifying rate.

Mr. President, in my State, during this period, a sheriff with two of his deputies responded to a call and went out to make an arrest of a person who was threatening the lives of the members of his own family. This person was an ex-convict. When the officers undertook to arrest and apprehend this party who was threatening to kill the members of his own family, he opened fire on them, and the sheriff and both of his deputies were killed.

I just mention that as an illustration of what is happening too many times in our land today.

These persons who are our law-enforcement officers and who risk their lives under such circumstances to protect society, to make our land a safe place in which to live, are generally underpaid. Their standard of income is low. It is very seldom that they have resources in the nature of an estate or income on which their dependents can rely for either security or support.

So, Mr. President, it seems to me—and I believe most everyone will agree—that we owe these officers, these guardians of our safety, some measure of consideration beyond the meager salaries we pay them. Certainly, when they are the victims of crime themselves, we should, as a Government and as a society, make some provision for their dependents.

Mr. President, we are rapidly fashioning new legal weapons and strengthening America's crime-fighting arsenal. But let us not underestimate the long, arduous road ahead before the bell tolls any substantial victory over the curse of crime.

We must continually strike at crime with all legal resources that we can command.

We must marshall all forces of decency, law, and order to reverse crimes destructive tide.

Our commitment is clear: We must be determined to make our homes, our streets, and our places of business safe once again.

In doing so, we must provide for those whose great personal sacrifices too often mark the tragedies in this battle against crime.

Mr. President, I urge the immediate enactment of S. 2087.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ALLEN). Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, before I begin my remarks, I ask unanimous consent that the name of the Senator from Michigan (Mr. GRIFFIN) be added as a cosponsor of this bill.

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

Mr. HRUSKA. Mr. President, I am pleased to see that this proposal, S. 2087, has been scheduled for Senate consideration today. It is an important, overdue and humanitarian step in the long process of insuring that law enforcement officials know of the breadth of the support the American people give them.

This bill was originally introduced by the Senator from Arkansas (Mr. McCLELLAN) and this Senator in June a year ago as a response to the killings of police officers in various cities that had

just taken place at that time. During the period this measure was under consideration by the Judiciary Committee the scope of the bill was expanded, and rightly so, to include all public safety officers—not just policemen—but also sheriffs, correction guards, firefighters, and national guardsmen. I want to commend the staff of the Criminal Laws Subcommittee for the very careful and scholarly work that was done on this bill which enabled it to reach the floor in this improved form today.

Mr. President, I should also like to pay tribute to the valuable work of the distinguished Senator from Arkansas (Mr. McCLELLAN) not only in introducing this measure but also in expanding it, and refining and perfecting it with a persistence of followup which has been most commendable. These actions on his part have served as another demonstration that he is a true and consistent friend and supporter of law enforcement and peace officers. Always in his mind are their interest and their well-being.

Mr. President, for too long public safety officials in this country have literally laid their lives on the line in the cause of duty without adequate financial resources behind them ready to assume the burdens of support should they be wounded or killed. In numerous incidents following the death of an officer, a public subscription had to be undertaken to provide for the survivors.

This inadequate and uncertain practice must end.

The Nixon administration recognized this problem and proposed legislation to correct the resulting situation. The original S. 2087 was the result of the President's concern for our public safety personnel. In commenting on the reasons for this proposal, the present Attorney General, Richard Kleindienst, said:

> Police officers throughout the country are facing a rising tide of violence. This alarming trend can only be reversed by professional police officers who are assured that they and their families will be compensated in a manner commensurate with the risks inherent in law enforcement.

The administration since Mr. Kleindienst's statement has supported the committee in its efforts to expand the bill to all public safety officers.

The bill now before us for consideration would provide a gratuity of $50,000 to the dependents of public safety officers killed in the line of duty as a result of a crime. It also provides a gratuity in the case of dismemberment under the same circumstances: $25,000 for single dismemberment and $50,000 for multiple dismemberment.

At the time this bill was introduced, this Senator commented:

> I believe that the benefits which this bill would provide are richly deserved and will help to enhance the morale of the gallant men in blue who daily put their lives on the line on our behalf. It merits the prompt and favorable attention of the Senate.

My feelings remain the same today.

The latest FBI Uniform Crime Report released last week indicates that a total of 126 law enforcement officers were killed due to felonious criminal action in 1971. This is an increase over 1970 when 100 law enforcement officers were slain. During the 10-year period, 1962–1971, 722 officers were killed.

Eighty-seven percent of these officers were white and 12 percent Negro. The median years of service for the entire period was five and one-half. Thirteen percent had one year or less service, 43 percent had less than 5 years of service, 28 percent had 5 to 10 years, and 29 percent had over 10 years of service. They deserve our support.

Similar facts are available, I am certain, on the other types of public safety personnel that would be covered by this benefit program.

It is for all of these reasons that I believe this is a timely and useful proposal and it is my hope that it will be approved not only by this body but that it will also receive prompt action in the other body before the adjournment of the current session of the 92d Congress.

Mr. President, if any of my time remains, I yield it back. I yield 5 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. BOGGS. Mr. President, I wish to express my strong support for S. 2087 which would provide a $50,000 death benefit and a $25,000 dismemberment benefit for public safety officers killed or injured in the line of duty. I join my colleagues in complimenting the distinguished Senator from Arkansas (Mr. McCLELLAN), and the distinguished Senator from Nebraska (Mr. HRUSKA), and the other members of the Judiciary Committee for bringing this important legislation to the floor. I have long advocated this type of benefit, and I am most pleased that the Judiciary Committee has approved it and followed through with it.

I am hopeful that not only will this legislation pass the Senate today, but also that the other body will act on it expeditiously.

At this time, I ask unanimous consent to be listed as a cosponsor of the legislation.

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

Mr. BOGGS. Mr. President, last year I introduced a similar bill to provide a $50,000 death benefit to the survivors of policemen, firemen, and corrections officers killed in the line of duty. At that time I noted that such a benefit is now paid to the survivors of police officers in the District of Columbia. In addition, special death benefits are now available to State and local law enforcement personnel killed while enforcing Federal law.

While the States have been encouraged to provide comparable benefits for local law enforcement officers, the response has been uneven, resulting in a patchwork of benefits nationwide. Several States, in fact, offer virtually no financial assistance to the survivors of slain law enforcement officers. S. 2087 would correct this inequity by establishing a Federal floor, so to speak, under the benefits that survivors of public safety officers would be entitled to receive.

The committee, I am happy to note, has made a number of significant additions to my original proposal. The definition of a public safety officer has been extended to include highway patrol and National Guard or Armed Forces personnel assigned to civil duty as well as correctional and court personnel in contact with potentially dangerous criminals. I welcome the addition of these persons to my original proposal which covered policemen, firemen, and corrections guards. All of these men and women live daily with potential danger to their well-being and should receive this benefit.

Over the period from 1960 to 1970, the number of public safety officers killed in the line of duty rose sharply. In 1960, 37 policemen and 46 firefighters lost their lives on the job. In 1970, the number had risen to 100 policemen and 115 firefighters. The sharp increase in both categories occurred in 1967 and, therefore, the death and dismemberment benefits available under S. 2087 have been made retroactive to January 1, 1967. I am pleased that this will allow the families of three Delaware State troopers to receive this compensation.

Mr. President, I feel strongly that if we are to continue to attract responsible family men and women into these increasingly hazardous occupations, we must be prepared to provide them with the security of knowing that their families will be provided for should they be severely disabled or killed as a result of their work. The need to fill these jobs with capable men and women and our obligation to them is just as great whether they serve at the Federal, State, or local level.

I urge Senators to approve this legislation.

Mr. HRUSKA. Mr. President, if the Senator would yield, the RECORD should show that when the hearings were held on these and related bills, the Senator from Delaware (Mr. BOGGS) appeared as one of the witnesses. He appeared as one of the witnesses because of his longstanding interest in the field of law enforcement and his desire to support peace officers. I know of his record in this regard when he was Governor of his State. It was a long and consistent and good record. Not only that, but as he has pointed out, he introduced a similar bill that would provide the same benefits.

At this time I acknowledge with appreciation the support the Senator from Delaware gave us during the time of our hearings and I thank him for the fine statement he has made on the floor this afternoon.

Mr. BOGGS. Mr. President, I thank my distinguished friend, the Senator from Nebraska. I am happy to join with him and with other Members of the Senate in moving this legislation forward.

The PRESIDING OFFICER. The bill is open to amendment. Who yields time?

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. 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. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. PERCY. Mr. President, I thank my distinguished friend, the Senator from Nebraska, and wish to commend both the Senator from Arkansas (Mr. McCLELLAN) and the Senator from Nebraska (Mr. HRUSKA) for the legislation that is before the Senate at this time.

Mr. President, our public safety officers—our policemen and women, sheriffs, correctional guards, firefighters, and National Guardsmen—are a group of men and women who guard that tenuous line that separates us from anarchy. We have become accustomed to the brave deeds and quick responses of these dedicated men and women. However, in the past, our praise and thanks has been pitifully small in comparison to the sacrifices that these people are called upon to make both day and night.

I am pleased to say that with the bill we are considering today, S. 2087, the Congress will begin to deal effectively with some of the harsh realities which face these public service officers and their families. This bill is also a part of S. 2994 which I was pleased to cosponsor. It provides that the families of public safety officers killed in the line of duty may receive up to $50,000 and that those officers who are dismembered may receive up to $25,000 for each limb, up to a total of $50,000. There is no monetary value that we can put on the life of a father, or the arm or eye of a young man; there is no amount of money which could compensate a family for the loss of their loved one. However, this bill does help to ease the loss by insuring that economic deprivation will not be an added burden for the family. The action of the Senate today will see to it that money is coming into the family at a time when its main source of income has been terminated.

Mr. President, in the last 6 years, I have visited with many of the grief-stricken families of police officers killed in the line of duty. In almost every case, these families faced an uncertain future due to the fact that their husbands did not have proper or adequate life insurance. Often, these families were too young to have saved much money. Anyone who has met with families in this situation, as I have, knows that we in the Congress must help ease the burden of these families who have given so much to the communities in which their husbands and fathers served.

I am especially pleased at the retroactivity section of this bill which will cover public service officers killed or wounded in the line of duty since January 1, 1967. Though it is unfortunately true that an arbitrary line has to be drawn in these matters, I feel that the one agreed to is a fair one.

Mr. President, I was pleased to cosponsor this provision as part of S. 2994, and I am pleased to speak in favor of this bill today. I urge my colleagues to join with me in overwhelmingly passing this very important legislation. This can be our way of repaying some of the sacrifices that have been made for the safety and welfare of all of our communities.

Mr. President, I would like to address a question to the Senator from Nebraska. I ask if I might be advised as to what the procedures will be in the House and what action has been taken by that body so that we might expect enactment of this legislation in this legislative year within the next 5 weeks and its signature by the President.

Mr. HRUSKA. Mr. President, I might say that it is our hope that action will be taken. A measure is pending. I do not know the exact extent of the hearings held at this time, but some have been held on this general question. Whether they have been concluded I am not informed. But it is our hope that this bill will receive prompt attention so it can be laid on the President's table for signature into law before this Congress adjourns sine die.

Mr. PERCY. I urge all of us, and I trust we will, to urge our colleagues in the other body to act promptly.

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

Mr. HRUSKA. I yield the Senator 2 additional minutes.

Mr. PERCY. I know that when we adopt this measure today I intend to telephone the superintendent of police in Chicago and advise him of our action, and urge that he, the mayor of Chicago, and other public officials urge upon our colleagues in the Illinois delegation their swift and prompt action in this regard.

I also intend to telephone some of the widows of policemen whose homes I have visited, and the funerals of husbands I have attended, to advise them of what we have done. I know it will mean a great deal from the standpoint of family security. On the first day of business the Senate has addressed itself to this important matter and it will do a tremendous amount to raise their morale and spirits, and the morale and spirits of all police forces in this country.

Again, I commend my distinguished colleague from Nebraska and the distinguished Senator from Arkansas for the leadership that has been provided in this legislation.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. BAYH. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 7, after line 13, add the following new subsection:

"(e) In lieu of the benefit provided under subsection (a), any recipient eligible under section 527 may elect to receive compensation under the provisions of the Federal Employees' Compensation Act, 5 U.S.C., Chapter 81, as if the public safety officer had been covered by such Act."

Mr. BAYH. Mr. President, I wish to join with those who have expressed their deep appreciation to the distinguished senior Senator from Arkansas for the work that he has done in this area to try to provide benefits for our policemen, firefighters, and their families. Some time ago, I introduced a bill that is designated S. 1081. The bill was referred to the Committee on Government Operations. During the deliberations the other day on this particular matter—S. 2087—before the Committee on the Judiciary, I did not feel it appropriate at that time to bring my bill to the attention of the full Committee on the Judiciary. We had four or five sections of a bill; there were controversies; and I did not want to muddy the water or cloud the water but I did want to bring to the attention of the Senate now, the provisions of this measure and ask the Senator from Arkansas if he would give it the most careful consideration.

The amendment which the Senator from Indiana has called up would make available the present Federal Employees' Compensation Act benefits to all policemen and also to firefighters injured in the course of their duty. These same benefits are now available under title 5, United States Code, section 8191, with respect to those injured or who are killed enforcing the law with respect to a Federal crime. So I would want to extend these benefits to all police and firefighters, whether or not they are engaged in Federal law enforcement activities.

The way the law is written now there is a distinction between a policeman killed in a small community while trying to enforce the law with respect to a Federal crime, which may have been committed in a large community and the way that same officer and his family are treated if he is killed in the line of duty in connection with a State crime. It is a distinction which has no merit. And so I would erase that distinction. And I feel that firefighters also should be compensated the same as police. All public safety does not involve law enforcement as such, but firefighters too put their lives on the line daily for us, and they as well as policemen should receive these maximum benefits.

The amendment I have introduced would provide that we give to the police officer or the firefighter, or his or her family, the choice of taking the $50,000 lump sum benefit in the bill as it is, or to receive compensation under the Federal Employees' Compensation Act. In many instances, particularly in the case of a widow with several children or in the case of a long term disability of a police officer or firefighter these benefits would be significantly greater in terms of necessary reimbursement and compensation to that policeman, firefighter, or his

family than could be achieved under the $50,000 lump sum payment.

Inasmuch as presently we have this one provision of law under which police can receive these benefits, I wonder if the Senator would consider giving the option to the injured policeman or firefighter—or his family—to take either the $50,000 lump sum or the benefits presently made available under the Federal Employees' Compensation Act for that one particular category of police officers—those involved in Federal law enforcement activities?

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

Mr. BAYH. I am glad to yield to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, this amendment presents some issues that, I think, deserve study. I do not think hasty action should be taken. The distinguished Senator from Indiana notes that those who may be killed while undertaking to enforce a Federal law would be entitled to Federal workmen's compensation under existing law. He then proposes that all policemen not enforcing Federal law also come under this legislation.

I would like to make this suggestion to the Senator, who is a member of the Committee on the Judiciary, and who, I note, did not raise this question when the bill was before the committee for consideration. Since he has also introduced a bill to carry out what he seeks to do by this amendment, and that bill is now pending before the Government Operations Committee, I would hope that he might allow that bill to take its due course, and that the Senator would let the committee work its will on it, make a report, and either report the bill favorably or with such amendments as it would deem advisable, and not complicate this bill. I would hope he would let the two issues stand separately.

I would also suggest to my distinguished friend from Indiana that this bill has to go to the House of Representatives. I understand a Member of the House, Representative JACOBS, is interested in the same bill that the Senator from Indiana is discussing. I would like to urge, or suggest, most respectfully, that the Senator let the bill pass as it is, without his amendment, and then, working with Representative JACOBS and others who may share the Senator's views, let the House work its will on the proposal and then let it go to conference. In the meantime we will have an opportunity to study this proposal, and we might be able to reach an accommodation.

But I am not prepared here on the floor to make a snap judgment, in view of the committee's having reported the bill in its present form, and this matter not having been considered by the Judiciary Committee. I would like the Senator to do that.

If we take a vote on it, and it is adopted, of course, it will go to conference; but if it is not adopted, and the House should insert it in the bill, it would make it a little more difficult for the conferences on the part of the Senate to yield to a House provision of that character.

There are some other problems in connection with this proposal that concerns me. I know it leaves it to the dependent to make the election, but what if there is a dependent mother and a child who is under guardianship? Who would make the decision? They both cannot make the decision.

I think there are some possible complications that need to be worked out here. We should not accept this measure in this way. It might take a lot more language than is proposed here to get it into proper form to make it workable.

I say this because I am interested, as the Senator is, in making certain that dependents of officers who may be slain are given some measure of support and security, after they have made the great sacrifice of losing their father or husband, as the case may be.

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

Mr. McCLELLAN. I yield this time out of my time.

Mr. HRUSKA. Mr. President, I subscribe to the view and the hope just expressed by the Senator from Arkansas. The solicitude the Senator from Indiana has consistently shown for the welfare and well-being of police officers is well known. I know he has very fine objectives in mind, but it should be recalled that one reason for the bill being in the form it is is to achieve ease and simplicity in making a claim and processing it. We have had no opportunity to get into the very technical matter of engrafting this gratuity or its equivalent in terms of the Federal Employees Act. It is not an act which is within the purview of the Committee on the Judiciary. I do not recall, and I am not currently informed, as to whether it is within the jurisdiction of the Committee on Post Office and Civil Service, the Government Operations Committee, or the Finance Committee, but it is not in the purview of our committee.

I join the Senator from Arkansas in the request that perhaps the amendment could be withdrawn, with the idea of getting it processed in the other body, and then considering it in conference, if they would see fit to come forward with such a proposal.

I yield back the remainder of my time if any there be.

Mr. BAYH. Mr. President, I am inclined to follow the suggestion of my distinguished colleague the senior Senator from Arkansas and my distinguished colleague from Nebraska, but before doing so I would like to point out that the Senator from Indiana does not make this offer of an amendment lightly. I see present in the Chamber the distinguished Senator from Massachusetts (Mr. KENNEDY), who was a part of the discussion in the Judiciary Committee and was vitally interested in this aspect. Senators will remember that the last committee meeting was rather tumultous. The Senator from Indiana would have felt that he was not doing a favor to the Senator from Arkansas or to the Senator from Massachusetts or other Senators by bringing up this specific measure at that time.

Second, the suggestion to pursue it through the Government Operations Committee is one that really holds little hope as far as can be determined from past history. My measure has been before that committee for the best part of 2 years.

We are now discussing what we do as a society to provide sustenance—there is no way we can replace the loss—to those who remain after a policeman or a firefighter is taken from them or left in a disabled condition. It seems to me that we all want to provide the most effective and helpful scheme of benefits, however, our final determination of those benefits is arrived at.

I wanted to point out the reason why the Senator from Indiana felt dutybound to bring this to the attention of the Senator from Arkansas now was that when this measure was last considered, in 1968, in the case of police killed or injured while enforcing Federal law, the Senate position at that time was for a lump sum benefit. The House pursued the route discussed by the Senator from Indiana, and there was a compromise. There was a melding together. It was accomplished. The Senator from Arkansas, I am sure, will remember that, although he brings attention to this matter, the compromise was between the Senate version—a $25,000 lump sum, and the House version—benefits from the Federal Employees Compensation Act. When I remembered that and when I recalled the obstacle in the House with reference to acceptance of the lump sum benefit, I thought it would be helpful to offer this amendment now to facilitate compromise with the House.

If the Senator will bear with me while I point out those instances where I think we have a stronger bill, I will do so and then withdraw my amendment. I intend to pursue it diligently with Members of the House, with the understanding that the Senator from Arkansas and the Senator from Nebraska will proceed with this approach if the House agrees to go along with it.

Under my amendment, a widow without children would get 45 percent of what her husband was earning. And she would get it for life or until she remarried. If she has children, she gets 40 percent plus 15 percent for each child until she remarries, or her children reach the age of 18, or 22 if they are students. This widow's and children's compensation could be as high as 75 percent of the deceased policeman or firefighter's salary.

If we take that amount on a monthly annuity basis for a mother with young children, and compare it with the $50,000 lump sum settlement, we will see that a mother with three small children gets significantly more that way. Invested at 6 percent, $50,000 would yield only $3,000 annually. A widow with three children under my approach would get $7,500 annually.

Or take the cost of an injured or disabled policeman or firefighter. Under this bill, only if a man lost most of his hand or foot or eye would he be compensated at all, and then no matter what the extent of his injury, his highest benefit would be $50,000. Under my approach, such an injured or disabled policeman

or firefighter could get the full range of FECA benefits—medical care, rehabilitation, and far more liberal compensation for loss of his limbs, or his eyesight, or his hearing—or any other disability.

Now, if her husband is slain while enforcing a Federal criminal act she would be eligible for these benefits. But if he was not, then she is not eligible. It seems to me it makes no difference how the husband is killed or injured—the need, the sorrow, and the justification are just as great. But any amendment would allow each beneficiary to choose whether he or she wanted the lump sum or the annuity type payment.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator from Arkansas care to use any additional time?

Mr. McCLELLAN. Mr. President, I yield myself 1 more minute.

I have expressed my views about this matter, and am still hopeful that the suggestion, which I made in all sincerity, will be accepted and that if the House of Representatives brings in a different approach, in the form of payments under a workmen's compensation type plan, for example, then we will try to resolve the matter in conference. If that is the will of the House, and they prefer to do it that way, or if they make amendments to this bill after due consideration of it, and try to bring in a dual plan, so to speak, then we will be in a position to consider the matter in conference.

I am not taking a position unalterably opposed to this proposal; I just do not want to legislate in the dark here.

There are complications in it, in my judgment, that need to be studied and resolved with some intelligent arrangement, and not just haphazardly.

That is the only concern I have. As I say, I am sure the distinguished Senator from Indiana is just as anxious as I am to try to accomplish the same objective that I have.

In reference to the bill in the Government Operations Committee, it may have been there a year or longer, but I do not recall any request for hearings on it, and after all, we do have a heavy workload, some of us, and often we are not able to accommodate every problem that we are presented.

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

Mr. McCLELLAN. Yes, I am happy to yield to the Senator from Indiana.

The PRESIDING OFFICER. Does the Senator from Arkansas yield himself additional time?

Mr. McCLELLAN. I yield myself 2 additional minutes.

Mr. BAYH. Mr. President, I would like, for the sake of the record and if an amendment is submitted, now or somewhere else, to talk about what we really want to accomplish here.

It has been brought to the attention of the Senator from Indiana that the way the measure is now worded, if a police officer is killed or wounded while enforcing a Federal law, under the law as it is now, he or his survivors would qualify for Federal Employment Compensation Act benefits under section 8191 of title 5.

If he is killed, under the present bill, is it not also true that in addition to the Federal Employment Compensation Act benefits the family would receive an additional $50,000 lump sum?

Mr. McCLELLAN. That is true.

Mr. BAYH. The Senator from Indiana is trying to provide more benefits to firemen and policemen, not less, but I am just pointing that out, to show that there is a discrepancy in the bill as it is now.

Mr. McCLELLAN. I would point out to the distinguished Senator that I would have no objection to reconsidering this aspect of the bill before it is finally——

Mr. BAYH. So that Federal officials who would get killed today would be entitled to both of them, too. The only people who would not be entitled to both are the State and local police and firefighters whom we are trying to help.

The concern that the Senator from Indiana has is that it is pretty difficult to compensate somebody too much who lays down his life.

Mr. McCLELLAN. I realize that, and that in trying to work these things out, as the Senator has discovered here, with all of our work, sometimes we are not able to handle all of these problems at one time, and some of these matters may deserve further consideration. But I hope the bill will not be further complicated.

Mr. BAYH. I shall pursue this with some of our brethren over in the House of Representatives, but I call this to the Senator's attention so that we may all work together cooperatively. We all want to see that our policemen and firemen are fairly and adequately treated. Money cannot replace a father or a husband, nor can we really compensate a young man who loses his arm or his eyes. But we can take what steps we may to make the loss easier to bear, and I hope that we can all resolve these important questions satisfactorily, in the interests of these brave men and women and their families.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

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

Mr. McCLELLAN. Mr. President, I yield myself 1 additional minute. I thank the distinguished Senator from Indiana. I believe this colloquy has made a valuable contribution to the consideration of this measure and to the debate.

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

Mr. McCLELLAN. I yield myself 1 more minute, and yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I call the Senator's attention to page 5, the bottom one-third of the page where it gives the definitions.

(7) Defines "public safety officer," and then (A) states:

> The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the Armed Forces,

Now, this "maintenance of civil peace" refers, I assume, to when the National Guard or the Army or Reserves are called out on public duty.

Mr. McCLELLAN. That is correct.

Mr. STENNIS. Will it apply if the National Guard is called out by the Governor, and not federalized?

Mr. McCLELLAN. It would, because they are acting in the performance of their duty at that time which would be law enforcement.

Mr. STENNIS. So they would not have to be federalized, as we call it, in order to come within the provisions of this act?

Mr. McCLELLAN. No, they would not have to be federalized.

Mr. STENNIS. I thank the Senator.

Mr. McCLELLAN. That is the reason for bringing them within the act, because sometimes the National Guard is called on to help preserve civil order.

Mr. STENNIS. And when they are called on, it is frequently a serious matter.

Mr. McCLELLAN. Yes. I thank the Senator.

The PRESIDING OFFICER. The bill is open to amendment.

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

The PRESIDING OFFICER. On whose time is the quorum call to be made?

Mr. McCLELLAN. I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HRUSKA. I yield 4 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the problem of crime in the United States has been a matter of great concern to the American people and to Congress in recent years. While main attention has been focused on the necessity for reducing criminal activities and on assisting the victims of crime, the Judiciary Committee has also felt that it is extremely important to focus on the problems of law enforcement personnel in this country. The number of police officers who have been the victims of felonious killings has risen dramatically from 37 in 1961 to 126 in 1971. In addition, it has been found that State and local assistance to the families of deceased policemen and firemen is not adequate. Indeed, there are 18 States which provide no survivors benefits to the families of peace officers slain in the line of duty.

With these factors in mind, S. 2087, the Public Safety Officers Benefits Act of 1972, was conceived. This bill provides for a gratuity of $50,000 to be paid to the dependents of public safety officers killed in the line of duty as a result of a crime. In the case of dismemberment under similar circumstances the sum of $25,000 is to be paid to the victim for single dismemberment and $50,000 for multiple dismemberment. The benefits awarded under this bill would not be subject to Federal income tax.

Mr. President, I believe passage of this bill is most important as I am confident it will accomplish two highly worthwhile purposes. First, it will provide much-needed compensation to the men and their families who are responsible for the public safety of American citizens. Testimony before the Judiciary Committee indicated this bill was supported by the administration and by numerous associations of law enforcement officials, including the National Sheriffs Association and Heroes, Inc., an organization of volunteers to aid the survivors of deceased policemen and firemen. Their testimony, as well as that of others, clearly indicates there is a great need for these benefits and that at present the families who are left when public safety officers are killed suffer severe financial hardship. The cost of appropriate insurance is much higher for these men than for other citizens.

The second reason why I believe this bill should be passed is that I am confident that it will promote and encourage more effective law enforcement. It will certainly provide additional incentive in the recruitment of public safety officers throughout the United States. In addition, it will provide a substantial boost to the morale of public safety officers and their families. The problem of crime in our society greatly affects all Americans and any action which the Congress can take to improve this situation should be taken.

Mr. President, the term "public safety officer" is defined in this bill to be inclusive rather than exclusive and applies to policemen, highway patrolmen, court and prison personnel, and firemen, as well as others. This bill represents a serious attempt on the part of the Congress to provide financial security to public safety officers and their families and to help combat the serious crime rate in this country. I urge the Senate to pass this worthwhile measure.

Mr. KENNEDY. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE II

This title may be cited as the "Public Safety Officers' Group Life Insurance Act of 1972."

DECLARATION OF PURPOSE

SEC. 101. It is the declared purpose of Congress in this title to promote the public welfare by establishing a means of meeting the financial needs of public safety officers or their surviving dependents through group life, accidental death, and dismemberment insurance, and to assist State and local governments to provide such insurance.

INSURANCE PROGRAM AUTHORIZED

SEC. 102. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455, respectively, as sections 421 through 425;

(2) redesignating sections 501 through 521, respectively, as sections 550 through 570;

(3) redesignating parts F, G, H, and I of title I, respectively, as parts I, J, K, and L of title I; and

(4) adding at the end of part F of title I, as amended by this Act, the following new part:

"PART G—PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE

"SEC. 500. For the purposes of this part—

"(1) 'child' includes as stepchild, an adopted child, an illegitimate child, and a posthumous child;

"(2) 'month' means a month that runs from a given day in one month to a day of the corresponding number in the next or specified succeeding month, except when the last month has not so many days, in which event it expires on the last day of the month and

"(3) 'public safety officer' means a person who is employed full time by a State or unit of general local government in—

"(A) the enforcement of the criminal laws, including highway patrol,

"(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees,

"(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

"(D) firefighting.

but does not include any person eligible to participate in the insurance program established by chapter 87 of title 5 of the United States Code or any person participating in the program established by, Subchapter III of chapter 19 of Title 38 of the United States Code.

"Subpart 1—Nationwide Program of Group Life Insurance for Public Safety Officers

"ELIGIBLE INSURANCE COMPANIES

"SEC. 501. (a) The Administration is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits specified in this subpart. Each such life insurance company must (1) be licensed to issue life, accidental death, and dismemberment insurance in each of the fifty States of the United States and the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Administration, have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

"(b) Any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Administration.

"(c) The Administration may at any time discontinue any policy which it has purchased from any insurance company under this subpart.

"REINSURANCE

"SEC. 502. (a) The Administration shall arrange with each life insurance company issuing a policy under this subpart for the reinsurance, under conditions approved by the Administration, of portions of the total amount of insurance under the policy, determined under this section, with other life insurance companies which elect to participate in the reinsurance.

"(b) The Administration shall determine for and in advance of a policy year which companies are eligible to participate as reinsurers and the amount of insurance under a policy which is to be allocated to the issuing company and to reinsurers. The Administration shall make this determination at least every three years and when a participating company withdraws.

"(c) The Administration shall establish a formula under which the amount of insurance retained by an issuing company after ceding reinsurance, and the amount of reinsurance ceded to each reinsurer, is in proportion to the total amount of each company's group life insurance, excluding insurance purchased under this subpart, in force in the United States on the determination date, which is the most recent December 31 for which information is available to the Administration. In determining the proportions, the portion of a company's group life insurance in force on the determination date in excess of $100,000,000 shall be reduced by—

"(1) 25 per centum of the first $100,000,000 of the excess;

"(2) 50 per centum of the second $100,000,000 of the excess;

"(3) 75 per centum of the third $100,000,000 of the excess; and

"(4) 95 per centum of the remaining excess.

However, the amount retained by or ceded to a company may not exceed 25 per centum of the amount of the company's total life insurance in force in the United States on the determination date.

"(d) The Administration may modify the computations under this section as necessary to carry out the intent of this section.

"PERSONS INSURED; AMOUNT

"SEC. 503. (a) Any policy of insurance purchased by the Administration under this subpart shall automatically insure any public safety officer employed on a full-time basis by a State or unit of general local government which has (1) applied to the Administration for participation in the insurance program under this subpart, and (2) agreed to deduct from such officer's pay the amount of such officer's contribution, if any, and forward such amount to the Administration or such other agency or office as is designated by the Administration as the collection agency or office for such contributions. The insurance provided under this subpart shall take effect from the first day agreed upon by the Administration and the responsible officials of the State or unit of general local government making application for participation in the program as to public safety officers then on the payroll, and as to public safety officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this subpart shall so insure all such public safety officers unless any such officer elects in writing not to be insured under this subpart. If any such officer elects not to be insured under this subpart he may thereafter, if eligible, be insured under this subpart upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administration.

"(b) A public safety officer eligible for insurance under this subpart is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

If annual pay is—		The amount of group insurance is	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
$9,000	10,000	12,000	12,000
$10,000	11,000	13,000	13,000
$11,000	12,000	14,000	14,000
$12,000	13,000	15,000	15,000
$13,000	14,000	16,000	16,000
$14,000	15,000	17,000	17,000
$15,000	16,000	18,000	18,000
$16,000	17,000	19,000	19,000

If annual pay is—		The amount of group insurance is	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
$17,000	$18,000	$20,000	$20,000
$18,000	19,000	21,000	21,000
$19,000	20,000	22,000	22,000
$20,000	21,000	23,000	23,000
$21,000	22,000	24,000	24,000
$22,000	23,000	25,000	25,000
$23,000	24,000	26,000	26,000
$24,000	25,000	27,000	27,000
$25,000	26,000	28,000	28,000
$26,000	27,000	29,000	29,000
$27,000	28,000	30,000	30,000
$28,000	29,000	31,000	31,000
$29,000		32,000	32,000

The amount of such insurance shall automatically increase at any time the amount of increase in the annual basic rate of pay places any such officer in a new pay bracket of the schedule and any necessary adjustment is made in his contribution to the total premium.

"(c) Subject to conditions and limitations approved by the Administration which shall be included in any policy purchased by it, the group accidental death and dismemberment insurance shall provide for the following payments:

"Loss	Amount payable
For loss of life	Full amount shown in the schedule in subsection (b) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One-half of the amount shown in the schedule in subsection (b) of this section.
Loss of two or more such members.	Full amount shown in the schedule in subsection (b) of this section.

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

"(d) Any policy purchased under this subpart may provide for adjustments to prevent duplication of payments under any program of federal gratuities for killed or injured public safety officers.

"(e) Group life insurance shall include provisions approved by the Administration for continuance of such life insurance without requirement of contribution payment during a period of disability of a public safety officer covered for such life insurance.

"(f) The Administration shall prescribe regulations providing for the conversion of other than annual rates of pay and shall specify the types of pay included in annual pay.

"TERMINATION OF COVERAGE

"SEC. 504. Each policy purchased under this subpart shall contain a provision, in terms approved by the Administration, to the effect that any insurance thereunder on any public safety officer shall cease two months after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier: *Provided, however,* That coverage shall be continued during periods of leave or limited disciplinary suspension if such an officer authorizes or otherwise agrees to make or continue to make any required contribution for the insurance provided by this subpart.

"CONVERSION

"SEC. 505. Each policy purchased under this subpart shall contain a provision, in terms approved by the Administration, for the conversion of the group life insurance portion of the policy to an individual policy of life insurance effective the day following the date such insurance would cease as provided in section 504 of this subpart. During the period such insurance is in force, the insured, upon request to the Administration, shall be furnished a list of life insurance companies participating in the program established under this subpart and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums, the insured shall be granted life insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof. In addition to the life insurance companies participating in the program established under this subpart, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Administration and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

"WITHHOLDING OF PREMIUMS FROM PAY

"SEC. 506. During any period in which a public safety officer is insured under a policy of insurance purchased by the Administration under this subpart, his employer shall withhold each pay period from his basic or other pay until separation or release from full-time duty as a public safety officer an amount determined by the Administration to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this subpart while on full-time duty as a public safety officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial amount determined by the Administration to be charged any public safety officer for each unit of insurance under this subpart may be continued from year to year, except that the Administration may redetermine such amount from time to time in accordance with experience.

"SHARING OF COST OF INSURANCE

"SEC. 507. For each month any public safety officer is insured under this subpart, the Administration shall bear not more than one-third of the cost of insurance for such officer, or such lesser amount as may from time to time be determined by the Administration to be a practicable and equitable obligation of the United States in assisting the States and units of general local government in recruiting and retaining their public safety officers.

"INVESTMENTS AND EXPENSES

"SEC. 508. (a) The amounts withheld from the basic or other pay of public safety officers as contributions to premiums for insurance under section 506 of this subpart, any sums contributed by the Administration under section 507 of this subpart, and any sums contributed for insurance under this subpart by States and units of general local government under section 515 of this part, together with the income derived from any dividends or premium rate readjustment from insurers, shall be deposited to the credit of a revolving fund established by section 517 of this part. All premium payments on any insurance policy or policies purchased under this subpart and the administrative costs to the Administration of the insurance program established by this subpart shall be paid from the revolving fund by the Administration.

"(b) The Administration is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative costs to the Administration of the program and all current premium payments on any policy purchased under this subpart. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield. The interest on and the proceeds from the sale of these obligations, and the income derived from dividends or premium rate adjustments from insurers, shall become a part of the revolving fund.

"BENEFICIARIES; PAYMENT OF INSURANCE

"SEC. 509. (a) Any amount of insurance in force under this subpart on any public safety officer or former public safety officer on the date of his death shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date of his death, in the following order of precedence:

"(1) to the beneficiary or beneficiaries as the public safety officer or former public safety officer may have designated by a writing received in his employer's office prior to his death;

"(2) if there is no such beneficiary, to the surviving spouse of such officer or former officer;

"(3) if none of the above, to the child or children of such officer or former officer and to the descendants of deceased children by representation in equal shares;

"(4) if none of the above, to the parent or parents of such officer or former officer, in equal shares; or

"(5) if none of the above, to the duly appointed executor or administrator of the estate of such officer or former officer.

Provided, however, That if a claim has not been made by a person under this section within the period set forth in subsection (b) of this section, the amount payable shall escheat to the credit of the revolving fund established by section 517 of this part.

"(b) A claim for payment shall be made by a person entitled under the order of precedence set forth in subsection (a) of this section within two years from the date of death of a public safety officer or former public safety officer.

"(c) The public safety officer may elect settlement of insurance under this subpart either in a lump sum or in thirty-six equal monthly installments. If no such election is made by such officer, the beneficiary or other person entitled to payment under this section may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary or other person entitled to payment under this section may elect settlement in thirty-six equal monthly installments.

"BASIC TABLES OF PREMIUMS; READJUSTMENT OF RATES

"SEC. 510. (a) Each policy or policies purchased under this subpart shall include for the first policy year a schedule of basic premium rates by age which the Administration shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, taking into account expense and

risk charges and other rates based on the special characteristics of the group. This schedule of basic premium rates by age shall be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per $1,000 of insurance, taking into account all savings based on the size of the group established by this subpart. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Administration in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers.

"(b) Each policy so purchased shall include a provision that, in the event the Administration determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Administration may approve the determination of a tentative average group life premium, for the first of any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate may be increased by the Administration during any policy year upon a showing by the insurance company issuing the policy that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

"(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Administration on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers, taking into consideration peculiar characteristics of the group. Such maximum charges shall be continued from year to year, except that the Administration may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Administration to such companies at least one year in advance of the beginnnig of the year for which such redetermined maximum charges will be effective.

"(d) Each such policy shall provide for an accounting to the Administration not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Administration, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of item (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Administration as being consistent with the rates generally used by such company or companies for for similar funds held under other group life insurance policies. If and when the Administration determines that such special contingency reserve has attained an amount estimated by the Administration to make satisfactory provision for adverse fluctuations in future charges under the policy, any further excess shall be deposited to the credit of the revolving fund established under this subpart. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

"BENEFIT CERTIFICATES

"SEC. 511. The Administration shall arrange to have each public safety officer insured under a policy purchased under this subpart receive a certificate setting forth the benefits to which such officer is entitled thereunder, to whom such benefit shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the officer. Such certificate shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

"Subpart 2—Assistance to States and Localities for Public Safety Officers' Group Life Insurance Programs

"SEC. 512. (a) Any State or unit of general local government having an existing program of group life insurance for, or including as eligible, public safety officers during the first year after the effective date of this part, which desires to receive assistance under the provisions of this subpart shall—

"(1) inform the public safety officers of the benefits and allocation of premium costs under both the Federal program established by subpart 1 of this part and the existing State or unit of general local government program;

"(2) hold a referendum of the eligible public safety officers of the State or unit of general local government to determine whether such officers want to continue in the existing group life insurance program or apply for inclusion in the Federal program under the provisions of subpart 1 of this part; and

"(3) recognize the results of the referendum as finally binding on the State or unit of general local government for the purposes of this part.

"(b) Upon an affirmative vote of a majority of such officers to continue in such State or unit of general local government program, a State or unit of general local government may apply for assistance for such program of group life insurance and the Administration shall provide assistance in accordance with this subpart.

"(c) Assistance under this subpart shall not exceed one-third of the premiums attributable to the public safety officers enrolled in such State or unit of general local government program or such assistance as would be available to the public safety officers if they were enrolled under subpart 1 of this part, whichever is less, to the extent the amount of coverage under the State or unit of general local governmental program is comparable with the amount of coverage available under subpart 1 of this part.

"(d) Assistance under this subpart shall be used to reduce proportionately the contributions paid by the State or unit of general local government and by the appropriate public safety officers to the total premium under such program: *Provided, however,* That the State or unit of general local government and the insured public safety officers may by agreement change the contributions to premiums costs paid by each, but not so that such officers must pay a higher fraction of the total premium than before the granting of assistance.

"Subpart 3—General Provisions

"UTILIZATION OF OTHER AGENCIES

"SEC. 513. In administering the provisions of this part, the Administration is authorized to utilize the services and facilities of any agency of the Federal Government or a State or unit of general local government or a company from which insurance is purchased under this part, in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"ADVISORY COUNCIL ON PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE

"SEC. 514. There is hereby created an Advisory Council on Public Safety Officers' Group Life Insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Office of Management and Budget, each of whom shall serve without additional compensation. The Council shall meet not less than once a year, at the call of the Chairman, and shall review the administration of this part and advise the Administration on matters of policy relating to its activity thereunder. In addition, the Administration may solicit advice and recommendations from any State or unit of general local government participating in a public safety officers' group life insurance program under this part, from any insurance company underwriting programs under this part, and from public safety officers participating in group life insurance programs under this part.

"PREMIUM PAYMENTS ON BEHALF OF PUBLIC SAFETY OFFICERS

"SEC. 515. Nothing in this part shall be construed to preclude any State or unit of general local government from making contributions on behalf of public safety officers to the premiums required to be paid by them for any group life insurance program receiving assistance under this part.

"WAIVER OF SOVEREIGN IMMUNITY

"SEC. 516. The Administration may sue or be sued on any cause of action under this part.

"PUBLIC SAFETY OFFICERS' GROUP INSURANCE REVOLVING FUND

"SEC. 517. There is hereby created on the books of the Treasury of the United States a fund known as the Public Safety Officers' Group Life Insurance Revolving Fund which may be utilized only for the purposes of subpart 1 of this part."

Subpart 4—Miscellaneous

SEC. 103. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and as redesignated by this Act, is amended by inserting "(a)" immediately after "569" and by adding at the end thereof the following new subsection:

"(b) There is authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, for the purposes of part G."

SEC. 104. Until specific appropriations are made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

SEC. 105. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

SEC. 106. This Act shall become effective on date of enactment. Amend the title so as to read: "A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to

authorize group insurance programs for public safety officers and to assist State and local governments to provide such insurance."

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

Mr. KENNEDY. I yield.

Mr. McCLELLAN. Is this amendment the same as the bill that the Senator has introduced?

Mr. KENNEDY. Yes.

Mr. President, the substance of this amendment is S. 33, which is an insurance mechanism to protect our policemen and firefighters as well as some correctional guards and court officers.

It is a matter with which the chairman of the Subcommittee on Criminal Laws and Procedures as well as the ranking minority member are completely familiar, because it was a separate title of a more comprehensive piece of legislation which was put together and considered in its entirety during the course of the hearings.

I should like to review, for the benefit of the Senate, where we are with regard to S. 33, which, as I have mentioned, in many ways complements S. 2087, which is the gratuity provision for public safety officers.

This concept was introduced in the 1967 study that was made of crime and disorder in this country. On the basis of what was said in that study, I introduced a measure incorporating this concept of insurance for police. It was passed by the Senate in 1970, but in the conference with the House of Representatives, they felt that it had not had full and adequate hearings in the House of Representatives, and therefore it was dropped.

Later, the administration introduced a somewhat different approach to the problems of dependents of policemen, and that was expanded to include firemen and other public safety officers. But it does not provide, for example, for firefighters or policemen who are involved in accidental death on duty or who suffer death or injury from any cause off duty. We know that public safety officers sometimes have a difficult time getting insurance benefits on regular terms because of the hazardous nature of their duties.

Therefore, this mesaure would provide some incentive to public safety officers by an insurance concept which is modeled after the Federal Employees' Group Life Insurance program as well as the servicemen's insurance program, both of which have been remarkably successful.

Some time ago, just before the recess, in an executive session of the Committee on the Judiciary, the complete measure that had been introduced was reduced title by title and voted on separately. This afternoon we are considering some titles of that provision, under the time limitation of 20 minutes on each amendment.

Because of other commitments, the Senator from Nebraska was unable to attend that meeting; but it was felt that, because of his views on this question, we ought to provide him sufficient time to be able to submit minority views on the insurance program. Those views will be submitted by the end of the week.

Therefore, I am in the position of wanting to follow the procedures of the Senate by making sure that when the report comes before the Senate, full opportunity will be given for minority views. I recognize that we may very well be precluded from acting on what I think is a very essential part of our responsibility to our policemen and firefighters, as included in S. 33, by delaying and not offering this as an amendment to the gratuity bill which is before the Senate this afternoon.

I have indicated to the leadership that if, perhaps, I had been somewhat more alert at the time this measure was being considered or the consent agreement was offered 2 weeks ago last Thursday, I would have thought that we ought to consider these measures together. We have waited until this time in the year for consideration of S. 2087, and certainly a few more days in order to do the complete job would not have seemed an unreasonable request by any Member of the Senate, particularly since these features are so complementary.

I understand that there is some question as to the germaneness of this provision, in that, even though it is closely related to the concept of assisting public safety officers, it could be viewed as are two different approaches toward the same end. But the gratuity and insurance bills have been joined in the victims of crime bill since December of last year. Both would amend the Omnibus Crime Control and Safe Streets Act of 1968. They are both amendments to those provisions. The insurance aspect contains a provision concerning overlap with the gratuities aspect so that any reasonable reading of the Senate rules on this, if we do have that issue raised, would certainly come down on the side of including this as a germane amendment.

But I have had a talk with the acting majority leader and I felt that if we were able to know that S. 33 will come to the floor by the early part of next week, and with his assurance that even with the busy schedule outlined here and the significant workload, he would be willing to schedule this program, then I would feel constrained not to press this amendment to a vote. But I would be interested both in the views of the Senator from Arkansas on the general understanding and in the views of the acting majority leader.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER (Mr. STAFFORD). Three minutes remain on this amendment.

Mr. KENNEDY. I would like to ask the Senator from Arkansas to speak on his time, if he would.

Mr. McCLELLAN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 3 minutes.

Mr. McCLELLAN. Mr. President, I may say to the distinguished Senator from Massachusetts, as he knows, I support his bill—or the amendment as such—as a legislative proposition. As the Senator knows, the Subcommittee on Criminal Laws and Procedures of the Judiciary Committee reported an omnibus bill (S. 2994), title II of which contained the provisions of the Senator's amendment.

When the bill reached the full committee, the full committee, for some reason sufficient to it, separated the various titles of the bill and reported them out individually. I was not present at the meeting at the time this proposal was made and agreed to. I had favored bringing all of them out in the omnibus bill. However, that was not done.

A certain time was given, I believe, to the distinguished Senator from Nebraska in which to file dissenting views. He had opposed this provision even in the subcommittee, but he did agree to let it be reported so that the full committee might work its will. I say all of this as a preface to saying that I am glad that the Senator will withdraw his amendment. I am concerned that we might get into a hassle here, where neither side would have an opportunity to do justice to their points of view.

In view of the fact an arrangement has been made with the leadership to bring the Senator's bill up at an early date, I am pleased, indeed, that the Senator will withdraw his amendment.

Otherwise, I know that there would be a question, possibly, of germaneness, but I favor the Senator's bill, and if we get it up next week or in the next few days, it is my intention to support it, and I hope to see it enacted into law.

Mr. KENNEDY. I thank the Senator from Arkansas.

Now, Mr. President, I yield 2 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts. The Senator has stated the situation precisely as he had previously discussed it with me.

I have cleared this matter with the majority leader who stated to me that it would be his intention and his hope to bring up S. 33 at an appropriate time after its appearance on the calendar. This will assure the Senator from Massachusetts of an opportunity to get action on his bill.

Of course, the majority leader cannot make this an ironclad assurance but, knowing him as I do, I think this is ample assurance for the Senator.

Mr. KENNEDY. Mr. President, on that basis, then, I will withdraw the amendment. I just remind the Senate that we have considered this matter on a previous occasion, and passed it this year by a virtually unanimous vote in the full Judiciary Committee. I believe it is essential in giving the necessary kinds of assurances to those who are our first line of defense in the communities, towns, and cities of this Nation, our policemen, firemen, and other public safety officers, to insure that when they are performing their responsibilities and protecting the public good, they will be assured of an insurance system to protect their families, their wives and children. This is a matter of great importance.

On the basis of what my colleague from West Virginia has said and the

assurances that the majority leader has given to us, I withdraw my amendment.

The PRESIDING OFFICER (Mr. STAFFORD). The amendment of the Senator from Massachusetts is withdrawn.

Mr. TUNNEY. Mr. President, many of America's qualified young men are reluctant to choose a law enforcement career not because of the hazards of their job, but because of the lack of reasonable benefits for their survivors should they be killed in the line of duty. I am supporting S. 2087 because I believe that it will raise the morale of all law enforcement officers.

As much as I support the death gratuity to survivors and dependents, I think we need to realize that this legislation is only one way in which we are attacking the crime problem. We also must try to eliminate crime at its roots by attacking poverty, illiteracy, deprivation, and unemployment that nurture its growth. I do concede, however, that we must deal here and now with the current manifestations of criminal activity.

When our policemen are being attacked and killed by the lawbreaking element of our society, then I feel that we must directly deal with the problem. We need to insure that any man who enters the law enforcement profession will know that we, as a just and compassionate people, will care for his family in the event that something happens to him because of the hazards of his profession. I feel that the $50,000 death gratuity given to any officer who dies in the line of duty will provide a base for the survivor to pay back debts, handle funeral expenses, and look to the future which must be faced without their loved one.

The death gratuity, as has been pointed out, would provide a minimum Federal floor and would be in addition to any other State or local benefit. This would give each officer the confidence that his family would be well provided for in the event of his death.

Policemen have been special targets of violence in recent months and years. Since their primary mission is to enforce criminal laws, they are subject to vicious attacks in even the most routine day-to-day activity. The burdens of the police are staggering.

During the 10-year period 1962–71, 722 officers have been murdered. Contrasting this tragic loss with Great Britain's experience of 24 English police officers killed in the line of duty in the last 50 years brings into sharp focus the enormity of this growing American problem of assaults on police.

FBI figures indicate that the police patrol car officer is in the greatest danger of losing his life in the line of duty. Detectives and special assignment officers have the next highest incidence of deaths in the line of duty, while the foot patrol officers rank third. We also know that police officers are most likely to be killed while attempting to make an arrest or to transport prisoners.

I think that in addition to compensating policemen's families in the event of their murder, we must also overhaul our correctional system and modernize our courts. As I stated earlier, this bill we are voting on today is a constructive step in the right direction, but we cannot let our efforts in the fight against crime lag with the passage of one good bill. We must keep on until we have streamlined the criminal justice system to function in an efficient manner in this modern day and age.

Mr. MONDALE. Mr. President, I am delighted to speak in support of S. 2087, to provide benefits to survivors of public safety officers killed as a result of criminal action. I was pleased to be cosponsor of S. 2994, introduced by the distinguished Senator from Arkansas (Mr. MCCLELLAN), which included similar provisions.

It is most unfortunate that many State and local governments have no program of compensation for survivors of public safety officers killed in the line of duty. Last year, we were rudely made aware of this great inadequacy by a tragic series of police killings in New York City and Washington, D.C. A few weeks ago, a police officer was killed during a bank robbery in Roseville, Minn. Since a Federal crime was involved, his survivors are entitled to benefits. It is vital that we extend the scope of this Federal program to deaths from criminal action, even where Federal laws are not involved.

I am very pleased that S. 2087 has been broadened to cover other public safety officers, such as firefighters and correctional officers, in addition to policemen. It is also important that part-time and volunteer officers be covered, as the bill would do. A great deal of our public safety protection, especially in fire safety, is provided by volunteer personnel. We should extend them and their survivors the same protection afforded to full-time and paid officials.

Last November I introduced S. 2817, the Compensation to Victims of Crime Act. It included provisions for death benefits for public safety officers. I am pleased to join in supporting action now on legislation along these lines. I hope that we will soon be able to take up the legislation to compensate all innocent victims of violent crime, as proposed in S. 2817 and S. 2994.

Mr. GRIFFIN. Mr. President, the Public Safety Officers' Benefit Act of 1972, which is before us today, would provide a $50,000 death benefit to the family of a policeman or fireman killed in the line of duty. Obviously, there really is no way to compensate the widow and children for such a tragic loss, but it seems to me that society has an obligation to provide at least a measure of financial security in such a situation.

Mr. President, for some time I have been an advocate of legislation that would recognize our debt and appreciation to the policemen, firemen, and prison guards who daily assume extraordinary risks in order to protect the rest of us. I testified before the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee in support of similar legislation. I have stated that:

> These brave men are on the front lines of public safety and protection. It is of the utmost importance that they know the nation stands behind them, appreciates their great efforts, and is concerned with their safety and well-being.

In recent years, civil disorders, riots, and prison rebellions have taken a devastating toll. No group has assumed greater burdens than those men and women who have the responsibility for maintaining order.

Two firemen died in the Detroit riots, one in Watts, another in Newark. During the period from 1967 to 1969, more than 600 firefighters were injured in civil disorders.

Eleven of those held hostage in Attica were killed.

In 1970 alone, more than 100 policemen died as a result of violent criminal activity. Since 1961, 633 police officers have given their lives in the line of duty.

Benefits under this legislation would be available to families of public safety officers killed in the line of duty since January 1, 1967. It is, in my opinion, most appropriate for us to recognize the tremendous sacrifice these men have made and the risks that their colleagues continue to assume daily on our behalf.

Mr. President, I urge the Senate to pass this significant legislation.

Mr. ROTH. Mr. President, in early January of 1972 two fine policemen were gunned down by a criminal in my home State of Delaware. The apparent gunman had been paroled in 1970 declaring:

> When I get out I'm going to get me a pig.

The two young officers met their death responding to a motel holdup. Ronald Leslie Carey died immediately leaving his wife and three children suddenly alone in this world. His partner, David C. Yarrington died in a nearby hospital a short time later and he too left a wife and small baby. The person who committed the murder did not know who his victims would be, he just shot to kill two policemen. Still another Delaware policeman, Trooper William C. Keller, died in a traffic accident in 1971 while on duty.

As statistics, officers Carey and Yarrington who held great promise in the law enforcement profession are two of the 61 policemen who have been killed in the line of duty this year. As human beings, officers Carey and Yarrington demonstrated their ultimate concern for the public when they were struck down as symbols of an orderly society.

Can we, as Americans, tolerate a situation where the young families of these men are left behind to struggle on their own? I believe that it demonstrates the good that is within each American that concern has been shown through the establishment of private groups who come to the aid of police families whose lives have been shattered by such a loss. Also a great number of bills have been introduced in this Congress accepting the financial responsibility and moral obligation to the family of a man who has made this society a better, safer one in which to live.

As we consider S. 2087, the public safety officers death gratuity bill, we must realize it is only just and humane that we should give the public safety officer the security of knowing that his loved ones will be taken care of in their

hour of need. By providing a $50,000 death gratuity for those men killed in the line of duty, we will not relieve the horrible suffering and mental anguish that only those who face the death of a family member can know, but we will ease the financial burden on the families of the men we have depended upon to protect us. S. 2087 is retroactive to January 1, 1967, which would allow the families of the three Delaware State troopers to receive this compensation.

The physical risks involved in serving as a policeman today are great. It is a fact that police officers throughout the country are facing a rising tide of violence. This alarming trend can only be reversed by professional police officers who are assured that they and their families will be compensated in a manner commensurate with the risks inherent in law enforcement. During the 10-year period, 1962–71, 722 officers have been murdered. In 1971, alone, a record total of 126 law enforcement officers were killed by felonious criminal action.

A second factor necessitating the enactment of this legislation concerns the wide variance from State to State in survivor benefits. Compensation differs in each State and has as many variations as there are individual agencies and statutory provisions. Benefits under these provisions range from $200 to $400 per month for the surviving widow and dependent children. Death benefits for fatalities suffered in the line of duty often provide only a percentage of the officer's salary. Considering that the salary for first year officers range from $4,575 to $11,112, that does not give a surviving family much to live on. In Delaware, the widows of Carey and Yarrington were eligible to receive 80 percent of the officers pay at the time of his death since there were children involved, but this would be provided only for 400 weeks, or until the children reach 18. The maximum payment the two families can expect per week under Delaware law, is $49.

I believe that $50,000 is the minimum that each officer's family should receive. This will assure them the capital for a basic income which when coupled with benefits from the State or locality, will provide at least a subsistence income.

From the testimony which was delivered during the victims of crime hearings last fall and early this year, we know that most of the officers who have been killed are normally in debt and, due to their job, had difficulty getting insurance. Accidental death coverage for a policeman is two times more costly than that for the normal citizen; waiver of premiums is one time more costly and, on their salary, policemen simply cannot afford to buy heavy insurance coverage.

In addition, we learned that the average police officer has a small bank account, and that in most cases, the widow has not had enough money to pay funeral expenses.

I would like to see the day when the children of Officers Carey, Yarrington, and Keller and others like them might have a better feeling for the profession that their fathers chose, and that perhaps someday might even choose this profession for themselves as well. What we are doing here today is providing security for all those policemen who do face the constant risk of death, assuring them that their families will be protected from financial calamity. In doing so, I think that we will strengthen the desire of those qualified citizens who might consider entering the field of law enforcement. This gratuity is small recompense for the heartbreak of losing a loved spouse or parent and the family breadwinner.

Police officers have demonstrated time and again the sacrifices they are prepared to make for the safety of the public. You cannot blame these same officers for being concerned about the welfare and well-being of their families, wives and children if they should be killed in the line of duty.

The facts have never been more obvious, the crisis never so conspicuous, and the need never so manifest.

PUBLIC SAFETY OFFICERS BENEFITS ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I wish to add my strong support for S. 2087, the Public Safety Officers Benefits Act of 1972, and to urge its passage by the Senate.

This legislation is designed to meet a deserving, and presently unfilled, need to benefit law enforcement officers and their dependents, in cases where the officer is dismembered or killed in the line of duty as the result of a crime. The vast majority of our law enforcement officers do not earn large salaries, and it usually takes all of their resources to support themselves and their families. Moreover, a law enforcement officer, because of his hazardous occupation, has great difficulty in getting any insurance coverage. When he is able to get insurance, the premiums for accidental death coverage are two to three times the normal rate. Therefore, we usually find that most of these officers do not have insurance coverage, simply because they cannot afford it.

The benefits contained in this bill will not be duplicative of those provided by other governmental agencies. We cannot rely upon the States and municipalities to provide this coverage because, as of October 1970, there were 18 States which provided no assistance whatsoever to the immediate survivors of law enforcement officers. There are also many small towns and municipalities throughout the country which do not provide any benefits of this type, or which only provide minimal compensation payments.

This bill will provide a gratuity of $50,000 to the dependents of public safety officers killed in the line of duty as a result of a crime. It will also provide for a gratuity in the case of dismemberment under the same circumstances, at a level of $25,000 for single dismemberment and $50,000 for multiple dismemberment. To qualify for these payments, the officer must have been acting in the line of duty, and the death or dismemberment must have been suffered as a result of a criminal act or an apparent criminal act.

There is a great need to provide a guaranteed minimum payment that will assure substantial benefits to the families of all law enforcement officers. I believe S. 2087 will provide this guarantee and will in turn improve the quality of law enforcement by lifting the morale of those who enforce the law.

Mr. PEARSON. Mr. President, I support S. 2087, a bill to provide death and dismemberment payments for public safety officers or their dependents.

I am particularly pleased to support the bill, as it is similar to legislation which I introduced earlier this year. The bill before us today provides that the United States shall make a payment to any Federal, State, or local public safety officer who has been killed or has suffered dismemberment in the line of duty and the proximate cause of the tragedy was a criminal act or an apparent criminal act. The benefits payable are $50,000 in case of death or multiple dismemberment and $25,000 in case of single dismemberment. As I had hoped, these benefits would be paid not only to law enforcement officers and firemen, but to correctional and court officers as well whose activities are potentially dangerous.

Mr. President, with increasing frequency we are told of public safety officers who have met death or tragic injury while serving our people. During the past 10 years, deaths among public safety officers have increased. The number of law enforcement officers killed has risen dramatically and tragically from 28 in 1960 to 100 in 1970. In the case of firemen, only 58 lost their lives in 1966, but 1970 witnessed 115 fatalities among these brave individuals. Correctional officers also are not immune from these death figures, for in the past 2 years, 18 have been killed.

Government can provide improved training, equipment, and facilities for their public safety officers, but these are of little solace or use to the officer and his dependents once he is killed or permanently injured. Something more must be done for the unsung heroes of our Nation who daily risk their lives, so our citizens may live secure in body and mind.

In addition, present death and disability payments for public safety officers are woefully inadequate. Many States make no provision for such payments and some provide only limited payments. Besides giving financial security on a nationwide scale to those persons already in the public safety profession, this bill may aid in the recruitment and retention of more qualified and dedicated personnel. This is especially important in rural areas where local governments are often not able to offer the benefits to their safety officers which can be found in more populous localities.

One of the marks of a great society is found in the way it cares for those who protect it. As legislators we have the responsibility, indeed the moral obligation, to provide these dedicated people not only with modern training and equipment, but with modern benefits as well. I therefore urge Senators to meet their obligation and join in the support of the bill.

Mr. McCLELLAN. Mr. President, if no other Senator wishes to speak at this time, I ask for a third reading.

The PRESIDING OFFICER. The question on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time on the bill.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

OUTRAGE AT MUNICH OLYMPIC GAMES

Mr. ALLOTT. Mr. President, We can only express outrage and horror that the 1972 Olympic games in Munich have been tragically used by terrorists for their own political ends. As usual the victims of these terrorists are innocent people performing their nonpolitical duty for their country.

The game of the terrorists is always the same: extortion. Civilized people cannot pay their price. Just yesterday Transportation Secretary Volpe called on all nations to band together to prevent hijackings by refusing to harbor hijackers by granting political asylum. That principle should be extended to all acts of terrorism. If the terrorists know they cannot escape justice, they may well think twice about their actions.

One of the unfortunate residual effects which this incident may have could be a dampening of the enthusiasm for the winter Olympics in Colorado in 1976. Having just spent a week traveling through various parts of Colorado, at the very time when the Munich games were being beamed to Coloradans on their television sets, I found renewed enthusiasm for the Olympics and excited anticipation on the part of many that Colorado could enjoy the same kind of spectacular event 4 years hence. It would indeed be a shame if the terrible killings of today would color the Olympic picture unfavorably in the minds of United States and Colorado citizens. I believe the issue should be decided on its merits out in Colorado this November, but the Munich tragedy today does not help those who would make an objective case in favor of the Olympics.

But once again let me state the main point: We call on all civilized nations, nations who are members of the United Nations, not to grant political asylum to criminals and terrorists so that these shameful acts can be stopped.

CIVIL REMEDIES FOR VICTIMS OF RACKETEERING ACTIVITY AND THEFT ACT OF 1972

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of S. 16, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 999 (S. 16) to amend title IX of the Organized Crime Control Act of 1970 to provide civil remedies to victims of activities prohibited by said title, and for other purposes.

The Senate proceeded to the consideration of the bill (S. 16) which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as "Civil Remedies for Victims of Racketeering Activity and Theft Act of 1972."

SEC. 101. It is the purpose of this Act to promote the general welfare by strengthening the civil remedies available to the victim of racketeering activity and theft.

RACKETEER CIVIL REMEDIES

SEC. 102. (a) Section 1964 of title 18 of the United States Code is amended by—

(1) inserting in subsection (a) ", without regard to the amount in controversy," immediately after "jurisdiction".

(2) inserting in subsection (b) "subsection (a) of" after "under" each time it appears;

(3) striking the word "action" in subsection (b) and inserting in lieu thereof "proceedings"; and

(4) striking subsections (c) and (d) of such section and inserting in lieu thereof the following:

"(c) Any person may institute proceedings under subsection (a) of this section. In any proceeding brought by any person under subsection (a) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction in improvidently granted and showing of immediate danger of irreparable loss or damage, a temporary restraining order and a preliminary injunction may be issued in any action before a final determination thereof upon its merits.

"(d) Whenever the United States is injured in its business or property by reason of any violation of section 1962 of this chapter, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by it, and the cost of the action.

"(e) Any person who is injured in his business or property by reason of any violation of section 1962 of this chapter may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

"(f) The United States may upon timely application intervene in any civil action or proceeding brought under this chapter, if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if it had instituted the action or proceeding.

"(g) A final judgment or decree rendered in favor of the United States in any criminal or civil action or proceeding under this chapter shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

"(h) Except as hereinafter provided, any civil action under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (d) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of section 1962 of this chapter the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsections (c) and (e) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.".

(b) Section 1965 of title 18 of the United States Code is amended by—

(1) striking out in subsection (d) "action under section 1964 of" and inserting in lieu thereof "civil action or proceeding under";

(2) striking out in subsection (c) "instituted by the United States"; and

(3) inserting in subsection (d) "civil or criminal" immediately before "action".

(c) Section 1966 of title 18 of the United States Code is amended by striking "any civil action instituted under this chapter by the United States" in the first sentence and inserting in lieu thereof "any civil action or proceeding under this chapter in which the United States is a party."

(d) Section 1967 of title 18 of the United States Code is amended by striking "instituted by the United States", and inserting in lieu thereof "or proceeding".

(e) Section 1968 of title 18 of the United States Code is amended by—

(1) striking out "prior to the institution of a civil or criminal proceeding" in the first sentence of subsection (a) and inserting in lieu thereof "before he institutes or intervenes in civil or criminal action or proceeding";

(2) striking out "case" the first time it appears and inserting in lieu thereof "civil or criminal action" in paragraph (4) of subsection (f) and striking out "case" each time it appears thereafter and inserting in lieu thereof "action";

(3) striking out "case" each time it appears in paragraph (5) of subsection (f) and inserting in lieu thereof "action"; and

(4) striking out "case" and inserting in lieu thereof "action" in paragraph (6) of subsection (f).

THEFT CIVIL REMEDIES

SEC. 103. (a) Section 659 of title 18 of the United States is amended to read as follows:

"§ 659. Interstate or foreign shipments by carrier; State prosecutions; civil remedies for victims of theft

"(a) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property which is moving as, or which is a part of, or which constitute an interstate or foreign shipment from any pipeline system, railroad car, wagon, motortruck, or other vehicle, or from any tank or storage facility, station, station house, platform, or depot, or from any steamboat, vessel, or wharf, or from any aircraft, air terminal, airport, aircraft terminal, or air navigation facility, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained.

"(b) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property, which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce, or to break into, embezzle, steal, unlawfully

take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any of the contents of such baggage, goods, chattels, or other property, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing or having reason to know that it has been embezzled or stolen or otherwise unlawfully taken, carried away, concealed, or obtained.

"(c) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other porperty from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by any common carrier moving in interstate or foreign commerce, or from any passenger thereon, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing or having reason to know that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained.

"(d) Whoever violates any provision of subsection (a), (b), or (c) of this section shall in each case be fined not more than $5,000 or imprisoned not more than ten years, or both; but if the amount or value of such money, baggage, goods, chattels, or other property does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(e) The district courts of the United States shall have jurisdiction, without regard to the amount in controversy, to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

"(f) The Attorney General may institute proceedings under subsection (e) of this section. In any proceedings brought by the United States under subsection (e) of this section, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions as it shall deem proper.

"(g) Any person may institute proceedings under subsection (e) of this section. In any proceeding brought by any person under subsection (e) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of irreparable loss or damage, a temporary restraining order and preliminary injunction may be issued in any action before a final determination thereof upon its merits.

"(h) Whenever the United States is injured in its business or property by reason of any violation of this section, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by the United States, and the cost of action.

"(i) Any person who is injured in his business or property by reason of any violation of this section may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

"(j) Any civil action or proceeding under this section against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

"(k) In any civil action or proceeding under this section in any district court of the United States in which it is shown that the ends of justice require that any other party residing in any other district be brought before the court, the court may cause such party to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

"(l) In any civil or criminal action or proceeding under this section in the district court of the United States for any judicial district, subpenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

"(m) All other process in any civil or criminal action or proceeding under this section may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

"(n) The United States may, upon timely application, intervene in any civil action or proceeding brought under this section if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if he had instituted the action or proceeding.

"(o) A final judgment or decree rendered in favor of the United States in any criminal action or proceeding under this section shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

"(p) Except as hereinafter provided, any civil action or proceeding under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (h) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of this section, the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsection (g) or (i) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.

"(q) A violation of this section shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said money, baggage, goods, chattels, or other property.

"(r) The carrying or transporting of any such money, baggage, goods, chattels, or other property in interstate or foreign commerce, knowing, or having reason to know, it had been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained, shall constitute a separate violation and subject the violator to criminal penalties and a civil cause of action under this section and the violation shall be deemed to have been committed in any district into which such money, baggage, goods, chattels, or other property, shall have been removed or into which it shall have been brought by such violator.

"(s) To establish the interstate or foreign commerce character of any shipment in any criminal or civil action or proceeding under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made. The removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property. Proof that a person was found in unexplained possession of any money, baggage, goods, chattels, or other property, recently embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section, shall be prima facie evidence that such person knew that such property was, or that such person had, embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception such money, baggage, goods, chattels, or other property in violation of this section. Proof that a person bought or received for a consideration substantially below its fair market value money, baggage, goods, chattels, or other property embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section shall be prima facie evidence that such person knew that such property was embezzled, stolen, or otherwise unlawfully taken, carried away concealed, or obtained by fraud or deception in violation of this section.

"(t) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any criminal prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof."

(b) The analysis at the beginning of chapter 31 of title 18 of the United States Code, for section 659, is amended to read:

"659. Interstate or foreign shipment by carrier; State prosecutions; civil remedies for victims of theft.".

SEVERABILITY

SEC. 104. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 105. This Act shall become effective upon the date of enactment.

Mr. McCLELLAN. Mr. President, this bill was originally introduced by Senator HRUSKA and myself on January 25, 1971. It was favorably reported by the Committee on the Judiciary on August 16, 1972.

As reported, it includes the provisions of two proposals by the Senator from Nevada (Mr. BIBLE), one introduced as S. 2426 and the other as amendment No. 994 to S. 2994. It also reflects the provisions of titles IV of S. 2994 and S. 2995, which are omnibus victims of crime bills. In those forms, the bill was cosponsored by 45 of my colleagues: Senators BAKER, BAYH, BEALL, BENNETT, BIBLE, BOGGS, BURDICK, CANNON, CASE, COOK, CRANSTON,

EASTLAND, FANNIN, GRAVEL, GRIFFIN, GURNEY, HANSEN, HART, HARRIS, HOLLINGS, HRUSKA, HUGHES, HUMPHREY, KENNEDY, MANSFIELD, MATHIAS, METCALF, MILLER, MONDALE, MOSS, MUSKIE, NELSON, PELL, PERCY, RANDOLPH, RIBICOFF, ROTH, SCHWEIKER, SCOTT, STAFFORD, STEVENS, STEVENSON, THURMOND, WILLIAMS, and YOUNG.

Mr. President, on October 15, 1970, the President signed into law S. 30, the Organized Crime Control Act of 1970—Public Law 91-452. Then Attorney General, John N. Mitchell, termed this act "one of the most imaginative and comprehensive proposals to combat organized crime ever introduced in the Congress." Title IX of the 1970 act adapted certain of the time-tested remedies of antitrust law to the typical techniques employed by racketeers to invade legitimate businesses.

As S. 30 passed the Senate, title IX was fashioned as a tool to be employed by the Government against racketeers. Detailed consideration was not then given to carrying the antitrust parallel out by according the private victims of racketeering activity similar civil antitrust-type remedies.

During the processing of S. 30 in the House of Representatives, however, an amendment was added, at the suggestion of Edward L. Wright of Little Rock, Ark., then president of the American Bar Association, authorizing private treble damage suits and the recovery of attorney fees.

S. 16 would round out the implementation of Mr. Wright's idea. In addition to authorizing recovery of treble damages and attorney fees in a private civil action, it would permit the United States itself to sue for actual damages, when it is injured in its business activity, and to intervene in private suits under the act of general public importance.

S. 16 also authorizes private injunctive relief from racketeering activity, regulates the application of the doctrine of estoppel between criminal and civil proceedings, provides for a statute of limitations for civil actions and its appropriate suspension during pendency of criminal actions, and makes applicable to suits under the amended act nationwide venue and service of process provisions.

During the subcommittee's hearings, the American Bar Association voiced its support for this bill, noting that—

> The adoption of as many of the procedures currently utilized in the anti-trust field as possible might be a profitable course of action in any attempt to restrict the entry of organized crime into legitimate business.

At the suggestion of the Senator from Nevada (Mr. BIBLE), the bill has also been broadened to strike at the massive and costly problem of cargo theft, attacking the middle man of crime by enabling persons in legal possession of goods to sue for treble damages persons responsible for stealing, buying, or reselling goods moving in interstate commerce.

This aspect of S. 16 has received the endorsement of the following organizations: American Institute of Marine Underwriters; American Trucking Associations, Inc.; Association of American Railroads; and Transportation Cargo Security Council.

And I am pleased to note the administration's support of this bill.

All of us are aware of the depth and breadth of the activities of organized crime, and we know of the diversity of its activities. Organized crime strikes at the very heart of the economy of this country. We ought not to deny to the Government or to the victim any legitimate means of halting such activity.

Cargo has become a favorite and lucrative target for organized crime—direct costs of cargo losses are estimated at $1½ billion a year.

So this provision will both aid the victim of organized crime and reduce the profitability of cargo theft, hopefully aiding the average consumer.

Mr. President, I urge the enactment of this bill.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, S. 16 as reported by the Judiciary Committee is a well-conceived and very useful proposal in the field of criminal justice and it is my hope that the Senate will approve it today.

This bill, the Civil Remedies for Victims of Racketeering Activity and Theft Act of 1972, is basically an amalgam of two proposals: The original S. 16 introduced by Senator MCCLELLAN and this Senator in 1971 to provide strengthened civil remedies to victims of activities prohibited by title IX of the Organized Crime Control Act of 1970; and S. 2426, Senator BIBLE's bill to provide a civil action for damages to victims of crimes involving property in interstate or foreign commerce.

The marriage of these two bills is a good one which adds additional weapons to the arsenal of weapons available to combat crime in this country.

Title IX of the 1970 act adapted certain antitrust law remedies to the typical techniques employed by racketeers to invade legitimate business enterprises. S. 16 would extend this principle by providing the individual citizens who are the victims of racketeering activities with antitrust remedies similar to those granted to the Government by the 1970 act. Under this proposal, private civil suits can be a valuable adjunct to governmental actions aimed at organized crime.

Section 102 of the bill would:

Permit the United States itself to sue for actual damages when it is injured in its business or property by reason of a violation of section 1962;

Permit the United States to intervene in private suits of general public importance;

Authorize private injunctive relief from racketeering activity; and

Refine and make applicable parallel language in antitrust provisions relating to the doctrine of estoppel between criminal and civil proceedings, statute of limitations, and nationwide venue and process serving.

The administration supports this portion of S. 16. In testimony before the Criminal Laws Subcommittee, Richard Velde, the Associate Administrator of the Law Enforcement Assistance Administration, said:

> The Department of Justice favors enactment of S. 16. We believe that the extension of civil remedies, as contemplated by this bill, would provide additional valuable tools with which to combat organized crime. Our experience has shown that a two-pronged civil and criminal approach has proved successful in the antitrust area. Organized crime has continued to burden society because, over the years, it has been immensely profitable, and criminal sanctions by themselves do not necessarily reduce the riches. Any legal machinery therefore which would have the effect of rendering organized criminal activity less profitable would take us one notch closer to eliminating the problem. The Department believes that S. 16 would strengthen the existing civil remedies provided by Title IX and accordingly favors enactment.

Section 103 of the bill utilizes time-tested antitrust remedies to provide private persons with a means to recover damages sustained through the embezzlement or theft of cargo in interstate or foreign commerce. This bill would authorize injunctive relief and civil actions to recover threefold actual damages plus costs to those persons who are the victims of this type of illegal activity. Additional authority would be granted to the Attorney General to bring civil suits based on injury to the business or property of the United States and to intervene in other actions brought pursuant to section 659, title 18, United States Code.

With regard to this provision of S. 16, Mr. Velde, speaking for the administration, said:

> S. 2426 [now section 103 of S. 16] would also provide civil relief, in this case to any person who has been injured in his business or property because of a violation of section 659 of Title 18 of the United States Code. That section basically proscribes the embezzlement, theft, concealment, or unlawful receipt or purchase of any money, goods, chattels or baggage which are moving as an interstate shipment of freight or express. The principal target of the section is cargo theft.
>
> The bill would permit any injured party to sue in the appropriate district court for treble damages. The purpose of the bill, clearly, is to help prevent cargo theft by reducing the profitability. Today, cargo thefts result in an added cost to consumers of approximately $1.5 billion annually. Here again, criminal penalties do not always affect the profit of these activities, and the aggrieved party is often no better off after a criminal conviction.
>
> The Department is in favor of enactment of S. 2426 [now section 103 of S. 16]. We believe that the availability of a civil remedy could have a dual effect. First, an injured party would be able to more than recoup his actual loss through a treble damage action. Second, the mere fact that such a civil action is possible could act as a strong deterrent against the fencing and purchase of the stolen property and thereby reduce the profitability of cargo theft, with the ultimate benefit being passed on to the American consumer.

Mr. President, I join with the Senator from Arkansas (Mr. MCCLELLAN) in urging my colleagues to vote favorably on the measure with the hope that it will

soon ripen into a form that is signable into law by the President of the United States.

I reserve the remainder of my time.

Mr. COOPER. Mr. President, will the Senator yield for questions?

Mr. HRUSKA. I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I do not know of any opposition to the bill and I consider the explanations given by the Senator from Nebraska and the Senator from Arkansas very good, indeed.

Is it not correct that the acts defined in the bill are already crimes?

Mr. HRUSKA. They are, indeed, under the Organized Crime Control Act of 1970 and 18 U.S.C. 659.

Mr. COOPER. Is it correct that a change we made in the bill is to provide jurisdiction shall lie not only in the district where the act occurs, but also in any other district where the defendant might be found or where the property might be found?

Mr. HRUSKA. That is correct, in part. There is a provision for nationwide venue.

Mr. COOPER. Is it not correct that under law the victim can now bring an action for damages?

Mr. HRUSKA. Yes.

Mr. COOPER. What distinction does this bill provide? Does it provide for triple damages?

Mr. HRUSKA. There would be triple damages, plus cost and attorney's fees which is the equivalent remedy available under the law in antitrust cases.

Mr. COOPER. Among other provisions of the bill, is it correct to say that perhaps the most far reaching, and it could be the most effective, is that it would provide to the Attorney General the right to take action under subsection (e) on page 11, that is, to enable the Attorney General to go into the district courts and secure orders which are now appropriate in antitrust actions. Is that the basis for this section?

Mr. HRUSKA. Yes.

Mr. McCLELLAN. I think there is something else that should be observed here. It also enables the citizens to bring his action in Federal court, whereas heretofore he might have had to sue in the State court. This would enable the suit to be brought in Federal court, and it would carry with it all the superior resources of Federal process.

Mr. COOPER. I am not against the legislation. I think it has great merit. But is the purpose of subsection (e) to authorize the Attorney General to proceed against an individual or individuals who conducted unlawful activities? Will it be possible to secure orders to require the divestiture of property in connection with, for instance, unions, banks, hotels, or any other enterprise?

Mr. HRUSKA. It would indeed, have a wide scope.

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

Mr. HRUSKA. I yield 2 additional minutes.

Mr. COOPER. This is important because it is a remedy I did not know now existed. On page 11, line 14, subsection (e) it is stated:

(e) The district courts of the United States shall have jurisdiction, without regard to the amount in controversy, to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise: imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

Mr. HRUSKA. The thrust of that subsection would arm the Federal law enforcement authorities to prevent violations. It would be a very, very important part of making it less attractive to engage in this type of business.

Mr. COOPER. We know there are unlawful and criminal interests that have moved into banks and all kinds of businesses, with the attempt to take them over, and conduct them for unlawful purposes.

I assume there may be constitutional problems involved, such as taking property without due process. I assume the courts will take care of the constitutional provision.

Mr. McCLELLAN. All these procedures are already well established in the antitrust law. They have court approval on the issue of constitutionality.

Mr. COOPER. That is correct so far as antitrust law is concerned.

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

Mr. COOPER. I thank the Senator.

Mr. HRUSKA. Mr. President, I have no further requests for time. I am prepared to yield back the remainder of the time on this side if there is a similar thought on the other side.

Mr. McCLELLAN. Mr. President, if there are no further amendments, I ask that the committee amendment in the nature of a substitute be agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

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

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. McCLELLAN. I yield back my time.

Mr. HRUSKA. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

NARCOTIC ADDICT REHABILITATION AMENDMENTS OF 1971

The PRESIDING OFFICER. In accordance with the previous unanimous-consent order the Chair lays before the Senate H.R. 9323, which the clerk will state.

The bill was stated by title as follows:

A bill (H.R. 9323) to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. McCLELLAN. Mr. President, this bill, which is supported by the administration, was favorably acted upon by the Committee on the Judiciary on August 16, 1972.

The purpose of H.R. 9323 is to amend the Narcotic Addict Rehabilitation Act of 1966 to permit persons within its purview to be enrolled in methadone maintenance programs as an additional mode of available treatment.

The Narcotic Addict Rehabilitation Act of 1966 was designed to provide treatment for addicts accused or convicted of crimes. It also provided for voluntary treatment of other addicts. At the time of the passage of the 1966 act, there were no known means of treatment through maintenance, so the 1966 act only provided for programs designed to terminate addiction. Since then, however, methadone, maintenance has been established as a useful tool in the rehabilitation of heroin addicts.

This view is substantiated by Dr. Jerome Jaffe, Director of the Special Action Office for Drug Abuse Prevention, who stated that such treatment has been effective in the majority of cases, decreasing or eliminating the use of heroin, and enabling patients to cease criminal activities.

Further, the Food and Drug Administration estimates that approximately 50,000 patients are receiving such treatment now, and progress of these patients indicates that this approach is, indeed, an efficient form of treatment.

This bill would not eliminate any forms of treatment already available under the 1966 act, but would simply add methadone maintenance as another form of authorized treatment.

Surely there is no need to elaborate on the severity of the drug problem in our country or the hideous consequences of drug addiction. It is our duty to provide every possible means of dealing with this tragic problem. This additional method of treatment will, hopefully, be the tool that leads to the rehabilitation of many addicts and thereby reduce the crime and loss of life and health that results from drug addiction.

I urge the enactment of this measure.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

I rise to support the words of the Senator from Arkansas (Mr. McCLELLAN) in urging approval of H.R. 9323, a bill to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes.

Passage of this measure will mean that methadone maintenance programs can be used as an additional method of treatment for persons covered by the 1966 act by redefining the word "treatment" to include control of dependence as well as termination of dependence.

On June 24, 1971, I joined with other Senators in introducing an identical measure (S. 2140) in the Senate at the request of the President and the Depart-

ment of Justice. This was done to further the President's June 17, 1971 message to Congress on drug abuse.

Mr. President, H.R. 9323 was drafted in recognition of the role of methadone in the treatment of narcotic addiction. Although they must still be regarded as interim steps requiring close supervision, methadone maintenance programs have indicated that they have a definite place in controlling the narcotic addict's craving for heroin. Addicts involved in such programs have in many instances been able to lead productive lives in their communities, rather than making it their sole purpose in life to secure illegal drugs to support their habits.

When the Narcotic Addict Rehabilitation Act was enacted in 1966 the utility of programs which control, rather than terminate, addiction was not contemplated. As a consequence the word "treatment" as it is used in the act does not include maintenance programs like those relying on methadone.

This bill would amend the definition of the word "treatment" in the Narcotic Addict Rehabilitation Act to include services which control as well as eliminate addiction to narcotics. This means that Federal courts would be able to use the authority of the act to place addicts into methadone maintenance programs in appropriate cases, something which they now cannot do. In the words of President Nixon:

> The evidence indicates that methadone is a useful tool in work of rehabilitating heroin addicts, and that tool ought to be available to those who must do this work.

It is my hope that the bill will receive approval and will also receive prompt processing in the other body of Congress.

I yield back the remainder of the time I requested, and at this time yield 5 minutes to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I thank the Senator for yielding to me. We are considering this bill with practically no Senators present, and the importance of it may pass us by, and it should not, because the bill has very serious and important implications for the carrying out by the Federal Government of its responsibilities under this act, which is being amended, and in the office regarding drug abuse which we established in the executive department, under Dr. Jaffe, the Special Action Office for Drug Abuse Prevention and for which we have already provided very large sums of money.

The importance of this measure is that it opens up and recognizes a basic fact. Because of the pressure of the addiction on narcotics addicts and the syndrome of crime which is necessary to maintain it, and that of organized crime, the beastial people who sell, push, and smuggle heroin and other addictive drugs into our country which destroy the lives of the addict and the lives of innocent people around them, the crime syndrome has made the tremendous incidence of crime a national crisis, and an especial crisis for great cities like my own city of New York.

The estimate in the committee report is that to maintain the habit, the criminal activity ranges from several hundred million dollars to several billion dollars a year. I think the latter figure—several billions—is more accurate.

We have in New York City the unhappy distinction of having about half the addicts in the United States, an estimated 250,000, and some estimates go as high as 325,000. The mere concept of maintaining this habit, which is estimated to probably cost $100 a day, just boggles the imagination. When one multiplies 250,000 addicts by $100 each day to maintain the habit, and multiplies that aggregate figure for every day of the year, he can see why I speak of billions of dollars in criminal activity.

The important aspect of this bill, the most creditable aspect of it—and I would like to commend the Senator from Nebraska (Mr. HRUSKA), who, as long ago as January 1971, introduced a bill—is based on the work of two brilliant doctors, to whom the country is so indebted, as the principal sponsors of this type of treatment. I refer to Dr. Marie Nyswander, and her husband, Dr. Vincent Dole. I came in contact with them when I was attorney general of New York, and I was at my wits' end to solve the problem. Marie Nyswander, then a young doctor and researcher at New York University, was the one light I saw. I embraced everything she stood for.

I worked with her as an attorney general in the Association of Attorneys General, and have ever since. This has been a very long period of time. It took very long for us to realize that, where we lack a cure, and where the drug-free therapeutic community was so expensive and it takes such a long period of time in treatment for the addict, the rate of recidivism is in excess of 50 percent; it is an unbelievable situation—methadone, which is itself addictive, and the committee states so frankly, is just the only way.

And yet, what is so shocking, and the point I would make here, is that methadone is the only thing until we discover something else. Methadone maintenance is an interim measure—clearly proven effective for certain addicts—and needed now while the search for antagonists and other effective long-term solutions goes on. Dr. Jaffe says he is pretty close to a solution on an antagonist, which will actually, when taken or ingested, repel the drug, so that you do not have to give the user an addictive drug. As of now, at least we know methadone maintenance offers one solution—not a cure-all for all addicts—but it is a proven treatment modality for certain heroin addicts in order to combat the scourge of heroin abuse which is a plague on our society.

Regrettably, a tremendous effort is being made in some quarters to discredit methadone.

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

Mr. JAVITS. I ask unanimous consent that I may proceed for 5 additional minutes.

Mr. HRUSKA. I yield the Senator another 5 minutes.

Mr. JAVITS. An effort is being made to discredit methadone by pointing out that it is subject to leakage, that some people die of overdoses of methadone, and that it is stolen and gotten out into illicit channels. But, Mr. President, that does not change the fact that it is helpful in most cases. You can steal or hijack anything, or abuse it, whether it is aspirin or some other kind of drug. That should not discredit methadone.

In addition, the effort is made by some to turn to heroin maintenance, which is really keeping the addict in a disabled condition where he cannot work or be a useful member of society, and only compounding the iniquity of the system for heroin production purposes. We would maintain sources which we condemn as illicit to maintain an illicit act. Mr. President, I reject that.

So, Mr. President, this is the only way. There are enormous waiting lists for treatment in methadone maintenance programs. I understand from Dr. Jaffe's office there is a waiting list of 17,000 to 19,000 in New York. That means $2 million in crime a day and that is just for those addicts on the waiting list for methadone maintenance treatment programs.

So I very strongly support this bill, and compliment the committee on the constructive and enlightened approach which has dictated the measure. I also hope the committee will consider it its moral duty to follow through on the question of administration and the question of appropriation, so that these waiting lists, where people want methadone maintenance and cannot get it, and therefore are put out on the streets—we subsidize them in crime by denying them the opportunity they are seeking—that we will adequately finance the methadone maintenance treatment, so that the waiting lists may be cleared up, and hopefully the overwhelming majority of the addicts, until we find a better way, may be put on that program of therapy.

Mr. President, I conclude as follows: Methadone is not the ultimate answer nor a cure-all for all addicts and I am all for seeking a better solution. But in the generality of cases and in the present state of our knowledge the methadone maintenance approach is apparently required. We cannot think only of the addict who has apparently already condemned himself to death and is like a wild animal let loose on society. It is society we are saving with methadone maintenance.

The Senator from Arkansas, when I was on the Judiciary Committee, was the only one who gave me a ray of hope. I could get nowhere with these bills until he incorporated, in a larger bill, what finally resulted as the Narcotic Addict Rehabilitation Act.

Many people, including many of my constituents, have an idea that if a Senator is conservative in his social, economic, or political views, it makes him blind to any problem marked "liberal." Here is an example of two Senators, both of whom pride themselves on what they consider sound conservatism, who are taking a most enlightened approach in a very important and very trying matter. Mr. President, I think that deserves to be emphasized. It is not unique at all; it

happens all the time. But it is a striking example which should be called to the attention of the people in the country, who lump so much under the heading "liberal," as if labels were really all that important.

So I am glad that this is being done. The shoe certainly pinches us where I come from. I hope these two influential Senators will lend their aid to the concepts now about to be incorporated in the law.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

I thank the distinguished Senator from New York for his compliment. I am grateful for it.

It is true that we sometimes misapply these labels, or we give them a construction—a harsh construction, in many instances—that possibly they do not deserve. Those who are called liberals, or term themselves liberals, or those who are called conservatives, or term themselves conservatives, are joining hands here really seeking legislation to bring about reform. They both subscribe to the same objective and seek to realize it by the same means.

Sometimes they have a different approach but, here we have all been able to agree.

Mr. JAVITS. I thank the Senator.

Mr. President, I believe the report of the committee is a very fine one, contains excellent information, and ought to go in the RECORD. I ask unanimous consent that the committee report be printed in the RECORD at this point.

There being no objection, the report (No. 92–1071) was ordered to be printed in the RECORD, as follows:

AMENDMENTS TO THE NARCOTIC ADDICT REHABILITATION ACT

The Committee on the Judiciary, to which was referred the bill (H.R. 9323) to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 9323 is to amend the Narcotic Addict Rehabilitation Act of 1966 to permit persons within its purview to be enrolled in methadone maintenance programs as an additional mode of available treatment. This would be accomplished by amending the definition of the word "treatment" in the Act to include the concept of control of dependence in addition to current provision for the elimination of dependence.

STATEMENT

H.R. 9323 is an administration-backed measure that would expand the treatment modalities under the Narcotic Addict Rehabilitation Act of 1966 to include methadone maintenance. An identical bill was introduced in the Senate (S. 2140, introduced by Senators Bayh, Griffin, and Hruska on June 24, 1971) and is currently pending in subcommittee.

When the Narcotic Addict Rehabilitation Act was enacted in 1966, the utility of programs which control, rather than terminate, addiction had not yet come to the fore.

The principal sponsors of methadone maintenance, Drs. Vincent P. Dole and Marie Nyswander, began their program of research in 1964, but as recently as 1967, the *Task Force Report on Narcotics and Drug Abuse* of the President's Commission on Law Enforcement and Administration of Justice indicated that ". . . The results of the methadone maintenance research are fragmentary. No final judgments about its suitability as treatment or as a public health approach are yet possible." See *Report* at p. 16, citing Dole & Nyswander, "A Medical Treatment for Diacetylmorphine (Heroin) Addiction," 193 J.A.M.A. 646 (1965); Dole, Nyswander, et al., "Methadone Maintenance, A Report of Two Years Experience," presented to the Committee on Problems of Drug Dependence, National Academy of Sciences, National Research Council, Feb. 11, 1966.

Subsequent events, however, have established that in appropriate cases methadone is a useful tool in the work of rehabilitating heroin addicts: See Executive Communications, *infra*. Accordingly, President Nixon's June 17, 1971, Message to the Congress on Drug Abuse called for the legislation which is the subject matter of this report.

Methadone is a synthetic opiate that is itself addicting. However, given in adequate doses it blocks the euphoric effects of heroin and does not itself produce euphoria, sedation, or distortion of behavior. Patients achieve functional normalcy and can be drawn out of the addict community to begin new social attitudes and relationships. In sum, the drug fosters the social rehabilitation of the addict. It does not directly meet the medical and psychological problems of heroin addiction, although it might indirectly work in these directions. It seems clear that programs of methadone maintenance can return tortured addicts to responsible roles in the community and help reduce the myriad problems associated with drug abuse.

By amending the definition of the word "treatment" in the Narcotic Addict Rehabilitation Act of 1966, H.R. 9323 would authorize Federal courts to place addicts into methadone maintenance programs in appropriate cases, something which they now cannot do. This would not eliminate the use of other forms of treatment which have elimination—as distinct from control—of addiction as their goal. Nor would it recognize methadone maintenance as more than an interim step in the solution of the far more complex problems which give rise to heroin addiction.

THE HEROIN PROBLEM

The heroin addict is not only a danger to himself but to society as a whole in two distinct ways.

1. In order to maintain his habit, the addict becomes involved in various nondrug offenses of the "fund-raising" variety, most commonly the theft of property. Estimates of the cost of their criminal activity range from several hundred million to several billion dollars per year.

2. Organized criminals, by providing the large amounts of cash and connections necessary for large, long-term heroin supplies, realize approximately $20 million in profits annually.

Numerous studies have corroborated these facts and established that the problems of heroin addiction and crime more generally are completely intertwined. See Hearings on Organized Crime and Illicit Traffic in Narcotics before the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations, 88th Congress, 1st and 2d Sessions (1963 and 1964); Organized Crime and Illicit Traffic in Narcotics, report by Permanent Subcommittee on Investigations (89th Cong., 1st Sess., S. Rept. No. 72 (1965)); Report of the President's Commission on Law Enforcement and Administration of Justice (1967); Task Force Reports on Organized Crime and Narcotics (1967); and The World Heroin Problem, H. Rept. No. 92–298, 92d Cong., 1st Sess. (1971). Therefore, to approach one problem is to approach both. By ameliorating the disease of narcotic addiction, it can also be realistically anticipated that we will stem the growing tide of crime in the country.

CONCLUSION

The Committee is of the belief that H.R. 9323 is a positive measure in terms of providing an additional mode of treatment for heroin addicts and also in terms of its crime control feature. It supplements, rather than supplants, existing treatment procedures, providing yet another alternative to confinement. Accordingly, we recommend that the bill do pass.

EXECUTIVE COMMUNICATIONS

Attached hereto and made a part of this report are the following communications from the Department of Justice:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 21, 1971.

The VICE PRESIDENT,
U.S. Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to amend the Narcotic Addict Rehabilitation Act of 1966.

That Act was a reflection of the congressional policy that narcotic addicts should be afforded the opportunity to be rehabilitated and restored to health for the benefit of both the individuals and society. To achieve that goal, the Narcotic Addict Rehabilitation Act provides for treatment of addicts who are charged with Federal crimes, and for those who are not so charged upon petition by the addict or a relative.

This legislative proposal would amend the definition of the word "treatment" where it is used in the Act to provide for a more comprehensive effort toward solving the problem of drug addiction. This would be achieved by providing for treatment which controls, as well as that which terminates, addiction. Essentially, the use of methadone would be authorized.

Complete recovery of an addict is not always achieved by complete withdrawal from addictive drugs. The underlying cause of such dependence must be eliminated if one who has ceased to rely on drugs is to be able to retain his independence. When a patient is on a methadone maintenance program, his activities no longer must be centered on the attainment of illicit drugs to support his habit, rather he can channel his energies in a more constructive manner and lead a more normal life, while the basic reason for his drug needs are being explored.

We believe that this change in the Act will be of great assistance in our efforts in this important area of national concern.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the Program of the President.

Sincerely,

JOHN MITCHELL,
Attorney General.

OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
Washington, D.C., January 3, 1972.

Hon. JOHN L. McCLELLAN,
U.S. Senate.

DEAR SENATOR McCLELLAN: This is in response to your request for information on the value of a methadone maintenance program, and the extent to which this treatment modality would be employed by this Department upon the enactment of S. 2140.

In testimony before a congressional committee in November of this year, Dr. Jerome Jaffe, Director of the Special Action Office for Drug Abuse Prevention, stated:

"Methadone as a maintenance drug has been found to be effective in decreasing the use of heroin or eliminating it altogether in the majority of individuals under treatment. Moreover, significant numbers of patients are able to cease criminal activities and to assume socially acceptable behaviours which

are of benefit to them as individuals as well as to their communities."[1]

Dr. Jaffe pointed out that the Food and Drug Administration estimates that up to 50,000 patients are in methadone maintenance programs across the country and data on their progress confirms the acceptability of this method of treatment, its efficacy in reducing illicit drug use and criminal activity, and its beneficial effects toward social and vocational adjustment.

The Council on Mental Health of the American Medical Association has determined that "[a]brupt, complete withdrawal . . . as routine 'treatment' is inhumane, unnecessary, and distinctly contraindicated, even if the patient is in jail."[2] Methadone, when administered in a closely supervised treatment program, permits gradual withdrawal and, for some, long-term maintenance on methadone is required to achieve successful rehabilitation.

The only treatment programs administered by this Department are conducted by the United States Bureau of Prisons. Our programs have emphasized an approach which attempts to alter behavior by dealing with its underlying causes within a therapeutic community. This is more feasible for use in a drug-free institutional setting than is the use of a symptom-oriented approach such as methadone maintenance.

However, in instances where inmates have failed to respond to the therapeutic program, and would be susceptible to the illicit drug traffic outside confinement, methadone maintenance might mean the difference in success or failure for releasee. In such situations as occur in our work release program and in community treatment centers, addicts who are unable to cope with their problems without drugs may be permitted to lead productive lives if maintained on methadone. Hopefully, such maintenance would be temporary, but the evidence is that, for some, lengthy or even permanent maintenance is needed.

While our use of methadone in a maintenance program would certainly be very limited, in those cases where its use is indicated, it would be extremely valuable.

Sincerely,

RICHARD C. KLEINDIENST,
Deputy Attorney General.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 28—UNITED STATES CODE, JUDICIARY AND JUDICIAL PROCEDURE

CHAPTER 175. CIVIL COMMITMENT AND REHABILITATION OF NARCOTIC ADDICTS

* * * * *

SEC. 2901. Definitions: As used in this chapter—

* * * * *

(d) "Treatment" includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by [correcting his antisocial tendencies and ending his dependence on addicting drugs] *eliminating his dependence on addicting drugs, or by controlling his dependence,* and his susceptibility to addition.

* * * * *

TITLE 18—UNITED STATES CODE, CRIMES AND CRIMINAL PROCEDURE

CHAPTER 314. NARCOTIC ADDICTS

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SEC. 4251. Definitions
As used in this chapter—

* * * * *

(c) "Treatment" includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training and other rehabilitative services designed to protect the public and benefit the addict by [correcting his antisocial tendencies and ending his dependence on addicting drugs] *eliminating his dependence on addicting drugs, or by controlling his dependence,* and his susceptibility to addiction.

* * * * *

TITLE 42.—THE PUBLIC HEALTH AND WELFARE

CHAPTER 42. NARCOTIC ADDICT REHABILITATION

SUBCHAPTER II.—CIVIL COMMITMENT OF PERSONS NOT CHARGED WITH ANY CRIMINAL OFFENSE*

SEC. 3411. Definitions

* * * * *

(b) "Treatment" includes confinement and treatment in a hospital of the Service and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by [correcting his antisocial tendencies and ending his dependence on addicting drugs] *eliminating his dependence on addicting drugs or by controlling his dependence,* and his susceptibility to addiction.

* * * * *

Mr. JAVITS. Mr. President, I have asked my office for late information, and they have just produced it. I cannot say it is final, or the latest, but it is from the Governor of the State of New York, and it confirms Dr. Jaffe's estimate I previously mentioned and it shows that 16,500 are still on the active waiting list for methadone maintenance in New York; and Dr. Jaffe's office estimates that 28,000 represents the waiting list throughout the United States, so serious is the problem. I ask unanimous consent that this letter from the Governor of New York dated May 9, 1972, be printed in the RECORD at this point.

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

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, May 9, 1972.

Hon. JACOB K. JAVITS,
Senate Office Building
Washington, D.C.

DEAR JACK: Thank you for your recent letter concerning possible federal funds for the expansion of methadone maintenance treatment programs.

As you may be aware, over the last few months the New York State Narcotic Addiction Control Commission has been discussing with Dr. Jaffe various means of expediting the flow of federal money into New York State for the expansion of drug abuse programs. Dr. Jaffe's office should have recently received a comprehensive proposal which includes our most recent and accurate information regarding waiting lists for methadone programs. In addition, Dr. Jaffe is meeting this week with Howard A. Jones, Chairman of the NACC, to discuss drug abuse problems and programs in New York State.

Presently, approximately 18,500 addicts in New York State are receiving methadone maintenance therapy. Over 16,000 of these are enrolled in programs which are either directly operated by the state or function under contract with the state. We estimate that there are another 16,500 addicts who are waiting to enter a methadone program. Because of our dire financial condition, it was not possible to include funds in the 1972–73 budget to provide the expansion necessary to absorb the additional addicts.

Shortly after the state's methadone maintenance program was originated a computerized central waiting list was established at Rockefeller University. Because of rapid expansion of the program, however, the number of people on the waiting list has increased correspondingly, beyond the present computer capacity. The present waiting list estimate of 16,500, therefore, is not absolutely precise, although we have attempted to eliminate duplicate counting. We are now in the process of establishing an expanded computerized central waiting list which will offer a combined applicant-patient registry base of up to 100,000. This system should be operational within a few months and will provide the precise figures which we are seeking. In the meantime, I trust that Dr. Jaffe will find the available information sufficiently reliable.

I am aware of your continued support and cooperation in our shared objective of obtaining expanded federal support for drug programs in New York State. Your efforts are integrally related to our eventual success and are much appreciated.

Sincerely,

NELSON.

Mr. McCLELLAN. Mr. President, I know of no other requests for time or any amendment to be offered. Therefore, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill (H.R. 9323) was read the third time.

AIRCRAFT PIRACY AMENDMENTS OF 1972

The PRESIDING OFFICER (Mr. STAFFORD). In accordance with the order previously entered, the Chair lays before the Senate S. 2567, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 2567) to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes.

The PRESIDING OFFICER. On this bill, there is a time limitation of 1 hour

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[1] Testimony of Dr. Jerome H. Jaffe before the Subcommittee on Public Health and Environment, House Committee on Interstate and Foreign Commerce, November 8, 1971.

[2] "Narcotics and Medical Practice," Journal of the American Medical Association, Oct. 25, 1971, vol. 218, p. 4.

*Section 301, Public Law 89–793.

for debate, to be equally divided. Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 3 minutes.

This bill was introduced on September 23, 1971, by Senator HRUSKA for himself and Senator PEARSON. It was reported out by the Committee on the Judiciary on August 16, 1972.

Mr. President, undoubtedly each of us has searched for solutions to the frustrating problems of air hijackings and threats concerning the safety of aircraft.

Solutions are not easy to find because these acts involve the lives of many innocent people. The danger to passengers and airline personnel is obvious in the case of hijacking. There is, moreover, no such thing as an "idle threat" because any threat results in fear and apprehension as well as a great loss of time and labor.

Generally, these amendments would tighten present law by: First, establishing specific offenses for threats concerning the safety of aircraft; second, curing certain problems of process for civil penalties under the Federal Aviation Act; and third, clearly classify proscribed acts as felonies or misdemeanors.

Mr. President, hijackings and ominous threats continue. If solutions were easily found we would have stopped these offenses long ago. Meanwhile, we must make every effort to discourage further activity of this sort.

This bill, in my judgment, will have some important impact in that direction. Therefore, I urge its enactment.

Mr. HRUSKA. I yield myself 5 minutes.

Mr. President, I shall make a brief statement explaining and supporting this bill insofar as this Senator is concerned, and then I shall refer to a letter addressed by the chairman of the Committee on Commerce to Senator McCLELLAN, under date of August 18, in which a request is made for a reference of this bill to the Committee on Commerce for its brief consideration under circumstances which I shall outline.

Mr. President, most of the crimes that are committed in this country today have been with us since ancient times: robbery, burglary, rape, murder, assault, arson, forgery, to cite the most obvious examples. A few are new and are the product of the technology that characterizes our age. Of these none is more obvious, none is more fearsome, and none is more difficult to control than aircraft piracy. Almost weekly we read in the press of new attempts to hijack airplanes for monetary, political or publicity reasons. The stories are spectacular, enthralling and often tragic. With hundreds of lives at stake in addition to millions of dollars of complex equipment, the authorities unfortunately are often impotent in their powers to deal with this type of modern criminal.

In recognition of the problem, which is international in scope, 77 countries recently agreed to the text of the Hague Convention for the Suppression of Unlawful Seizure of Aircraft. As my colleagues recall, on September 8, 1971, the Senate unanimously agreed to ratify the convention. This convention will be a useful measure to fill certain gaps in the existing body of international law relative to hijacking. Legislation is now before the Commerce Committee of the Senate which will implement this convention.

S. 2567 is an attempt to enact legislation which will permit law enforcement personnel to combat this problem in the United States. Its ultimate goal is to make domestic air transportation safer. No one can object to that.

To accomplish this task the bill is designed to alleviate the very serious substantive and procedural problems often experienced by Federal agencies in trying to prosecute crimes committed aboard aircraft. The committee report on this bill indicates that the existing framework of statutes covering aircraft hijacking, destruction, and related offenses have proved inadequate in several respects to deal with certain fact situations that occur. Certain activity which should be proscribed is not treated under current law. Irrational penalty sanctions stand in the way of effective enforcement. Procedural restraints at least cause inconvenience and unnecessary expenditures by the Government, and can operate to preclude the imposition of warranted civil penalties.

The bill would make illegal threats to hijack or destroy aircraft. Presently, the conveying of false information in order to do a prohibited act is proscribed, but a threat to do the same act is not. The bill would also provide felony penalties for carrying concealed or dangerous weapons aboard aircraft in situations where the offender is acting willfully and without regard for or with reckless disregard for the safety of human life. The present statute provides only for a misdemeanor in all circumstances where weapons are brought on aircraft. This weapons provision would also be extended to foreign aircraft, thereby enabling Federal prosecutions of those who carry concealed or dangerous weapons aboard aircraft within the United States which are operated by foreign air carriers.

I hope S. 2567, as amended, will be approved in the near future.

Mr. President, referring to the letter from Senator MAGNUSON, chairman of the Committee on Commerce, to the Senator from Arkansas (Mr. McCLELLAN), under date of August 18, the letter was referred to me by the Senator from Arkansas inasmuch as this Senator, together with the Senator from Kansas, (Mr. PEARSON), introduced the measure. It is a request that this bill be referred to the Committee on Commerce because they are currently—hopefully, this week—engaging in executive sessions to process the bill they are considering on this same subject. Another bill, S. 2280, dealing with aircraft hijacking, is the work product of the Senator from Nevada (Mr. CANNON) and Senator MAGNUSON.

This Senator has no objection to extending to the Committee on Commerce and to its chairman the courtesy of referring this bill to them, so that they may consider it for the purpose of suggesting such amendments they might want to suggest or such revision of the bill which could be offered by way of a substitute.

Therefore, so far as this Senator is concerned, the request by Senator MAGNUSON certainly is agreeable. But I would like to have some indication from the Senator from Arkansas as to a time limit or any arrangements for time that he may have in mind in this connection, inasmuch as he is the chairman of the subcommittee reporting the pending measure.

Mr. McCLELLAN. Mr. President, I have no objection to the bill being referred to the Committee on Commerce. In fact, I am one of the Senators who believe that the integrity of committee jurisdiction should be respected, observed and preserved in this body.

There is an element in this measure that deals with interstate commerce, and that committee does have jurisdiction over that aspect of the bill. For that reason, since the chairman of the Committee on Commerce has requested that the bill be referred for his committee's consideration, I have no objection.

But I would suggest a limitation of time, for two reasons. The first is the importance of this matter. I think we should have legislation to deal with this problem as expeditiously as practical. For that reason, I would hope that the bill might be returned to this body by the Committee on Commerce at an early date.

Also, if the bill is to be enacted in this session, if the House to have an opportunity to act on it, it is important that the Senate act and get the measure over there for its consideration as promptly as we can.

For those reasons, Mr. President, I suggest that, as of now, the bill be referred to that committee for, say, 10 to 14 days, to give that committee an opportunity to process it and return it. Senator MAGNUSON, the chairman of the committee is not present today, and I am not trying to take advantage. I make this request with the further comment that, upon his return, if he concludes that the time is not adequate, I would not oppose a request by him for additional time.

I know that the purpose of this is to try to move the proposed legislation so that it can be enacted in this session of Congress. I do that because of the importance I attach to it.

Mr. HRUSKA. Is that in the form of a motion or a suggestion?

Mr. McCLELLAN. I understood that the Senator was going to make a motion. I just make this as a suggestion, as part of his motion. I hope he will include that suggestion in his motion, unless there is objection from some other Senator.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the letter from the chairman of the Committee on Commerce to the chairman of the Subcommittee on Criminal Laws and Procedures be printed at this point in the RECORD.

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

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., August 18, 1972.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, Senate Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR JOHN: I have just spoken with Senator Robert Byrd regarding S. 2567, and explained to him that I was unaware of the unanimous consent agreement which you asked for scheduling Senate action on this bill September 5. Had I known of your Committee's report, I would have spoken to you earlier.

As you know, this bill provides numerous amendments to the Federal Aviation Act dealing with crimes against air transportation. For that reason, my Committee has an interest and concern in the matter. Presently we are working toward adopting certain amendments dealing with air piracy similar to those in your bill. Our amendments will be considered in executive session by the Commerce Committee hopefully the week of September 5.

Because of the nature of the amendments Senator Cannon and I are considering, they will have to be coordinated with the amendments contained in S. 2567. Therefore, I asked Senator Byrd today to postpone Senate consideration of this bill until you and I have had a chance to discuss this personally. I wish I could have contacted you on the phone but understand that you are out of town. It would be my hope that since this bill, S. 2567 amends the Federal Aviation Act of 1958 that the Commerce Committee might obtain jurisdiction to consider it for at least several weeks.

As you know, S. 2280, another bill dealing with the aircraft hijacking situation is on The Senate Calendar. Senator Cannon and I have not yet called it up because of our intention to seek to add to it Committee amendments which will deal with the hijacking problem in a more comprehensive way.

Therefore it seems wise and prudent that before finalizing such amendments the Committee consider S. 2567 in this regard in order to insure that the Committee amendments and S. 2567 are compatible.

I hope I will have an opportunity to discuss this with you personally on September 5 and I will send a copy of this letter to Senator Byrd so that he will be more fully aware of the situation.

Warmer regards.

Sincerely yours,

WARREN G. MAGNUSON,
Chairman.

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

Mr. HRUSKA. I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I do not oppose the motion that is to be made by the Senator from Nebraska.

I want to raise a question; but before doing so, I want to pay my tribute to the Senator from Nebraska (Mr. HRUSKA), the Senator from Arkansas (Mr. MCCLELLAN), and the Judiciary Committee for the bills they have developed and brought before the Senate. Those measures are far-reaching. I have not had the opportunity to study them extensively, but I feel that they offer a hope for the better prosecution of crime.

S. 2567 is a bill designed to find better means of preventing hijacking and of prosecuting those who engage in this cruel and heartless crime, a crime without regard for human life. But we cannot make something a crime except within the Constitution. We cannot write language which flies in the face of the Constitution.

I invite attention to two sections of the bill which disturb me from this viewpoint. One section is on page 2, line 14, section 36, "Imparting or Conveying Threats," and the second section is on page 5, line 8, which contains practically the same language.

It is a definition of crime, not a provision for a civil penalty. It provides:

Whoever imparts or conveys or causes to be imparted or conveyed any threat to do an act which would be a felony—

It provides that a person who threatens, who says, "I will commit this act" which if committed would constitute a felony, that the statement, in itself, shall be a felony and should be subject to a fine of not more than $5,000 or imprisonment for not more than 5 years, or both.

We have had this issue up a number of times in similar bills that came before the Senate. I know that I have raised this question on former bills, usually without success; but whether we like it or not, the first amendment to the Constitution provides great freedom of speech to an individual. An individual may say, "I will overthrow the Government." I do not like it, and I do not like the individual who says that. There are some people today who are saying just that. But we cannot convict them under the law unless it can be shown that there were some acts committed which would give reason to believe that they would move to overthrow the Government.

As we all know from our law experience one can attempt to commit a crime which does not succeed, but certain actions directed toward the execution of the crime may give authority to designate it a crime punishable by law. In nearly every case, there must be the intent to commit a crime. It is determined by the facts which can be developed as to what the defendant not only said, and what he says may be part of it, and what he did, and what actions he took to carry into execution the threat or the statement that he made. Of course there is case after case which holds that without such intent being proved, there is no crime. The committee itself recognizes that situation.

I have quickly read the report, where it refers to the case of Watts, beginning on page 4, the paragraph reading "This statutory scheme is deficient in two respects," and then through page 5 where it discusses the problem of the inability to cause a threat to be made a crime. It relies on a statute which was interpreted by the Supreme Court in the case of *Watts* v. *United States,* 394 U.S. 705 (1966).

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

Mr. COOPER. Mr. President, will the Senator yield me 1 minute more?

Mr. HRUSKA. I yield 3 additional minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, here the question was where a person was convicted for threatening to kill the President. It was a threat to kill the President. He was convicted and the sentence was upheld in the circuit court of appeals. Upon certiorari to the Supreme Court, the Court reversed the decision on the grounds I have described, that one cannot amend the first amendment to the effect that language alone can become a crime. I want to raise this question because I think it is a serious defect.

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

Mr. COOPER. I yield.

Mr. JAVITS. I wanted to make this point, that this will go to another committee which gives a chance for another look. I would commend to the manager of the bill and the ranking minority member the question of the appropriateness of the formula. The formula is different for a criminal punishment than for a civil punishment. I agree, it is a basic constitutional question which the Senator from Kentucky (Mr. COOPER) has brought up. It is most admirable that he raises it.

I should like to point out, however, that in the statement on page 4 of the report where we speak of the criminal penalty and responsible persons who convey false information under circumstances in which it was entirely possible that the threat could have been carried out, I respectfully submit to the members of the committee that this is better language, better language for defining the purpose of the act than an apparent determination to carry the threat into execution.

It seems to me from the point of view of proof, we are better off if we require proof of circumstances, that a person was entirely capable of carrying out the threat he was making, whereas an apparent determination is a strictly cerebral proposition. I personally, as a matter of legislative draftsmanship, like the language in the report better than the language in the statute.

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

Mr. HRUSKA. Mr. President, I yield 3 additional minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 additional minutes.

Mr. JAVITS. Then, when we move over to page 2, I would like again to point out the difference between—and this is a civil penalty—the statute would read that whoever imparts or conveys or causes to be imparted or conveyed any false information, knowing the information be false, I think is a better statement than the statement which is in the report, which says:

Because of the inappropriateness of criminal action . . . against reputable and otherwise responsible persons who convey false information in ill-advised attempts at humor, the committee recommends a civil penalty for such situations.

It seems to me that there, in a civil penalty, if we require willfulness, we at

least compel the jury to consider the circumstances under which it was made, and whether the person making it, even if it was a hoax, was serious about the hoax.

For example, I have had complaints about someone boarding a plane who made the flip remark to the stewardess who had asked him, "What have you got in that violin case?" "Oh, a machine-gun." Promptly he was collared by a Federal agent and the U.S. attorney felt that perhaps under the law he was guilty.

So that I think with a chance to look at this legal language again, I thoroughly agree with the committee on the need to deal with these matters, but we can deal with them and deal with them effectively with full regard for constitutional rights and civil liberties.

So I simply commend these ideas to the committee.

Mr. HRUSKA. The colloquy furnished by the distinguished Senator from Kentucky (Mr. COOPER) and the remarks of the distinguished Senator from New York are helpful. They are appreciated. We are, in the field of the first amendment, always required to take into consideration the primacy of the Constitution when we attempt to enact statutes which touch its perimeters. But we might recall that even those rights under the first amendment are not absolute and unlimited. They are subject to some limitation. Mr. Justice Holmes remarked that a man was not entitled under the first amendment to cry "Fire" in a crowded theater. The same rule applies in this context.

The suggestion made by the Senator from New York is a very good one. However, the language, "apparent determination to carry the threat into execution," seems to me would be a sufficient lead to bring into the picture in ascertaining the determination of the defendant all the surrounding facts and the real intent of the man who utters it. On page 5 of the report, for example, there is a reference to the idea where one only conveys knowingly information to hijack or to bomb an aircraft in pursuance of a distorted notion of humor. That is one situation. The difference obviously lies in the intent of the actual threat which for a long time has been the basis for departure in terms of sanctions.

May I make this suggestion, inasmuch as there will be a motion to refer this bill to the Commerce Committee pursuant to the request of the chairman of that committee, that this colloquy will serve as a basis for considering a change in the language along the lines the Senator from New York suggests and also along the lines the Senator from Kentucky suggests.

Mr. JAVITS. I thank the Senator very much.

Mr. HRUSKA. Mr. President, may I ask the Senator from Arkansas (Mr. MCCLELLAN) if he has any further comment?

Mr. MCCLELLAN. Mr. President, I have no further statement except to agree with the statement just made by the Senator from Nebraska that the Commerce Committee should have an opportunity to consider these suggestions. They are suggestions well worthy of consideration.

We are in a sensitive area of constitutional rights and, therefore, the greatest of care should be exercised in the enactment of this proposed statute. Although I note that I find the present language adequate. But I see no reason why the Commerce Committee cannot take note of this colloquy and the suggestions made and give them proper consideration. After the bill is reported back to the floor for further consideration by the Senate, consideration can then be given to amendments.

I would hope that we might be able to let the bill be referred to the Commerce Committee with instructions to return it at an early date. I would suggest that 10 to 14 days from now would be appropriate.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, the need for Federal legislation to insure the safety of international and domestic air transportation has become ever more apparent and increasingly more urgent in recent years. The aviation industry is annually entrusted with millions of lives and billions of dollars of cargo. The growth of the industry has been accompanied by a corresponding increase in criminal activity directed against its operations. Congress has responded to these problems as they have arisen. Enactment of S. 2567—the Air Piracy Amendments of 1972—as reported to the Senate by the Committee on the Judiciary would cure some of the deficiencies inherent in the present treatment of air piracy and related offenses. These amendments are directed toward the inadequacies of existing Federal law concerning the prescription of conduct which falls short of actual air piracy but which involve various degrees of substantial risks to human life and the threat of significant monetary damage.

S. 2567 deals with several insufficiencies that have come to light with recent enforcement attempts under these provisions. Under present law anyone who states that an aircraft will be hijacked or destroyed knowing that information to be false may be punished under Federal law, while one who conveys the same information and instead of knowing the information to be false fully intends to carry out the threatened offense may not be prosecuted under Federal law until such time as his conduct is elevated to the status of an attempt to commit the offense. Such a distinction is not only illogical, but creates obvious prosecutorial difficulties. The amendments proposed in S. 2567 would make threats to commit aircraft piracy or destruction or any of several related offenses punishable by a fine of not more than $5,000 and/or imprisonment for not more than 5 years.

While present law authorizes the use of civil remedies against those who provide false information as to the destruction of an aircraft or aircraft facilities, it permits only criminal prosecution against those who give false information concerning acts of piracy and related crimes. S. 2567 creates a civil penalty similar to that available in destruction cases in such instances:

> [B]ecause of the inappropriateness of criminal action against reputable and otherwise responsible persons who convey false information in ill-advised attempts to humor.

The bill would make two changes in current law with respect to boarding an aircraft while armed with a concealed deadly or dangerous weapon. First, it makes the provision applicable to foreign as well as domestic air carriers, thereby recognizing the responsibility of the United States to contribute to the safety of international air travel. Second, it increases the maximum penalty for the offense from a fine of not more than $1,000 and/or imprisonment for not more than 1 year to a fine of not more than $5,000 and/or imprisonment for not more than 5 years. As the report of the Judiciary Committee noted:

> The misdemeanor penalty (currently in effect) has been adequate in cases of persons who carry weapons such as unloaded pistols or knives aboard aircraft, but do so without any intent to use those weapons while on board. On the other hand, that penalty has not been adequate in cases where the nature of the weapon involved and/or surrounding circumstances indicate a very real danger that the weapon is intended for immediate use or that human life is imperiled.

The amendment would preserve the substance of an exception granted "law enforcement officers of any municipal or State government, or the Federal Government, who are authorized or required to carry arms, or persons as may be so authorized under regulations issued by the Secretary of Transportation, while acting within their official capacities."

The threat of air piracy and related offenses create too great a public peril to escape congressional prohibition. I therefore support S. 2567 and urge its passage.

Mr. HRUSKA. Mr. President, unless there is a further request for time, I ask unanimous consent that the bill (S. 2567) be referred to the Committee on Commerce with the understanding that it will be reported back to the Senate and placed on the calendar not later than September 19, 1972.

This request is based upon the information received by me a few minutes ago that such a request is agreeable with the chairman of the Commerce Committee.

Mr. MCCLELLAN. Mr. President, what was the request?

Mr. HRUSKA. The request was that the bill be reported back to the Senate and placed on the calendar.

Mr. MCCLELLAN. Would that be with instructions that the committee consider the bill and place it on the calendar or with a request? I think it should be with instructions.

Mr. HRUSKA. Mr. President, I amend my unanimous-consent request in that manner.

The PRESIDING OFFICER. The unanimous-consent request is accordingly modified.

Is there objection to the unanimous-consent request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

COUNTERFEITING AND FORGERY

The PRESIDING OFFICER. In accordance with the unanimous-consent agreement previously entered into, the Chair lays before the Senate Calendar No. 1023 (H.R. 9222), on which there is one-half hour for debate. The clerk will report the bill by title.

The legislative clerk read as follows:

Calendar No. 1023 (H.R. 9222) to correct deficiencies in the law relating to the crimes of counterfeiting and forgery.

The Senate proceeded to the consideration of the bill which had been reported from the Committee on the Judiciary with amendments on page 1, line 9, after the word "a", strike out "money order issued by or under the" and insert "blank money order or a money order issued by or under the"; on page 3, line 5, after the word "or", strike out "retains" and insert "possesses"; in line 25, after the word "machine", strike out "or any postal money order form"; and, on page 4, line 3, after the word "on", strike out "such" and insert "postal".

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. McCLELLAN. Mr. President, this bill was favorably reported out of the Committee on the Judiciary on August 16, 1972. The bill passed the House on September 20, 1971, having been introduced at the request of the Postal Service to correct certain deficiencies in existing law.

Mr. President, the Postal Inspection Service today faces serious problems in attempting to block traffic by professional criminals in blank money orders stolen in post office burglaries. After being stolen, these money orders are forged and passed throughout the United States. Since the amount of a money order is imprinted by a machine, such machines have also become the target of thieves. The incidents of these thefts have increased as criminal elements have devised new ways in which to subvert security precautions. In fiscal 1970, the potential value of stolen money orders was nearly $8 million. Existing security features prevented this amount of loss from becoming a reality, but clearly the problem is still significant, and we must take these measures to further strengthen the law.

Mr. President, current law, section 500 of title 18, United States Code, does not proscribe illicit trafficking in blank postal money orders. In addition, the present statute does not cover the theft of the processing machines which are used to validate postal money orders.

This bill, as amended, will cure these two basic ills and will recodify existing provisions, improving the language of the provisions.

The bill will also add a "possession" clause to the existing law, enabling direct prosecution for this activity. Now, without such a provision, prosecutors must use other theft statutes and face the problem of establishing the value of the money orders. Further, under current law, theft of a validating machine is only a misdemeanor, because of the low monetary value of the machine.

H.R. 9222 will strengthen the law, so that prosecution in these cases is greatly facilitated. It will also reach the "fences," making dealings in this contraband much riskier, thereby reducing the appeal of this type of criminal activity.

Mr. President, I urge the immediate enactment of this legislation.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, H.R. 9222 is designed to correct certain deficiencies in presently existing law as it relates to the crimes of counterfeiting and forgery of postal money orders. This is basically a technical bill aimed at perfecting 18 United States Code 500. I urge that it be approved.

Under existing statute, Federal authorities are hampered in their efforts to successfully prosecute money order thieves and passers. During fiscal 1971, more than 1,750 thefts at postal facilities took place resulting in the loss of $1,349,000 in cash and stamps and the disappearance of almost 50,000 blank postal money orders. Since each money order may be valid up to a maximum sum of $100, these orders represent a potential sum of nearly $5 million, although other factors insure that criminals cannot hope to reach this amount. Nonetheless, a very significant law enforcement problem remains as a result of these thefts.

Presently, section 500 does not cover illicit trafficking in blank money orders nor does it include the processing machines used to validate the orders. H.R. 9222 will correct these two existing problems as well as making other technical changes in the present law. All of these new additions to the statute will have the effect of making prosecutions by Federal authorities for crimes involving postal money orders both more certain and more feasible with the result that crimes of this type will decline in attractiveness and, hopefully, frequency.

I hope, Mr. President, that the Senate will approve this bill, thus moving it one step closer to enactment.

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

Mr. McCLELLAN. Mr. President, I know of no further amendments or requests for time.

Mr. President, I ask unanimous consent that the committee amendments be agreed to, and that the bill, as amended, be considered as original test for the purpose of further amendment.

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

Mr. McCLELLAN. Mr. President, I know of no other requests for time for any other amendment to be offered. Therefore, I yield back the remainder of any time remaining on this side.

Mr. HRUSKA. I yield back any time remaining to this side.

The PRESIDING OFFICER. All time is yielded back.

The question is on the engrossment of the committee amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9222) was read the third time.

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1972

The PRESIDING OFFICER. In accordance with the unanimous-consent order previously entered into the Senate will now proceed to vote on S. 2087. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. Mr. President, under the order, as I recall it, 15 minutes will be utilized in calling the roll on this bill, but following this bill, the time on each subsequent bill for rollcalls will be limited to 10 minutes. Am I correct?

The PRESIDING OFFICER. The Chair is advised that the Senator is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGEE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Hampshire (Mr. COTTON) is detained on official business.

If present and voting, the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 80, nays 0, as follows:

[No. 388 Leg.]

YEAS—80

Aiken	Edwards	Nelson
Allen	Fannin	Packwood
Allott	Fulbright	Pastore
Baker	Gambrell	Pearson
Bayh	Gravel	Percy
Beall	Griffin	Proxmire
Bellmon	Gurney	Randolph
Bennett	Hart	Ribicoff
Bentsen	Hartke	Roth
Bible	Hruska	Saxbe
Boggs	Humphrey	Schweiker
Brock	Inouye	Scott
Brooke	Jackson	Smith
Burdick	Javits	Spong
Byrd, Harry F., Jr.	Jordan, N.C.	Stafford
	Jordan, Idaho	Stennis
Byrd, Robert C.	Kennedy	Stevens
Cannon	Long	Stevenson
Case	Magnuson	Symington
Church	Mansfield	Taft
Cooper	Mathias	Talmadge
Cranston	McClellan	Thurmond
Curtis	McIntyre	Tower
Dole	Miller	Tunney
Dominick	Mondale	Weicker
Eagleton	Montoya	Williams
Eastland	Moss	Young

NAYS—0

NOT VOTING—20

Anderson	Goldwater	McGovern
Buckley	Hansen	Metcalf
Chiles	Harris	Mundt
Cook	Hatfield	Muskie
Cotton	Hollings	Pell
Ervin	Hughes	Sparkman
Fong	McGee	

So the bill (S. 2087) was passed.

The title was amended, so as to read: "A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents."

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCLELLAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CIVIL REMEDIES FOR VICTIMS OF RACKETEERING ACTIVITY AND THEFT ACT OF 1972

The PRESIDING OFFICER. In accordance with the unanimous-consent order previously entered into, the Senate will proceed to the question of passage of S. 16. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES), is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGEE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 81, nays 0, as follows:

[No. 389 Leg.]

YEAS—81

Aiken	Edwards	Packwood
Allen	Fannin	Pastore
Allott	Fulbright	Pearson
Baker	Gambrell	Percy
Bayh	Gravel	Proxmire
Beall	Griffin	Randolph
Bellmon	Gurney	Ribicoff
Bennett	Hart	Roth
Bentsen	Hartke	Saxbe
Bible	Hruska	Schweiker
Boggs	Humphrey	Scott
Brock	Inouye	Smith
Brooke	Jackson	Spong
Burdick	Javits	Stafford
Byrd, Harry F., Jr.	Jordan, N.C.	Stennis
	Jordan, Idaho	Stevens
Byrd, Robert C.	Kennedy	Stevenson
Cannon	Long	Symington
Case	Magnuson	Taft
Church	Mansfield	Talmadge
Cooper	Mathias	Thurmond
Cotton	McClellan	Tower
Cranston	McIntyre	Tunney
Curtis	Miller	Weicker
Dole	Mondale	Williams
Dominick	Montoya	Young
Eagleton	Moss	
Eastland	Nelson	

NAYS—0

NOT VOTING—19

Anderson	Hansen	Metcalf
Buckley	Harris	Mundt
Chiles	Hatfield	Muskie
Cook	Hollings	Pell
Ervin	Hughes	Sparkman
Fong	McGee	
Goldwater	McGovern	

So the bill (S. 16) was passed.

The title was amended, so as to read: "A bill to amend title 18 of the United States Code to provide civil remedies to victims of racketeering activity and theft, and for other purposes."

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NARCOTIC ADDICT REHABILITATION AMENDMENTS OF 1971

The PRESIDING OFFICER (Mr. STAFFORD). In accordance with the unanimous-consent order previously entered, the Senate will now proceed to vote upon the passage of H.R. 9323. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES), is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGEE), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD), would each vote "yea."

The result was announced—yeas 81, nays 0, as follows:

[No. 390 Leg.]

YEAS—81

Aiken	Edwards	Packwood
Allen	Fannin	Pastore
Allott	Fulbright	Pearson
Baker	Gambrell	Percy
Bayh	Gravel	Proxmire
Beall	Griffin	Randolph
Bellmon	Gurney	Ribicoff
Bennett	Hart	Roth
Bentsen	Hartke	Saxbe
Bible	Hruska	Schweiker
Boggs	Humphrey	Scott
Brock	Inouye	Smith
Brooke	Jackson	Spong
Burdick	Javits	Stafford
Byrd, Harry F., Jr.	Jordan, N.C.	Stennis
	Jordan, Idaho	Stevens
Byrd, Robert C.	Kennedy	Stevenson
Cannon	Long	Symington
Case	Magnuson	Taft
Church	Mansfield	Talmadge
Cooper	Mathias	Thurmond
Cotton	McClellan	Tower
Cranston	McIntyre	Tunney
Curtis	Miller	Weicker
Dole	Mondale	Williams
Dominick	Montoya	Young
Eagleton	Moss	
Eastland	Nelson	

NAYS—0

NOT VOTING—19

Anderson	Hansen	Metcalf
Buckley	Harris	Mundt
Chiles	Hatfield	Muskie
Cook	Hollings	Pell
Ervin	Hughes	Sparkman
Fong	McGee	
Goldwater	McGovern	

So the bill (H.R. 9323) was passed.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the bill was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COUNTERFEITING AND FORGERY

The PRESIDING OFFICER. In accordance with the unanimous-consent order previously entered into, the Senate will now proceed to vote on the question of the passage of H.R. 9222. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES), is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGEE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 391 Leg.]

YEAS—82

Aiken	Eastland	Nelson
Allen	Edwards	Packwood
Allott	Fannin	Pastore
Baker	Fulbright	Pearson
Bayh	Gambrell	Percy
Beall	Gravel	Proxmire
Bellmon	Griffin	Randolph
Bennett	Gurney	Ribicoff
Bentsen	Hart	Roth
Bible	Hartke	Saxbe
Boggs	Hruska	Schweiker
Brock	Humphrey	Scott
Brooke	Inouye	Smith
Buckley	Jackson	Spong
Burdick	Javits	Stafford
Byrd, Harry F., Jr.	Jordan, N.C.	Stennis
Byrd, Robert C.	Jordan, Idaho	Stevens
Cannon	Kennedy	Stevenson
Case	Long	Symington
Church	Magnuson	Taft
Cooper	Mansfield	Talmadge
Cotton	Mathias	Thurmond
Cranston	McClellan	Tower
Curtis	McIntyre	Tunney
Dole	Miller	Weicker
Dominick	Mondale	Williams
Eagleton	Montoya	Young
	Moss	

NAYS—0

NOT VOTING—18

Anderson	Hansen	McGovern
Chiles	Harris	Metcalf
Cook	Hatfield	Mundt
Ervin	Hollings	Muskie
Fong	Hughes	Pell
Goldwater	McGee	Sparkman

So the bill (H.R. 9222) was passed.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ACT OF BARBARISM BY ARAB TERRORISTS IN MUNICH

Mr. ROBERT C. BYRD. Mr. President, the senseless act of barbarism in which Arab terrorists have seized innocent participants in the Olympic games as hostages, and slain others, will outrage decent peoples and governments throughout the world.

Do these terribly misguided bandits—these so-called, self-styled patriots—really think that their foul deed will do anything but besmirch the Palestinian cause? No one can possibly have sympathy for attacks such as this. Like the massacre at the Tel Aviv airport, it places its perpetrators beyond the bounds of civilized action.

Mere words cannot express the contempt I feel—a contempt which I am sure that millions upon millions of the world's citizens share—for men who would commit atrocities of this nature.

It is only right and proper that other nations and other governments should join the Israelis in seeking to put a halt to the terrorists' unjustifiable tactics. No citizens of any country anywhere are safe when fanatical madmen can with impunity stage international kidnapings.

To protect their own legitimate interests, it behooves the governments of all the Arab States to use every means within their power to stamp out these guerrilla methods. The world will not long sympathize even with the just aspirations of governments or states which continue to countenance underground warfare of this kind.

The terrorists have alerted the world—not to the rightness of any cause they may otherwise espouse or the justness of any grievances they may otherwise bear, but to the totally unacceptable nature of their conduct to civilized people everywhere. The outlaws who have seized and slain the Israeli Olympic athletes must be apprehended and made to pay the full penalty for their unspeakable crime.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes.

REVENUE SHARING ACT OF 1972

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to the consideration of H.R. 14370, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 1015 (H.R. 14370), a bill to provide payments to localities for high priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. LONG. Mr. President, I believe that those of us who undertook to make the case for the pending business have explained our position in favor of the pending measure in such language as we believe is appropriate for the time being.

I would imagine, however, that some Senators might wish to discuss their views or might wish to engage in some colloquy about the matter. Until some question is raised, however, for the time being, I think those of us who favor the measure have pretty well made our case.

I therefore yield the floor.

AMENDMENT NO. 1468

Mr. RIBICOFF. Mr. President, I support the basic concept of revenue sharing. Many of our State and local governments are faced with a growing fiscal crisis as the demand for governmental services outpaces their ability to raise revenues.

Between the fiscal years 1955 and 1970 State and local general expenditures rose almost three times in current dollar terms—from $33.7 billion to $131.3 billion. During the same period State and local revenues rose from $31.1 billion to $130.8 billion. In order for these State and local governments to keep pace with costs, they have been forced to raise their taxes dramatically. Many of them, however, have reached the saturation point and can no longer maintain their effort.

Regrettably the Federal categorical grant programs designed to aid State and local governments have failed to alleviate their problems and in some instances have even aggravated them. The proliferation of these programs, each with their own regulations and narrow purpose, is confusing beyond belief. Catalogs now have to be published to guide State and local officials through the bewildering inventory of rules and requirements.

Even the process of applying for a grant may represent a distortion of local priorities. In winning Federal funds, State and local authorities effectively tie their own hands because of the matching funds principle behind most grant-in-aid programs. A State or locality which is successful at obtaining Federal grants soon finds that dollars from Washington can limit the scope and number of projects they would like to initiate on their own.

It is time to return some of the money this Nation's citizens send each year to Washington back to their own State and local governments without the usual restrictive conditions attached. It is time to let the people themselves determine how their hard-earned tax dollars should be

put to work at the State and local level.

How this new money will be distributed to the States and localities is the critical element in the consideration of the legislation now before us and the issue which demands the Senate's most careful scrutiny.

I do not believe that anyone will argue against the fact that the rejuvenation of our deteriorating cities was one of the prime considerations in the development of the revenue-sharing concept. Yet the Senate Finance Committee has approved a bill which is only partly responsive to our urban problems. The committee's formula for making the initial allocation of the $5.3 billion pure revenue-sharing fund to the States—one-third State population, one-third State relative income, and one-third State general tax effort—is a conscious attempt to penalize those areas with the most explosive and expensive problems.

Even the most casual examination reveals that the committee's formula gives more of the $5.3 billion to those States which need it least and less to those States most in need.

I ask unanimous consent that a table comparing the amounts received of the $5.3 billion pure revenue-sharing fund under the House and Finance Committee formulas by three pairs of States with relatively equal population—one rural and one urban—be printed in the RECORD at this point.

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

SELECTIVE COMPARISON OF DISTRIBUTION OF $5,300,000,000 "PURE" REVENUE-SHARING FUNDS TO PAIRS OF STATES OF RELATIVELY EQUAL POPULATION (1 RURAL, 1 URBAN) UNDER HOUSE AND FINANCE COMMITTEE VERSIONS

	Millions of dollars				Per capita		
	House	Finance Committee	Amount of change	Percent of change [1]	House	Finance Committee	Amount of change
Mississippi	46.0	99.6	+53.6	+116	20.75	44.93	+24.18
Connecticut	72.7	57.5	−15.2	−21	23.98	18.96	−5.02
North Dakota	12.0	21.7	+9.7	+81	19.42	35.11	+15.69
Delaware	17.3	12.9	−4.4	−25	31.57	23.54	−8.03
Alabama	80.2	127.6	+47.4	+59	23.31	37.05	+13.74
Maryland	117.5	94.8	−22.7	−19	29.96	24.17	−5.79

[1] The percent of change for millions of dollars and per capita is the same.

Mr. RIBICOFF. Even more dramatic evidence of the inequities contained in the committee's formula can be found by studying the per capita amounts local governments receive of the $5.3 billion and the relative role the $5.3 billion will play in each local government's budget.

For example, the average per capita grant to all the local governments in Oakland County, Mich., will be $5.67. In Hartford County, Conn., it will be higher, $14.61, but nowhere near the $30.37 and $32.12 received in Jackson County, Ark., and Acadia Parish, La., respectively.

These same revenue-sharing funds will account for 8.3 percent of the total local government income in Oakland County. Again, Hartford's share is slightly higher, 8.9 percent, but far from the 50-percent level found in the Arkansas and Louisiana localities.

It is true that the formula adopted by the committee for determining each locality's share of its State's allotment does aid cities relatively more than the House bill. That, however, does not compensate for the fact that in the total distribution of the $5.3 billion, urban States and their State governments get far less than their fair share. While the greatest burden of urbanization is obviously borne by municipal governments, we must also recognize that many urban-oriented services are provided by State governments.

The committee has made an attempt to rectify this situation by distributing the $1 billion supplemental social service grant program fund on the basis of urbanized population. By adding this money the committee can correctly claim that all but four States and the District of Columbia fare better under its bill than under the House version. It is easy to see why most States get more—the total fund has been increased by $1 billion. The committee's claim ignores the fact that while most State's total rises, the urban States do not receive as large a percentage of the entire fund as they would have under the House bill. For example, while Connecticut's total rises from $72.6 million to $75 million, its percentage of the total drops from 1.4 to 1.2 percent. The impact can be seen in other States as California's percentage drops from 11.5 to 10.2 percent, Ohio's from 4.3 to 3.8 percent, and Michigan's from 4.6 to 4.1 percent.

More important is the fact that there is no way the Finance Committee can guarantee that the final social service formula will be based solely on urbanization or that this new $1 billion fund will even be in the bill. By basing the distribution of the social service funds solely on urbanization the committee has admitted that its original formula was incomplete and unfair. It is however asking the urban States to now place all their eggs—or funds—in one basket.

I do not believe the Senators from the urban States can accept that logic for the risk is too great.

An example of the risk involved is the fact that the $5.3 billion "pure" revenue sharing fund is a direct appropriation of funds which would be guaranteed every year. The $1 billion social service fund, however, has only been authorized and must still go through the appropriations process. No one can say at this time how much, if any, of that $1 billion will be actually appropriated.

During his opening remarks on this bill the distinguished chairman of the Senate Finance Committee argued that the committee had significantly improved the House bill by eliminating the complex dual formula used for determining the distribution of funds to the States and localities and replacing it with a single formula. This was a step in the right direction. We should, however, take it one step further and eliminate the special social service formula and combine all four factors—population, relative income, tax effort, and urbanized population—into one formula for the entire $6.3 billion fund. We must guarantee that no matter what the final size of the fund each State will receive the same relative share.

I, therefore, introduce an amendment to base the distribution of the entire amount authorized by this bill on the following schedule: 30 percent tax effort, 30 percent relative income, 20 percent population, and 20 percent urbanized population. This formula would give the appropriate recognition to the many problems which led to the development of revenue-sharing legislation and would not penalize any single State or group of States.

I ask unanimous consent that a table detailing each State's share under my formula be printed in the RECORD at this point.

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

State allocations under Ribicoff formula

[In millions of dollars]

Alabama	103.9
Alaska	6.9
Arizona	58.0
Arkansas	51.7
California	723.2
Colorado	68.7
Connecticut	91.4
Delaware	17.0
District of Columbia	25.2
Florida	192.2
Georgia	124.1
Hawaii	27.1
Idaho	19.5
Illinois	355.3
Indiana	138.6
Iowa	81.9
Kansas	61.7
Kentucky	87.6
Louisiana	110.3
Maine	29.0
Maryland	112.8
Massachusetts	203.5
Michigan	275.3
Minnesota	116.6
Mississippi	68.0
Missouri	129.1
Montana	20.2
Nebraska	44.1
Nevada	15.8
New Hampshire	17.7
New Jersey	224.3
New Mexico	29.6
New York	723.2
North Carolina	135.5
North Dakota	18.3
Ohio	279.7
Oklahoma	67.4
Oregon	63.0
Pennsylvania	348.4
Rhode Island	30.2
South Carolina	73.7
South Dakota	21.4

Tennessee	104.6
Texas	316.9
Utah	34.7
Vermont	14.5
Virginia	127.3
Washington	105.8
West Virginia	47.9
Wisconsin	150.6
Wyoming	9.5

Mr. RIBICOFF. No formula for apportioning revenue-sharing funds will satisfy everyone, but the formula I propose today would fairly allocate money to the States on the combined basis of relative populations, income, general tax effort, and degree of urbanization. I urge the Senate to adopt this amendment.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

PROGRAM

Mr. GRIFFIN. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I seek recognition for the purpose of asking the distinguished majority leader if he can give us any information about the schedule for the rest of the day and beyond.

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

Mr. GRIFFIN. Mr. President, I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, may I say in response to the question raised by the distinguished acting Republican leader that, as he is aware, the pending business is revenue sharing, which is on the second track.

Beginning tomorrow, after the conclusion of the morning business, we will then return to the unfinished business, the interim agreement on offensive weapons.

It is my understanding that the prospects for finishing the consideration of the interim agreement before the end of the week are good, and that it might be possible—and I hope that the Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. JAVITS) are here, and I note that they are—to attempt a unanimous consent agreement on my amendment rather than on the whole proposal.

I hope that will be satisfactory. It is my understanding that my amendment is the pending amendment to the unfinished business, the Interim Agreement. And as far as I am concerned, I am willing to agree to a 20-minute limitation, with 18 minutes to the other side and 2 minutes to me, because it is a simple amendment. That might be the start.

Then, of course, we hope to finish both the Interim Agreement on Offensive Weapons and the revenue-sharing bill this week.

Then we will have, as has been announced previously, the military construction appropriations, the military procurement appropriations, and foreign aid measures.

I understand that there may be a hearing in the Foreign Relations Committee this week on the foreign aid bill. Am I correct in that?

Mr. FULBRIGHT. Mr. President, we have a meeting scheduled. I was not aware of the plan on the Interim Agreement measure, which is agreeable to me. We do have an executive committee meeting scheduled.

Mr. MANSFIELD. We will then have H.R. 1, the welfare proposal, which I understand is on the verge of being reported. I think that we should take it up and dispose of it in one way or the other.

We will then have the supplemental appropriations measure, the debt limit extension, various conference reports, also such matters as S. 632, the Water Resources Planning Act, and other measures on the calendar which have already been brought to the attention of the Senate.

I would hope that, to keep things going, amendments will be offered to the revenue-sharing bill this afternoon and that there will be further votes. However, I do admit in all candor that I know of no amendments at the present time to the bill.

Mr. GRIFFIN. Mr. President, I thank the majority leader.

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

Mr. MANSFIELD. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I notice in the list of possible bills and proposals to be considered by the Senate that no mention was made of the House-passed antibusing bill.

Mr. MANSFIELD. The Senator is correct. It is not on the calendar.

Mr. BAKER. Mr. President, does the distinguished majority leader have any information that he might give us as to when we might proceed to the consideration of that matter?

Mr. MANSFIELD. I am sorry. I can give no information at this time. However, after discussing the matter with the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT), I will then be in a better position to answer the question.

Mr. BAKER. I thank the Senator.

Mr. MANSFIELD. Mr. President, it would also be anticipated, if it is agreeable with the distinguished Republican leader, that if time and circumstances allow, the Senate will consider S. 3531, the so-called winter Olympic games bill.

Mr. GRIFFIN. Mr. President, I thank the distinguished majority leader.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock a.m. tomorrow.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized tomorrow under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

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

ORDER TO LAY UNFINISHED BUSINESS BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business on tomorrow, the Chair lay before the Senate the unfinished business, Senate Joint Resolution 241.

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

ORDER TO CALL UP H.R. 14370, REVENUE-SHARING BILL, TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at no later than 2 o'clock p.m. tomorrow, it be in order for the majority leader or his designee to call up H.R. 14370, the revenue-sharing bill, and make it the second track item, and that at such time as the majority leader or his designee call up H.R. 14370 for consideration, the unfinished business, Senate Joint Resolution 241—the Interim Agreement—be laid aside temporarily and remain in a temporarily laid aside status until the close of business tomorrow or until the disposition of H.R. 14370, whichever is the earlier.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, Senate Joint Resolution 241, authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

The pending question will be on agreeing to the amendment (No. 1434) of the distinguished Senator from Montana (Mr. MANSFIELD). No time limitation agreement has been entered into with respect to the interim agreement or any amendment to be proposed thereto. However, it is hoped by the leadership that progress can be made tomorrow with

respect to the Mansfield amendment and other amendments, and that some agreement may soon be entered into with respect to the disposition of the joint resolution.

At no later than 2 p.m. tomorrow, the majority leader or his designee will lay aside the unfinished business, and the Senate will then resume consideration of the so-called second track item, H.R. 14730, an act to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes. No agreement has been entered into with respect to time on that bill or amendments thereto.

Rollcall votes may be expected tomorrow, and I would anticipate such.

ADJOURNMENT UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 4:49 p.m. the Senate adjourned until tomorrow, Wednesday, September 6, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 5, 1972:

United Nations

The following-named persons to be Representatives of the United States of America to the 27th session of the General Assembly of the United Nations:

George Bush, of Texas.
Christopher H. Phillips, of New York.
Jewel Lafontant, of Illinois.

The following-named persons to be Alternate Representatives of the United States of America to the 27th session of the General Assembly of the United Nations:

W. Tapley Bennett, Jr., of Georgia.
Julia Rivera de Vincenti, of Puerto Rico.
Gordon H. Scherer, of Ohio.
Bernard Zagorin, of Virginia.
Robert Carroll Tyson, of New York.

U.S. District Courts

Herman G. Pesquera, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico, vice Juan B. Fernandez-Badillo, retired.

Department of Justice

Donald D. Forsht, of Florida, to be U.S. marshal for the southern district of Florida for the term of 4 years, vice Loren Wideman, retired.

National Library of Medicine

The following-named persons to be members of the Board of Regents, National Library of Medicine, Public Health Service, for terms of 4 years from August 3, 1972:

William N. Hubbard, Jr., of Michigan, vice William George Anlyan, term expired.

Eddie G. Smith, Jr., of the District of Columbia, vice Max Michael, Jr., term expired.

Ethel Weinberg, of Pennsylvania, vice George William Teuscher, term expired.

U.S. Tax Court

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, vice Graydon G. Withey, retired.

U.S. Marine Corps

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

Harry C. Olson
Ralph H. Spanjer
Fred E. Haynes, Jr.
Lawrence F. Snowden
Ross T. Dwyer, Jr.
Joseph C. Fegan, Jr.
Leslie E. Brown

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

William G. Joslyn
Donald H. Brooks
Charles D. Mize
Norman W. Gourley
Paul G. Graham
William R. Quinn
Harvey E. Spielman
Andrew W. O'Donnell

In the Air Force

The following-named Air National Guard of the United States officers for promotion in the Reserve of the Air Force, under the appropriate provisions of section 593(a), title 10, United States Code, as amended.

Major to lieutenant colonel

LINE OF THE AIR FORCE

Frederick H. Barnes, [redacted].
Eugene T. Buckner, [redacted].
Loyal E. Carlson, [redacted].
Anthony N. Coccia, [redacted].
William B. Fuller, [redacted].
Jerry L. Godwin, [redacted].
Richard F. Goeke, [redacted].
William D. Harris, Jr., [redacted].
Lloyd E. Harsh, Jr., [redacted].
William J. Ingler, Jr., [redacted].
Hyrle A. Ivy, Jr., [redacted].
Donald R. McGinley, [redacted].
Minor D. Webb, [redacted].

MEDICAL CORPS

Wilbur C. Blount, [redacted].
George B. Eusterman, Jr., [redacted].

MEDICAL SERVICE CORPS

Gene A. Allen, [redacted].

In the Navy

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

David H. Acton
Edward B. Adams
Ray E. Adams
William A. Aegerter
Alfred L. Ahern
Robert S. Aicklen
Kevin M. Alaspa
Bruce E. Alexander
John L. Alexander
Gary Dennis Allard
John M. Allison
Paul H. Amiel
Lorin E. Andersen
Mark N. Andersen
Curtis J. Anderson
Peter K. Anderson
Wayne E. Anderson
Charles A. Appleby
Dennis J. Armstrong
Richard M. Arnberg
Charles S. Arrants
Heber C. Ashbrook II
Andrejs J. Auskaps
David P. Austin
Chris M. Azbill
Robert M. Bach
Glenn M. Bagby
Hudson L. Bailey
Robert R. Bailey III
Simon R. Bakall
Charles Lloyd Baker
Ralph B. Baldridge
James C. Ballard III
Thomas C. Banford
Michael L. Bankester
Arthur H. Barber
Theodore F. Barkerding
Michael S. Barnett
Dennis B. Barrett
John A. Barrett
Vaughn E. Bateman
William J. Bauman
Max F. Baumgartner
Arthur W. Bean
Richard A. Bean
Roland K. Beard III
Scott S. Beardsley
Robert J. Beckman
Samuel E. Becktel
David C. Bender
Michael R. Bender
John K. Bennett
Dennis P. Beres
Edward H. Bergin
Jeffrey M. Berkheiser
Andrew J. Berlo, Jr.
William J. Bernacki, Sr.
Jerel D. Bernardy
Franklin V. Bernhard
David G. Bernier
Michael S. Bertin
Michael D. Besancon
Albert P. Bianchi, Jr.
Robert G. Bickard
Norman S. Biehler
Ronald A. Bifford
George M. Black
William J. Black
James J. Blaine
John H. Blake, Jr.
Alfred E. Blicher
Steven L. Blindheim
Edward H. Blohm, Jr.
Edward C. Bodenheimer
Steven F. Bodie
Bruce Keith Bohnker
Daniel J. Bolander
Albert S. Bond II
Edward J. Bonkoski
John S. Booker
Richard A. Borges
Clifford L. Bouquin
Richard Bradshaw
Patrick Brady
John R. Bandl
Gregory J. Braniff
Randolph B. Brasfield
James D. Bray
Daniel J. Brennock
Michael H. Brewer
Reese H. Bricken
Burton E. Bridge III
Edward T. Brill
Richard T. Brimson
Reginald H. Britt
Carradean L. Brown
Forrest B. Brown
John D. Brown
James Frederick Brunk
Paul W. Bruun
Michael R. Buchanan
Bruce E. Buck
Thomas C. Buckley
Andrew J. Budka
Donald K. Bullard
William L. Burbridge
Arthur C. Burdett
Kevin J. Burke
Michael T. Burke
David P. Burnette
Richard K. Burwell
Donald R. Butcher
Alley C. Butler
William T. Butler, Jr.
Michael L. Buske
Theodore Bybel III
James W. Calhoun III
Robert G. Caliebe
John Calwell
Stephen N. Camarano
Joseph D. Camp
William A. Campbell
Richard W. Cantwell
Richard A. Captor
Freddie F. Carino
Ronald C. Carlile
Raymond H. Carlson
Leonard N. Carota
John H. Carpenter
Robert D. Carpenter
Washington S. Carr
Earl F. Carter, Jr.
William P. Cassada
James L. Charles
Stephen M. Chatot
Daniel C. Chesman
Steven B. Chesser
Bruce J. Chippindale
Robert Cirone
John T. Clark III
William M. H. Clark
Richard B. Clarke
Michael B. Clay
John P. Cleaveland
Scott Cleveland
Dennis E. Clifford
Jay B. Cochran
Craig A. Cochrane
Timothy G. Colburn
Paul M. Cole, Jr.
Robert D. Colenda
Stephen Craig Collins
Charles M. Combs
Michael H. Combs
Michael J. Conant
Douglas H. Conatser
Guy L. Connell
Thomas C. Conran
John W. Conroy
Philip L. Conroy
Farrell W. Corley
James M. Cormani
Robert W. Cosby
Barry M. Costello
Charles S. Crabtree
Peter A. Craig
George P. Crandall
John M. Crawford
William A. Cross
Edwin V. Crowley
Stephen M. Crum
Ricardo A. Cuaderes
Terrence J. Cuny
Jeffrey L. Cupps
Leo F. Dacey
John C. Dailey
John F. Dalby
Terry G. Dallas
Douglas A. Darch, Jr.
Christopher A. Davenport
Bruce B. Davidson
Mark C. Davis
David L. Dawson
Philip M. Dawson
James C. Day
Kenneth E. Dean
Robert M. Dean
Steven M. Dean
Thomas J. Debenedetto
Peter J. Delaney
James L. Delvin
Mario F. Demelas, Jr.
Dean G. Demory
Gregory R. Deprez
Gary W. Deulley
Randall A. Diener
Clyde P. Dietz
Michael J. Dillenburg
Patrick D. Dineen
Brian S. Dinwiddie
Douglas S. Dobson
Michael, Rowland Doerr
Kenneth F. Domboski
James W. Donaldson
Michael J. Donovan
Arthur G. Doty
David J. Dotzert
William F. Dougherty
Barry C. Douglas
Merrill C. Doyle
John J. Driver
Charles H. Drysdale
Dennis B. Dumbauld
Glenn D. Eberling
David A. Eberly
Thomas E. Eckert
Bradley T. Edelman
Bruce J. Edwards
Michael S. Edwards
Gary L. Eckert
John R. Elliott
Hugh T. Elwood
Douglas F. Elzinic
Lucian F. Emerson
Francis A. Empeno
Thomas A. Engelhaupt
Wayne E. Essel
Robert L. Evans
William A. Evans
John R. Exell
Rudolph F. Falkenstein
George W. Farrar
James D. Farrens
William A. Faust
Dennis P. Fedison
William J. Feeney
Gerald C. Feltz
David A. Fencl
Kenneth P. Ferlic
Curtis L. Ferrell
Alan J. Field
Ronald D. Fife
Arthur L. Figliola
Frank P. Filippelli
Michael E. Finley
David F. Finney
Edward K. Fisher
Robert C. Fisher
Charles M. Fleming
John W. Floberg
William R. Foley II
James C. Forney

Charles S. Fowler
James Nicholas Fowler
Charles F. Frasch
Charles L. Fremont
Bruce R. Freund
Michael Frietze
Norman J. Fry
Michael J. Funcheon
James M. Fursman
Glenn P. Gabel
Raymond J. Gajan, Jr.
Richard M. Galecki
John D. Gall
Edward F. Gallagher
Robert M. Galligan
Robert R. Gangewere
Brian E. Gapco
William D. Garner
Bruce T. Garrett
Hugh M. Garvey
Lawrence H. Gaudet
Wilson R. Gawthrop
Danny H. Gerlt
William R. Gibbes
Baylor P. Gibson III
Alan K. Gideon
Robert T. Giffen
Paul R. Gift
John H. Gillette
James K. Gilligan
Gary G. Gisold
James T. Gissendanner
Charles R. Glass
Gary L. Glick
Michael M. Goff
William E. Goins
John P. Goldenstein
Ludwig M. Goldsmith
Robert S. Goneconti
Richard B. Gormly
Derek A. Goudge
Earl C. Grabus, Jr.
Robert H. Granzow, Jr.
Michael M. Graves
Gary L. Greene
Richard L. Greene
James T. Greeno
Kenneth E. Gresham
Andrew E. Grigsby, Jr.
Michael J. Grimsley
Stanley L. Grossman
Tim D. Grotts
Craig A. Grover
David A. Groves
Edward C. Gunderson
Austin B. Gunsel
Clifford A. Haas
Michael R. Hacunda
John P. Hains
James B. Haire
Stephen C. Hallam
Patrick K. Halton
Daniel L. Hambrock
Daniel R. Hammond
Dale R. Hamon
Gary W. Hampson
Lee A. Hanna
Mark A. Hansen
Eric T. Hanson
Paul R. Harbaugh, Jr.
Stuart R. Harding
James M. Harrell
Benny J. Harris II
Jerry M. Harris
Ronald B. Harrison
Stephen R. Hart
Gregory A. Hartnett
Philip M. Harvey
William F. Harward, Jr
Michael D. Hebert
John L. Hegdal
Corry D. Heil
Frederick E. Heimann
Richard D. Heimrich
Theodore R. Helm
Donald R. Henry
George A. Herbert, Jr.
Mark K. H. Herkert
Robert J. Hess
Lawrence E. Hess
Robert K. Heuchling
Frank M. Heule
Kevin D. Higgins
Lawrence E. Hildreth
Stanford H. Hlavka
Michael L. Hoesly
Louis A. Hoffman, Jr.
Steven F. Hoipkemeier
Thomas V. Holder
George B. Holk
Harry L. Holloway III
John D. Holmes
Robert C. Holmes, Jr.
James L. Hood
Ronald B. Hooper
Jon S. Horn
Bruce M. Horton
John F. Hosner
Stephen C. Hotchkiss
Scott E. Hough
John A. Houkom
Patrick J. Hovatter
Charles D. Hoyle
Vernon C. Huber
Michael D. Hudock
Alexander A. Hudson
Denis E. Huelle
Jeffrey A. Hughes
Roger W. Huston
Larry T. Ikeda
George F. Indest III
Alfred L. V. Ingram, Jr.
Darryl W. Ingram
Frank D. Jackson
Danny M. Jacobs
Don E. James
Thomas E. Janora
Charles A. Jedlicka
Edward A. Jennrich
David G. Johnson
Douglas A. Johnson
James M. Johnson
Ralph F. Johnson
Timothy L. Johnson
Henry L. Jones
Marc S. Jones
Royal A. Jones III
John M. Kale
Joseph H. Kannapell
Mark A. Karaffa
Edward D. Kasakoski
Paul F. Kautz
Thomas G. Kay
Terrence J. Kearney
James D. Keele
Michael P. Keen
Phillip D. Keener
Clark T. Kelley
Kevin J. Kelly
Robert M. Kemp
Christopher J. Kemper
Steven R. Kennedy
Frank T. Kent III
Scott V. Kernan
Lorenz J. Kertz
Thomas H. Kiehl
Ronald A. Kiel
William E. Kiesling
Mark C. Kiley
Brian J. Kilgore
Charles R. King
James M. King
John A. Kirkland
William R. Kirkpatrick
Robert H. Kitchen
John C. Klein IV
Donald P. Klindt
John Francis Klingaman
Charles N. Klinger
Norman G. Kluge
Douglas R. Knight
Alvin F. Knox
Roydon M. Kobayashi
Dennis W. Koch
Mark R. Koch
Thomas D. Koehler
Thomas H. Koger
Joseph G. Kohler
Paul V. Konka
John S. Korber
Robert N. Korfmann
Edward D. Koskie
George E. Kovach
Joseph J. Krygiel
Dale M. Kubacki
Raymond R. Kudlick
William B. Kunkle
Thomas G. Kyle
Ronald R. Ladd
Vernon M. Ladd
Paul A. Laedlein
David R. Lamm
Robert L. Lancaster
Milton D. Lane
Jame J. Lang
Norman G. Lapointe
Stephen W. Larimer
Larry E. Larson
Webster R. Lawler
Richard C. Lawton, Jr.
James M. Leavis
William E. Lee
David G. Lees
Alan G. LeFevre
Richard C. Lehmann
John A. Lemoine
Michael A. Lennon
John E. Leonard, Jr.
Raymond E. Leonard
Thomas L. Leonard
Thomas G. Leverage
Henry P. Levine
John M. Lilienthal
Claude D. Lindsey II
William F. Linnehan
Jack S. Lipscomb
Robert D. Littlefield
Vernon C. Lochausen III
Craig J. Lokkins
James C. Lotito
Lloyd R. Lotz, Jr.
Lawrence L. Loudon
Michael D. Low
Harold C. Lowe
Nathaniel Lucas
Daniel E. Lund
Robert E. Lupton
Christopher B. Lussier
Anthony J. Luzynski
John C. McAllister
Larry T. McAlpin
Daniel W. McClung
Patrick M. McCannon
Raymond S. McCord
James L. McCrory
Robert S. McCulloch
William C. McFarland
Thomas P. McGarry
Edward E. McGinnis
Kevin M. McGinniss
Edward A. McGuigan
Michael B. McKay
John W. McKee
James B. McKinney
John T. McLane, Jr.
George M. McMillan
Horace M. McMorrow
Dwight D. McMullin
Christopher P. McNeil
Thomas P. McNamara
Peter L. McVoy
Russell E. McWey
John J. MacArthur
David B. Mackey
Douglas P. Maddelein
Larry G. Madison
Michael H. Mahlock
Kent A. Main
Larry E. Mallow
Leslie Mann III
Richard A. Maples
Mark O. Marcucci
William J. Marcussen
Stephen E. Marhanen
John P. Marques III
Steven C. Marten
Michael L. Martin
Robert J. Martin
Arthur Martinez, Jr.
Philip F. Marzec
Stephen W. Mason
Glenn K. Masukawa
Louis K. Matherne, Jr.
Thomas E. Matyjasik
Stephen C. Maurer
Richard E. Mee
Rodger D. Melin
Michael B. Metcalf
William J. Meyer
Curt J. Michanczyk
Jack D. Michelsen
Phil L. Midland
John W. Miller
Craig S. Mills
Edward M. Milner
Harold J. Mitchell
Jent P. Mitchell III
Lawrence A. Mitchell
Tadashi M. Mitsuoka
Arthur D. Moeller
Robert T. Moeller
Larry E. Moers
John E. Moneghan
Steven D. Monson
Mark A. Montrey
Daniel P. Mooney
Terry L. Moore
John F. Moran
James K. Morgan
John G. Morgan, Jr.
Jacques P. Morrise
Peter A. Morton
Timothy R. Morton
David G. Mountcastle
Gerald M. Moy
David C. Mudge
Warren F. Muldrow
Michael J. Mullaney
Terence P. Mulroy
John D. Mundt, Jr.
Robert W. Murphy
James P. Murray
Keith E. Murray
Michael J. Murray
Thomas W. Murray, Jr.
Steven M. Mutzig
Timothy B. Nachtsheim
John H. Nading
Fred H. Naeve, Jr.
Clifford A. Nancarrow
Mark H. Naster
Charles J. Navin
Jack G. Nazor
Charles C. Neff
Gary L. Neilsson
John L. Nelson
Kevin C. Nelson
Kevin D. Nelson
Richard W. Nelson
Peter Nemeth
William A. Nestlerode
Louis G. Neudorff II
Ivan D. Newton
James C. Newton
Thomas J. Nickerson
Lawrence A. Nielsen
David D. Niven
Geoffrey T. Noble
John M. Noble
Timothy A. Noe
Russell P. Nolan
Thomas E. Nolte
Leslie K. Norford
John H. Northrup
Donald G. Norton
Howard C. Norton
Kerry M. Norton
John J. Noval
John W. Nowitsch
John M. Oakes
James R. O'Hara
William F. O'Hara, Jr.
John C. Olifield
John T. Oliver
Thomas R. Olmsted
Eric G. Olsen
Warren R. Olsen
Thomas D. O'Neil
Robert E. Orcutt, Jr.
Don. P. Oubre
Glenn A. Ousterhout
Charles E. Overturf
Ernest G. Ovitz II
Larry T. Owens
Samuel H. Packer III
Hein F. Paetz
John M. Pagel
Richard N. Papworth
Stephen H. Parfet
Guy K. L. Paris
Robert T. Parrish
Terry L. Parsons
Ronald M. Pate
Jeffrey D. Peace
James C. Peart
Douglas C. Pease
Dale W. Peck
David E. Pedneau
William F. Perdue
Carlos Perez
Craig C. Perry
Henry V. Perry II
William T. Perry
Robert F. Peters
Grant W. Peterson
James W. Peterson
Mark A. Peterson
Ralph A. Peterson
Donald H. Petitmermet
John G. Pfrimmer, Jr.
Charles W. Philpot
Richard F. Piasecki
Douglas E. Pickelsimer
Edmond A. Pietila
David M. Pikla
Cleve B. Pillifant
Edward W. Pinion
Glenn J. Pitman
Robert N. Pohtos
Thomas R. Pomorski
Christopher T. Pratt
Daniel L. Prima
Jerry E. Proctor
Jack D. Punches, Jr.
Donald R. Quartel, Jr.
William E. Ralston
Edgar B. Ramsey
John E. Rannenberg
Carl G. Rasmussen
Steven P. Rautenberg
John Recine
William A. Reed
Walter S. Reichen
James R. Reisporfer
Joseph P. Remes
Armin W. Reschke
Roger R. Reynold
Clark T. Riley
George A. Riley
Robert M. Riley
Walter E. Ringen III
Christopher E. Rinko
Robert A. Rivers
Richard W. Roan
Lawrence G. Roberson
Charles D. Rockwell
Alexander M. Rode
James T. Rodriguez
William Rodriguez, Jr.
James P. Rogers
John P. Rogers
Joseph E. Rogers
George W. Rollings
Joseph G. Romand
Richard R. Romatowski
Merle W. Root, Jr.
Lee R. Roper
Nicklous J. Ross
Thomas J. Ross
William T. Ross
James R. Rothring
David W. Rubio
Forrest E. Ruck
Robert C. Rudy, Jr.
David C. Ruebsamen
Frederic R. Ruehe
Edward S. Ruete
Bernard E. Ruhnke
Paul D. Rula
Melvern R. Rushing
Bruce F. Russell
Francis P. Ryan, Jr.
John W. Ryder
Andrew R. Sallans
David O. Samples
Walter E. Sandefur
Paul S. Sanzo
Bernard M. Satterwhite
Richard J. Savage
Thomas J. Scarpelli
Robert J. Schack
Thomas E. Schaible
Frederic J. Scheibl
Christopher F. Schellhorn
Alan P. Schide
John F. Schleicher
Richard F. Schmidt
Frederick A. Schmitt
Robert L. Schmitt
Jeffrey W. Schneider
Mark J. Schneider
Steven J. Schneider
Robert C. Schules
Joseph H. Schwartzel
James T. Shanley
Steven S. Sherman
Robert N. Sherrill
Larry K. Shipman
James L. Shirk
Ronald B. Short
Kendrick A. Simms
William L. Simpson, Jr.
Peter C. Siska
Robert W. Skaggs
Henry G. Skelton
James R. Sly
Walter Smark
Robert W. Smen
Douglas A. Smith
Glenn R. Smith
Howard G. Smith, Jr.
Jim G. Smith, Jr.
Michael R. Smith
Spencer H. Smith
Stephen E. Smith
Walter M. Smorgans
Allen E. Sneed, Jr.
William H. Snow
Stephen F. Snyder
Martin D. Soblick
Steven B. Sonnenberg
Charles E. Sorenson
Marion P. Soutullo
Gene R. Spangrude
Joseph D. Spann
David J. Spannagel, Jr.
James S. Spear
James D. Speer
Marc A. Spurgeon
Frederick W. Stangl
Richard M. Starr
Paul H. Stasiewicz
Stephen C. Staska
Kip R. Steele
Kenneth M. Stein
Charles M. Stephens
John H. Stephens
Michael L. Stephenson
Clyde E. Sterling
Robert S. Sterling
John F. Stevens
Stanley W. Stevens
Robert W. Stricklen
William G. Stidom
Richard A. Stolz
James R. Stoorza
Michael H. Strole
Sy Strudler
Richard L. Sucheck
Steven A. Sudigala
Nicholas M. Sullivan
Frank L. Swanger
Stephen P. Swinton
Walter J. Szwarc
Raymond Talipsky

Charles Tamburello	John W. Weldon, Jr.
James A. Tangen	Raymond M. Welsh
Chris A. Taylor	Kenneth E. Wenzel
Lucius O. Taylor	Allan G. Wesley
Timothy B. Taylor	Lynn G. Wessman
Harold E. Thomas	John M. Westhoven
John K. Thomas	John D. Wherry II
Michael R. Thomas	Randy D. Whitaker
Thomas H. Thomiszer	Laurence B. White
Charles B. Thompson	Robert B. White
John R. Thorpe	William L. White
James E. Thurmond	Donald B. Whitfield
Howard M. Tillison	Richard J. Whitney
Richard R. Tinney	Patrick S. Wieger
John R. Tomasiewicz	Jeffrey S. Wilburn
Duane W. Toole	Donald J. Wiley
Calvin D. J. Trestail	Craig R. Williams
Leighton J. True III	James G. Williams, Jr.
Rodney H. Trump	James M. Williams
Thomas S. Tullis	John S. Williams
John A. Uldrich	Mark P. Williams
Edwin L. Ulmer	Michael R. Williams
Jay P. Unwin	Thomas G. Williams
John L. Urban	Tyler E. Williams
David P. Vaillancourt	William J. Willkie
John A. Vangladeren	John P. Wilmeth
Edward B. Vanhaute	Bryce H. Wilson
James R. Volker	James O. Wilson
William V. Vonborries	John H. Wilson III
Frederick W. Vosbury	Harry R. Wilt
Paul J. Vuchetich	Henry L. Wise
Paul B. Wade	Lance Wismer
David C. Wagner	James W. Witherspoon
Jeffrey Q. Wagner	Thomas O. Witthauer
Raymond E. Wagoner	Wayne D. S. Wong
Gary W. Walker	Howard J. Woodard
James D. Wallace	John A. Woodward
Vincent A. Walsh	John H. Woodhouse
Glenn H. Ward	Randy A. Worley
Andrew G. Washington	Charles B. Wright
	David K. Wright
Douglass C. Watson	Richard C. Wright II
Gary J. Watson	Chris A. Wuethrich
Timothy P. Watson	Arthur A. Wydler
Bryan L. Watts	Jeffrey N. Wynne
Stephen E. Watts	Joseph E. Yarborough
John O. Webb, Jr.	Arthur W. Yaremchuk
Michael R. Webb	Austin G. Young
Joel N. Weber	Donnie C. Young
John L. Webster	Joseph B. Young
Stephen B. Webster	Roger A. Zajicek
Walter E. Webster II	James M. Zalipski
Steven E. Wehmeyer	James A. Zayac
John R. Weir	Michael G. Zebrowitz
Michael R. Welch	Edward W. Zesk
Gerold W. Weldon, Jr.	Alfred E. Zimermann

The following-named U.S. Navy officers to be temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law:

Edward F. Cantow.
Joseph A. Matan.
Joel E. Winker.

The following-named (civilian college graduates) to be permanent captains in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law:

Philip M. Lightfoot, Jr.
Ralph F. Meincke.

Stanford P. Sadick (civilian college graduate) to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification thereof as provided by law.

Eugene M. Brandt (civilian college graduate) to be a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

HM3 Michael G. Knight to be a permanent ensign in the Medical Service Corps (allied science) of the Navy, subject to the qualification therefor as provided by law.

Morris K. Terry, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent lieutenant commander in the Navy, limited duty (aviation maintenance) subject to the qualification therefor as provided by law.

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Robert S. Betz	Thomas E. Comey
James E. Brown	Brad M. Kasson
Thomas C. Chestney	Robert W. Mariner

The following-named (Naval Reserve officers) to be permanent lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Wayne J. Galante	Ronald F. Harring
Robert D. Gear	John D. Matheson

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

John F. Hensley.
Taras W. Shpikula.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Stephen J. Ancowitz	James D. Moore
David R. Hoffman	Robert L. Pentecost
Peter F. Johnson	Bruce J. Sailor
John J. Keller	Ernest R. Smith
James L. Lippert, Jr.	

Robert F. Carey, Jr. (Naval Reserve officer) to be a permanent lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Robert F. Brewer	David G. Kemp
Dennis M. Davidson	Ernest E. Kundert
Earl P. Dick	Helge A. M. Wanger
Garry L. Holtzman	

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Edward C. Clark	Howard P. Fischbach III
Dennis L. Depry	
Theodore W. Fetter	Dennis L. Johnson
Sandra L. Kachkowski	David G. Schwarz
John W. Knispel	Barry J. Sell
Harry J. Long III	Joseph J. Smith
William K. McCord	Peter W. Soballe
Donald C. McPhail	William W. Tanner
Joseph A. Miller	Louis S. Williams III
James G. Murphy	John E. Wimmer, Jr.
Harold W. Nase	Christie W. Winkler
Richard E. Otoski	John J. Woods, Jr.
Carsten S. Ronlov	

The following-named (Navy enlisted scientific education program Candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Richard W. Call	Theodore A. Orlando
Michael A. McKay	Gerald L. Paulk
Thomas W. Morrissette	Thomas W. Pearson
Ronald C. Neyer	Bernard J. Rubin

Berton T. Schaeffer, U.S. Navy officer to be a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Harvey L. P. Resnik (civilian college graduate) to be a permanent commander and a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Ex-Lt. Samuel W. Sax to be a permanent commander in the Line (Special Duty Public Affairs) in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Kirk K. Kazarian (civilian college graduate) to be a temporary commander in the Medical Corp in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following-named chief warrant officers to be lieutenants (junior grade) in the Navy, limited duty, for temporary service in the classification indicated and as permanent warrant officers and/or permanent and temporary warrant officers, subject to the qualification therefor as provided by law.

ENGINEERING

David W. Arnold	David R. Hyster
Edward E. Barnhart	James A. Kerwin
George A. Brandon	Joseph L. Lacambra
Joseph M. Brown	Jerry P. Lane
Robert P. Browngardt	Wallace R. Lueck
Hoyt N. Burrows	Rodney R. McWane
Edwin A. Foskett	Walter C. Morgan
Donald L. Gay	Bobby L. Moss
Joseph E. Grange	Roger A. Nance
Luther H. Hager, III	John D. Payton
Wendell Harris, Jr.	Carl J. Schultz, III
Donald L. Hausauer	John E. Sides
Charles E. Hebert, Jr.	John L. Watson
George F. Heeger	Frank West, Jr.
Douglas L. Hunt	Albert G. Wolfe
James E. Hutcheson	Earl L. Wolford

COMMUNICATIONS

Ernest A. Dirkes.

Philip M. Lightfoot, Jr. (civilian college graduate) to be a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

HOUSE OF REPRESENTATIVES—*Tuesday, September 5, 1972*

The House met at 12 o'clock noon.

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

Humble yourselves in the sight of the Lord and He will lift you up.—James 4: 10.

O God, our Father, whose love never lets us go, whose strength never lets us down, and whose light follows us all our days: in the glory of a new dawn grant unto us the spirit of understanding and courage as we face the tasks before us. May we now and always seek the highest good for our Nation and for all our people.

In these difficult days and trying times let not any shadow of defeat or discouragement depress our minds but may Thy spirit lift us up, hold us steady and make us steadfast that we may ever do justly, love mercy, and walk humbly with Thee.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's pro-

ceedings 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 with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7375. An act to amend the statutory ceiling on salaries payable to U.S. magistrates.

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

S. 173. An act for the relief of Mrs. Naoyo Campbell;

S. 2483. An act to provide a national program in order to make the international metric system the predominant but not exclusive system of measurement in the United States and to provide for converting to the general use of such system within 10 years;

S. 2741. An act to amend the Act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such Act;

S. 2816. An act for the relief of Mary Danos Nayak;

S. 3252. An act for the relief of Renato M. Dioquino;

S. 3583. An act for the relief of Gerald Vincent Bull;

S. 3671. An act to amend the Administrative Conference Act;

S. 3835. An act for the relief of Reynaldo Canlas Baecher;

S. 3858. An act to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes; and

S.J. Res. 202. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States.

RESIGNATION AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication:

WASHINGTON, D.C.
August 25, 1972.

His Excellency A. LINWOOD HOLTON,
Governor of Virginia,
State Capitol,
Richmond, Va.

SIR: I hereby tender to you my resignation as a member of the House of Representatives in the Congress of the United States from the Sixth Congressional District of Virginia, effective at the close of business on Tuesday, August 29, 1972.

Sincerely,

RICHARD H. POFF.

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.
August 31, 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 12:55 p.m. on Thursday, August 31, 1972, and said to contain a Message from the President concerning federal pay comparability.

With kinds regards, I am,

Sincerely,

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

FEDERAL PAY COMPARABILITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–439)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Post Office and Civil Service, and ordered to be printed:

To the Congress of the United States:

As we approach the October date on which pay rates for Federal employees under the statutory pay systems would normally be adjusted, I wish to advise the Congress that I will recommend a pay increase for Federal employees effective January 1, 1973. I believe it is appropriate to point out that section 3 of Public Law 92–210, the Economic Stabilization Act Amendments of 1971, requires that this adjustment this year be delayed until January 1973.

The pay raise required by section 3 of the Economic Stabilization Act Amendments was limited by the terms of the law to the guideline that the Pay Board has established for pay increases throughout the economy, 5.5 percent a year. Clearly it was the intent of this law to see that Federal employees would be treated in a comparable manner with private enterprise employees under the Economic Stabilization Program. In recognition of this intent, on January 11, 1972, I directed that Federal wage employees should also have their pay increase limited by the Pay Board guidelines.

The necessary comparability studies have been completed and, under the Federal Pay Comparability Act of 1970, I will recommend that the increase necessary to achieve comparability, be paid, starting January 1, 1973, the first date our employees will be eligible to receive an increase under the Economic Stabilization Act. Our employees received their full 5.5 percent annual increase last January, and therefore their next increase cannot be effective until January 1, 1973. The provisions of Public Law 92–210 preclude submission of an alternative plan under section 5305(c)(1) of title 5, United States Code.

I believe it is important to express once again my strong personal support for the principle that our Nation's public servants should receive pay that is comparable with pay in private industry. For our Government to operate efficiently in these increasingly complex and demanding times, we must have a civil service of the highest caliber, and to recruit and retain these necessary employees, we must offer them a fair and just wage. Nevertheless, in our efforts to stabilize and revitalize our Nation's economy, it is also appropriate that they be treated the same as employees in the private sector, who are also able to receive such an increase no more frequently than once every 12 months.

RICHARD NIXON.
THE WHITE HOUSE, *August 31, 1972.*

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia dos Reis.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill will be passed over without prejudice.

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

There was no objection.

FREDI ROBERT DREILICH

The Clerk called the bill (H.R. 2725) for the relief of Fredi Robert Dreilich.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

DENNIS YIANTOS

The Clerk called the bill (S. 65) for the relief of Dennis Yiantos.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

WILLIAM JOHN WEST

The Clerk called the bill (S. 2575) for the relief of William John West.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. GAVINA A. PALACAY

The Clerk called the bill (H.R. 4646) for the relief of Mrs. Gavina A. Palacay.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ANKA KOSANOVIC

The Clerk called the bill (H.R. 1777) for the relief of Anka Kosanovic.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CAPT. RONALD W. GROUT, U.S. AIR FORCE

The Clerk called the bill (H.R. 5668) for the relief of Capt. Ronald W. Grout, U.S. Air Force.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

HAROLD J. SEABORG

The Clerk called the bill (H.R. 6467) for the relief of Harold J. Seaborg.

There being no objection, the Clerk read the bill as follows:

H.R. 6467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized and directed to advance Harold J. Seaborg, captain, National Oceanic and Atmospheric Administration (retired), of Edmonds, Washington, to the rank of rear admiral (lower half) on the retired list of the National Oceanic and Atmospheric Administration.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harold J. Seaborg the sum certified to him by the Secretary of Commerce as being an amount equal to the difference between (1) the retired pay which the said Harold J. Seaborg would have been entitled to receive during the period beginning January 1, 1971, and ending on the effective date of his advancement pursuant to the first section of this Act if during such period he had held the retired rank of rear admiral (lower half), and (2) the retired pay he actually received during such period.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same

shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESCUE MISSION ALLIANCE OF SYRACUSE

The Clerk called the bill (H.R. 10552) for the relief of the Rescue Mission Alliance of Syracuse.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

DONALD W. WOTRING

The Clerk called the bill (H.R. 11047) for the relief of Donald W. Wotring.

There being no objection, the Clerk read the bill as follows:

H.R. 11047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Corporal Donald W. Wotring, United States Marine Corps, retired, service number 2140988, of Savannah, Georgia, is relieved of liability to the United States in the amount of $688.26, representing overpayments of active duty pay for the period beginning July 1, 1967, and ending December 31, 1967, received by him as a result of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Donald W. Wotring an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CPL. BOBBY R. MULLINS

The Clerk called the bill (H.R. 11629) for the relief of Cpl. Bobby R. Mullins.

There being no objection, the Clerk read the bill as follows:

H.R. 11629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled That Corporal Bobby R. Mullins, United States Marine Corps, retired, of Fairborn, Ohio, who suffered the loss of both legs as the result of hostile action in Vietnam, is relieved of liability to the United States in the amount of $430.86, which amount represents the total of overpayments paid to him prior to his retirement on May 28, 1968, such payments having been made as a result of administrative error which occurred without fault on his part and without his knowledge. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Bobby R. Mullins, an amount equal to the aggregate of any amounts already paid by him, or withheld of any sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 7: Strike "$430.86, which amount represents" and insert "$341.49, representing".

Page 1, line 8: Strike "May 28, 1968" and insert "May 30, 1968".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

1ST LT. THOMAS J. TREMBA

The Clerk called the bill (H.R. 11749) for the relief of 1st Lt. Thomas J. Tremba, U.S. Army.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CLAUDE V. ALCORN AND 21 OTHERS

The Clerk called the bill (H.R. 11814) for the relief of Claude V. Alcorn and 21 others.

There being no objection, the Clerk read the bill as follows:

H.R. 11814

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

SEC. 2. The transportation of Claude V. Alcorn, Adrian C. Almond, Aubrey V. Ansell, Thomas Armstrong, Gary A. Bailey, Ronald W. Bradshaw, Harry M. Braudrick, John B. Brewington, Fructoso D. Cabanela, Thurston C. Davis, Donald W. Dodge, Marcus L. Hyde, Junior, Peter E. Johnson, James L. Jones, William G. King, Henry E. Mowbray, Jack L. Norris, Charles Ricketts, Junior, Gerald L. Sellers, Bobby L. Templetton, Lee M. Tillman, or K. C. West to Seattle on the NOAA vessels "Davidson" in September 1967, "Oceanographer" in December 1967, "Fairweather" in March 1968, or "Rainier" in May 1968, shall not be deemed transportation at Government expense in connection with a change of permanent duty station for the purpose of computing their entitlement to travel expenses for such change of permanent duty station under the provisions of section 5724 of title 5, United States Code and applicable regulations. The travel expenses of each of the above-named persons in connection with their transfer of duty station to Seattle in 1967 or 1968 shall, upon a request made within ninety days of the enactment of this legislation, be computed or recomputed in accordance with appropriate Office of Management and Budget regulations: *Provided, however,* That in making such computation or recomputation, transportation on board the vessels at the times referred to in this section shall be disregarded: *And provided further,* That if any of the persons named herein has already received payment for such travel, that amount shall be deducted from the recomputed travel expenses and any remainder paid or credited to the employee.

SEC. 3. No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 2, lines 13 and 14: Strike "in accordance with appropriate Office of Management and Budget regulations" and insert "to provide payment of mileage traveled in privately owned vehicles at a rate not to exceed 12 cents per mile and per diem at a rate not to exceed $16 per day for actual travel time between duty stations not to exceed 8½ days".

Page 2, line 23: Strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNE M. SACK

The Clerk called the bill (H.R. 12903) for the relief of Anne M. Sack.

There being no objection, the Clerk read the bill as follows:

H.R. 12903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of section 8341 of title 5, United States Code, Anne M. Sack, of Cincinnati, Ohio, shall be considered the widow of the late Robert A. Sack (CSA 1113671), notwithstanding the period of legal separation between their first and second marriages to each other.

With the following committee amendment:

Page 1, after line 7, add the following: "SEC. 2. The annuity authorized by this Act shall be payable on and after January 3, 1972."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

ROBERT GIBBONS

The Clerk called the bill (H.R. 11631) for the relief of Robert Gibbons.

There being no objection, the Clerk read the bill as follows:

H.R. 11631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $454.08 to Robert Gibbons in full settlement of his claim against the Government for reimbursement for loss of his household effects and personal property incident to a shipment from Phoenix, Arizona, to Bagdad, Iraq, in connection with his assignment in Iraq pursuant to a grant agreement administered by the United States Information Agency. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$454.08" and insert "374.30".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OSSIE EMMONS AND OTHERS

The Clerk called the bill (H.R. 5416) for the relief of Ossie Emmons and others.

There being no objection, the Clerk read the bill as follows:

H.R. 5416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each of the following named persons the amounts set forth opposite their respective names in full settlement of their claims against the United States for losses and damages they suffered due to the flooding of their lands due to the release of waters of the Wappapello Reservoir on or about September 25, 1965, without warning or notice which would have enabled them to take steps to avoid or minimize losses from the flooding caused by that release:

Tenant	Landlord	Affected acres	Tenants share	Landlords share	Farm numbers
Ossie Emmons, Dudley, Mo	A. R. Pierce, Clarkton, Mo	150	$5,125.00	$2,122.50	B-844
Robert Harrison, Fisk, Mo	Glen Harrison, Big Bend 1719, Poplar Bluff, Mo	65	2,220.84	1,110.41	C-1356
Gail Mansbridge, Fisk, Mo		50	2,562.50		A-3381
H. F. Mansbridge, Fisk, Mo		30	1,538.50		A-3537
Wiley Mattingly, Route 1, Dudley, Mo	Eva Mattingly, Route 1, Dudley, Mo	110	3,757.34	1,879.16	B-1761
Rhea Stone, Route 1 Dudley, Mo		200	10,250.00		B-1557
Ray Henson, Route 1, Dudley Mo	Albert Price, Route 1, Dudley, Mo	100	3,416.67	1,708.83	B-1654
Leon Wilkerson, Fisk, Mo	Bernard Cravens, 818 North Sassafras, Dexter, Mo	150	5,125.00	2,562.50	D-2073
Robert Harrison Fisk, Mo	Juanita Cravens, Fisk, Mo	135	4,612.50	2,306.25	B-647
Robert Huber, Route 1, Campbell, Mo		20 (corn)	2,500.00 1,350.00		H-1746

SEC. 2. No part of each amount appropriated in this Act in excess of 15 per centum thereof shall be paid or delivered or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 2, after line 2, opposite the name "Robert Huber", under "Tenants share" strike "2,500.00" and insert "1,350.00".

Page 2, line 4, strike "15" and insert "10".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SARA B. GARNER

The Clerk called the bill (H.R. 12099) for the relief of Sara B. Garner.

There being no objection, the Clerk read the bill as follows:

H.R. 12099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on such terms as it deems just, the United States Postal Service is authorized to compromise, release, or discharge in whole or in part the liability of Sara B. Garner, Postmaster at the Ryland, Alabama, post office, for the loss resulting from a burglary on February 7, 1971, at that post office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHARD L. KRZYZANOWSKI

The Clerk called the bill (H.R. 15865) for the relief of Richard L. Krzyzanowski.

There being no objection, the Clerk read the bill as follows:

H.R. 15865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Richard L. Krzyzanowski shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 13, 1966, upon payment of the required visa fees.

With the following committee amendment:

On page 1, lines 6 and 7, after the date "February 13, 1966" strike out the following: ", upon payment of the required visa fees".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

OLYMPIC TRAGEDY

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.

Mrs. ABZUG. Mr. Speaker, two developments during the brief period of our recess have given pause to civilized men and women the world over. One to which I shall address myself later in the day, is the Soviet Union's demands that Jews who wish to emigrate must be ransomed. The second, which occurred only this morning in Munich, was the murder of two members of the Israeli Olympic team and the kidnaping of 14 others by a group of Arab guerrillas.

This act can only be described as the work of mindless and inhumane fanatics, and our horror at it is heightened by the fact that it intrudes upon the spirit of international cooperation which surrounds and pervades the Olympic Games. I have today cabled the International Olympic Committee asking for suspension of the games until the hostages are released and the danger has passed and I am pleased that they have acted to do so, at least for the present.

We who sit here in Congress, and those who sit downtown at the White House, can and must do more than ask others to act. It is extremely difficult for the United States to move against these terrorists directly, but we certainly can move against those nations which serve as their bases of operations and give them aid and comfort.

We can cut off direct loans and grants to them, especially those of a military character, under our foreign aid program.

We can prohibit their commerce from entering the United States, whether by air, sea, or land.

We can prohibit American-owned aircraft and ships from landing in these countries.

We can bring them before the United Nations and ask it to declare sanctions or embargoes against them.

If this country really has a commitment to world peace and tranquillity, we can demonstrate it by moving economically against those nations which harbor and countenance such international out-

laws as those who perpetrated today's tragic events in Munich.

FURTHER OUTRAGES BY ARAB TERRORISTS

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

Mr. WOLFF. Mr. Speaker, I wish to express my sense of outrage over the killings in Munich of two Israeli athletes by Arab terrorists. It seems incredible that hate and hostility, so alien to the spirit of the Olympic games, could invade the very village where the great athletes of the world have been quartered in such peaceful relations. Even now as I speak these same Arab terrorists, not content with the tragedy they have inflicted upon the innocent, threatened to kill more members of the Israeli team unless outrageous conditions for releasing their fellow terrorists are met.

I cannot help but wonder, Mr. Speaker, whether the Arab world will evidence in this situation some degree of conscience. They have often in the past gloried in the mindless slayings perpetrated by their own terrorists, but surely now with the weight of world opinion arrayed against them, they will take some steps to call a halt to these outrageous acts. For their failure to do so will clearly indicate that they have no sense of decency, no sense of humanity, no respect for peace.

We call upon the Arab world to take positive action to bring about a release of the athletes held hostage.

OUTRAGEOUS ATTACKS BY ARAB TERRORISTS

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

Mr. BIAGGI. Mr. Speaker, the terrorist attack on the quarters of the Israeli Olympic competitors and the holding of hostages is an outrage to the entire world community. The Olympics have long been a neutral ground for competition among the world's athletes. These Arab criminals have turned it into a political battleground.

The United Nations should take immediate action to end this affront. Past inaction by the UN has given a green light to the Arab terrorists to continue to disrupt world peace and threaten the lives and safety of people virtually everywhere. Instead of being all too quick to pass resolutions condemning Israel as they have done in the past, the UN should be taking a strong stand against Arab intransigence and Arab support for such emissaries of violence as are present in Munich today.

West German Chancellor Willy Brant has shown his own personal courage in taking charge of the situation himself. Since the Olympics are an international activity, UN Secretary-General Kurt Waldheim also should take whatever steps are necessary to release the hostages.

How much longer will the world community have to bear these outrages? Both the United States and Israel have offered fair peace plans to settle the Middle Eastern situation. The Arab States supported by the Soviet Union and the UN have continued their conspiracy of silence and terrorism. Terrorist attacks will never be brought to an end until the world community joins in condemning the Arab States' support for these hoodlums and for an atmosphere of war in which they operate.

CONDEMNATION OF OLYMPIC TRAGEDY

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

Mr. PEYSER. Mr. Speaker, I have spoken this morning with our Ambassador to the United Nations, George Bush. I have asked him to introduce a motion of censure against the Arab nations of the world who have yet to speak out and condemn the vicious killers who have already taken the lives of two young Israelis taking part in the Olympics in Munich. The gathering together of young people from all nations to take part in this great athletic competition has always been looked on as a way of bringing nations together and creating a common area of understanding in the world. Actions such as the ones that are taking place in the Olympic Village in Munich, endanger the whole future of the Olympics. It is my hope that we here in Congress will also condemn this horrible incident.

SCHOOL BUSING

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

Mr. BROOMFIELD. Mr. Speaker, despite the repeated actions of this body in expressing its opposition to forced school busing, thousands of school children are returning to classes this week either on buses or under the pending threat of court-ordered busing.

Just last week we had new evidence of the courts misreading of the will and intent of the Congress in a busing case in Augusta, Georgia. Even in the Detroit metropolitan area where the moratorium bill which I sponsored has delayed massive cross-district busing, the courts seem determined to press on until they can find some new means of justifying such an order.

As the author of the Broomfield amendment to delay implementation of busing until appeals have been exhausted and as one who worked hard for passage of the Equal Education Opportunities Act just a few weeks ago, I am frankly shocked and dismayed.

For all of these reasons, Mr. Speaker, I have signed and placed at the desk today a motion to discharge H.R. 13916, the President's busing moratorium bill from further consideration by the Judiciary Committee. This measure establishes a moratorium on new busing orders until July of 1973 or such time as the Equal Education Opportunities Act is signed into law.

I urge all of my colleagues to give this measure their careful consideration and invite them to join me in this effort to bring an important antibusing measure to the floor for a vote as soon as possible.

While H.R. 13916 is designed to expire on the passage of the Equal Education Opportunities Act, we all know that measure faces, at best, a rocky road in the other body. Passage by the Senate is by no means assured.

Keeping this sobering political fact in mind, and realizing that recent court pronouncements on antibusing legislation have ignored the clear and obvious intent of Congress, I suggest that it is vitally important that H.R. 13916 be brought up for a vote.

It will buy valuable time for this Congress, and if necessary, the Congress that convenes after the fall elections to get to the task of legislating an end, once and for all, to forced busing.

OUTRAGE COMMITTED BY ARAB TERRORISTS

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

Mr. KUYKENDALL. Mr. Speaker, the Olympic games have been suspended for 24 hours due to the outrage being committed against the Israeli Olympic team.

Mr. Speaker, I think the fanatics operating throughout the world under the guise "Palestinian Liberation" have forcibly committed the ultimate outrage. There have been previous instances such as the Lod Airport massacre where more people have been killed and endangered; however, never have these international bandits so defied the worldwide community of civilized nations.

I wonder how we would feel, Mr. Speaker, if a group of international bandits were holding our Olympic team as hostages. And particularly since two of our allies, namely, England and Germany, are reported to be allowing offices of two bandit organizations to be operating openly in Munich and London.

It has been reported that the Popular Front for Liberation of Palestine, who have taken credit for the hijacking and bombing of aircraft 2 years ago, has an office operating freely in London and that the Black September Group, who claims credit not only for the present outrage but for the Lod Airport massacre, are operating openly and freely in Munich. I think that it is high time that all of these groups that are so freely breaking international law be placed in the same category as aircraft hijackers and any country allowing them sanctuary be boycotted by all civilized countries.

MRS. JULIA RIVERA VINCENTY

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

Mr. CÓRDOVA. Mr. Speaker, I am proud to call to your attention the announcement by the President of his intention to designate a distinguished Puerto Rican, Mrs. Julia Rivera Vincenty, as an alternate member of the U.S. delegation to the General Assembly of the United Nations.

Mrs. Vincenty, our secretary of labor and the daughter of one of our great labor leaders, is a woman of great talent and dedication. Her identification with the cause of the working man has helped her perform in an outstanding manner as the secretary of labor in Puerto Rico. Her background and ability, including the cultural ties with Latin America which she shares, along with all of us in Puerto Rico and with millions on the mainland, will be a positive asset to the United States in the difficult task of maintaining a meaningful dialog with other peoples in the assembly of the nations of the world. The President is to be commended on an excellent choice.

THE SUSPENSION OF THE OLYMPIC GAMES

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

Mr. GERALD R. FORD. Mr. Speaker, the dastardly act perpetrated by the Arab guerrillas should be condemned throughout the world. Olympic officials took the only action they could in suspending the games for 24 hours, but world officials must take immediate remedial action against these cowardly criminals who have grievously sinned against humanity.

WORDS OF CONDEMNATION ARE NOT ENOUGH

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

Mr. KOCH. Mr. Speaker, today the world is witnessing another act of brutal terrorism. It is tragic that the Olympic spirit of good will and brotherhood has been marred by this act of barbarism and murder, but an even greater tragedy is that this act continues the series of brutalities that have been committed against the people of Israel. This assault against Israel's athletes will be condemned, but after it is over little will be done to stop the Arab terrorists that are left to roam the world and strike where they will.

Airplanes have been hijacked and destroyed, innocent passengers have been killed at Israel's Lod airport, and civilians have been injured in the streets of Jerusalem and Tel Aviv—all by Arab terrorists. Immediately after these atrocities there have been words of outrage by the nations of the world; and yet those countries that could take steps to stop the guerrillas refuse to acknowledge their responsibility, say nothing of acting to stop these unconscionable transgressions.

The Security Council refuses to condemn the Arab nations from which these terrorists operate. France refuses to acknowledge its responsibility for having allowed a plane destined for Lod airport to be loaded without security precautions. And in the instance of a more subtle form of brutality, many of the free nations of the world fail to condemn the Soviet Union for first denying its citizens the right of free emigration and then placing an unconscionable ransom on each individual wishing to leave.

Yes, Mr. Speaker, leaders of the world's nations condemn this latest act of terrorism, as one that transgresses the spirit of the Olympics but their exhortations are of little consequence for their protestations of today will be belied by their failure to act tomorrow.

THE SUSPENSION OF THE OLYMPIC GAMES

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

Mr. BOGGS. Mr. Speaker, and Members of the House: I concur in the statements, very strong statements, that have been made here by the past several speakers with respect to what has happened in Munich. I was particularly impressed by the remarks made by the gentleman from New York (Mr. KOCH). Violence, unfortunately, is found in too many places in the world today, and despite the reliance that we have on the United Nations, and other peacekeeping organizations, we find very little performance in action against violent agitators anywhere.

This particular violence, because it affects the Olympic games, which have attracted international attention and in which many nations are participating, is brought more forcibly to the attention of the American people. Of course, the committee was absolutely right in suspending the Olympics until such time as this violence ceases.

However, I think more than that, Mr. Speaker, is the need to adopt international sanctions that will prevent and will punish violence of this nature all over the world, wherever practiced.

I have been surprised to see the reluctance on the part of some nations to subscribe to a treaty now being perfected, having to do with hijacking in the air throughout the world, and the return of those who engage in those practices.

Mr. Speaker, I concur in the remarks that have been made, but I also say, as the gentleman from New York said, that words are rather meaningless unless they are followed through with concrete action.

CONFERENCE REPORT ON H.R. 13089, ACCELERATED REFORESTATION OF NATIONAL FORESTS

Mr. FOLEY. Mr. Speaker, I call up the conference report on the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 14, 1972.)

Mr. FOLEY. Mr. Speaker, I yield to the distinguished gentleman from Iowa (Mr. KYL), the author of the legislation, for the purpose of explaining the action of the conferees.

Mr. KYL. Mr. Speaker, I thank the gentleman from Washington for yielding.

Mr. Speaker, when this bill passed the House on May 3 of this year by a vote of 371 to 5, it was designed to establish a supplemental national reforestation fund. It did that by earmarking a portion of the $65 to $75 million of funds collected on import duties pursuant to section 32 of the act passed August 24, 1935. There is a great deal of discussion about the proper methods of forest management in the United States, but both Houses of the Congress know that if we do not plant trees to harvest in the future there will be none to harvest and therefore this reforestation is important. We are about 5 million acres behind in reforestation. We have additional millions of acres on which trees were never planted.

When the other body passed the bill unanimously, it amended by deleting all references to section 32 and calling for direct appropriation not to exceed $65 million annually.

There are two points worth noting. First of all, although the other body did delete any reference to section 32, under the existing law the Appropriations Committees of the two bodies can transfer funds from section 32 to other appropriations processes, and therefore it is still possible that section 32 funds can be transferred for reforestation.

The $65 million figure is realistic. The Forest Service can utilize that much money in trying to catch up and keep up with the reforestation problems. The House conferees receded. The conferees of both bodies insisted, in total agreement, that if we did not get adequate funding through this process, we would return again to some earmarking program so that we can move forward the programs which are deemed absolutely essential.

I recommend that the conference report be adopted.

Mr. FOLEY. Mr. Speaker, I do not desire to take extensive time but I do wish to point out, as has been indicated by the gentleman from Iowa, that it was the position of the conferees that they would like to have a reasonable time for the appropriation process to be permitted to function in an effort to provide adequate funds for the reforestation which this bill seeks to accomplish.

I direct the attention of the Members of the House to the conference report which indicates that the conferees have agreed to this conventional appropriation process with the clear understanding that this approach should first be tried for a reasonable period of time,

and if the evidence indicates that the high priority needed for reforestation effort is not being made, a search for more direct financing methods will continue.

Mr. Speaker, I concur in the motion of the gentleman from Iowa that the conference report be adopted.

Mr. GOODLING. Mr. Speaker, I rise in strong support of H.R. 13089, legislation designed to set up a fund to promote reforestation in our National Forest System. I am a cosponsor of this legislation.

That reforestation is needed in our national forest system is evidenced by the fact that forestry experts estimate that our country is about 5 million acres behind in tree seeding and planting in our national forests.

Something should be done expeditiously to correct this situation, because the trees of our national forests are a valuable natural resource, serving many purposes. Some of these trees will lend a beauty to our American landscape, while others will make a wonderful contribution to the lumber supply that is vital to various phases of our construction industry.

H.R. 13089 is unique in that it would promote a sustained-yield forest management program. This would have the effect of gradually taking up the slack in our lax tree seeding and planting program of the present and establishing a dynamic program of reforestation that will keep us current and in tune with our needs of the future.

The legislation before us would implement a dynamic reforestation program by setting up a Supplemental National Forest Reforestation Fund. This fund would be supported through money which is now made available to carry out various programs popularly referred to as section 32 programs; that is, programs designed to encourage the exportation, consumption, and diversion of agricultural commodities. Funds obtained from imports serve as a guideline for money applied to these activities. In the case of the Supplemental National Forest Reforestation Fund, the amount of money directed to this fund would be equal to the gross receipts from duties under our custom laws on wood and paper and printed matter.

The approach used in H.R. 13089 for raising funds for reforestation is, I feel, superior to various other fund-raising approaches, for most of these are based on a base of timber sales, which involves timber cutting. H.R. 13089, however, gets away from the concept of stimulating the cutting of timber to obtain funds for reforestation practices and, in the process, encourages uniform rather than accelerated timber cutting.

The legislation also contains the beneficial feature of requiring the Secretary of Agriculture to report to the Congress with respect to the "scope of the total national forest reforestation needs, and a planned program for reforesting such lands, including a description of the extent to which funds authorized by this act are to be applied to the program." This would have the effect of providing the Congress with an accurate perspective on the needs for reforestation in our national forest system, along with keeping the funds generated by H.R. 13089 properly oriented in the reforestation program.

H.R. 13089 is constructive legislation. It deserves your support.

Mr. VANIK. Mr. Speaker, I opposed the passage of this legislation in the House on May 3. I feel I must oppose the passage of this conference report.

The bill, as it originally passed the House of Representatives, provided between $65 and $75 million per year for reforestation of national forest lands. This money was to have been supplied out of the section 32 funds, a provision which I objected to since there are several vital child feeding programs dependent on section 32 funds which, at the present time, are not being adequately funded. The conference committee dropped this provision, and now the money will be supplied out of direct appropriations.

I still object to this bill. It is a complete subsidy of the timber industry at taxpayer expense. It provides $65 million in the first year for timber replanting to repair the mistakes and failures of the timber industry to properly reforest cut-over lands. Why should the taxpayers of America pay to restore forests which were cut and ravaged to provide easy profits for the lumber industry. Reforestation should be a contractual liability of those who cut and spoil forest lands. This bill simply bails out the giant timber companies and saves them from the expense of attempting to restore the lands they cut.

On August 26, I received a very vivid description of the clear-cutting and logging practices which the Forest Service is permitting on some Western forests. Mrs. Virginia Aveni of Lyndhurst, Ohio, in my congressional district described some of the logging practices which she saw on her recent vacation to the Teton Forest area:

AUGUST 24, 1972.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: I hesitated to break into my vacation by driving down the road, only a mile or two away, from our house to look at the clearcutting on Teton Forest, but as the logging trucks were rolling past the house almost daily during the week, I finally broke down and drove up the Mosquito Creek logging road to survey the scene.

On two occasions we followed two roads about fourteen or fifteen miles (six or seven miles on each road) and saw about a dozen swathes which have been cut in the last three or four years. There was no replanting in evidence on any of these areas, those freshly cut or several years old.

A local lumberman told us that thousands of seedling pines had been bought (perhaps raised) in Idaho by the Forest Service, transplanted in the early spring when the snow was still deep at an elevation five thousand feet higher and naturally colder (the sap would have been flowing in the seedlings, of course), and consequently most of them had died! At any rate, we didn't even find them, though we were told we had driven past the transplanted area . . . and let me add that one does not drive over 15 or 20 miles an hour on those roads.

The Mosquito Creek area has steep slopes, thin topsoil, and I'd say a significant amount of that is ending up in the creek and the Snake River in the spring. Isn't protection of the water shed part of the Forest Service's charge? Who is recording the run-off?

Another area I observed is the Brooks Lake section of Shoshone Forest. A clear-cut strip from perhaps 100 feet to 300 feet wide and at least three miles long (we followed it that far on road and by foot before turning around) showed the same damage to an adjacent stream.

These are the only two forests, and relatively small areas at that, which we saw. My neighbor, however, hiked in the Targhee Forest west of the Tetons and returned one afternoon to tell me it was the worst area "aesthetically" she had seen. She told me that they seemed to be cutting "at a terrific rate."

A local geologist . . . described an area in the Wind River Indian Reservation where one can drive for half a day through a clear-cut.

The type of massive clear cutting described in this letter should not be permitted in the first place—and in the second place, the public should not be made to pay for the corrective reforestation. Some may say that this bill is a "conservation measure." It has a conservation effect—but the wrong persons are paying the cost. I am in favor of reforestation; I am for a ban on further clear cutting—but I am also in favor of having those who are responsible for this massive damage to our public lands pay for the repair of that damage.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to express once again my strong support for the creation of a positive and effective means to finance the reforestation requirements of our national forests.

I am pleased to be a cosponsor of this legislation with its prime mover, the distinguished gentleman from Iowa (Mr. KYL). We have worked closely with other of our colleagues who are interested in and knowledgeable about the national reforestation problem.

While I must confess to having mixed feelings about the fact that we were unable to obtain the precise method of financing the accelerated reforestation program that was included in our original bill, I do consider this legislation a vital and significant step forward and, most importantly, formal congressional recognition of the need to increase the speed of our reforestation efforts.

Modern, scientific tree management practices can insure trees forever in a way that combines the utilization of forest products with recreational esthetic and ecological enhancement. However, foresighted management requires adequate funding support. The National Accelerated Reforestation Act can provide that funding level even though we face a 10-million acre backlog.

The benefits to be gained from a major reforestation program are great while the costs are relatively small. We must make this investment and the sooner, the better.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

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

Mr. GERALD R. FORD. 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 303, nays 1, not voting 127, as follows:

[Roll No. 350]

YEAS—303

Abbitt	Downing	Kazen
Abzug	Drinan	Keating
Adams	Dulski	Kee
Anderson, Calif.	Duncan	Kemp
	du Pont	King
Anderson, Ill.	Edmondson	Kluczynski
Anderson, Tenn.	Edwards, Ala.	Koch
	Edwards, Calif.	Kuykendall
Andrews, Ala.	Eilberg	Kyl
Andrews, N. Dak.	Erlenborn	Landgrebe
	Esch	Landrum
Annunzio	Evans, Colo.	Latta
Archer	Fascell	Lennon
Ashbrook	Findley	Lent
Aspin	Fish	Link
Barrett	Fisher	Long, Md.
Begich	Flood	McClory
Belcher	Flowers	McCloskey
Bell	Flynt	McClure
Bennett	Foley	McCollister
Bergland	Ford, Gerald R.	McCulloch
Bevill	Ford, William D.	McDade
Biaggi		McDonald, Mich.
Blackburn	Forsythe	
Boggs	Fountain	McFall
Bow	Fraser	McKay
Brademas	Frelinghuysen	McKevitt
Brasco	Frenzel	Madden
Brinkley	Frey	Mahon
Brooks	Fulton	Mallary
Broomfield	Garmatz	Mann
Brotzman	Gaydos	Martin
Brown, Mich.	Gettys	Mathis, Ga.
Brown, Ohio	Giaimo	Matsunaga
Broyhill, N.C.	Gibbons	Mazzoli
Broyhill, Va.	Goldwater	Meeds
Buchanan	Gonzalez	Melcher
Burke, Fla.	Goodling	Metcalfe
Burke, Mass.	Grasso	Miller, Ohio
Burleson, Tex.	Gray	Mills, Md.
Burlison, Mo.	Green, Oreg.	Minish
Burton	Griffin	Minshall
Byrnes, Wis.	Griffiths	Mitchell
Byron	Gross	Mizell
Cabell	Grover	Monagan
Carey, N.Y.	Gubser	Montgomery
Carlson	Gude	Morgan
Carter	Hagan	Murphy, Ill.
Casey, Tex.	Haley	Myers
Cederberg	Hall	Natcher
Chamberlain	Hamilton	Nedzi
Chappell	Hammer-schmidt	Nelsen
Clancy		Nix
Clark	Hanley	O'Hara
Clausen, Don H.	Hanna	O'Konski
	Hansen, Idaho	O'Neill
Clawson, Del	Harrington	Passman
Clay	Harsha	Patman
Cleveland	Hechler, W. Va.	Patten
Collier	Heckler, Mass.	Perkins
Collins, Ill.	Heinz	Pettis
Collins, Tex.	Helstoski	Peyser
Conable	Hicks, Mass.	Pickle
Conte	Hicks, Wash.	Pike
Conyers	Hillis	Poage
Cotter	Hogan	Podell
Coughlin	Holifield	Powell
Crane	Hosmer	Preyer, N.C.
Culver	Howard	Price, Tex.
Curlin	Hungate	Pryor, Ark.
Daniel, Va.	Hunt	Purcell
Daniels, N.J.	Hutchinson	Quie
de la Garza	Ichord	Quillen
Dellenback	Jacobs	Railsback
Denholm	Jarman	Randall
Dennis	Johnson, Calif.	Rangel
Derwinski	Johnson, Pa.	Rarick
Devine	Jonas	Rees
Diggs	Jones, N.C.	Rhodes
Donohue	Karth	Roberts
Dow	Kastenmeier	Robinson, Va.
Rodino	Snyder	Waggonner
Roe	Staggers	Waldie
Rogers	Stanton, J. William	Ware
Rooney, Pa.		Whalen
Rosenthal	Stanton, James V.	Whitehurst
Roush		Whitten
Rousselot	Steele	Williams
Roy	Steiger, Ariz.	Wilson, Bob
Roybal	Stephens	Wilson, Charles H.
Ruth	Stratton	
St Germain	Stubblefield	Wolff
Sandman	Stuckey	Wright
Sarbanes	Sullivan	Wyatt
Satterfield	Symington	Wydler
Saylor	Talcott	Wylie
Scheuer	Taylor	Wyman
Sebelius	Teague, Calif.	Yates
Shriver	Terry	Young, Fla.
Sikes	Thomson, Wis.	Young, Tex.
Skubitz	Thone	Zablocki
Slack	Tiernan	Zion
Smith, Calif.	Udall	Zwach
Smith, Iowa	Vander Jagt	
Smith, N.Y.	Vigorito	

NAYS—1

Vanik

NOT VOTING—127

Abernethy	Galifianakis	Pelly
Abourezk	Gallagher	Pepper
Addabbo	Green, Pa.	Pirnie
Alexander	Halpern	Price, Ill.
Arends	Hansen, Wash.	Pucinski
Ashley	Harvey	Reid
Aspinall	Hastings	Reuss
Badillo	Hathaway	Riegle
Baker	Hawkins	Robison, N.Y.
Baring	Hays	Roncalio
Betts	Hébert	Rooney, N.Y.
Biester	Henderson	Rostenkowski
Bingham	Horton	Runnels
Blanton	Hull	Ruppe
Blatnik	Jones, Ala.	Ryan
Boland	Jones, Tenn.	Scherle
Bolling	Keith	Schmitz
Bray	Kyros	Schneebeli
Byrne, Pa.	Leggett	Schwengel
Caffery	Lloyd	Scott
Camp	Long, La.	Seiberling
Carney	Lujan	Shipley
Celler	McCormack	Shoup
Chisholm	McEwen	Sisk
Colmer	McKinney	Spence
Conover	McMillan	Springer
Corman	Macdonald, Mass.	Steed
Danielson		Steiger, Wis.
Davis, Ga.	Mailliard	Stokes
Davis, S.C.	Mathias, Calif.	Teague, Tex.
Davis, Wis.	Mayne	Thompson, Ga.
Delaney	Michel	Thompson, N.J.
Dellums	Mikva	Ullman
Dent	Miller, Calif.	Van Deerlin
Dickinson	Mills, Ark.	Veysey
Dingell	Mink	Wampler
Dorn	Mollohan	Whalley
Dowdy	Moorhead	White
Dwyer	Mosher	Widnall
Eckhardt	Moss	Wiggins
Eshleman	Murphy, N.Y.	Winn
Evins, Tenn.	Nichols	Yatron
Fuqua	Obey	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Thompson of New Jersey with Mr. Widnall.
Mr. Rooney of New York with Mr. Horton.
Mr. Dent with Mr. Biester.
Mr. Blatnik with Mr. Floyd.
Mr. Addabbo with Mr. Pirnie.
Mr. Hays with Mr. Mosher.
Mr. Shipley with Mr. Schwengel.
Mr. Teague of Texas with Mr. Lujan.
Mr. Leggett with Mr. Pelly.
Mr. Moorhead with Mr. Conover.
Mr. Murphy of New York with Mr. Robison of New York.
Mr. Nichols with Mr. Wiggins.
Mr. Price of Illinois with Mr. Wampler.
Mr. Reid with Mrs. Dwyer.
Mr. Green of Pennsylvania with Mr. Eshleman.
Mr. Evins of Tennessee with Mr. Baker.
Mr. Celler with Mr. Halpern.
Mr. Boland with Mr. Harvey.
Mr. Blanton with Mr. Davis of Wisconsin.
Mrs. Hansen of Washington with Mr. Michel.
Mr. Sisk with Mr. Mailliard.
Mr. Jones of Alabama with Mr. Betts.
Mr. Macdonald of Massachusetts with Mr. Hastings.
Mr. Moss with Mr. Mathias of California.
Mr. Pepper with Mr. Camp.
Mr. Roncalio with Mr. Mayne.
Mr. Ryan with Mr. Dellums.
Mr. Henderson with Mr. Winn.
Mr. Hawkins with Mr. Abourezk.
Mr. Badillo with Mr. Gallagher.
Mr. Davis of Georgia with Mr. Whalley.
Mr. Dingell with Mr. McKinney.
Mr. Davis of South Carolina with Mr. Dickinson.
Mr. Mollohan with Mr. Bray.
Mr. Delaney with Mr. McEwen.
Mr. Ullman with Mr. Keith.
Mr. Van Deerlin with Mr. Riegle.
Mr. Jones of Tennessee with Mr. Scott.
Mr. Hull with Mr. Ruppe.
Mr. Alexander with Mr. Shoup.
Mr. Byrne of Pennsylvania with Mr. Spence.
Mrs. Chisholm with Mr. Pucinski.
Mr. Carney with Mr. Scherle.
Mr. Corman with Mr. Schmitz.
Mr. Kyros with Mr. Steiger of Wisconsin.
Mr. Yatron with Mr. Schneebeli.
Mr. Ashley with Mr. Springer.
Mr. Abernethy with Mr. Thompson of Georgia.
Mr. Aspinall with Mr. Bingham.
Mr. Baring with Mr. Colmer.
Mr. Hathaway with Mr. Long of Louisiana.
Mr. Mikva with Mr. McMillan.
Mr. White with Mr. Eckhardt.
Mr. Fuqua with Mr. Galifianakis.
Mr. Rostenkowski with Mr. Runnels.
Mrs. Mink with Mr. Stokes.
Mr. Steed with Mr. Caffery.
Mr. Danielson with Mr. Dorn.
Mr. Reuss with Mr. Mills of Arkansas.
Mr. Miller of California with Mr. McCormack.
Mr. Seiberling with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of the clerks, 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. 12350) entitled "An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes."

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the RECORD on the conference report just agreed to.

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

There was no objection.

PERSONAL EXPLANATION

Mr. DAVIS of South Carolina. Mr. Speaker, I entered the chamber just after the conclusion of the last rollcall.

Had I been present to answer my name, I would have voted "yea."

CONFERENCE REPORT ON H.R. 12350, ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 18, 1972.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

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

There was no objection.

The SPEAKER. The gentleman from Kentucky is recognized for 30 minutes.

Mr. PERKINS. Mr. Speaker, it is my privilege to bring before the House today the conference report on H.R. 12350, the Economic Opportunity Amendments of 1972. This report has but one principal purpose, and that is to extend for an additional 3 years, until June 30, 1975, the basic provisions of the Economic Opportunity Act passed in 1964.

This is the fourth occasion that I have brought a conference report on economic opportunity legislation before you since becoming chairman of the Committee on Education and Labor. I ask myself, in the words of the old World War II slogan, "Is this trip necessary?"

This particular trip is necessary because the President on last December 9 vetoed the bill approved by the House in 1971. So we had to start the proceedings all over again this year.

The Committee on Education and Labor reported its bill on February 1, and on February 17, it was approved by the House by a vote of 234 to 127.

The conference report before us today authorizes the appropriation of $2,359,300,000 for fiscal 1973, and $2,448,000,000 for fiscal 1974, to carry out the purposes of the Economic Opportunity Act.

Subsequent to the President's veto of S. 2007 last December, both the House and Senate made an honest effort to meet his objections.

In his words:

> The most deeply flawed provision of this legislation is Title V, Child Development Programs.

We have met that objection, Mr. Speaker, by eliminating this section entirely. To make it perfectly clear, I will say again, there is no new child development program in the conference report before us today.

The President objected to the legislation passed last fall on the ground that it took away his flexibility to delegate OEO programs to other departments, and prevented him from spinning off successful and continuing programs to the service agencies.

The conference report contains no prohibition on the President's spinoff authority, and the conferees consider that objection as fully satisfied.

The veto message listed two objections to the title of the 1971 act dealing with the Legal Services Corporation. The conference report deletes the entire title, and provides for no change in the existing structure of the Legal Services program.

Mr. Speaker, these were the principal objections stated by the President in his December 10 veto message. More than half of that message dealt with the Child Development title which is no longer in the legislation.

I personally feel that the conference report is good legislation. And, if it does not go as far as I would like to have gone in some programs—the Job Corps and Headstart for instance—I recognize the need for accommodation and compromise in the legislative process.

The Senate and House conferees met in full and free discussion, and this report represents an earnest effort to reach agreement. It is a fair and reasonable agreement, and I unreservedly commend it to you.

I am pleased, Mr. Speaker, that it seems no longer required that we come before the House to defend the philosophy and the concept of the Economic Opportunity Act. Congress and the Nation have accepted it as just and right. Eight years ago, this was a near-revolutionary piece of legislation, dedicated to the proposition that, with a little help, poor people would work themselves out of poverty. The prime requirement was that the door of opportunity be opened.

Congress has tried to open the door. Unfortunately, the tide of inflation and demands for war spending have countered our efforts in many instances. We simply have not been able to make the kind of spending effort necessary to accomplish the job fully. We still have a long way to go.

Only last month, on July 12, the Bureau of the Census confirmed this unhappy fact. The Bureau reported that the number of Americans in poverty remained essentially unchanged last year.

The number rose in 1970 for the first time in a decade. It had fallen every year from 1961 through 1969.

The Bureau reported that 25.6 million Americans were below the poverty level in March of 1971. The number was 25.4 million a year earlier. Naturally these figures are estimates, and are based on samplings of the population. The poverty level last year was established at an income level of $4,137 for a nonfarm family of four.

These are, of course, shameful figures. No one can take comfort or satisfaction from having 25.6 million of his fellow Americans in poverty. But in 1960, there were 39.8 million below the poverty threshold. We apparently have done something right, somewhere, even if it has not been enough.

Mr. Speaker, I intend to mention only a few of the ongoing programs dealt with by the conference report. I spoke at some length about the OEO programs last February when the bill was before the House. I do, however, want to comment on some of the major ones.

DEPARTMENT OF LABOR PROGRAMS

To carry out the work and training programs created by title I of the Economic Opportunity Act, the conference agreement authorizes the appropriation of $900 million for fiscal 1973 and $950 million for fiscal 1974.

These funds provide for the continued operation of the Neighborhood Youth Corps, a universally popular program.

It also provides funds for the continued operation of the Job Corps—an agency whose downgrading by the Department of Labor I genuinely deplore.

Granted, there were some faults in the original Jobs Corps organization, but by 1969 we had most of them worked out and were beginning to see some real dividends from the program. Centers at Camp Breckinridge in Kentucky and the Gary Center in San Marcos, Tex., are outstanding. Just at that point, an ill-advised decision was made to transfer the Jobs Corps operation to the Department of Labor, and to reduce drastically its scope. The administration fumed and complained about the cost per enrollee, and said it could do better with some little shirttail operations called mini-centers. I don't know how many of those mini-centers they have in operation right now—the last figure I saw indicated something like 23,000 enrollees. But I doubt we are even approaching the 35,000 trainees we once had in the Job Corps before the hatchet work began. Some cost studies I have seen indicate that the mini-centers are even more expensive than the old Job Corps, which looks better all the time.

In a contract study undertaken earlier this year by the Institute of Naval Studies, Center for Naval Analysis, these findings were reported:

> The New Job Corps Centers established after the program redirection of 1969 appear to have higher cost per man month than the previously established centers. The cost differential is due to a large extent to the high costs of off-site training and basic education. In addition to the higher costs, the new centers are at best as effective as the older centers.

The study went on to say that the length of time an enrollee remains on the job appears to bear a strong positive relationship to job placement, wage rates and relocation of trainees outside of their original community. You will remember that a sharply reduced training period was one of the features of the redirected mini-center program.

The report stated:

> Given the importance of the length of time an individual stays in the program, it is significant that the proportion of individuals who complete the Job Corps program has declined sharply between FY 1968 and FY 1972. In addition, the new centers have the lowest completion rates of all center types.

These Department of Labor programs also include mainstream and the concentrated employment program. Both of these have been of great benefit to many

sections of the country, and deserve continuance.

There is ample testimony in the files and in hearings on the worth of the Neighborhood Youth Corps. It has performed well for youngsters in the in-school, out-of-school, and summer programs. The broadening of this program contemplated by the conference report is well deserved, and I know the House is in agreement.

HEADSTART

Probably the most significant expansion in funding in this conference report is that involving Headstart, which is surely one of the most popular programs ever undertaken by the Federal Government.

At the time the House acted on the Economic Opportunity legislation last winter, the best estimate we could find was that approximately 1.6 million children were then in need of Headstart services. There is no evidence that the number has decreased today. We are going on the assumption that we are now serving only 1 in 5 of these children. Because of this, the conference report recommends the authorization for Headstart be increased to $485,000,000 for fiscal 1973, and $500,000,000 for fiscal 1974.

FOLLOW THROUGH

To make sure there is a continuity of the learning process produced by Headstart, the conference report also recommends broadening Follow Through, with the authorization being set at $100,000,000 for each of the next 2 fiscal years.

OFFICE OF ECONOMIC OPPORTUNITY PROGRAMS

To fund the programs being carried out by the OEO itself, the conference report recommends the expenditure of $840,000,000 for fiscal 1973 and $870,000,000 for fiscal 1974.

Of this total, $328,900,000 is set aside for local initiative for each of the next 2 fiscal years. This is to cover the operations of the community action agencies. Another $71,500,000 annually for the legal services program is included in that total figure.

COMPREHENSIVE HEALTH

In my opinion, some of the most effective work in the entire antipoverty programs has been done in the field of health care. Poverty is hard enough to bear. But poverty complicated by illness is much worse. With this in mind, the conference agreed to a $100,000,000 authorization for both fiscal 1973 and fiscal 1974.

EMERGENCY FOOD

It has been demonstrated that, even with all of our various feeding programs, we still are not reaching all of the people who need help. The $23,500,000 appropriation for fiscal 1972 just was not getting the job done. There was not enough to go around. And the administrations fiscal 1973 request for $3,500,000 was totally unrealistic in view of the need. For this reason, the conferees agreed that $30,000,000 should be spent annually for emergency feeding programs undertaken by the OEO.

SOS

A program called senior opportunities and services has been especially beneficial among the elderly poor of this country. This is a group all too often forgotten in a youth-oriented society. The conferees recommend spending at the $8,800,000 level for the next 2 years, recognizing that this is but a token operation in comparison to the work to be done in this area.

ENVIRONMENTAL ACTION

The conference report does contain the new program which the House bill proposed last year—a program in the field of environmental action. This is a special emphasis program, providing for payment to low-income people to work on projects designed to combat pollution and to clean up a rapidly degenerating physical environment in America.

I feel the poor can be usefully employed in removing solid wastes, in clearing streams, in carting away all of the unsightly old automobile bodies that choke the roadways and creeks in many places. They can work on projects designed to upgrade the water supplies and improve the processing of sewage. They can plant trees, improve our parks, and help reclaim lands which have sustained ecological damage from mining operations and other forms of man-generated or natural destruction. The conference report recommends a modest $5 million for this new program.

RURAL HOUSING

I am happy to say that the conference report retains the new program of rural housing which the House bill initiated last year. The recommended authorization is $15 million for fiscal 1973, and $20 million for fiscal 1974.

This program could fill a genuine need among the isolated and the poverty bound of the Nation. I know the House agrees.

These, Mr. Speaker, are but a few of the major programs involved in this conference. Members have had an opportunity to study the report, and to see what we have done.

Eight years ago, Congress committed itself to a plan to eliminate poverty for those who want to improve their lot through their own efforts. It has sometimes seemed that we have had to run very fast indeed—as Alice in Wonderland said—to keep from standing still.

We all know that there is much suffering in the land that is keyed directly to poverty. We all want to do something about it. This is simply one more opportunity for us to act.

If we continue to tolerate poverty and the status quo in America, we must know that we shall have to pay a price. The cost of the economic opportunity program is insignificant alongside the long-range cost of maintaining poverty.

I include the following:

[In millions]

	1972 appropriation	1973 budget request	1973 conference report	1974 conference report
Department of Labor programs	$802.9	$900.3	$900.3	$950.0
Headstart	376.3	393.6	485.0	500.0
Follow Through	60.1	57.7	70.0	70.0
ACTION	37.0	56.4	58.0	58.0
OEO total	724.6	760.2	840.0	870.0
Local initiative	(298.6)	(333.6)	(328.9)	(328.9)
Legal services	(61.9)	(71.5)	(71.5)	(71.5)
Comprehensive health	(107.6)	(95.0)	(100.0)	(100.0)
Emergency food	(23.6)	(3.5)	(30.0)	(30.0)
Family planning	(24.0)	(15.0)	(20.0)	(20.0)
SOS	(8.0)	(8.0)	(8.0)	(8.0)
Alcoholic counseling	(1.9)		(18.0)	(18.0)
Drug rehabilitation	(18.0)	(23.0)	(18.0)	(18.0)
Environmental action			($5.0)	($5.0)
Rural housing			(15.0)	(15.0)
Consumer action			(7.5)	(7.5)
Design and planning			(10.0)	(10.0)
Youth recreation and sports	($3.0)		(4.5)	(4.5)
T. and T.A., SEOO, R. & D	(74.6)	($123.3)	(109.6)	(109.6)
Title III	(36.1)	(36.0)	(36.0)	(36.0)
Titles VI and X	(18.5)	(20.6)	(18.0)	(18.0)
Title VII	(26.8)	(30.7)	(40.0)	(40.0)
Other	(22.0)			
Add-ons: Title VIII (VISTA)			16.0	
Total	2,003.7	2,168.2	2,359.3	2,448.0

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

Mr. PERKINS. I yield to the distinguished gentleman from Minnesota.

Mr. ZWACH. Mr. Speaker, I thank the gentleman for yielding, and I note that there is an appropriation for family planning of $20 million. The law still holds that this money cannot be used to promote abortions as pertaining to family planning; is that correct?

Mr. PERKINS. Mr. Speaker, first of all let me say to my distinguished colleague, the gentleman from Minnesota (Mr. ZWACH) that I personally have never been much impressed with the family planning program, but it is in the bill, and it has been in the legislation for several years. The conferees and the minority members supported this provision to a greater extent I think than did the chairman of the committee, but nevertheless it is in here. I am not well versed in this field, but a majority of the Congress felt it worth while when they enacted the legislation. And the Nixon administration recommended $15,000,000 for it in this fiscal year.

Mr. ZWACH. I thank the gentleman.

Mr. PERKINS. Let me say that I am not here advocating abortions, or anything of that kind. And this legislation was never intended to be useful in promoting abortions. I do not believe in that philosophy.

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

Mr. PERKINS. I yield to the distinguished gentleman from Missouri.

Mr. RANDALL. Mr. Speaker, as the chairman of the committee will recall, when we had the OEO bill before us in the House I joined with the gentleman from New York (Mr. SCHEUER) to try to get the committee on both sides of the aisle to accept an amendment for the aging which we felt was most worthwhile.

We proceeded to offer our amendment upon the assumption that it is bad enough to be poor and then a little worse to be old and also poor but the very worst combination is to be old and poor, and add to that the isolation that comes from living in a rural area. The gentleman from Kentucky may recall that the amendment added $50 million, which divided equally would be only about $1 million per State for projects for the elderly poor in rural areas. This was the first time some pinpointed assistance had been directed to these most worthy recipients.

We are advised that the other body continued to carry this $50 million for these special programs, and yet if I recall the wording of the conference report correctly—and I do not have it before me—that the words "elderly" or "senior citizens" or "older Americans," as the Older American Act calls our "senior citizens," has been stricken from the conference report and the only reference is at page 9 of the report which permits the Director to provide assistance for projects to assist older persons.

We understand that the conferees agreed on the merit of these special programs for our older persons. But I am asking the chairman at this time if that paragraph on page 9 in the report has reference to the Scheuer and Randall amendment? Is this the paragraph which survived the conference—after both bodies had their own separate amendment to provide special projects for the aging?

Mr. PERKINS. It is my understanding that it does have reference to the authorization. In behalf of the older Americans, I certainly agree with the gentleman from Missouri that the Congress has not done enough for older Americans, and we should have done much more in this conference report.

But there was a tendency to cut back on all authorizations and this is one area where we should not have cut back. We gave the administration flexibility, however, as to where they can make an expenditure for the older Americans if it so desires. It is left entirely to the administration—to the people who administer the programs.

Mr. RANDALL. Mr. Speaker, if the gentleman will yield further—the intent of this body was there—the legislative history was written at the time the OEO authorization passed the House. If it was the intent of the other body that $50 million be earmarked for the elderly then regardless of the paragraph on page 9 of the report no matter how it is worded then it remains the legislative intent of both bodies of the Congress that special assistance programs means programs for older persons who may or may not reside in low-income areas and who are not served by other programs?

I thank the gentleman.

Mr. PERKINS. Mr. Speaker, let me mention the comprehensive health program. We have had some of the most effective work in the entire antipoverty programs in the field of health care. With this in mind, the conference agreed to the $100 million authorization for both the fiscal year 1973 and the fiscal year 1974, and hope this will allow for the expansion of these valuable programs.

In further answer to the gentleman from Missouri, the program called "the senior opportunities and service program" has been especially beneficial among the elderly poor of this country. This is a group that is all too often forgotten in a youth oriented society. The conferees recommended spending at the $8,800,000 level for the next 2 years, recognizing that this is but a token operation in comparison to the work to be done in this area.

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

Mr. PERKINS. I yield to the gentleman.

Mr. RANDALL. Is the so-called SOS program specifically funded at the amount of $8 million, what has long been known as the Senior Opportunities Services?

Mr. PERKINS. That is correct.

Mr. RANDALL. I thank the gentleman and may I be permitted to add that in our congressional district these SOS programs have been of great benefit to our older citizens.

Mr. PERKINS. Mr. Speaker, we should have provided more money for these programs, but there was a tendency to do a lot of penny-pinching on the part of the conferees to make sure that we got a conference report. That was the reason that many of these programs have been cut to the bone. It is the best we could do with the view that we may be able to obtain a conference report and make it veto-proof.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. QUIE).

(Mr. QUIE asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. QUIE. I thank the gentleman for yielding.

As the gentleman knows, we have had some questions on section 19 of the bill, which provides that there shall not be lower standards set on the day-care programs than were established in the Federal Interagency Day Care Requirements of 1968.

Mr. Speaker, on August 31, I received the following letter from the Secretary of HEW Richardson regarding section 19 of the legislation we are considering here today:

WASHINGTON, D.C.,
August 31, 1972.

Hon. ALBERT H. QUIE,
House of Representatives,
Washington, D.C.

DEAR MR. QUIE: I understand that Section 19 of the proposed Economic Opportunity Act Amendments would require that the 1968 Federal Day Care Requirements be minimum requirements. The 1968 Requirements have made an appreciable contribution toward the development of quality child care. However, I believe that comprehensive review and revision of the requirements is now in order for a number of reasons. As you may know the Department, in conjunction with parent groups and child care specialists within and outside government, is currently undertaking such an effort.

The 1963 FDCR were designed primarily for care delivered in day care centers. However, the bulk of all day care today continues to be delivered in a child's own residence or in a small family day care home. The proposed revised standards recognizes the special features of all three major day care settings (centers, family day care homes, and in-home care) and define specific requirements for each to ensure quality care regardless of setting.

One major weakness of the 1968 Requirements has been the difficulty of ascertaining compliance with the standards. The specific standards are frequently imprecise and hard to measure. The proposed revision of the Requirements would not eliminate all of these difficulties, but the new version would increase significantly the Federal Government's ability to effectively measure and enforce the standards. For example:

Definitions have been clarified and made more precise.

Each Federal requirement is accompanied by one or more measurable criteria for evidence of satisfactory compliance.

The components of safe, healthy, and developmental care have been changed, where possible, from general pronouncements of intent to specific criteria.

The revised standards are designed to reflect Federal experience with day care since 1968. For example, on the key issue of staff/child ratios, the 1968 ratios measured the number of *adults* per child, whether or not the adults were qualified caregivers and regardless of whether or not they provided care to the children. Thus secretaries, bus drivers, and custodians could be included. Based on our experience since 1968, there is general agreement among child development specialists that the ratios are more appropriate when defined in terms of the actual hours of qualified *care* provided per child, rather than an arbitrary number of adults present in the facility. We therefore would not want Section 19 to limit our flexibility in dealing with this problem.

Thus our primary concern over the interpretation of Section 19 arises in instances in which a quantitative measure in the 1968 requirements may be lowered in a revised version but would not in any way endanger the quality of care involved. Because we expect revised standards to improve the clarity, enforceability, and specificity of the 1968 requirements, no lowering in quality of care would occur. We would like, therefore, through a colloquy on the House floor, to make it quite clear that designation of the 1968 requirements as minimum requirements does not mean that every revised standard must be as stringent in quantitative measure. Rather the object of designating the 1968 requirements as minimum is to maintain quality.

I believe that our revised standards will represent a significant improvement over the 1968 version—an improvement that will increase both the quality and the quantity of Federal day care programs.

I therefore urge you to utilize the enclosed colloquy to insure a degree of flexibility in the revision of the 1968 standards.

With kindest regards.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. QUIE. Mr. Speaker, in light of the request from Secretary Richardson, and because it was not the intention of the House through this provision to tie the hands of HEW; for the purpose of establishing legislative history, I would like to ask the Chairman of the Full Committee a question. As you know, experience with the 1968 Federal Interagency Day Care Requirements over the past several years has shown that in some cases the meas-

urement or standard which was promulgated at that time has not really helped to insure the proper quality of care. In many instances, the standard has proven too vague for effective enforcement. In other cases, compliance with the quantitative measure which was chosen has not necessarily resulted in the high quality of care which that measure was intended to foster. As a result of the experience gained since 1968, the Department of Health, Education, and Welfare, is now in the process of reconsidering the 1968 standards, and the expectation is that several of them will need revising in light of that experience. Since we in the Congress recognize that standards must be readjusted over time to respond to changing needs in the rapidly developing field of early childhood, and in considering amendments to the Economic Opportunity Act, we felt it important to include in those amendments a provision, which was written into section 19, insuring that any new standards would maintain at least the level of quality prescribed by the 1968 standards. My question to the gentleman concerns the possible flexibility which HEW and OEO may have to revise the standards. Would this provision prohibit the revision of any standard which has been found to be an ineffective or imprecise measurement of the quality of care or conditions of a day care center?

Mr. PERKINS. Mr. Speaker, let me say to my distinguished colleague, this is designed to give the administration considerable flexibility.

Section 19 of H.R. 12350 requires that any future standards which are adopted by HEW and OEO be no less comprehensive than the 1968 standards. According to the House committee report, this means that the 1968 standards are minimum standards. But the committee did not intend section 19 arbitrarily to prohibit changes and modifications designed to clarify the 1968 standards or to improve their ease of applicability and enforceability. If a particular standard or quantitative measurement in the 1968 requirements was ill-conceived or has been ineffective in meeting its purpose, another approach should be developed. However, there can be no changing of requirements which would have the effect of lowering the quality of care which would be permissible under Federal standards.

In this connection, Mr. Speaker, I am specifically concerned about Secretary Richardson's intentions, as expressed in his letter, with respect to child-staff ratios. While we certainly do not intend that bus drivers, secretaries, and custodians be counted as staff and would welcome clarifications in that regard, the majority conferees would view any reduction in the child-staff ratios contained in the 1968 agreement as lowering the quality of care.

Mr. QUIE. I thank the able chairman.

Mr. Speaker, this is another provision in the OEO conference report that I would also like to highlight at this time, because I feel that it is a very significant and meaningful step forward in our dealing with the handicapped children of this Nation. The conference report contains the following new section:

(2) The Secretary of Health, Education, and Welfare shall establish policies and procedures designed to assure that not less than 10 percentum of the total number of enrollment opportunities in the Nation in the Headstart program shall be available for handicapped children (as defined in paragraph (1) of section 602 of the Elementary and Secondary Education Act of 1965, as amended) and that services shall be provided to meet their special needs. The Secretary shall implement his responsibilities under this paragraph in such a manner as not to exclude from any project any child who was participating in the program during the fiscal year ending June 30, 1972. Within six months after the date of enactment of this Act, and at least annually thereafter, the Secretary shall report to the Congress on the status of handicapped children in Headstart programs, including the number of children being served, their handicapping conditions, and the services being provided such children.

This section, although part of the Senate bill, represents a culmination of years of activity and interest in behalf of many Members of Congress in both the House and Senate and it reflects our concern that the handicapped be afforded every opportunity that every other citizen is entitled to. This provision is particularly significant in that it is the first time the Congress has directed that opportunities be extended to handicapped individuals as part of regular Headstart programs. It has long been my feeling that although some handicapped children need special services, many severely handicapped youngsters with minimum accommodations and a maximum of understanding can fit into regular programs for normal children.

I want to emphasize that this provision means handicapped under the Federal definition as defined in paragraph 1 of section 602 of the Elementary and Secondary Education Act and not merely individuals who have "handicapping conditions." Throughout the existence of the Headstart program, through its medical component, it has found thousands and thousands of children who have handicapping conditions such as visual problems which require eyeglasses or children with a slight hearing loss speech disorders, or emotional problems. These children have been served under the Headstart programs and will and rightly should continue to be served under this program. It is now hoped that as a result of this amendment that Headstart will serve children who are totally blind, totally deaf, and severely physically and mentally handicapped.

It has been said for years that a child who is poor is handicapped. I would add to that that a child who is poor and also severely handicapped is doubly handicapped and there can be no greater service than to help these youngsters to truly gain a headstart, giving them the opportunity to participate, to grow, and hopefully, benefit through this program.

I think it is important to emphasize the provision which specifies that children who participated in the program last year will not be excluded from participation in the program this year if they are still qualified for enrollment. Since Headstart normally enrolls 4- and 5-year-olds, and there is a general turnover of about 50 percent each year, I can anticipate no problems in meeting the requirements of this section as new enrollment opportunities in programs throughout the Nation open up. It is my hope that Headstart programs throughout the country will actively work with community based organizations for the handicapped as well as schools, universities, and agencies serving the handicapped in every State in an effort to identify, recruit, and assist in helping to place handicapped children in local Headstart programs. I can see no circumstances under which a handicapped child should be denied entrance to a Headstart program if he is qualified and his parents want him to participate.

So that my colleagues can understand the scope of this amendment and how it affects each State, I am inserting at this point in the RECORD a chart produced by the Office of Child Development for Project Headstart showing the new obligational authorities, the number of children, the number of grants, and the number of centers in each State for fiscal years 1971, 1972 and a projected estimate for fiscal 1973:

OFFICE OF CHILD DEVELOPMENT HEADSTART PROGRAM—STATE WORKSHEETS

Name of State	Fiscal year 1971				Fiscal year 1972				Fiscal year 1973 estimate			
	NOA	Number of children	Number of grants	Number of centers	NOA	Number of children	Number of grants	Number of centers	NOA	Number of children	Number of grants	Number of centers
Alabama	9,650,812	13,002	33	240	9,891,480	13,632	32	214	10,249,526	13,500	31	214
Alaska	1,357,571	1,091	3	41	1,413,668	1,580	3	45	1,460,235	1,500	3	44
Arizona	2,403,534	3,562	4	68	2,478,260	2,571	4	59	2,565,022	2,500	6	55
Arkansas	4,755,259	7,003	22	203	5,174,429	7,510	22	193	5,365,061	7,400	22	193
California	24,344,519	19,175	38	672	25,595,743	15,466	40	626	26,486,843	15,400	43	626
Colorado	4,402,596	5,115	23	142	5,136,386	5,088	26	196	5,300,265	5,000	23	196
Connecticut	2,184,146	3,246	13	95	2,159,737	2,728	13	85	2,240,389	2,500	13	85
Delaware	967,288	1,283	5	35	1,001,186	888	3	17	1,039,068	800	3	17
District of Columbia	4,201,441	2,010	3	65	3,718,340	3,729	2	99	3,850,447	2,600	2	99
Florida	11,929,130	14,213	39	285	12,312,342	14,171	37	215	12,752,293	12,400	36	215
Georgia	6,344,679	11,168	34	196	6,938,730	12,306	30	178	7,369,286	10,400	30	178
Guam [1]												

[1] Included in Pacific trust territories.

OFFICE OF CHILD DEVELOPMENT HEADSTART PROGRAM—STATE WORKSHEETS—Continued

Name of State	Fiscal year 1971				Fiscal year 1972				Fiscal year 1973 estimate			
	NOA	Number of children	Number of grants	Number of centers	NOA	Number of children	Number of grants	Number of centers	NOA	Number of children	Number of grants	Number of centers
Hawaii	2,303,908	1,100	4	69	1,916,332	1,178	3	43	1,971,229	1,100	4	43
Idaho	1,377,867	1,264	10	30	958,460	1,194	9	30	992,676	1,100	9	30
Illinois	13,443,645	15,332	47	408	14,714,852	15,802	45	390	15,244,240	15,800	46	390
Indiana	4,903,858	6,541	32	221	5,647,789	7,254	29	233	5,854,307	7,300	28	233
Iowa	2,952,152	3,515	26	129	3,108,671	4,090	21	85	3,222,317	4,000	21	85
Kansas	3,804,944	2,223	17	50	2,947,709	2,454	18	57	3,055,245	2,800	18	57
Kentucky	9,447,495	18,701	62	520	8,957,406	17,543	56	104	9,277,701	16,600	58	104
Louisiana	8,162,138	10,727	30	194	8,574,660	11,586	30	94	8,891,158	11,300	28	94
Maine	1,665,432	1,851	19	72	1,777,972	2,015	17	75	1,813,960	2,000	16	75
Maryland	3,885,370	4,360	19	142	3,820,671	4,144	21	129	3,885,716	4,200	19	129
Massachusetts	6,781,321	6,496	33	184	6,986,667	6,186	32	173	7,243,418	6,200	31	173
Michigan	7,273,368	9,914	44	352	7,821,851	10,241	41	317	8,104,264	10,300	42	317
Minnesota	3,672,624	5,888	35	228	4,027,097	6,204	29	199	4,170,202	6,200	29	199
Mississippi	35,040,296	31,213	28	497	34,394,282	31,010	27	470	35,628,482	31,600	27	470
Missouri	8,424,877	8,443	19	319	8,760,736	9,315	16	257	8,797,527	8,500	18	257
Montana	1,164,349	1,102	12	32	1,352,239	1,802	11	42	1,661,405	1,900	9	42
Nebraska	1,790,314	3,040	15	78	1,803,622	2,872	13	64	1,850,189	2,100	15	64
Nevada	445,571	260	3	10	490,775	398	1	14	549,349	400	2	14
New Hampshire	861,034	945	7	21	913,268	948	6	26	930,316	700	6	26
New Jersey	8,464,145	8,714	31	226	8,805,746	7,533	28	217	2,116,265	7,200	27	217
New Mexico	2,399,737	3,981	21	92	2,610,010	4,517	18	94	2,706,548	4,500	18	94
New York	23,479,231	17,195	62	385	23,989,933	13,665	60	337	24,841,798	13,600	61	337
North Carolina	9,644,806	16,034	57	409	10,026,058	15,415	54	339	10,390,214	14,500	54	339
North Dakota	350,255	953	13	20	618,246	1,226	13	17	637,798	1,000	12	17
Ohio	10,499,359	14,544	52	531	11,391,525	14,951	49	466	11,799,960	14,900	50	466
Oklahoma	5,977,033	10,210	27	268	5,915,262	8,554	26	257	6,132,778	10,400	25	257
Oregon	1,486,696	1,908	18	70	2,286,070	1,880	17	59	2,364,409	1,800	17	59
Pacific trust territories	533,527	2,562	8	88	554,788	2,408	6	61	574,304	2,100	5	61
Pennsylvania	9,991,684	13,002	72	370	10,657,500	12,818	69	371	11,045,005	11,800	69	371
Puerto Rico	6,233,980	6,730	5	257	6,791,139	6,622	3	258	7,033,045	6,700	4	258
Rhode Island	936,526	1,280	9	30	97,462	1,658	10	32	1,025,344	1,500	9	32
South Carolina	6,029,189	10,563	26	142	6,277,101	8,948	22	141	6,504,393	8,800	22	141
South Dakota	715,278	974	9	40	661,859	435	7	34	680,320	1,000	7	34
Tenessee	7,156,350	11,742	38	309	8,234,810	11,273	34	279	8,524,686	12,600	26	279
Texas	15,689,894	22,069	91	464	15,898,044	20,548	88	422	16,478,625	21,300	89	422
Utah	1,241,367	2,156	12	55	1,412,464	2,038	10	46	1,457,678	1,500	9	46
Vermont	818,368	896	8	39	1,026,818	995	5	35	1,071,165	800	5	35
Virgin Islands	710,030	540	3	13	723,056	790	1	13	749,940	800	1	13
Virginia	5,110,614	5,655	42	191	5,228,416	5,907	43	167	5,416,735	5,900	41	167
Washington	4,138,086	2,913	32	115	4,331,955	3,802	25	121	4,474,836	3,320	25	121
West Virginia	3,583,596	5,697	31	220	4,135,961	5,411	25	355	4,283,954	5,400	24	355
Wisconsin	3,882,952	4,473	33	168	4,339,826	5,372	28	157	4,495,161	5,400	27	157
Wyoming	476,675	845	7	22	590,958	1,492	7	21	610,510	1,400	5	21
Indians and migrants	10,673,000	11,495	62	327	12,214,000	11,136	83	432	12,669,000	12,300	84	432
Total	328,211,686	390,914	1,435	10,476	344,484,373	388,803	1,367	9,450	357,007,445	379,000	1,358	9,450

It it my hope that within the next year there will be 37,900 handicapped children participating with normal children in Headstart programs throughout the Nation. Further, I hope that the Office of Child Development will work closely with the Bureau of Education for the Handicapped so that their expertise and experience can be utilized to enrich not only the new handicapped students but the entire Headstart program.

In my years here in the Congress and in the State legislature I have come to know handicapped children and their parents. I have learned from them the terrible impact that being excluded from the benefits of our society has upon their self-identity. To open the door through legislation such as this is an important beginning but I call upon my colleagues and all those concerned about the handicapped throughout the Nation to actively work to make the intent of this law a reality for these children.

I would think all the Members could support this legislation. There were two very strong objections by the administration, I understand, to the conference report as we first agreed on it. One was with respect to the Legal Services Corporation. Rather than work out a Legal Services Corporation in the conference, as the chairman has indicated, we just dropped the Legal Services Corporation and we left the legal services exactly as it is in the present law. I still have a desire for a Legal Services Corporation and my own feeling is the administration wants it, but we can bring such legislation up in the next Congress.

My own feeling is that there ought to be a separate corporation and that the issue of accountability be thoroughly considered. There was always a question as we considered the corporation legislation this time as to whether board members selection procedures in both the House- and Senate-passed bills would be free to vote their independent, personal feelings, or would be bound to reflect the views, interests, or official positions of their organizations. At best they would have been irrevocably bound by formal resolution.

The President, in my opinion, should be free to choose the most qualified persons available. Obviously, he should look to bar leadership both for advice and for talent, but in the final analysis be free to decide not to appoint an individual if he feels that that individual would bring unnecessary controversy to the board, inject partisan politics, or be antagonistic to legal services.

There was a difference of opinion on this issue and rather than get into that fight here I think we did the right thing by dropping it out of the conference report which was the right of conferees under the rules of the House.

Second, the authorization figures were much higher than the administration had asked for, and we cut those back to almost the administration's budget request; $200 million over the budget rather than $900 million per year. I think this legislation gives OEO flexibility and I hope we can pass it so that the people in the OEO and all the Community Action agencies can know what the authorization is they are going to operate under for 2 years. During the last year they operated without an authorization and have been under an appropriation which presumed authorization.

Mr. PERKINS. Let me say in response to the gentleman from Minnesota, we went way out in the majority party to meet the objections of the President. I personally witnessed while we were going on under the continuing resolution, that some of the better programs, such as the emergency food and medical care program, for instance, were being entirely phased out in certain sections of the country and we were not able to do anything about it.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, this is the first conference report that I have failed to sign in the number of times I have been a conferee on bills before the Committee on Education and Labor of the House, and this will be the first time that I will vote against the authorization for OEO contained in this conference report.

I do so as a symbol of my extreme displeasure at the manner in which both Houses of the Congress are being bludgeoned—and I use the word advisedly—bludgeoned by the White House

on this bill, and particularly with regard to the Legal Services Corporation which was in the original OEO bill.

I would like to take time to explain the history of that legislation and then leave it to history to determine who really killed the Legal Services Corporation.

Mr. Speaker, back in March—March 18, to be exact—of 1971, 100 Members of this body and of the other body introduced a bill, which was in the House H.R. 6361. We introduced the bill because it was our feeling that the legal services program in OEO, while one of the most successful of all the OEO programs, ought to be insulated from political pressure, but not isolated from the needs of the poor.

We recognized, and I believe anyone who has studied this legislation and the activity carried on under it recognized, that the legal services program is a controversial program.

By its very nature it is controversial. All the more reason to insulate it from political pressure if it is going to work correctly. So we set out to do this.

Incidentally, Mr. Speaker, to do this after the recommendation of the Ash Commission of President Nixon and after the recommendations of the American Bar Association, the National Bar Association, the Legal Aid Defenders Association, and every other recognized bar association in the United States.

At the time we introduced that bill the administration also had a bill introduced which created an independent Legal Services Corporation. These two bills varied in some respects, primarily in two.

First of all, there were, by the testimony of almost all of the experts who appeared before our committee, some very serious shortcomings in the administration bill insofar as there were many instances which would provide interference between the individual Legal Services Corporation lawyers and their clients. My recollection is there were at least four instances in which we had testimony that even a lawyer accepting employment with the Legal Service Corporation under these circumstances might well constitute a violation of the professional code of ethics.

These two bills varied in one other very important respect, which is with regard to the appointment of the board of directors, that is, the people who ran or were to run the Legal Services Corporation.

The bill introduced by the 100 Members with strong bipartisan support, provided primarily that some of the selections—I think five of them at that time—were to be made by the President with the advice and consent of the Senate, one was to be made by the Chief Justice of the U.S. Supreme Court, and others were to be made on recommendations of the client and the community and the Legal Services Corporation lawyers, and others were to be made because those people were heads of national bar associations and were recognized as having supported and worked for this legislation.

Under the administration proposal all of the board of directors were to have been appointed by the President with the advice and consent of the Senate. The only admonition was that no more than six of the 11 could have been from any one political party.

We had extensive hearings not only here in Washington, but we traveled, as I recall it, into Louisiana, California, and a number of other places and heard testimony on this legislation. We received the word from the White House that the bill that the 100 Members, the bipartisan bill, had agreed to, was unacceptable particularly because of the composition of this board. We recognize it might provide some problems to the President in exercising his prerogative. We entered into rather intensive negotiations between some of the Members on the Democratic side and some of the Members on the Republican side. These negotiations were carried on in entire good faith on both sides. Particularly I wish to commend the gentleman from Wisconsin (Mr. STEIGER), the gentleman from Minnesota (Mr. QUIE), the gentleman from Illinois (Mr. ERLENBORN), for the fine cooperation and good will which they exercised in attempting to reach a compromise that we felt would be acceptable.

We did reach that compromise. We reached a compromise which we felt would preserve the prerogatives of the President and yet make the Legal Services Corporation a truly independent corporation in the sense that it would be insulated from political activity and political pressure. We brought that bill to the House of Representatives and passed it as a part of the OEO bill by a very substantial margin.

Indeed, we defeated an amendment to cut it out by an overwhelming majority. And it is my recollection, and the gentleman can correct me if I am wrong, that the minority leader of the House voted for this proposal as it went through the House.

It was part of the OEO bill which was vetoed by the President. As the chairman stated earlier, the major objection the President had to that OEO bill, as we all know, was the early childhood development program, but he also had a few choice words for the Legal Services Corporation, indicating his displeasure again and in fact saying we had not gone far enough in protecting his prerogatives on the appointment of this board.

So after the veto we went back to the drawing board again with the same people, and sought a further compromise to further elevate the prerogatives of the President and to lower what we considered to be the insulation for a fully independent Legal Services Corporation, and we brought that back to the House.

We were told that the prerogatives of the President had to be preserved so that only he could appoint people to the board of directors—that was the only way that we could maintain a separation of powers.

I just happen to have before me about six illustrations, the Railroad Retirement Board, the Appalachian Regional Commission, the Farmers Land Bank, the communications satellite program the Federal National Mortgage Association, and others, in which the President has not insisted on his complete prerogative with regard to the appointment of Commissioners. So I think that argument is invalid.

But in any event we made further compromises and we brought that bill back to the House with those compromises, and passed it again through the House, and the Senate was doing the same thing, a bill very similar to ours was being again passed through the Senate. We went into conference and reached agreement again, after compromising and, I might say, we even went beyond the scope of the House and Senate bills to reach that compromise, we went further in the President's direction than either the House or the Senate bills, and would have had a bill here, which provided even more concessions to the President.

After a while, during which some extreme pressures were brought upon the Senate by the White House, the Senate asked for another conference—

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. PERKINS. Mr. Speaker, I yield 3 additional minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. As I started to say, the Senate asked for a further conference, the conferees were again appointed, and we went back to conference without having brought this bill even to the floor. At that time we were informed that the White House indicated that the Legal Services Corporation, even in the shape it was in then, was still unacceptable, and that if it passed in that form the President would veto it—and we had this on pretty good authority. My preference would have been to pass the bill and let the President veto it, because, you know, if he is going to kill the legal services program it ought at least be buried in the White House, and not here in the Congress, but I was a minority of the conferees. The conferees agreed rather than going as far as the President wanted to go with his appointment of the board, to cut out the legal services program entirely.

Now, it is a kind of a bad choice of alternatives, but I must say that, presented with the alternatives that the President laid down, and the type of board he wanted, and the type of program that presently exists, the present program is probably the best because we at least have some oversight authority.

But to do so—to go as far as the President wanted to go to sign the bill, it seems to me would be to abandon the very reason for creating an independent Legal Services Corporation because it would not be independent at that time.

I do not fault my colleagues on either side of this aisle. Indeed, I have high praise for some of the Members on the Republican side who worked very hard, especially the gentleman from Wisconsin (Mr. STEIGER), the gentleman from Illinois (Mr. ERLENBORN), and the gentleman from Minnesota (Mr. QUIE) to get a bill and to get an acceptable Legal Services Corporation. But I do fault the President of the United States for the pressure that was brought on these con-

ferees to knock this Legal Services Corporation out.

I think the record ought to be amply clear that the total responsibility for killing in 1972 the Legal Services Corporation is the responsibility of the White House—and not the Congress.

The SPEAKER. The time of the gentleman has expired.

Mr. QUIE. Mr. Speaker, one of the problems that we have with the Legal Services Corp., of course, is trying to insulate it from political pressure—and that is what we want to do and what we have done in the past to insulate similar organizations from political pressure is to have the board members appointed by the President and then that they be confirmed by the Senate. This is what the Presidents Corporation would have done.

There is another question of accountability as well. While we have high regard for organizations such as the American Bar Association, the Association of American Law Schools, the National Bar Association, the National Legal Aid and Defenders Association and the American Trial Lawyers Association—there is still the question of their accountability.

In our governmental system, we usually make those who are responsible for administering a program for which Federal funds are appropriated accountable through us to the taxpayers. We have, of course, the General Accounting Office as an arm of the Congress. But the basic argument is accountability during administration not a checkup afterwards.

The administration wanted their legal services corporation—and that is what they wanted in place of what we had agreed to originally in conference. They felt that that would provide for the accountability. But as the gentleman from Washington indicated, we could not agree in conference on the kind of corporation that could get by both the Congress and the White House and, therefore, it was a move on the part of the conferees to drop the corporation at this time—and not the White House.

That was the only thing that we could agree on in conference—that could be agreed on both in conference and in the White House. That is why we bring this report to you now.

Next year, as I indicated earlier, I would like to see us work out a corporation, but there is still going to be an issue before us—the issue of accountability—who will be responsible or how will they be responsible to the taxpayers who put up the money for these programs?

Legal services attorneys are different from other attorneys. Other attorneys in private practice are responsible to their clients and to their law firm, if they belong to a law firm.

But in this case, they are being paid by the Federal Government and in this way we are writing really a new chapter each year as this program develops. I believe it is an absolute necessity for the poor to be able to have the legal services or the services of an attorney just like anyone else who can afford it. That is why I am pleased that we have embarked on this experiment. The last chapter has not been written yet, and I think we will just have to wait for the next Congress to do it.

This bill is much better than the House passed bill from my view. As I said, it drops the corporation, so we do not have that conflict before us now and it reduces substantially the authorization for appropriations.

As I was going over the figures, I see that we have $2,369.3 billion for fiscal year 1973 as compared to $3,090 billion in the first conference reported bill. This represents a reduction of over $700 million.

It is well within the budget ball park. I am satisfied with this legislation.

I did not vote for the bill when it went through the House, but I think it is such a vast improvement over what we passed in the House, that I am certainly constrained not only to vote for it but I urge my colleagues to vote for it.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I shall be happy to yield to the distinguished minority leader, the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the gentleman from Minnesota's yielding.

I should like to clarify, if I might, the figures that have been used here. As I understand it, the budget request of appropriations for fiscal year 1973 was $2,168.2 million?

Mr. QUIE. The gentleman is correct.

Mr. GERALD R. FORD. In the conference report which is before us now, the authorization is $2,369.3 million?

Mr. QUIE. The gentleman is correct.

Mr. GERALD R. FORD. And the conference report that was originally proposed but never acted on by the House was for $3,090.2 million?

Mr. QUIE. As I read it over, that is a correct figure from the conference report.

Mr. GERALD R. FORD. The net result is that the conference report for the authorization before us now is roughly $700 million less than the originally proposed conference report?

Mr. QUIE. The gentleman is correct.

Mr. GERALD R. FORD. And roughly $200 million in authorization above the proposed appropriation for fiscal year 1973?

Mr. QUIE. The gentleman is correct.

I would also say to the gentleman that our committee has probably done better on this conference report in staying close to the budget request than on any piece of legislation we have brought before the House.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Speaker, the gentleman from Washington (Mr. MEEDS), who was in the well a moment ago deplored the fact that provision for the Legal Services Corporation, had been stricken from the conference report. Next, I listened carefully to the ranking minority member of the Committee on Education and Labor, Mr. QUIE—who stated that one of the faults with the corporation was its lack of accountability to the Congress. I agree with the latter view. The Legal Services Corporation provides for little or no control by Congress.

Some of my colleagues may be wondering why I am taking this time. The reason is that I just want to be sure and certain that the Legal Services Corporation is dead. It is sort of like visiting a funeral home, not to pay your respects or condolences, but to be certain and positive that the reports of the demise of the alleged deceased is accurate.

I want to be sure that there is no Legal Services Corporation in this conference report; is that correct, Mr. Chairman?

Mr. PERKINS. That is gone. We go back to the old law, the present law.

Mr. RANDALL. Well I want to add that the Congress has had a most unfortunate experience with creating corporations. In the matter of the Postal Corporation or Postal Service as it is sometimes called we created something like a corporation replete with officers and directors but the Congress lost all contact and control. Today the Service can bring people from anywhere in the United States and put them into postal jobs in any of our districts.

As we understand, this Legal Services Corporation, it is completely beyond accountability to the Congress. They could appoint someone like the notorious William Kunstler, or a person with similar views and pay him a salary of $100,000 a year and none of us in the Congress could do anything about it; is that correct?

Mr. PERKINS. I do not think it would have gone that far.

Mr. RANDALL. You would agree there is the possibility; is that correct?

Mr. PERKINS. I hardly think so. The Legal Services Corporation is a dead duck now.

Mr. RANDALL. Thank you very much, Mr. Chairman.

One more comment. When this bill was before the House I was with the gentleman on the funding for our older citizens; yet with this improvement we still have some grave doubts about the administration of portions of the program. Perhaps the gentleman knows, and I hope my fellow Members know, that we happen to have had the job of chairing the Subcommittee on Government Operations which has been looking into the matter of 60 students who are traveling over in Europe on poverty funds. I can report we will continue this inquiry next week. At this point it looks like nearly half of those or at least more than a third did not come from families within the established poverty guidelines. Also there is some evidence that those who made the trip were related to employees and/or members of the board of directors of the Monmouth, N.J., community action program.

We all recognize the worthwhile overall goals of the poverty program. Is it the gentleman's conclusion, and you have been familiar with the program for years that the administration and management have improved over the years, with the exceptions, of course, of some few incidents like these students improperly traveling abroad? It has been my observation the administration of the poverty program has come a long way in its improvement since the early days when we had the LeRoy Jones Theatre—the "hate-white theatre"—in New York, and other things of that kind.

Mr. PERKINS. Let me state to my distinguished colleague that the Congress in my judgment never intended any such administration of any program of that type. It was an error on the part of someone. As I understand the situation, as soon as the Office of Economic Opportunity found out about the proposal, they canceled out the grant, which they should have done forthwith. That is what I understand, that they did this.

Mr. RANDALL. That points up the importance of the Governor of a State retaining a veto over such programs as legal services. As I understand it the Governor of New Jersey vetoed or canceled the funds for grants for the 60 students to travel abroad as a part of the poverty program.

Mr. PERKINS. The gentleman is correct.

Mr. QUIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Speaker, I take this time to inquire about the language which we find on page 15 of this report, entitled "Rural Programs." Under this legislation we have listed a series of activities that the OEO can carry on as a supplement to existing similar programs under agricultural law.

The first question I would like to ask the chairman of the committee is this: How does this program differ from the Farmers Home Administration law on the books or the new Rural Development Act which was signed into law last week?

Mr. Speaker, I am talking about the language on page 15 of the report, part B—"Rural Programs," starting with the "Statement of Purpose" and then I will get to the "Financial Assistance" part of it. How does this differ from existing law under the Farmers Home or the new Rural Development Act?

Mr. PERKINS. Mr. Speaker, if the gentleman will yield, this is a provision that was in the Senate bill. It was not in the House bill. The conferees agreed to it in conference.

Mr. KYL. But how does it differ from existing law? I do not care where it started. I want to know what it means. I am talking about section 722(a) which says:

> The Director is authorized to provide financial assistance including loans . . .

Mr. Speaker, does it include grants? It says "including loans."

Mr. PERKINS. I construe that to mean loans as well as grants.

Mr. KYL. It is the gentleman's opinion and the committee's opinion that these funds will all be disbursed as loans and not grants?

Mr. PERKINS. I construe this sentence, even though it uses the words "including loans" to mean both.

Mr. KYL. If that is firm in legislative history, let us move forward. Is it assumed OEO would consolidate the Farmers Home Administration loans?

Mr. PERKINS. The Farmers Administration administers this program here, as I understand, through delegations. This has made some change from the present program, presently administered by the Farmers Home Administration.

Mr. KYL. Is this an amendment to the Farmers Home Administration Act?

Mr. PERKINS. No. It is the OEO amendment, but the program is currently operated by the Farmers Home Administration.

Mr. KYL. But all this language on page 15 involving all this action could be administered by Farmers Home Administration? And it will be administered by OEO?

Mr. PERKINS. Section 28 of the conference report specifically prohibits the delegation of title VII.

Mr. KYL. May I ask a further question?

Mr. PERKINS. Let me say to my distinguished colleague that from the outset the Economic Opportunity Act when first enacted into law in 1964 had a rural program in the bill, and that program was delegated to the Farmers Home Administration to administer. This makes some amendments.

Mr. KYL. May I ask the gentleman further, when it comes to establishing new industries, and so forth, is there an antipiracy provision attached to this legislation?

Mr. PERKINS. Let me say to my distinguished colleague that there is no such provision, as I read it. We have very little industry in the rural areas. This is an incentive, as I see it, to try to attract industry to those areas.

Mr. KYL. This originated in the Senate or in the House or somewhere else. Does the gentleman say that if a new industry is set up in a new area, we will pay no attention to whether they steal that industry from some other area of the country or not?

Mr. PERKINS. Let me make this statement. There is no piracy here involved. This is trying to make loans for the purpose of establishing some industry where they do not have industry. I do not believe we are robbing Peter to pay Paul with a provision of this kind.

Mr. KYL. When the rural development bill was before the House, the House apparently did not buy that, and insisted that we have a strong provision.

A moment ago the chairman said that these were all loans, not grants. If the gentleman will look at subparagraph (b), he will see it says:

> The Director is authorized to provide financial assistance to local cooperative associations—

And so on, and then this language:

> for the purpose of defraying all or part of the costs of establishing and operating cooperative programs for farming, purchasing, marketing, processing—

And so forth.

Are those loans, or are they grants?

Mr. PERKINS. The costs which may be defrayed are specifically listed in section 722(b).

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. QUIE. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. KYL. Mr. Speaker, I yield further to the gentleman from Kentucky.

Mr. PERKINS. This is broader language. It could be a defraying of all or part of the costs of establishing and operating cooperative programs for farming, purchasing, marketing, processing, and to improve their income as producers, et cetera. It also says:

> Costs which may be defrayed shall include but not be limited to—
>
> (1) administrative costs of staff and overhead;
>
> (2) costs of planning and developing new enterprises;
>
> (3) costs of acquiring technical assistance; and
>
> (4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

Mr. KYL. Let me ask the chairman another question.

If I get 15 low-income farmers together in my area, and they decide to form a cooperative for the purpose of buying and selling, am I to understand that under this language the Government can pay all of their administrative costs, staffing, overhead, and development costs of the enterprise, as well as the costs of acquiring technical assistance and initial capital? Could all of that come forth under this program?

Mr. PERKINS. Under the language it is broad enough to make loans to cover the whole situation.

Mr. KYL. Loans or grants?

Mr. PERKINS. Loans and grants to cover the situation.

Mr. KYL. Are these loans or grants, or are they both?

Mr. PERKINS. It is my construction of the whole section that loans and grants are intended.

Mr. KYL. May I ask the gentleman from Minnesota his construction of the language in this bill? Is it all loans with no grants?

Mr. QUIE. I cannot read it that way myself, because I see it is left open.

The gentleman from Kentucky refers to the fact that this is like the old law. That I have not refreshed myself on, as to whether that is a law which provides for grants or not.

On the aid to cooperatives, groups of poor farmers can get together now under what was the law. We do not have a present law under OEO, because that all expired. Under that law, they could run a cooperative. I doubt they were limited to loans.

Mr. PERKINS. Mr. Speaker, if the gentleman will yield further, we have had loans in the original act ever since we enacted the act in 1964. I do not know whether they intended any grants here or not. In my judgment, it is loose language.

Mr. QUIE. I suggest, from a reading of the articles of the cooperatives, there was grant money involved. I would be glad to stand corrected, but that is my recollection. It seems to me this authority was the salvation of all the authorities in the present law. There is some additional authority, because if you will turn over to part C on the support program, it spells out there in section 731(c) that the director shall provide directly or through grants, contracts, or other arrangements such technical assistance and training of personnel, and so forth. There it is clear and it is spelled out, and we know what they are talking about. You are

referring to part (b) of section 722 where the director is authorized to provide financial assistance to local cooperative associations. It was my assumption that it was being done the way it was under the old law and therefore I thought it was being done through grants.

Mr. KYL. Will the gentleman from Minnesota say that the administration under this act would be under the Agriculture Department unless there was specific delegation to the OEO?

Mr. QUIE. I would say it would be under the OEO unless there was a specific delegation by the OEO to the Department of Agriculture.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. I thank the gentleman for yielding me this time.

On that same point—and I hope the gentleman from Iowa will stay here for this discussion—I would like to point out that it would be entirely possible for 15 well-to-do farmers to form a cooperative under the language, at least as a casual reading would so interpret it, because it does not limit participation in the cooperatives to low-income farmers but simply says that these may be assisted in rural areas containing concentrations or substantial numbers of low-income persons. The "low income" refers to areas and not to those eligible to take part in the cooperative's formation. I do not see how this can be read other than to authorize a grant of substantial amounts of money to cooperatives. It says all or part of the cost of establishing and operating the cooperative programs for abstract purposes.

Mr. STEIGER of Wisconsin. Will the gentleman yield to me?

Mr. FINDLEY. I yield to the gentleman.

Mr. STEIGER of Wisconsin. May I again go back to the point that the gentleman from Minnesota made? This is not new authority. Since its inception in the Economic Opportunity Act it has had authority in rural areas and in those sections of the country with substantial concentrations of low-income families, such as in Hawaii, New Mexico, Alabama, and a number of States across the country in which cooperatives have been formed and loans have been granted.

Mr. FINDLEY. Can the gentleman say with certainty that this is the language that has been on the books previously, or is it a redraft of this language?

Mr. STEIGER of Wisconsin. No, I cannot say with certainty, because I do not have a copy of the OEO Act in front of me, but without being able to tell you for certain which words have changed, it is a restatement of the present act. I do understand, however, that the present act authorizes loans only.

Mr. FINDLEY. It seems to me to be wide open authority. Of course, there is a limitation of funds, but within the money available it permits the director of OEO certainly to finance a multitude of operations in areas where cooperatives may be formed.

Mr. PERKINS. Will the gentleman yield to me?

Mr. FINDLEY. Yes. I am glad to yield to the gentleman.

Mr. PERKINS. The intent of this program was to help the poor farmers and cooperatives and not permit the well-to-do cooperatives or farmers to operate under this program. It specifically refers to low-income farmers. Of course, that is reasonable, that a farmer would be able to receive something under this act if he qualifies.

This is an amendment to the original bill. And if you will notice in that paragraph there, section 722, it is clearly loans, and especially section 722(a) where we provide financial assistance "including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more than $3,500 at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of effecting a permanent increase in the income of such families."

That is clearly a loan, and cannot be made to wealthy farmers.

Mr. FINDLEY. The language to which I referrred was subsection (b), and as far as I can see there is no direct relationship between (a) and (b). Subsection (b) authorizes very clearly the granting of sums to provide all or part of the cost of operating cooperatives, and it does not restrict such cooperatives to low-income persons.

Mr. PERKINS. It says:

The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose—

And so forth.

Mr. FINDLEY. That refers to the area and is not a qualification for participation in the cooperative.

Mr. QUIE. Mr. Speaker, if the gentleman will yield, I would say that if you go down to where it says:

Costs which may be defrayed shall include but not be limited to—

And then go to (4), it says:

initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

I think the interpretation of that would be that, first, the family has to be in poverty and, secondly, it has to be in an area where there is a general condition of poverty. It cannot be where there are some poor families in areas where there is affluence, if there is such a thing in rural areas.

Mr. FINDLEY. I want to say to the gentleman further that that may be the intention, but the least that can be said about this section is that it was very sloppily drawn because the words which precede items (1), (2), (3), and (4) say "Costs which may be defrayed shall include but not be limited to—".

Mr. QUIE. I know.

Mr. PERKINS. Mr. Speaker, will the gentleman yield further?

Mr. FINDLEY. I yield further to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, section 723(a) under "Limitations on Assistance" says:

No financial assistance shall be provided under this part unless the Director determines that—

and I think this clarifies it—

(1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

That is a limitation that applies to the whole of section 722(a) and 722(b).

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the disinguished gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time so that I may ask three questions.

First, the chairman, the gentleman from Kentucky (Mr. PERKINS), I am sure recalls the amendment which he offered in committee for a new housing program under OEO for the poor in rural America.

Mr. PERKINS. That is correct.

Mrs. GREEN of Oregon. Is that still in the conference report?

Mr. PERKINS. That is in the conference report?

Mrs. GREEN of Oregon. Is there any provision for coordinating this new housing program for rural people with the multiplicity of other housing programs we already have for rural America?

Mr. PERKINS. Let me say to the gentlewoman from Oregon that this was suggested, planned, and formulated by rural Americans from North Carolina, Wisconsin, and other States who came before the committee saying that the present rural housing programs were completely inadequate and not working, and there was just enough money here in the authorization for the $10 million for an experiment by the OEO. The rural areas of the country by and large have been bypassed completely by the Federal housing efforts.

Mrs. GREEN of Oregon. I remember, the time the gentleman offered it, I called the Committee on Banking and Currency and asked how many housing programs we had for rural America and the answer from the chief of staff was—"Oh, a slew of them."

I said, "How much did we spend last year?" It was several hundred million dollars—I have forgotten how much.

Does the gentleman feel that with the several programs we already have and with several hundred million dollars being spent that if they will not work, that now with a new program under a new agency—OEO— with $10 million it will work. It will eat up new administrative costs in the new bureau or agency—that we can be sure of.

Mr. PERKINS. This is more or less an experiment. I think the money will be well expended and I hope the money is appropriated in order to allow some demonstration projects that will prove beneficial to rural America insofar as housing is concerned.

In my area, the Appalachian area, housing is the greatest problem that we have and the other programs have not worked in the rural Appalachian area.

Mrs. GREEN of Oregon. I thank the chairman. Though, I am not persuaded

a "war on poverty" housing program will better insure good programs than HUD or Farmers Home Administration housing programs. The second question goes to the tendency on the part of the OEO experts to transport youngsters to various parts of the world with taxpayers' dollars. The most recent one which has created a great deal of press comment is in regard to the 67 youngsters from New Jersey who were taken on a trip to Europe and to Africa with "War on Poverty" funds. The chairman may recall that a few years ago the OEO took a group of youngsters to South America for the summer months and the explanation from the Director of the OEO at that time was to give them cultural advantages—that rich young people traveled abroad—why was it not all right for poor children to have the same opportunities?

If the chairman recalls, I offered an amendment designed to stop this traveling abroad at taxpayers expense—unless it was to become Federal policy to provide funds for all young people to travel abroad courtesy of the American taxpayers.

Then there was a more recent incident where the OEO brought presidential scholars who qualified under the poverty guidelines—brought them to Washington with all their expenses paid while other presidential scholars in my area and in other areas had to work during the summer picking beans and berries and working in various kinds of activities to pay for their trip back here and to pay for their expenses even though they were also presidential scholars. But OEO paid for the selected ones.

I can recall these three instances and I suspect that for everyone that we know about, there are others that happen.

Would the chairman tell me—is there anything in the conference report that would prevent—I mean an affirmative action or statement on the part of the conferees that the OEO is forbidden from spending poverty funds to take youngsters to foreign countries for the summer or other times, or paying their expenses back here to Washington on trips which other young people pay for with the money they earned? It seems to me very unfair that middle-income kids have to work to pay their expenses—but individuals under the Office of Economic Opportunity have the free ride.

Is there any language that would prevent these kinds of expenditures in the future?

Mr. PERKINS. Let me say to the gentlewoman, in my area not one-third of the youngsters who are eligible to participate in the poverty programs have that opportunity. It was never intended that the program be administered in the way that the gentlewoman describes—traveling abroad and paying expenses—was not the intention of the committee or the part of the Congress.

Mrs. GREEN of Oregon. I thank the gentleman.

Mr. PERKINS. I think it is an arbitrary decision where the administrators of a program make decisions of that type and I think they are clearly violating the intention of the Congress and of the law. I do not know of any specific provision in the bill prohibiting traveling abroad because it was intended that these funds be to benefit the poor in the United States.

Mrs. GREEN of Oregon. Then the answer of the chairman is that there is no language that actually would prohibit them from doing this in the future?

Mr. PERKINS. Well, I have not heard of that many instances, but I do know the Governor of New Jersey, our former colleague, vetoed it just as soon as he learned of the situation and as I understand, the grant was canceled because it went far beyond the intent of the Congress.

Mrs. GREEN of Oregon. The third question I would like to ask is this.

During hearings in the committee on the ACTION program, and ACTION sponsored programs connected with colleges and universities where college and university students are doing volunteer work in a community, if the chairman will recall, I brought to the attention of the committee that ACTION required as a criteria for eligibility for Federal funds that any institution of higher education must agree to give students academic credit at that university for community work the students did. If the chairman recalls, I introduced an amendment which would prohibit the OEO from requiring as an eligibility criteria the granting of credit to students. The committee and the House approved this amendment.

The reason I offered the amendment was because it seemed to me that this is a very unwise departure on the part of the Federal Government and of the Congress to get into the internal operation of a college or university and require it to give credit for a specific program for which the university or college itself might or might not want to grant credit.

Mr. PERKINS. I certainly agree with the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Is this provision in the conference report?

Mr. PERKINS. I never have disagreed with the gentlewoman along that line. It is not intended that the OEO interfere with the workings of any college.

Mrs. GREEN of Oregon. But my question, Mr. Chairman: Is that amendment that I offered and that was approved by the House—is that a part of the conference report, or was it deleted?

Mr. PERKINS. I am not certain, but I know that I supported your position. I supported the gentlewoman on that amendment in committee.

Mrs. GREEN of Oregon. I want to direct the attention of the chairman to page 25 of the conference report, it refers to this:

> The House bill prohibited any funds appropriated for programs administered by the Office of Economic Opportunity or ACTION from being used to finance any activity in which students in higher education perform voluntary or community service where, as a condition for eligibility for funds, an institution is required to award credit to students for training or experience derived from such voluntary or community service. There was no comparable Senate provision. The House recedes.

So, I must assume that the House did recede and that it is not a part of the conference report.

Mr. PERKINS. I have had my recollection refreshed by counsel. He tells me, and it is true, that the universities in the country requested that we drop the program because they felt that they could not give credit for the university year for ACTION program, and at the urging of the universities the section was dropped in conference.

Mrs. GREEN of Oregon. You say the universities felt that they could not give credit? That is what my amendment provided—that ACTION or no other agency could require a university to give academic credit for community work.

Mr. PERKINS. If your amendment was adopted, that is correct.

Mrs. GREEN of Oregon. But as a result ACTION may continue to require universities to give credit now because my amendment was deleted in conference.

Mr. PERKINS. No, they are not required to give credit.

Mrs. GREEN of Oregon. You just said, "No, they are not required to give credit"—and yet the House receded on the amendment, so I must assume that ACTION is free to continue its policy to require a college or university to give credit to students funded by Federal programs under ACTION's jurisdiction or the university will not receive the funds.

Mr. PERKINS. It is not required. It is my hope that the universities will work out an agreement with ACTION to their mutual satisfaction and that no one will be forced to do anything against their will.

Mrs. GREEN of Oregon. The chairman says "it is not required"—but neither is it prohibited. I read from the conference report just a moment ago and I fear the conference action will now be interpreted as congressional approval of ACTION's policy in the past. Mr. Speaker, for these three reasons and others, I find myself in a position where I cannot support the conference report. Some individuals may view any vote against "war on poverty" funds the same as a vote against "God, mother, or country." Yet when millions and millions of dollars appropriated to try to end poverty—are indeed spent for other purposes—it seems to me, at a minimum hypocritical, and even a betrayal of the interests of the poor to allow funds to be continually wasted or misspent. In Federal, State, and local funds, this country is spending more than $40 billion a year on programs designed exclusively for the poor; this includes welfare, public housing, food stamps, medical services for ADC, et cetera; programs for which middle-income Americans are not eligible. The OEO or war on poverty funds comprise only a fraction of the total—but of all the other programs to help the poor, I know of few examples that can match OEO in waste, inefficiency and in some instances outright misuse of moneys appropriated.

It is high time we reviewed the duplication, the overlapping, the waste and put money only in those programs that

have an affirmative record of accomplishment.

The SPEAKER. The time of the gentlewoman from Oregon has expired.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Speaker, I did sign the conference report, and I shall not therefore today vote against the conference report. If I detect the sentiment of the House, it is weary of the efforts to secure passage of legislation extending the Economic Opportunity Act in such a fashion that it will incur no veto by the President. In all honesty I must say that such an appoach is unbecoming the role of an independent legislative branch of the Government.

The conference report authorizations have been reduced to levels below those which can make a meaningful commitment to a major domestic problem; also 2 years' effort to establish a procedure by which legal services programs could be insulated from political manipulation and effectively administered with inputs of professional standards and the needs of poor clients has been thwarted by the threat to the conference that if the Legal Services Corporation were retained in the bill and the funding levels for poverty programs were not substantially reduced, the President would veto the poverty bill for the second time.

Mr. Speaker, George Orwell's prediction for 1984 has missed the mark by 12 years. It is here now just as in the name of peace we are waging war; just as we are repudiating the "welfare ethic" we are doubling the welfare roll during the current administration; just as we have been "moving in the direction of full employment" we have doubled unemployment.

Mr. Speaker, in this stage of events the administration apparently feels free to ignore even recent history for its actions of the day. In connection with the Legal Services Corporation, let me remind my colleagues that on May 5, 1971, with great fanfare the administration submitted its proposal to establish a Legal Services Corporation. The bill, H.R. 8163, was introduced on May 6 by Mr. QUIE for himself and Mr. GERALD R. FORD, Mr. ERLENBORN, Mr. DELLENBACK, and Mr. POFF.

That measure called for the formation of an independent Legal Services Corporation governed by an 11-member Board of Directors appointed by the President with the advice and consent of the Senate. No more than six members of the Board could be a member of any one political party.

In this respect the proposal differed markedly from bipartisan legislation introduced by me and by 102 other Members of the House on March 18. There was a marked difference because the legislation of March 18, H.R. 6360 and H.R. 6361, would have truly insulated the Corporation from political manipulation by requiring a 19-member Board of Directors to be composed of six legal organization members—that is the president of the American Bar Association, the president-elect of the American Bar Association, the president of the National Legal Aid and Defender Association, the president of the American Association of Law Schools, the president of the American Trial Lawyers Association and the president of the National Bar Association—six members, three selected by the Clients' Advisory Council and three selected by the Project Attorneys' Advisory Council; five members appointed by the President; one member appointed by the Chief Justice of the United States and one member to be the Executive Director of the Corporation selected by the Board.

Such a composition, in my judgment and in the judgment of the numerous cosponsors of this legislation, would have truly insulated the Legal Services Corporation from political manipulation but at the same time assuring the formulation of sound and effective policies governing the provision of legal services to the poor.

In my judgment, these strong provisions in H.R. 6360 were substantially diluted in the process of clearing the measure through the Education and Labor Committee, when the Legal Services Corporation became a new section in H.R. 10351 reported by the Education and Labor Committee on September 8, 1971 (H. Rept. 92-471).

Mr. Speaker, the legislation to create a Legal Services Corporation received careful study and consideration by the committee. Hearings were held for 6 days in March of 1971, 11 days in April, 10 days in May, and 2 days in June. Subsequently, the proposal was debated and amended in five open legislative sessions of the committee in July.

As the measure passed the House, the Legal Services Corporation Board of Directors was to be appointed largely at the discretion of the President. In this respect the appointing power read as follows:

SEC. 1004. (a) The Corporation shall have a board of directors consisting of seventeen individuals appointed by the President, by and with the consent of the Senate, one of whom shall be elected annually by the board to serve as chairman. Members of the board shall be appointed as follows:

(1) one member shall be appointed from lists of nominees submitted by the Judicial Conference of the United States;

(2) seven members shall be appointed from among individuals in the general public, no fewer than three of whom shall be members of the bar of the highest court of a jurisdiction;

(3) two members shall be appointed from among individuals who are eligible for assistance under this title after due consideration is given to the recommendations of the client members of the Advisory Council as established in 1003(c);

(4) two members shall be appointed from among former legal services project attorneys after due consideration is given to the recommendations of the attorney members of the Advisory Council;

(5) one member shall be appointed from lists of nominees submitted by the Association of American Law Schools;

(6) four members shall be appointed from lists of nominees submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association. Members appointed under this clause subsequent to the initial board shall be from lists submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association in accordance with procedures established by the board of directors.

Following passage by the Senate, the ensuing conference report gave the President greater control who was to serve on the Board. In this regard the conference report (H. Rept. 92-682) provided:

"SEC. 904. (a) The Corporation shall have a board of directors consisting of seventeen individuals appointed by the President, by and with the consent of the Senate, one of whom shall be elected annually by the board to serve as chairman. Members of the board shall be appointed as follows:

"(1) Six members shall be appointed from among individuals in the general public, not less than three of whom shall be members of the highest court of a State.

"(2) Two members shall be appointed from lists of nominees submitted by the Judicial Conference of the United States.

"(3) Two members shall be appointed from among individuals who are eligible for assistance under this title from lists of nominees submitted by the Clients Advisory Council.

"(4) Two members shall be appointed from among former legal services project attorneys from lists of nominees submitted by the Project Attorneys Advisory Council.

"(5) Five members shall be appointed as follows—

"(A) one member from lists of nominees submitted by the American Bar Association;

"(B) one member from lists of nominees submitted by the Association of American Law Schools;

"(C) one member from lists of nominees submitted by the National Bar Association;

"(D) one member from lists of nominees submitted by the National Legal Aid and Defender Association; and

"(E) one member from lists of nominees submitted by the American Trial Lawyers Association.

Each initial list and any subsequent list shall include at least three and not more than ten names for each position to be filled.

Despite this, though both Houses approved the conference report extending the Economic Opportunity Act and making provision for the Legal Services Corporation, the President vetoed the measure on December 9, 1971.

On February 2, 1972, following additional hearings and markup of new legislation, the Education and Labor Committee reported H.R. 12350, the Economic Opportunity Amendments of 1972. Again, the measure included provisions for the creation of a National Legal Services Corporation vesting in the President largely the power to appoint the Board of Directors but not vesting in him the total discretion which he had called for in H.R. 8163.

Upon Senate passage of H.R. 12350, House and Senate conferees diligently hammered out the differences in the bill and in a conference report filed on July 26, 1972, made provisions for the creation of a Legal Services Corporation vesting far more discretion in the President in appointing the Board of Directors than was provided in either the House or Senate-passed versions of H.R. 12350.

I had grave misgivings about the propriety and most certainly the legislative

wisdom of giving the President more power in the appointment of Directors than either the full House or the full Senate had been willing to do in their original treatment of H.R. 12350. Nevertheless, we were bluntly told by those who were purported to know the wishes of the White House that unless this kind of power and authority over the Board were given to the President there was a very good chance that the President would again veto an extension of the Economic Opportunity Act.

Mr. Speaker, sooner than the ink was dry on this conference report (H. Rept. 92–1246), the rumors were prevalent that the conference report faced almost certain Presidential veto. Undoubtedly this influenced the recommital by the Senate of the conference report.

Mr. Speaker, the new conference report on H.R. 12350 (H. Rept. 92–1367) filed on August 18, 1972, contains a "bare bones" extension of the Economic Opportunity Act. Deleted are the additional authorizations for the Economic Opportunity Act which cleared the House of Representatives in both previous bills. Authorizations for Headstart are sharply reduced and provisions to create a Legal Services Corporation have been deleted entirely.

Mr. PERKINS. Mr. Speaker, I yield the remainder of my time to the distinguished gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I wish to address my remarks to one specific section of the conference report.

Section 16, "Special Assistance," empowers the Director to provide financial assistance for programs designed to serve low-income individuals, particularly the elderly, who are not being effectively served by other OEO programs.

This section is the direct result of an amendment I offered on the floor of the House on February 17, 1972. The amendment in turn was a result of hearings held by Field Subcommittee No. 1 of the Education and Labor Committee in New York in June, 1971.

Testimony was presented to this subcommittee by S. Elly Rosen representing the Association of Jewish Antipoverty Workers. Mr. Rosen contended that the Jewish poor in New York City were not being served by the poverty program.

Upon the conclusion of the hearings, I asked both OEO and the New York City Human Resources Administration, to conduct separate investigations of Mr. Rosen's charges.

These investigations subsequently confirmed the substance of Mr. Rosen's allegations. The reports concluded that large numbers of the poor in New York City resided in areas other than the 20 officially designated poverty neighborhoods and were not, therefore, eligible to participate in OEO-sponsored programs. The reports also noted that the vast majority of OEO programs were designated to serve the young and that the elderly poor who did in fact live in the 20 poverty neighborhoods were not being served by these programs.

New York City reacted to these findings in a positive way. A $1 million grant was obtained from the State for the Jewish Agency for Service for the Aged to establish a citywide program to serve the needs of the Jewish elderly poor whether or not they resided in officially designated poverty areas.

More recently, Human Resources Administrator Jule Sugarman met with representatives of other ethnic groups, Italians, Greeks, and Orientals, to devise programs which will serve the poor amongst them who are not currently being served by OEO programs.

Mr. Speaker, I have supported and will continue to support the Office of Economic Opportunity and its emphasis upon helping the youthful low-income population break the cycle of poverty.

However, there are low-income individuals, primarily the elderly, who are not currently receiving services from OEO either because they reside in areas not within the jurisdiction of community action agencies or because they are elderly and are not part of a prime target population of OEO.

I wonder if the gentleman from Minnesota (Mr. QUIE) would not also attest to the fact that it is the consensus of the Congress and the intent of the Congress that the elderly poor be served in meaningful ways?

Mr. QUIE. Mr. Speaker, if the gentleman will yield, the gentleman is correct. The elderly poor should be served in a meaningful way. But I do not say that we should include them here in a duplicatory program at all. The Older Americans Act is where we intended they be served, but if they are not being served in some instances there, at least there is authority to serve them here. But I hope the Director will not have duplicate programs that will duplicate programs under the Older Americans Act.

Mr. SCHEUER. None of us want duplicative programs, but it is clear that some of the elderly poor are not being served by any Federal program. It is my hope that section 16 will be used by the Director of OEO to support efforts, such as those of New York City, to remedy this situation.

Mr. QUIE. If the gentleman will yield further, another thing that bothers me, and I like it better here, in this language we do not lay out what we are going to do and then do not do it. I think one excellent program was in the nutrition bill but it included more people than we could ever fund. I think we ought to zero in on the target, and not promise to do more than we can do.

Mr. SCHEUER. I thank my colleague, the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. STEIGER).

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, it is with mixed emotions that I rise in support of the conference report. Although the legislation contains many programs of vital importance to the quality of life in our Nation, I feel that we have missed the opportunity to significantly improve the delivery of legal services to the poor. The conferees voted to delete the provision for an independent nonprofit Legal Services Corporation only after making every reasonable attempt at compromise. After more than two intensive years developing the proposal for a corporation, I feel deeply disappointed that we will not see enactment of this measure during this session. Since the independent Legal Services Corporation has twice been approved by the House, I believe my colleagues deserve a full and detailed explanation of the attempt by the conferees to develop a workable compromise.

THE VALUE OF THE LEGAL SERVICES PROGRAM

There is no question, Mr. Speaker, that the legal services program has been one of the most controversial agencies of the Federal Government. That is to be expected, when thousands of heretofore unrepresented citizens gain access to the rights and remedies in law that have been designed for all Americans. Yet in spite of the critical attention focused on the program, it has generally enjoyed the support of leading citizens, both in and out of Government. As Vice President SPIRO T. AGNEW recently told the Texas Bar Association:

> Since the inception of the Legal Services Program, most members of the American Bar have demonstrated their continued and steadfast support for it. In a variety of ways, our profession has proven its sincere interest in providing legal assistance to the poor. This is indeed commendable.
>
> The Legal Services Program has done a great deal of good by furnishing poor people with legal counsel and effective access to the courts. The lawyers in the program have generally reflected great credit on our profession through their dedication to the concept of justice and their willingness to sacrifice self-interest in order to help poor people.
>
> I want to emphasize that I am very much in favor of providing legal services for the poor. Inability to afford counsel should not and must not affect one's right to justice. Furthermore, contrary to what you may have heard, I am not opposed to suits against government to redress grievances. Anyone with a legitimate grievance against a governmental agency or instrumentality should have the opportunity to obtain a resolution of that grievance.

THE PROPOSAL FOR AN INDEPENDENT CORPORATION

As the Vice President has noted, those with legitimate grievances against governmental instrumentalities must have an opportunity to obtain justice. Unfortunately, it has become all too clear that such a program cannot effectively preserve the attorney-client relationship if it is itself an ordinary instrumentality of the Federal Government.

In recognition of the problems created by locating legal services in the Office of Economic Opportunity, the President's Commission on Executive Reorganization declared:

> We believe strong that its (the Legal Services program) retention in the Executive Office of the President is inappropriate. At the same time, it is a unique Federal program which extends the benefits of the adversary process to many who do not have the ability to seek legal help.
>
> In our view, this program should be placed in an organizational setting which will permit it to continue serving the legal needs

of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate * * *

Therefore, we recommend that the functions of the Legal Services program be transferred to a non-profit corporation chartered by the Congress.

The proposal to establish an independent corporation received the strong support of President Nixon in the spring of 1971:

This program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of the system of justice.

MEETING THE CONCERNS OF THE PRESIDENT

Since that time, the debate has centered not on the question of whether there should be a Legal Services Corporation, but rather on the degree of independence that institution should be given. The Congress has felt that the highly respected bar associations and legal aid groups should play a specific role in selecting members for the Board of Directors. Such legislation has twice been approved by both the House and the Senate. The President, however, has expressed a desire to have a free hand to select the Board. Also, in vetoing the initial version of this legislation, the President asked that steps be taken to: first, insure the accountability of the corporation to the American people; second, establish a degree of control by our governmental authorities; and, third, confine the activities of program attorneys to the purposes for which the program was designed—legal representation of the indigent.

Both Houses gave detailed attention to the President's concerns during the spring. In the Senate, every administration-sponsored amendment was accepted on the floor. The conference committee met in July amidst speculation that unless we further altered the legislation, the bill would be vetoed. The veto rumors came only from low-level officials—never from the President himself. I contended that we should not make further changes, since we had been reasonable in giving the President freedom to directly appoint a majority of the Corporation's Board of Directors and to choose the rest from lists submitted by the Nation's highly respected professional bar and legal aid groups. I also argued that any further grant of power to the Executive over appointment to the Board of Directors would unnecessarily weaken the independence of the Corporation from the political process, the very problem this mechanism had been designed to deal with.

The Senate conferees, however, seemed less interested in designing a bill to meet the needs of the legal community than in setting up an organization to fit every requirement of the executive branch.

Mr. Speaker, careful consideration of the conference report submitted to this body on July 26 will demonstrate that the conferees had paid close attention to the issues raised by the President, and forthrightly met every objection. I shall include an analysis of that report in the RECORD following my remarks.

Basically, the conference granted the executive the power to appoint all members of the Board of Directors, removing the requirement that he choose some from mandatory lists submitted by the bar associations and legal aid groups. We insisted, however, that the legislation retain language allowing these knowledgeable organizations to make suggestions to the President for appointments to the Corporation's directorship. The conferees also placed strict prohibitions on lobbying and political activities, and provided for detailed oversight procedures for the Congress and the President.

The conference committee sent the bill back to both the House and Senate for final approval. We were set to vote and forward the bill to the President before the recess, when unexpectedly the Senate conferees decided to recommit the bill for further revisions—a highly unusual procedure.

We had no choice but to return to the conference, where the Senate's representatives told us they still feared a veto. They wanted us to remove even the provision which would allow the legal profession to submit nonbinding recommendations—which the President would be free to accept or reject—for membership on the Board of Directors.

I was convinced that the conference committee had already designed a bill the President could sign. I felt any further weakening of the legislation would break faith with the legal profession and the client community, seriously damaging the delivery of legal services to the needy. The Senate conferees, however, absolutely refused to approve any legislation unless it further undermined the independence of the Corporation. It became clear they had little interest in a strong legal services program, and that we would have no OEO bill unless some further compromise was achieved.

I then proposed that we keep the program within OEO and strengthen it by establishing an associate director for legal services, a prestigious advisory council, and removing the State's veto power. The House conferees agreed to this compromise, but the Senators still refused to go along.

At this point, the House conferees faced a dilemma: would the legal services effort be better off in a watered-down corporation, or would the program fare better by remaining unchanged in OEO? We consulted with a wide variety of project attorneys, client groups, and leaders of the American bar. It was their overwhelming opinion that the Senate's proposal was untenable, and that the program would be more successful in OEO than in an emasculated corporation. Acting on this advice, the proposal for the Legal Services Corporation was stricken from the bill.

Of course, despite this setback, the program will continue to function within the Office of Economic Opportunity. I continue to believe our original proposal was sound, and I remain heartened by the fact that it was twice accepted by both the House and the Senate. I am convinced that in time the administration and future conference committees will see the merit in approving a strong and independent Legal Services Corporation to serve people who cannot afford a lawyer.

The analysis referred to follows:

ANALYSIS OF HOW THE FIRST CONFERENCE REPORT (No. 92–1246, JULY 26, 1972) MET THE OBJECTIONS EXPRESSED BY THE ADMINISTRATION

I. ACCOUNTABILITY

Both the President and the Congress were given the authority to inspect the records of the Corporation.

The Office of Management and the Budget, and the Office of Economic Opportunity were allowed to review and comment on the budget and other activities of the Corporation.

State Bar associations were given the opportunity to review and comment upon grants to be made in their states.

The Executive Committee was structured to require that three of the five members come from the public appointees of the President.

Advance notice was required of all Corporation meetings, and such sessions were to be open to the public.

The Corporation had to make annual reports to the Congress and the President.

There was to be an annual Congressional review of funding for the Corporation (and it should be noted that the Administration's bill called for three year authorizations.)

Independent audits were to be made annually.

II. CONTROL

The legislation gave the President complete authority to appoint all members of the Board of Directors, and removed all requirements for mandatory lists, retaining only language allowing the bar associations and legal aid groups to submit non-binding recommendations.

The Administration fully controlled the transition since the Director of OEO was made the incorporating trustee.

The authorization for the Corporation was limited to two years (again, it should be noted that the Administration bill offered less control, in that it created a permanent authority.)

III. RESTRICTIONS ON ACTIVITIES

The conferees retained the language of the gentleman from Texas (Mr. Cabell) concerning standards of eligibility for the client community.

A strict prohibition was made on the use of legal services funding for all partisan and non-partisan activities on behalf of political candidates.

All employees of the Corporation were to be covered by the Hatch Act.

Employees of the grantees were strictly prohibited from using their official status or facilities for their private political activities, and the Board was allowed to issue guidelines to circumscribe these activities.

Members of the Board were prohibited from participating in decisions which would have affected programs in which they had an interest.

The outside practice of law was prohibited except in cases of specifically authorized pro bono work.

Soliciting and advertising were prohibited (a concern which had been overlooked in the original administration proposal).

Guidelines for appeals were established.

Neither funds nor personnel were to be utilized in any criminal proceeding. Also, the substance of the amendment offered by the gentleman from Missouri (Mr. ICHORD) was retained, giving the Corporation the authority to limit suits against law enforcement officials arising out of actions or failures to act in connection with criminal convictions.

In addition, strict limitations were placed upon the manner in which legal services attorneys pursue their activities. As Vice-President Agnew has noted, law reform is a legitimate activity, while certain concerns should be kept in mind: "Law reform . . . should be pursued through responsible professional representation before legislatures and governmental agencies and through amicus briefs or intervention in existing cases—not through demonstrations or other high pressure tactics."

The bill reported by the conference committee on July 26 directly addressed the issues raised by the Vice-President:

The House accepted the strict, administration sponsored controls in the Senate bill on legislative advocacy, limiting the role of legal services employees to requests by a client or member of a legislative body.

The legislation also forbade the legal services attorney to identify the grantee or corporation with the cause at issue. This concept reflected the idea that even a private law firm does not necessarily "identify" itself with its client's goals, even though it would provide complete and unqualified representation for its client's interests.

Extra-legal activities, particularly so-called "confrontation politics" were rigidly proscribed. This provision included prohibitions on illegal picketing, boycotting, demonstrations, and any violent activity.

STRENGTHENING THE CORPORATION

Since even this compromise was dropped when the bill was recommitted, the language of the July 26 report is no longer of crucial importance. However, in the interest of clarifying future discussions, I should like to address several items in the July 26 report essential to the development of a viable Legal Services Corporation.

I. TRANSITION PERIOD

Even though the conferees had deleted from section 903 any statutory requirement for the Director of OEO (as trustee) to consult with the National Advisory Committee on Legal Services in carrying out his responsibilities, the conferees, as strongly indicated in the July 26 conference report, fully expected the Director to utilize the expertise of, and consult with the NAC in carrying out each and every responsibility under this section. It was expected that the NAC would be consulted on a regular and periodic basis and would be provided the necessary resources to assist in carrying out these important functions. The conferees were referring to the NAC as constituted on 15 April 1972 as was detailed in the Senate provision in this regard.

The functions of the Director of OEO, as trustee, during the initial approximate 90-day period (until the first meeting of the Board) were limited to the functions specifically outlined in Section 903 (as qualified in Section 905).

The Conferees, and members of the relevant committees felt that the nature, operations, personnel, and commitments of the program in OEO should remain stable during the entire transition period. In fact, Section 916(b) required all personnel employed by the Office of Legal Services in OEO to be transferred to the Corporation. In the opinion of the conferees, it was not intended that the Director of OEO alter the direction or nature of the program during this period. It was hoped that the Director and the Board would cooperate during the second 90 day period in carrying out these sentiments.

II. LEGAL SERVICES LAWYERS SEEKING REFORM ON BEHALF OF THEIR CLIENTS

The Conferees adopted a Senate Amendment slightly altering the language and policy section regarding "securing orderly change" and "resort to orderly means of change" be stricken in favor of "settlement of disputes". This was intended to remove the connotation that legal services attorneys are overly aggressive in seeking change and authorized to seek change by lawless and violent means. Senator Javits stated on page 23259 of the Congressional Record on 29 June 1972 "this is a process of peaceful rather than revolutionary change." Senator Cooper, the proponent of the amendment stated "when I raised this question, I certainly did not want my proposal to suggest any inhibitions upon the right to seek change." Senator Cooper stated further "of course, according to the Canons of Ethics lawyers would represent the people in every proper way that would be required to represent them."

In addition, it was seen as clear from the statute and the reports of both committees that the recipients of legal services must be guaranteed the right to seek any lawful objective through any legally permissible means granted under our system of law. As President Nixon stated on 5 May 1971 in a message to Congress urging the creation of a National Legal Services Corporation: "The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so essential to our judicial process."

III. REGULATION OF PRIVATE POLITICAL ACTIVITIES OF EMPLOYEES OF PROGRAMS ASSISTED BY THE CORPORATION

Section 907 allowed the Board to promulgate appropriate guidelines relating to the private activities of employees of programs assisted by the Corporation. This provision was originally placed in the bill by the previous House/Senate Conference in November 1971. It was tied to the legislatively enacted language regarding the identification of the program or the Corporation with the private political activities of employees. In fact, the Corporation's authority in this area was necessarily limited because a distinction had been made in the legislation between corporate employees who would have been subject to the Hatch Act, and employees of program assisted by the Corporation who would have been restricted only by subsections (1) and (2) of Section 1502(a) of Chapter 15 of Title 5 of the United States Code.

IV. CLIENT ELIGIBILITY

The Conferees accepted the House Amendment, Section 906(a) with regard to the establishment of eligibility standards for clients. This amendment was introduced by the gentleman from Texas (Mr. Cabell) on 17 February establishing the authority for the corporation to prescribe criteria for the establishment of eligibility standards. The statement by Mr. Cabell and the colloquy with other Members indicate clearly that these guidelines should be flexible in terms of criteria and area of the country, that local governing boards would have been allowed to establish their own guidelines under these circumstances, and that this amendment was a further amplification of Section 906(a)(8).

V. CONCLUSION

I should like to note that all the conferees—representing both parties and the full spectrum of views on legal services—signed the July 26 conference report.

Mr. QUIE. Mr. Speaker, in answer to the colloquy with the gentleman from Iowa (Mr. KYL), I indicated to the gentleman that part B on page 15 of the conference report would go to the Office of Economic Opportunity unless the Director delegated it to the Department of Agriculture. When I sat down I realized I had not answered correctly, and on page 20 of the report there is a prohibition against the transfer of title VII of this act to another agency. Therefore it would be administered only by OEO and it would take congressional action in order for the Secretary to transfer it over.

Another comment I would like to make, since the gentlewoman from Oregon raised the question of sending young people to another country, I recall other instances of that nature, and as far as I am concerned one way we could help eliminate some of what I call mismanagement in the operation throughout the years would be to abolish the regional offices.

I do not like the regional offices, because they are not answerable to anyone. OEO finds out after it is done, here in Washington, and then they have the scandal or mismanagement on their hands.

I have always felt that regional office responsibilities ought to be handled through the States. Then if there were a situation like that, the Governor of New Jersey would have been responsible, because the administration in the State would have been under his auspices or under the State auspices. The Governor and the State legislature are answerable to the people of the State.

That is one of the problems with respect to this whole organization and the way it has been operated through the years, that the regional offices are not answerable to the people.

So long as that is the case, we are going to have trouble.

The Federal Government, in its effort to decentralize, moved to regional offices. It decentralized some of the operations, but that has not been effective.

The people in the regional office, when there is an important decision, turn it over to Washington. But the regional offices makes so many mistakes and is just not sufficiently attuned to the needs of the people as they are peculiar to a State.

I have said before in the committee, and back home, and I say here on the House floor, we ought to abolish the regional offices, and then we would have a better administration of Federal programs when the Federal Government deals through State offices.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I certainly agree that I would much rather see State administration. Then we might have a much better chance for success.

Would the gentleman also agree that if the Congress just wrote into the law that none of these funds were to be spent for travel of young people outside of the States that would cure it?

Also, at one time we had a $150 a month limitation on what could be spent for a disadvantaged young person, and that was first interpreted by the Federal Agency to mean $1,800 a year but more than $150 might be spent in any given month. Later, as I understand it Congress even removed the $150 a month limitation.

If the Congress would provide these provisions in the law itself—it would perhaps put a stop to the nonsense we are constantly confronted with.

Mr. QUIE. I would say the gentlewoman is absolutely correct.

Mrs. GREEN of Oregon. I am sorry it was not in the conference report a few years ago when the first abuses were called to the attention of Congress.

May I ask the gentleman from Minnesota his understanding of the provision so far as institutions of higher education are concerned. As I understand it now, if ACTION has a program and they pay students to work in a community effort—or a voluntary effort for pay, whatever they want to call it, OEO is now in a position to say to the university or the college, "Unless you give these youngsters academic credit at your institution of higher education for the work they have done, you are not eligible for any funds under the program."

Mr. QUIE. I believe we are talking about ACTION now, as having voluntary programs. Other than that caveat, I would say the gentlewoman is correct.

Mrs. GREEN of Oregon. Does the gentleman know of any time in the area of higher education when the Congress has gone into the internal management of colleges and universities and made a requirement that they give credit for specific programs funded by outside agencies?

Mr. QUIE. I would say the Teacher Corps is the one program I am aware of where it is necessary, if they are going to take part in the program, that they get a master's degree as a result of the Teacher Corps program.

Mrs. GREEN of Oregon. That is where they give a degree under the Educational Professions Development Act. But never have we gone to a university and said, "For this particular program of community work—you shall give credit."

Mr. QUIE. No, I do not know of any program where that is said. Of course, we are not saying that in the legislation here, either.

The question the gentlewoman had was whether the authority then remains to do it, and I would say yes, the authority remains. I do not believe they would be going contrary to law if ACTION set up a program and said that as a result of it they had to give credit for it.

I hope they will not operate that way. I hope it will be done on a cooperative basis, so that it is something the institution of higher education wants to do, rather than being something mandated on the part of the Government.

Mrs. GREEN of Oregon. I thank the gentleman.

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

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. In the present law there is a prohibition of Federal control. Section 614 states:

> Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

That is in the present Economic Opportunity Act, and remains unchanged.

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

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. COLLIER. I have listened to the series of inquiries made by the gentlewoman from Oregon, and I have sensed a great deal of doubletalk here.

One question she asked is why you could not write into this a specific prohibition.

Mr. QUIE. I would say to the gentleman that you can write it in legislation but not here, because this is the conference report. The other body already passed it. We do not have any means of getting at that. We could have done it when the bill passed the House.

Mr. COLLIER. That I understand, but the point is it is not there.

Mr. QUIE. Yes.

Mr. COLLIER. And it could be there. It could be clarified, and we would not have to engage in a lot of doubletalk.

Mr. QUIE. That is right. The scandal occurred too late for us to get it done when the House passed the bill.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 12350, the Economic Opportunity Amendments of 1972.

As a member of the committee of conference on this important legislation, I support the bill and urge its approval by my colleagues. The basic purpose of the measure is to continue the programs first authorized by the Economic Opportunity Act of 1964, with revisions.

The bill extends the antipoverty program for 3 more years so that our Nation can continue its efforts to help improve the lot of the poor. For all programs administered by the Office of Economic Opportunity, the bill authorizes $840 million for fiscal year 1973 and $870 million for fiscal year 1974, with not less than $328,900,000 reserved for local initiative programs for each fiscal year and $71,500,000 reserved for legal service programs for each fiscal year. In all, $2.36 billion is authorized for fiscal year 1973.

Also provided are funds for alcoholic counseling and recovery, emergency food and medical services, comprehensive health, family planning, senior opportunities, drug rehabilitation, environmental action, rural housing, consumer action, design and planning, youth recreation and sports, training and technical assistance, migrant programs, administration and evaluation, and community economic development.

Of particular importance to me are the funds authorized for the Headstart program. Within the conference committee I offered a motion increasing the Headstart program by $35 million to a total of $485 million in the current fiscal year. I am happy that the conference agreed to this increase.

We must not permit a reduction in the support for Headstart, which has proven its value in helping to offset the educational disadvantage of children from low-income families. The great benefits of Headstart should be offered to more children, not less. The conference bill includes the House provision for the establishment of fee schedules for the Headstart participation of non-low-income children. I hope that this can bring the child development benefits of Headstart to children not now eligible to participate.

Deleted from the legislation are provisions to establish a National Legal Services Corporation. Instead, the existing legal services program will be retained.

I urge the adoption of this greatly needed legislation.

Mr. ROYBAL. Mr. Speaker, I rise in support of the Economic Opportunity Amendments, H.R. 12350, which represents a comprehensive legislative program to aid low-income groups in this country.

The number of economically disadvantaged people in the United States today is 25.9 million people or more than 12.8 percent of the country's population. The vast majority of people living in poverty are children, women, the elderly, and the minority groups.

I have consistently sponsored legislation of this type and supported the Equal Opportunity Act proposed during both sessions of this Congress. I would hope that this bill would now receive bipartisan support and that the President would reconsider his past vetoes of similar measures and sign this reasonable compromise into law.

This bill continues the Legal Services program which has provided low-income Americans with greater access to attorneys and appropriate institutions for the orderly resolutions of disputes within our system of justice. The passage of this act will help this country move away from a situation where the size of a person's pocketbook determines not only the quality of legal representation that a person receives but also whether he receives any at all.

This bill also calls for an expanded Headstart program for low- and middle-income children. This will help to promote social interaction between children of all economic backgrounds at a much earlier age.

Next, the passage of the bill will expand the drug rehabilitation program by setting up special programs to promote employment opportunities for rehabilitated addicts and to assist employers who hire former addicts in dealing with addiction and drug abuse among former hard core unemployed. This program gives special priority to veterans and those employers hiring a significant number of veterans.

The bill also provides for an environmental action program whereby persons of low income will be paid for work on projects designed to combat pollution and improve the environment.

Next the bill approves further funding for the Job Corps, the Neighborhood Youth Corps and Vista program.

Last the bill starts an entirely new program known as rural housing development and rehabilitation. It is designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair substandard units, and to assist families in obtaining standard housing.

This bill represents a compendium of assistance to the low income and poor of our society and I urge its immediate passage.

Mrs. ABZUG. Mr. Speaker, I rise in support of the OEO conference report, which would extend for 2 years the Economic Opportunity Act of 1964 and initiate sorely needed improvements in the Headstart program.

It is unfortunate that we must consider this particular report today. A bill superior to this one, which provided for a far-reaching child development program and more substantial funding for OEO programs, was passed by the last session of Congress. As you all know, that bill was killed by a cruel and insensitive presidential veto. In its wake, we are left with the improved Headstart program contained in this bill.

The conference agreement before us authorizes appropriations of $3.07 billion for the current fiscal year and $2.9 billion for the coming fiscal year. These appropriations are barely adequate, compared to the original, vetoed funding—and especially compared to the amount of funding that OEO so desperately needs. According to Frank Carlucci, the former Director of OEO, the agency's programs reach only about 11 million of the 24 million Americans the administration admits live below the poverty line; even those who do receive assistance from already understaffed and underfunded OEO programs do not get adequate aid.

It is inconceivable that in the wealthiest nation in the world, with a defense budget in excess of $73 billion, agencies designed to aid the poor should be so impoverished, crippled with a meager budget of $3 billion. We have a responsibility to our forgotten poor, and especially to our children, in whom rest our hopes for a better future.

H.R. 12350 does not include a comprehensive child care program. I had hoped that the Headstart program, its weak substitute, would at least have received more funds. Once again we have a program that appears on paper to be more substantial than reduced funding suggests: Headstart appropriations have been cut from the $1 billion in the House bill to $700 million for the 1973 fiscal year. Reduction of funds means reduction of opportunity, and the end result will be the unrealized potential of many Americans.

I was astounded and dismayed at the action of the conferees in deleting the provisions of the bill providing for the establishment of a National Legal Services Corporation. Such an independent corporation would free legal services from the everyday pressures exerted by politicians and bureaucrats and allowed it to do its great work without such interference. The often-expressed hostility of Mr. Nixon and his friends to OEO legal services makes me fear for its future if it is left within his easy reach.

Other OEO services benefits somewhat from the conference report. The increase in authorized appropriations for VISTA, emergency food, and alcoholic counseling, for example, are welcome, even though they do not begin to approach the amount of funding needed in order for them to be truly effective.

Despite the funding reductions in H.R. 12350, Mr. Chairman, OEO provides vital services to individuals and communities, and I see in the conference report the hope of sustaining financial support, for its programs. Despite President Nixon's veto of comprehensive child care and his harsh and ill-advised criticisms of appropriations basic to minimal maintenance of OEO programs, I urge the adoption of the report.

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

Mr. HALL. 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 223, nays 97, not voting 111, as follows:

[Roll No. 351]

YEAS—223

Abzug	Denholm	Johnson, Pa.
Adams	Diggs	Karth
Anderson, Calif.	Donohue	Kastenmeier
	Dow	Kazen
Anderson, Ill.	Drinan	Keating
Anderson, Tenn.	Dulski	Kee
	du Pont	Keith
Andrews, N. Dak.	Edmondson	Kemp
	Edwards, Calif.	King
Annunzio	Eilberg	Kluczynski
Arends	Erlenborn	Koch
Aspin	Esch	Kyl
Barrett	Evans, Colo.	Landrum
Begich	Fascell	Lent
Bell	Findley	Link
Bennett	Fish	McClory
Bergland	Flood	McCloskey
Biaggi	Foley	McCulloch
Biester	Ford, Gerald R.	McDade
Blanton	Ford, William D.	McFall
Boggs		McKay
Boland	Forsythe	McKevitt
Brademas	Fraser	McKinney
Brasco	Frelinghuysen	Macdonald, Mass.
Brooks	Frenzel	
Brotzman	Fulton	Madden
Brown, Mich.	Garmatz	Mallary
Brown, Ohio	Gaydos	Mann
Broyhill, N.C.	Gibbons	Matsunaga
Buchanan	Gonzalez	Mazzoli
Burke, Mass.	Grasso	Melcher
Burlison, Mo.	Gray	Metcalfe
Burton	Griffiths	Minish
Byrnes, Wis.	Gubser	Mitchell
Carey, N.Y.	Gude	Monagan
Carlson	Hamilton	Moorhead
Carter	Hammer-schmidt	Morgan
Cederberg		Murphy, Ill.
Chamberlain	Hanley	Murphy, N.Y.
Chisholm	Hanna	Natcher
Clark	Hansen, Idaho	Nedzi
Clausen, Don H.	Harrington	Nelsen
	Harsha	Nix
Clay	Harvey	O'Hara
Cleveland	Hechler, W. Va.	O'Konski
Collins, Ill.	Heckler, Mass.	O'Neill
Conable	Heinz	Passman
Conte	Helstoski	Patman
Conyers	Hicks, Mass.	Patten
Cotter	Hicks, Wash.	Perkins
Coughlin	Hogan	Pettis
Culver	Holifield	Peyser
Curlin	Hosmer	Pickle
Daniels, N.J.	Howard	Podell
Davis, S.C.	Hungate	Powell
de la Garza	Jacobs	Preyer, N.C.
Dellenback	Johnson, Calif.	Pryor, Ark.
Quie	Smith, Iowa	Vanik
Railsback	Smith, N.Y.	Vigorito
Randall	Staggers	Waggonner
Rangel	Stanton, J. William	Waldie
Rees		Whalen
Rhodes	Steele	Whitehurst
Rodino	Steiger, Wis.	Wilson, Bob
Roe	Stephens	Wilson, Charles H.
Roncalio	Stratton	
Rooney, Pa.	Stubblefield	Wolff
Rosenthal	Stuckey	Wright
Roush	Symington	Wyatt
Roy	Taylor	Wydler
Roybal	Teague, Calif.	Wylie
Runnels	Terry	Wyman
St Germain	Thompson, N.J.	Yates
Sarbanes	Thomson, Wis.	Young, Tex.
Scheuer	Tiernan	Zablocki
Shriver	Udall	Zwach
Skubitz	Ullman	
Slack	Vander Jagt	

NAYS—97

Abbitt	Gettys	Myers
Abernethy	Giaimo	Pike
Andrews, Ala.	Goldwater	Poage
Archer	Goodling	Price, Tex.
Ashbrook	Green, Oreg.	Purcell
Belcher	Griffin	Quillen
Bevill	Gross	Rarick
Blackburn	Grover	Roberts
Bray	Hagan	Robinson, Va.
Brinkley	Haley	Rogers
Broyhill, Va.	Hall	Rousselot
Burke, Fla.	Hunt	Ruth
Burleson, Tex.	Hutchinson	Sandman
Byron	Ichord	Satterfield
Cabell	Jarman	Saylor
Casey, Tex.	Jonas	Scott
Chappell	Jones, N.C.	Sebelius
Clancy	Landgrebe	Sikes
Clawson, Del	Latta	Smith, Calif.
Collier	Lennon	Snyder
Collins, Tex.	Long, Md.	Steiger, Ariz.
Crane	McClure	Sullivan
Daniel, Va.	McCollister	Talcott
Dennis	Mahon	Teague, Tex.
Derwinski	Martin	Thompson, Ga.
Devine	Mathis, Ga.	Thone
Downing	Mayne	Ware
Duncan	Meeds	Whitten
Fisher	Miller, Ohio	Williams
Flowers	Mills, Md.	Young, Fla.
Flynt	Minshall	Zion
Fountain	Mizell	
Frey	Montgomery	

NOT VOTING—111

Abourezk	Galifianakis	Obey
Addabbo	Gallagher	Pelly
Alexander	Green, Pa.	Pepper
Ashley	Halpern	Pirnie
Aspinall	Hansen, Wash.	Price, Ill.
Badillo	Hastings	Pucinski
Baker	Hathaway	Reid
Baring	Hawkins	Reuss
Betts	Hays	Riegle
Bingham	Hébert	Robison, N.Y.
Blatnik	Henderson	Rooney, N.Y.
Bolling	Hillis	Rostenkowski
Bow	Horton	Ruppe
Broomfield	Hull	Ryan
Byrne, Pa.	Jones, Ala.	Scherle
Caffery	Jones, Tenn.	Schmitz
Camp	Kuykendall	Schneebeli
Carney	Kyros	Schwengel
Celler	Leggett	Seiberling
Colmer	Lloyd	Shipley
Conover	Long, La.	Shoup
Corman	Lujan	Sisk
Danielson	McCormack	Spence
Davis, Ga.	McDonald, Mich.	Springer
Davis, Wis.		Stanton, James V.
Delaney	McEwen	
Dellums	McMillan	Steed
Dent	Mailliard	Stokes
Dickinson	Mathias, Calif.	Van Deerlin
Dingell	Michel	Veysey
Dorn	Mikva	Wampler
Dowdy	Miller, Calif.	Whalley
Dwyer	Mills, Ark.	White
Eckhardt	Mink	Widnall
Edwards, Ala.	Mollohan	Wiggins
Eshleman	Mosher	Winn
Evins, Tenn.	Moss	Yatron
Fuqua	Nichols	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Colmer against.
Mr. Addabbo for, with Mr. Hull against.
Mr. Rostenkowski for, with Mr. Nichols against.
Mr. Price of Illinois for, with Mr. Baring against.
Mr. Dent for, with Mr. Dowdy against.
Mr. Reid for, with Mr. Fuqua against.
Mr. Delaney for, with Mr. Henderson against.
Mr. Widnall for, with Mr. Betts against.
Mr. Horton for, with Mr. Camp against.
Mr. Wampler for, with Mr. Dickinson against.
Mr. Robison of New York for, with Mr. Eshleman against.
Mr. Mosher for, with Mr. Kuykendall against.
Mr. Hillis for, with Mr. Schmitz against.
Mr. Schwengel for, with Mr. Veysey against.
Mr. Mailliard for, with Mr. Spence against.
Mr. Hays for, with Mr. Michel against.
Mr. Dingell for, with Mr. Scherle against.
Mr. Blatnik for, with Mr. Schneebeli against.
Mr. Yatron for, with Mr. Davis of Wisconsin against.
Mr. Ruppe for, with Mr. McEwen against.
Mr. Winn for, with Mr. Wiggins against.

Until further notice:

Mr. Celler with Mr. Bow.
Mr. Hébert with Mr. Edwards of Alabama.
Mr. Bingham with Mr. Broomfield.
Mr. Badillo with Mr. McDonald of Michigan.
Mr. James V. Stanton with Mr. Whalley.
Mr. Jones of Alabama with Mr. Pelly.
Mr. Shipley with Mr. Springer.
Mr. Jones of Tennessee with Mr. Halpern.
Mrs. Hansen of Washington with Mrs. Dwyer.
Mr. Pepper with Mr. Pirnie.
Mr. Leggett with Mr. Mathias of California.
Mr. Stokes with Mr. Riegle.
Mr. Van Deerlin with Mr. Shoup.
Mr. Reuss with Mr. Lujan.
Mr. Green of Pennsylvania with Mr. Hastings.
Mr. Pucinski with Mr. Lloyd.
Mr. Dellums with Mr. Gallagher.
Mr. Hawkins with Mr. Hathaway.
Mr. Sisk with Mr. Abourezk.
Mr. Alexander with Mr. Byrne of Pennsylvania.
Mr. Carney with Mr. Caffery.
Mr. Davis of Georgia with Mr. Corman.
Mr. Danielson with Mr. Mikva.
Mrs. Mink with Mr. Miller of California.
Mr. Mollohan with Mr. McMillan.
Mr. Moss with Mr. Dorn.
Mr. Evins of Tennessee with Mr. Eckhardt.
Mr. Ryan with Mr. Galifianakis.
Mr. White with Mr. Seiberling.
Mr. Aspinall with Mr. McCormack.
Mr. Kyros with Mr. Steed.
Mr. Ashley with Mr. Mills of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

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

There was no objection.

PERSONAL EXPLANATION

Mrs. ABZUG. Mr. Speaker, on August 18, 1972, I was detained on business and missed rollcall No. 346. In the announcement of my position on this vote at pages 29126–27 of that day's CONGRESSIONAL RECORD, the printer inadvertently referred to it as rollcall No. 329.

To set the matter straight. I missed rollcall No. 346, on which I would have voted "yea" had I been present. I was present on rollcall No. 329 and am correctly recorded as having voted "nay" on that occasion.

PERSONAL EXPLANATION

Mr. RONCALIO. Mr. Speaker, I was unavoidably detained in my district and missed the previous rollcall No. 350. Had I been present, I would have voted "yea."

BEVILL OPPOSES GRANTING AMNESTY TO DRAFT DODGERS

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

Mr. BEVILL. Mr. Speaker, I understand that a Subcommittee on Administration Practice and Procedure of the U.S. Senate has held hearings on granting amnesty to draft dodgers.

A few weeks ago I cosponsored House Concurrent Resolution 543 which states in substance that no amnesty be enacted by the Congress or exercised by the President.

Mr. Speaker, I am strongly opposed to efforts being made to grant amnesty to draft evaders and deserters from our Armed Forces.

Such a move would be grossly unfair to the hundreds of thousands of young men who met their responsibilities and served their country with honor.

Granting amnesty would mean that the 70,000 young men who dodged the draft and are now living in exile in Canada, Sweden, and other foreign countries would be immune from prosecution. It would mean the release of more than 500 draft resisters now serving in Federal prisons. And it would mean releasing the 9,500 soldiers either serving sentences in military stockades or confined there awaiting trial for violation of the Military Code.

Many young men who served in Vietnam did not agree with our Government's decision to send them there. But they went anyway. Thousands of these men were wounded, many were killed, and some were taken prisoner. Granting amnesty to draft dodgers and deserters would be a grave injustice to those who made such great sacrifices.

It is foolish, in my estimation, to think that the majority of those who refused service did so, because of some high moral purpose. Rather, I believe it was a display of total irresponsibility and cowardice.

In my opinion, it is completely out of order to even consider granting amnesty to anyone while we still have men fighting and dying in Vietnam and while there are men being held prisoner by the Communists.

To grant amnesty would set a dangerous precedent which could have grave consequences in future emergency situations which call for military mobilization.

It would also undermine our system of justice by rewarding those who violated our laws and shirked their duty.

Our Nation is a great nation. And one of the reasons it is great is because courageous men and women, down through the years, have taken up arms when it was necessary to fight for those basic rights which America stands for.

Mr. Speaker, I believe it is time to reassess our values and restate our priorities. Let us turn our attention to those who have served; let us meet their needs and help them readjust to civilian life and stop giving so much time and attention to those who turned their back on their country when they were needed.

CONGRATULATIONS TO WINNERS OF OLYMPIC GAMES

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

Mr. LATTA. Mr. Speaker, I take this time to congratulate all of our winners in the Olympic games. They have performed superbly and brought great honor to this country. However, I particularly wish to single out a winner from Bowling Green State University, David James Wottle, for special praise and commendation. This young man won the 800 meters in 1 minute and 49 seconds. He ran like the champion he is and was so taken in by his win—and rightly so—that he did not remember that he had his hat on when they played our national anthem. When this omission was later called to his attention by the media, he was noticeably shaken and publicly apologized to the people of the United States and further commented that this omission subtracted from the personal satisfaction of his win.

Mr. Speaker, this was an expression of the feelings of a truly great American as well as that of a truly great champion being expressed at the high point of his athletic career and I wish to say to David Wottle that he should not feel badly for his unintentional omission at a time like this. It is only human to forget and this young man may be longer remembered for his heartfelt spontaneous apology to the American people for his forgetfulness at the time of his greatest triumph than he will be for the triumph itself.

AMERICAN GRAIN SALES TO THE SOVIET UNION

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

Mr. ROUSH. Mr. Speaker, I rise today to protest a situation that has come into the news while the Congress was in recess for the Republican Convention. This

is the partially revealed situation regarding American grain sales to the Soviet Union and the resultant effects on the farmers in this country and the whole consumer population.

I was one of those strongly supporting the grain export to Russia when this was announced by the President. I felt that this would be of significant help to the farmer and the American economy given our grain surpluses. But since that time a number of revelations have been forthcoming regarding effects of the purchase, the way in which it has been handled, the kind of favoritism practiced, and the accompanying costs to the American farmer and consumer. These have made me very uncomfortable, and disappointed to say the least. Because I believe this trade could have been a total gain; instead it seems to have had some serious ill effects.

It seems now likely that certain large grain export companies have been privy to advance information concerning the extent of Government subsidy and credit arrangements on export sales of wheat—at least it seems that they have been privy to special and valuable information not given to others equally involved, such as the farmers who grow the crops. Accordingly these companies could purchase wheat before prices went up.

It is estimated that the Russian wheat deal has cost wheat farmers in early harvest areas an estimated $100 million in Government wheat certificate payments. Largely because the rising wheat market could raise the average price to $1.75 per bushel during the July to November marketing period. This will have the effect of reducing the Federal subsidy by approximately 40 cents a bushel. Farmers receive the difference between the average price during that 5-month marketing period and 100 percent of parity, now estimated at $3.03 per bushel, on that portion of their wheat used in domestic markets. Those who sold in July receiving $1.30 to $1.35 per bushel, will find their wheat certificates amounting to only $1.28 per bushel, if the average for the 5-month period is $1.75—making their total return about 40 cents a bushel less than the full parity price. Had they known about the details of the trade expectations, which surely the Department of Agriculture had information on, this need not have happened.

Now, to make matters worse, the USDA has announced that subsidies are getting too high, but they at the same time raised the subsidy from 38 to 47 cents for a period ending 2 days before their announcement. Thus they protected the profits of traders who had been buying on a rising market, but they certainly did not have the farmer in mind.

Upon my return I found a news release from the USDA stating that—

> Every farm region benefited from the record exports of $8.05 billion in fiscal 1972.

The news release went on to say that the 1971–72 export market accounted for at least two-fifths of the U.S. production of wheat.

This is heartening, but I believe, given the story above, it is only a part of the picture. I have some questions I would like the Department to answer about the sale of wheat to Russia:

How much wheat has been sold to Russia?

What price was paid?

Who received the export subsidy and in what amounts over what period of time?

What are the credit terms?

Who pays shipping charges and other costs incidental to the export of the wheat?

What amount of export subsidy is planned for the future? Will it fluctuate with domestic consumption or not?

How does this affect our domestic supply, including our surplus supply?

How much is wheat expected to rise in domestic prices as a result?

I would like to say finally, that I do not object to private corporations carrying out the trade negotiated by the Government. But I do object to their doing so at the expense of: The farmer-producer; of all those processors, such as millers and bakers who rely on wheat; and the American consumer who foots the bill for the subsidy given those selling on the cheaper world market; of the American consumer who suffers a higher cost for domestic wheat products while those buying enjoy a lower cost. So I would like these questions answered. I have today sent a letter to Secretary Butz asking these same questions, but if answers are not forthcoming, I would recommend a congressional investigation of this whole matter.

JACK KEMP PAYS TRIBUTE TO THE MOST REVEREND JAMES A. McNULTY, BISHOP OF THE DIOCESE OF BUFFALO

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

Mr. KEMP. Mr. Speaker, the people of Western New York and our country have lost an outstanding spiritual leader as the result of the death Monday of the Most Reverend James A. McNulty, bishop of the eight-county Roman Catholic Diocese of Buffalo.

His death is a great personal loss not only to us in Western New York, but to mankind. He loved and served both with a total and tireless commitment. At the same time, however, we offer thanks for the great legacy this man of God left behind after his 72 years of life, 47 of them as an ordained servant of God and his fellow human beings.

Mr. Speaker, Bishop McNulty epitomized all that is good in America and those of the cloth who serve it, and his leadership will continue through his words and works.

Born in New York City and reared in modest circumstances in a family with six children, he was an outstanding student who graduated with honors from Seton Hall College in South Orange, N.J.

At the age of 25, he was ordained into priesthood at the University of Louvain in Belgium.

Even as an assistant pastor of St. Joseph's Church in Jersey City, his leadership, his gift as a speaker, and his concern for people, community and country quickly became evident.

A lifetime advocate of educational opportunity, he was the executive secretary for the Immaculate Conception Seminary fund drive in New Jersey in 1937. Years later, following his installation in 1963 as the 10th bishop of the Buffalo Diocese, he pioneered "Social Christianity," a project to instill a mature and modernized concept of the Christian faith among high school seniors attending public schools.

With other religious leaders, he endorsed a lecture series entitled "Your Neighbor's Faith" to educate the citizens of Western New York in the tenets of various religious beliefs.

In November 1969, he proclaimed that the first, new Roman Catholic Mass in 400 years would be held in the Buffalo Diocese, a year ahead of the national deadline in 1971.

His ecumenical leadership caused Terence Cardinal Cooke, archbishop of New York to observe in 1970 that Bishop McNulty "life is devoted to the cause of unity. His prayers and his works have for their purpose the strengthening of the unity of God's family on earth."

Throughout his career, Bishop McNulty showed compassion and worked for the downtrodden and oppressed.

He impressed upon his followers the urgency of providing opportunity and dignity to America's blacks and declared that the church is "the best friend of the entire Negro community in Buffalo."

When he was auxiliary bishop of Newark, N.J., he chose the poorest parish in that community among the blacks and other economically disadvantaged groups. He carried his concerns for the poor to Buffalo where, among other actions, he inaugurated drives for money and gifts and recruited for priests, nuns, and volunteers to minister to the people of Latin America.

As a result of his efforts, he was named vice chairman of the U.S. Bishops Committee for Latin America.

Bishop McNulty not only spread the word of God in his sermons, but was a leader in the art of religious communication.

In 1951, he founded the Advocate, the official newspaper of the Archdiocese of Newark. During his spiritual leadership of the Buffalo Diocese, the weekly diocesan newspaper, the Magnificat, became one of the leading religious journals in the United States.

Mr. Speaker, Bishop McNulty was faithful to his God, his community, his country, and his fellow man.

We will miss him as a friend. But all of us are grateful for the time he was among us and for the contributions and inspiration he has left behind.

At this point, Mr. Speaker, I extend my remarks by including tributes to the late Most Reverend James A. McNulty which were carried today in the Buffalo Courier-Express:

LEADERS IN MANY FIELDS PAY HOMAGE TO BISHOP MCNULTY

The late Most Rev. A. McNulty, bishop of the eight-county Roman Catholic Diocese of Buffalo since 1963, was described as a deeply religious and dedicated prelate who had great warmth for his fellow man and outstanding qualities of leadership which inspired his diocese.

He was also called "a saint," and a bishop who will "best be remembered for his concern for the poor and needy."

These tributes were among the following eulogies issued in memory of Bishop McNulty:

The Rt. Rev. Harold R. Robinson, bishop of the Episcopal Diocese of Western New York:

"I wish to convey my sympathy to the family and friends of Bishop McNulty. He was a courteous and conscientious man, completely dedicated to his convictions and the traditions of the Roman Catholic Church.

"He was gracious in offering the use of St. Joseph's New Cathedral for my consecration in 1968. This, along with the other kindnesses he has shown to me and other members of the Episcopal Diocese, will not be forgotten. May God rest his soul and bestow abundant blessings upon him."

The Rt. Rev. Msgr. Joseph E. Schieder, pastor of St. Andrew's Church, Town of Tonawanda.

"It has been my privilege to be a personal friend and confidant of Bishop McNulty's for close to 33 years. I have found him to be a brillant scholar, a gentleman under all conditions, genteel, and a master in the practice of Christian charity. Forever dedicated to the teachings of Christ and the Catholic Church, his passing is a severe blow to me leaving a void in my priestly life.

Richard F. Torrey, president of the Buffalo Area Chamber of Commerce:

"Bishop McNulty's death leaves a deep void—a void which will be felt not only by the Catholic Diocese but by the entire Western New York community. He guided his own church during a demanding era of profound change, personally typifying the spirit of religious ecumenism.

"This outstanding spiritual leader brought to the secular community great wisdom, performing an extremely influential role in the field of business, labor and education. Citizens of all faiths mourn his passing."

George L. Wessel, president of the Buffalo AFL–CIO Council:

"I feel that the death of the Bishop is a great loss to the community and I feel that in the years that he has served here as our bishop he provided the spiritual leadership that is necessary in a community of our type with a predominantly Catholic population. I express my regrets and those of the labor movement to the bishop's family."

Sister Mary Charlotte Barton, GNSH, president of D'Youville College:

"The president, the sister and lay faculty members and the staff of D'Youville College join with the Diocese of Buffalo in expressing bereavement on the death of their spiritual leader, the Most Rev. James A. McNulty, bishop of Buffalo. During the period of his guardianship of the diocese, this dedicated prelate patiently and kindly fostered the church, earnestly serving God's people in one of the most trying eras in the development of the Catholic Church.

"Bishop McNulty strove to protect the best interests of the clergy and the people of Buffalo. Perhaps our deceased bishop will be best remembered for his concern for the poor and needy. He was ardent in promoting the annual charity drive which brought results comparable to his concern. We mourn our loss of his gentle leadership while we rejoice in the released and the reward he will receive from almighty God whom he faithfully served."

Dr. Charles A. Banda, Knight of St. Gregory, president-elect of National Federation of Catholic Physicians Guild:

"The Catholic community of Western New York has lost a great prelate. Bishop McNulty was a deeply religious man who worked diligently for the spiritual enlightenment for the members of his diocese."

Dr. Albert Semit, executive vice president of University of Buffalo, in the absence of Dr. Robert L. Ketter, the president:

"The community will mourn his passing. In passing, however, he has left substantial foundation on which a successor can build."

William G. Armstrong, supreme captain general, Ancient and Illustrious Order, Knights of Malta, and a retired Penn Central Railroad employee:

"It is a tragedy to lose such a great man. My prayers certainly go out to him."

Walter J. Thisegron, a Knight of St. Gregory, a trustee of Catholic Charities of Buffalo and member of the budget committee and retired Western Division public relations director, Niagra Mohawk Power Corp.:

"In this age of changes, within and without the church, the role of the bishop in a diocese of the size and magnitude of Buffalo is a staggering one. Bishop McNaulty fulfilled his role as ordinary of the diocese with courage, wisdom and dignity. He was truly a great shepherd of his flock."

John J. Conaiff, director of Catholic Charities:

"If I were asked to describe our beloved Bishop McNaulty in one word, it would be 'charity'—the charity that Christ Himself spoke of. The lay people of this diocese have lost a noble leader, and I have lost a cherished friend."

Charles R. Turner, a Knight of St. Gregory, chairman of the Buffalo Board of Parking and former president of the Area Council on Alcoholism:

"Bishop McNulty was a saint. His knowledge of and dedication to community services was unfailing, especially in the alcoholic field."

Sister Alice Huber, SSJ, president of Medaille College:

"Bishop McNulty probably has lived through one of the most difficult times in the history of the church in America. The rapidly changing society together with the call for renewal in the Church since Vatican II demanded courage and adjustment of both the clergy and the laity. However, I knew him better in affairs of higher education. Bishop McNulty, like his deceased brother (Msgr. John L. McNulty) who had been president of Seton Hall University, was interested in the problems of higher education. Bishop McNulty was concerned for the need for cooperation among area colleges. He had the joy of seeing this dream fulfilled through the establishment of the Western New York Consortium of public and private colleges. My sympathy is extended to his family."

John G. Wick, Knights of St. Gregory, Knights of Holy Sepulchre, President of Merchants Mutual Insurance Co.:

"It is with a deep sense of personal loss that we mark the passing of Bishop McNulty. History will record his accomplishments in the Western New York diocese as one of the most outstanding of a long line of leading churchmen. He was a shepherd to all his flock in the truest sense, and we were most fortunate to have had his sturdy hand at the helm as he steered the Catholic Church through new and uncharted waters. We should should all join in prayerful thanks to him for a job well done."

The Rt. Rev. Msgr. John J. Conniff, director of the diocese's Catholic Charities:

"The death of Bishop McNulty is a great blow to thousands of workers and the clients of Catholic Charities. In every way, he was the bishop of charity and we will greatly miss his support and counsel and encouragement."

Sebastian J. Bellome, Chief Buffalo City Court Judge:

"The passing away of Bishop McNulty is a great loss not only to the Catholic diocese but to the entire community of Western New York. He was a humanitarian without equal and, as the administrator of the Catholic Church in the Buffalo area, his name will go down in history as among the very best. I will greatly miss him personally because he was a good and revered friend."

Rabbi Isaac Klein, Temple Shaarey Zedek:

"With the passing away of Bishop McNulty, the people of Greater Buffalo regardless of race, creed or color lost a friend and a great force for good. A saintly person with a face that radiated gentleness, wisdom and love, he was a source of blessing to the entire community that went beyond the boundaries of the church that he had served so faithfully. Because he was of great spiritual stature, he was respected and loved by all. We of the Jewish community share the sorrow with our Catholic brethren and wish to express to them our deepest sympathy for the loss of a prince of the Church."

HON. RICHARD H. POFF

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, it is with humility that I join my colleagues in saluting one of the outstanding Members of this body upon his retirement after more than 19 years of service.

This is a great loss for us all, because our good friend and colleague, the Honorable Richard H. Poff, is commonly admitted by the Members of the House on both sides of the aisle as the outstanding expert on constitutional law in Congress.

Because of the exceptional background which Mr. Poff applies unswervingly to his voting participation here in the Congress, his voting pattern comes through as one of knowledge, principle, and integrity.

Some will probably say that we should have more like him—I can only say that there will never be another like him, who can combine all the manners and grace of a true Southern gentleman with a keen understanding of our most cherished living document—the Constitution—and be able to apply it consistently to his every action in this body of the people.

I salute my colleague, my mentor, and my friend, and Arlene joins me in wishing him and Jo Ann every happiness in the future as he takes up his position on the highest Court of the Commonwealth of Virginia.

A REPORT OF THE 92D CONGRESS

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

Mr. WILLIAMS. Mr. Speaker, the U.S. economy is continuing strong and is becoming stronger. One year after the President exercised the economic stabilization measures given to him by Congress, it is obvious that they are working. Unemployment is currently 5.5 percent. This 5.5-percent unemployment is lower

than it was in the pre-Vietnam war years. As an example, the unemployment rate in 1961 was 6.7 percent.

The inflation rate, which was up to 6 percent annually when President Nixon took office has been reduced to an annual increase of 2.2 percent. It is inflation that steals from the income of everyone and jeopardizes the value of the U.S. dollar.

During the past year, total civilian employment has increased by 2.4 million people, one of the largest 4-quarter increases on record. The Department of Labor has reported that the output per man-hour has increased faster than pay per man-hour for the first time since 1965.

Today, there are 81.7 million people employed, an increase of 5 million over the 76.7 million people that were employed at the end of 1968. Since President Nixon took office, our total armed service personnel strength has been reduced by over 1,300,000, and virtually all of these veterans have been placed in civilian jobs. This rapid increase in civilian employment is higher than the largest increases recorded in the 1960's.

The improvement in our economy is enabling U.S. manufacturers to get back into the world market, and should eliminate the unfavorable balance of trade the United States had in 1971, for the first time in this century. President Nixon's power to impose wage and price controls expires on April 30, 1973, and it is hoped that it will not be necessary to renew this legislation.

Plans for a series of "An Evening With Your Congressman" are being made in an effort to keep me informed of the views of the people. I am planning to spend a series of evenings in the various municipalities of the district to meet with all interested citizens. The evenings will consist of a short talk on the current issues before the Congress, followed by an open question-and-answer period.

The number of U.S. troops in South Vietnam has now been reduced to under 40,000. This means that President Nixon has withdrawn 510,000 American ground troops since he took office, and over 180,500 U.S. ground troops have been withdrawn in the past year.

On August 10, 1972, the House passed a $2.1 billion foreign military assistance bill, H.R. 16029. I voted for this bill to help maintain the military strength of our allies. However, I voted with the majority to strike one section of the bill which directed the President to withdraw all U.S. forces from Vietnam by October 1, 1972, subject to the release of the U.S. POW's held by North Vietnam, the accounting by Hanoi for those reported missing in action, and a cease-fire.

The language which was struck from H.R. 16029 was cruel and misleading to the American people. It held out false assurance of securing the safe return of our missing servicemen and indicated that a U.S. pullout would end the war in Southeast Asia. Neither assumption is reasonable. Any fixed withdrawal date only gives hope to the North Vietnamese, and hinders sensitive attempts at peace negotiations when there is evidence that Moscow and Peking are reducing their aid to North Vietnam.

The language which was struck from H.R. 16029 does not guarantee the return of our missing men and would not end the war, only American involvement in it. President Nixon will have all U.S. ground troops out of South Vietnam this year. However, as long as Communist aggression continues against South Vietnam, we must be able to aid South Vietnam with naval and air support.

All of us desire peace and we want our prisoners released. Those advocating a fixed withdrawal date have no evidence to show that this will be successful. They ignore the past record of Communist aggression, with enslavement of the people of the countries they have taken over.

Early in 1972, Ralph Nader announced that he was going to undertake an investigation of Congress. Since developing some valuable information on automobile safety, Ralph Nader and his graduate students, known as "Nader's Raiders," seem to have become experts on every subject. Since almost everything relating to a Congressman is a matter of public record, most Congressmen assumed that Nader and his student volunteers would simply research the public record.

It was astonishing to learn that one of Nader's interviewers had come to my office to interview me without even making an appointment and at a time when the Banking and Currency Committee, on which I serve, was working on the new housing bill and new disaster loan legislation. When the interviewer learned that I was not available, she left a huge questionnaire with 633 detailed questions to be filled out and stated she would return at a later date for a personal interview. I learned from other Congressman that these interviews took up to 3 hours.

Since I serve on the House Banking and Currency Committee, the House Committee on Standards of Official Conduct, the National Commission on Consumer Finance, and the American Revolution Bicentennial Commission, and usually work 7 days a week serving the needs of my constituents, I informed Mr. Nader that I did not have 3 hours to waste with his interviewer and that I was not going to take the time to answer a questionnaire with the asinine number of 633 questions.

If 15 or 20 individuals or groups decided to investigate the Congress, Congressmen would only have time to give interviews and fill out questionnaires. I believe that the people of the Seventh Congressional District of Pennsylvania want a working Congressman, not a time-waster.

I do meet with my constituents whenever they visit Washington and in my Delaware County office when I am home each weekened in an effort to solve their problems and keep them informed.

President Nixon has hailed "the best news yet on the crime front" the news that serious crime rose only 1 percent in the first quarter of this year—the lowest percentage gain in 11 years. "This represents truly significant progress in this administration's determination to roll back the wave of crime that swept our Nation in the 1960's." In the years from 1961 to 1968, serious crime rose over 100 percent throughout the United States.

Congress has worked hard to provide the necessary tools and weapons for the war on crime. With my support, the Congress has passed a series of important acts including the Omnibus Crime Control Act which improved the organization and management of the Law Enforcement Assistance Administration, the main vehicle for distributing Federal anticrime grants to State and local authorities, the Organized Crime Control Act and several important drug abuse control measures.

Figures showing that we are halting soaring crime rates have been released by Attorney General Kleindienst. A year ago, the rate of increase was 6 percent and in 1970, it was 13 percent. Kleindienst also reported that 80 of the Nation's largest cities report actual reductions in serious crime in the first quarter of 1972. I assure you that I will continue to strongly support all measures that come before the Congress which will help reduce criminal activity.

Effective September 1, 1972, a 20 percent increase in social security recently enacted by the Congress, H.R. 15390, will benefit some 28.7 million Americans. This increas means the social security benefits will have been increased by 58 percent since 1968.

On August 9, 1972, the House passed H.R. 15927, which increases railroad retirement benefits by 20 percent. Just as soon as this bill is passed by the Senate and signed into law by the President, it will mean an increase of 45 percent in railroad retirement since 1970.

Inflation is cruelest to those on fixed incomes, and these increased benefits are to offset the pressure of rising prices on those who are receiving benefits under social security and railroad retirement. While these increases of 20 percent in benefits may seem large, the benefits for an average retired couple will be increased from $223 to $270 monthly.

SOVIET EXTORTION FOR JEWS' EMIGRATION

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, I was appalled to learn of a decision by the Government of the Soviet Union that citizens with higher educations who wish to emigrate must pay retroactively for the cost of their education. Reportedly, this amount will run between $5,000 and $25,000 for each such individual.

It is bad enough in any case for a nation to become a petty extortionist, but in light of the fact that the United Nations Declaration of Human Rights recognizes the basic human right of emigration from one's country and article 121 of the Soviet Constitution purports to grant free education to all Soviet citizens, this action is nothing short of outrageous.

This is clearly an issue which belongs before the United Nations, and I have asked that organization's human rights

arm to investigate this matter and, if the reports of it are accurate, to condemn a policy that puts a price tag on so basic a right as the freedom of the individual to live where he or she chooses.

The people of the United States must join with the rest of civilized humanity in condemning this policy, and I call upon the President to express our disapproval in the strongest possible terms.

Mr. Speaker, I include the text of my letter to the United Nations and the text of a message I sent to a recent rally in New York on this issue at the conclusion of my remarks, and I yield back the balance of my time.

The articles follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 29, 1972.

Ambassador E. KULAGA,
Chairman, United Nations Human Rights Commission, New York, N.Y.

DEAR SIR: I have been appalled to read of a reported decision by the government of the U.S.S.R. to require educated citizens, including Jews, to pay huge fees for exit visas ostensibly to reimburse the state for the cost of their education.

I trust that your Commission will investigate this report immediately and, if it is substantiated, issue a formal condemnation of a policy that puts a price tag on human freedom. The United Nations Charter recognizes the right of emigration from one's country as a basic human right. To require Soviet citizens to pay retroactively for their education makes a mockery of this right and clearly is designed to impose an impossible condition upon Jews and others who wish to emigrate.

The continued silence of the United Nations Human Rights Commission in the face of increasingly severe restrictions of political and religious freedom imposed upon Soviet Jews undermines confidence in the objectivity of our world organization. As one who has never hesitated to protest governmental and private discrimination against minorities and oppressed groups within my own country, I urge you to act immediately on an issue that is arousing anxiety among all those who cherish individual freedom.

Sincerely yours,

BELLA S. ABZUG,
Member of Congress.

MAILOGRAM

Rabbi GILBERT KLAPERMAN,
Greater New York Conference on Soviet Jewry, New York, N.Y.:

I regret that I cannot be present at the rally today. I would appreciate your reading the following message to the assembly: I join with you in protesting the USSR's appalling policy requiring educated Jews to pay ransom for the right to emigrate to Israel. I have called on the United Nations Human Rights Commission to condemn this latest and most shocking violation of individual rights and I pledge to raise this issue before Congress when it reconvenes next week. The American people and American government must join in condemning a policy that places a price tag on human freedom and formally demand that the Soviet government rescind its ransom decree and allow all those wishing to emigrate to do so without impediment and with full dignity and security.

Congresswoman BELLA S. ABZUG.

OUR DAILY BREAD

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

Mr. GAYDOS. Mr. Speaker, the sale of 400 million bushels of U.S. wheat to the Soviet Union was hailed at the time of its public announcement as a major breakthrough in the relation of the two countries and the first stage of a burgeoning trade between them.

It is hoped that this analysis and prediction both will prove to be true. Future world peace will depend in large part on the ability of the major military powers to become mutually benefiting trade partners. But, in the interests of truth, the wheat deal now needs an agonizing reappraisal. How well did we Americans make out?

Part of the answer has come now in the appeal of the American baking industry to the Cost of Living Council for approval of an immediate across-the-board increase in bread prices to cover its rising costs. The major cost hike to it is in flour which has jumped from $5.40 to $6.70 per hundredweight under the impact of the heavy Soviet wheat purchases.

Baking industry spokesmen contend that the higher flour cost has placed most breadmakers in a "deficit position" and that a 2- or 3-cent increase is mandatory in each pound loaf of bread sold in the retail bakeries and supermarkets. The result, of course, will be that the already price-harassed American housewife will find herself in the ironic position of taking money from her strained food budget to help feed those once difficult Russians.

Not only this, but the American people already are making tremendous donations to their former cold war opponents in other phases of the wheat deal. Government subsidies paid exporters to hold the U.S. export price at the world market level have climbed according to the Associated Press, from 11 cents a bushel a month ago to around 38 cents now. By rule of thumb, the 38-cent figure works out to $152 million of our tax money in subsidies on the 400 million bushels which the Russians are buying, under terms of the agreement, at the world price which prevailed when the deal was made. We are locked in on this price while the world price currently is climbing rapidly in reaction to the Soviet purchases.

But this is not all by any means. Also to be considered is the fact that the bulk of the Soviet-bought wheat is coming out of storage here—storage for which our Government has paid private elevators 12 cents a bushel per year. Added to the 38-cent subsidy, this means the Russians are getting our wheat at 50 cents a bushel less than it cost us. And this does not include the Government paid interest through the Commodity Credit Corporation on its wheat investments. Some experts place this amount at around 6½ cents a bushel which is added, also would lift our loss per bushel to 56½ cents.

Did we sell our wheat too cheaply? If wheat were in long supply in today's world—if the big wheat producers all were hunting customers—then there could be an argument that any bargain-basement sale would be to our long-range advantage, saving us further storage and interest costs. However, this is far from the case. Wheat is becoming a scarce commodity on the international market. Russia is facing a poor wheat crop this year and consequently needs our grain very badly to feed her people. A recent AP dispatch from Moscow tells of a drive underway there against wasting flour with the quaint slogan, "It is necessary to respect every piece of bread." Australia has had a disappointing harvest. Canada's below-average 1972 yield is sold out. It was necessary, therefore, for the Soviets to turn to us, the only Nation with a wheat surplus. Why then, in view of this, was it in our interest to give Russia a below-cost price?

The wheat deal can be looked at from another angle. By sparing Russia the necessity of paying the full costs of our wheat we have left her with funds for other purposes—funds which can continue to go for arms to North Vietnam, for Soviet missile development, and for Soviet adventures throughout the world—all expenditures to our disadvantage and, in the case of North Vietnam, to our great and tragic cost.

The hopes for a booming United States-Soviet trade to come need not obscure these matters to the American public, or excuse any further deals in which the U.S. housewife, to say nothing of the burdened taxpayer, finds herself shortchanged at the checkout counter. Neither should the wheat deal be sold to us as a diplomatic triumph when in reality it is nothing more than another attempt to use U.S. tax dollars to buy goodwill abroad, an illusionary effort which has cost us so dearly in other give-away programs.

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

Mr. GAYDOS. I yield to the gentleman.

Mr. MAZZOLI. Mr. Speaker, I would simply like to take this time to commend the gentleman for his well stated remarks concerning this grain sale to the Soviet Union. I join the gentleman and I would like to endorse his remarks.

I would also join with him in seeking some answers for these very difficult and very profound questions, because on the surface this appears to be an excellent, right and proper business arrangement.

But, as the gentleman so aptly pointed out, below the surface there is turbulence and I congratulate the gentleman for taking this time to advise the House and to advise the Nation of these very serious problems.

Mr. GAYDOS. Mr. Speaker, I wish to thank my friend for his interest and commend him for his support. We hope that the State Department will respond and analyze this entire situation, again keeping the interest of the American housewife and the purchaser who pays the 2 or 3 cents increase and keep their interest at heart and hopefully work this situation out and possibly remove the subsidy.

MAJ. GEN. LEO HENRY SCHWEITER

The SPEAKER. Under a previous order of the House, the gentleman from Missis-

sippi (Mr. GRIFFIN) is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker, I rise to pay honor and tribute to a great patriot and soldier, Maj. Gen. Leo Henry Schweiter, who passed away August 23, 1972.

Hank Schweiter was a neighbor of mine in Arlington, Va., for several years where I got to know him as a brilliant man, devoted husband and father who had an intense pride in America and who was totally loyal to his country.

Hank Schweiter had an outstanding military career, and at the time of his forced retirement because of cancer, he served as Chief of Staff, U.S. Army, Vietnam.

Born in Wichita, Kans., on April 16, 1917, General Schweiter graduated from Kansas State College in 1939 with honors and with membership in the national honor society, Phi Kappa Phi. He entered the military service in 1941 after obtaining a master of arts degree and serving as an instructor at the University of Missouri. He was integrated into the Regular Army in 1946.

After his early service as an administrative and tactical officer at various Army Air Corps flying schools in California, he attended the Parachute School at Fort Benning, Ga., in November 1942. Subsequently he served with the 511th Parachute Infantry in the United States and then with the 101st Airborne Division in Europe. While a member of the 101st Airborne Division he made combat parachute jumps behind enemy lines in Normandy the night before D-day, and in Holland; additionally, he participated in the defense of Bastogne. At the end of the war in Europe, when the 101st Airborne Division was inactivated, he was Assistant Chief of Staff, G2.

Back in the United States in 1946 he served with the 82d Airborne Division until September 1947 when he was assigned to Headquarters, Army Ground Forces at Fort Monroe, Va. In 1949 he attended the Command and General Staff College, Fort Leavenworth, Kans. Upon graduation in July 1950 he was assigned to the staff of the X Corps in Korea. While in this assignment he participated in the amphibious landings at Inchon and Wonson and the subsequent evacuation from the Hamhung-Hungnam perimeter in North Korea in December 1950. Later, still in combat in Korea, he served as a battalion commander in the 32d Infantry Regiment, 7th Infantry Division. In October 1951 then Lieutenant Colonel Schweiter returned to Fort Bragg, N.C., where he was assigned to the Joint Airborne Troop Board and to the 82d Airborne Division. While in the 82d Airborne Division he commanded an airborne infantry battalion and the Provisional Reconnaissance Troop, Sky Cavalry, the first air cavalry unit of the U.S. Army.

In March 1956 he was assigned to the newly reactivated 101st Airborne Division at Fort Campbell, Ky. as Assistant chief of staff, G–3. He attended the Army War College at Carlisle Barracks, Pa., during the 1957-58 school year. Upon graduation he moved to Europe where he served as a staff officer in the G–3 Division, Headquarters, USAREUR and as chief of staff of the 8th Infantry Division.

In 1959, he began a 3-year assignment at Fort Bragg, N.C., which successively included duties as G–2 of XVIII Airborne Corps and the Strategic Army Corps, commanding officer of the 2d Airborne Battle Group, 504th Infantry and the first commanding officer of the newly activated 5th Special Forces Group (Airborne).

In July of 1962, he was transferred to Washington, D.C., and served in the Office of the Special Assistant for Counterinsurgency and Special Activities, Office of the Joint Chiefs of Staff. Two years later he was assigned to Headquarters, Department of the Army, Office of the Deputy Chief of Staff for Military Operations, where he became Director of Special Operations.

In January 1967, he became assistant division commander of the 101st Airborne Division at Fort Campbell, Ky.

In the Republic of Vietnam from August 1967 to March 1968 General Schweiter commanded the 173d Airborne Brigade. During November 1967, while under his command, the 173d Airborne Brigade was engaged in bitter fighting around Dak To. In March 1968, General Schweiter was assigned as chief of staff of XXIV Corps which directed U.S. military operations below the DMZ in the northern provinces of South Vietnam. Upon returning to the United States in December 1968 he became deputy commanding general of the U.S. Army Combat Developments Command at Fort Belvoir, Va., the position in which he served until his return to Vietnam for a second tour. General Schweiter's final active duty assignment was as Chief of Staff, U.S. Army, Vietnam, between September 1971 and April 1972.

During his distinguished military career, he won the following awards and decorations:

Distinguished Service Medal with one oak leaf cluster;

Silver Star Medal with one oak leaf cluster;

Legion of Merit with one oak leaf cluster;

Distinguished Flying Cross;

Bronze Star Medal with three oak leaf clusters;

Air Medal with "V" Device and 24 oak leaf clusters;

Army Commendation Medal;

Purple Heart with one oak leaf cluster;

Presidential Unit Citation with one oak leaf cluster;

Order of Orange Nassau, degree of officer, Netherlands;

National Order of Vietnam, Fifth degree;

Vietnamese Army Distinguished Service Order, First class;

Vietnamese Cross of Gallantry with palm;

Vietnamese Chung My Medal, First class;

Presidential Unit Citation, Republic of Korea;

Orange Lanyard, Netherlands;

Fourragere, Belgium;

Fourragere, 1st ARVN Division;

Combat infantryman badge with star; and

Master parachutist badge.

General Schweiter is survived by his mother, Mrs. Bertha Schmid Schweiter, his wife, the former Virginia Pflaum of Wauwatosa, Wisc., and four children, Henry, Gail, Mary Jean, and Caroline.

To all of them, Mr. Speaker, I extend my deep sympathy.

As a part of my remarks, I include the following article which appeared in the Washington Post on August 28, 1972:

EX-ARMY STAFF CHIEF IN VIETNAM

Retired Army Maj. Gen. Leo H. Schweiter, 55, who was chief of staff of the Army in Vietnam at the time of his retirement last May, died Wednesday in Dunham Army Hospital at Carlisle Barracks, Pa.

Born in Wichita, Kan., Gen. Schweiter was a graduate of Kansas State College and held a master's degree from the University of Missouri.

He enlisted in the Army Air Corps in 1941 and served in the European theater with the 101st airborne division during World War II.

Gen. Schweiter was assigned to the 82d Airborne Division in 1945 and after combat during the Korean War was a member of the joint airborne troop board.

In 1959, after a tour of duty in Europe, he was named chief of staff of the 8th Infantry Division. He later was assistant chief of staff, G2, headquarters, XVII Airborne Corps.

In 1961, he was named commanding officer of the 5th Special Airborne Force group, 1st Special Forces.

Gen. Schweiter served in Washington from 1962 to 1964 in the office of special assistant for counterinsurgency and special activities for the Joint Chiefs of Staff. During the next two years, he was in the office of the deputy chief of staff for operations.

He later was at Ft. Campbell, Ky., then was sent to Vietnam. He returned to this country in 1969 to become deputy commanding general of the Army combat developments command at Ft. Belvoir, Va., before becoming chief of staff of the Army in Vietnam.

His many decorations included the Distinguished Service Medal, the Silver Star, the Distinguished Flying Cross and the Bronze Star.

He is survived by his wife, Virginia, and four children, James, Gail, Mary Jean and Caroline, all of Carlisle, and his mother, Mrs. Otto Schweiter, of Wichita.

INTRODUCING AN AMENDMENT TO THE NATIONAL FLOOD INSURANCE ACT OF 1968

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

Mr. FLOOD. Mr. Speaker, I am introducing today a bill which is important in each and every congressional district in the Nation. The bill, an amendment to the National Flood Insurance Act of 1968, is intended as a safeguard against future flood disasters where entire flood-prone communities have gone uninsured and have thus required huge expenditures of Federal energy and money for disaster relief which otherwise would not be spent. If adequate flood insurance under the federally subsidized program had been in effect in the areas stricken by Hurricane Agnes—I think we all know who she is by now—if such in-

surance had been in effect, the savings to the Federal Government would be in millions of dollars and countless manhours of time. Thus the aim of this bill—improve the attractiveness of the current Federal flood insurance program while at the same time encouraging local communities to utilize its provisions.

As I said before, this bill is important to us all. None of us are seers, no one can tell the future. As an example of this lack of foresight I present the city of Harrisburg, capital of the State of Pennsylvania. In the entire city, which lies upon the Susquehanna River Basin, nobody had flood insurance; 70 percent of the flood damage from Hurricane Agnes—need I repeat again, the greatest civil disaster in the history of the republic—70 percent of the damage was in Pennsylvania, and 70 percent of the damage in Pennsylvania was in the Wilkes-Barre and the Wyoming Valley. And in that entire valley, only two people had flood insurance.

This is not a condemnation of the program. This is not a condemnation of the communities who failed to take the necessary actions to qualify for such insurance, nor do I mean to condemn those individuals who were eligible, yet failed to take advantage of it. The problem this time is not in ourselves, but in the stars—no one had the foresight to imagine that they would be stricken. It was Sinclair Lewis who penned a novel in the thirties entitled "It Can't Happen Here", but it can, and it did, and it will. The disaster he was talking about was social and political, this one is natural—and remember this, it can happen to you, and it did happen to me, and it will happen to some of you in the years to come.

The bill I am introducing today would quadruple the statutory flood insurance coverage limits. It would quadruple both the subsidized limits on various types of buildings and their contents, as well as quadrupling the maximum limits of flood insurance coverage. Currently, the subsidized limits on single family residential units are inadequate at a figure of $17,500—my bill raises that limit to $70,000. The limits on other residential units, double blocks, et cetera, and nonresidential structures would be increased from $30,000 to $120,000. The coverage for the contents of a residence would be raised from a maximum of $5,000 to the $20,000 level. I am particularly distressed at the current limit for businesses struck by flooding, oftentimes a completely devastating experience.

The limit for the contents of a business at $5,000 is totally unrealistic. Therefore, my legislation would increase that coverage to $120,000. In each case listed above, nonsubsidized flood insurance could be obtained in an amount double that of the subsidized maximum, at actuarial rates.

To encourage individuals to purchase flood insurance when they reside in a flood-prone area, the bill requires that all individuals, as a condition precedent to receiving Farmers Home, VA, or FHA mortgage insurance, must purchase flood insurance under the Federal program. These flood-prone areas are currently defined by the Department of Housing and Urban Development as any area which has a 1-percent annual chance of flooding.

As a further incentive—this time for the communities—the bill provides that those communities which have been identified as special flood zone areas would be required to participate in the national flood insurance program at the risk of penalty. The penalties are severe—future Federal financial assistance for construction programs such as urban renewal would be reduced, with increasing penalties as a community's failure to act continued.

Beginning July 1, 1976, the VA, Farmers Home Administration, and FHA mortgage insurance and new construction guarantee programs would be curtailed. By 1977, funds for programs such as open space, community facilities, community development, model cities, and so forth, would be reduced by 10 percent. By 1978, another 20-percent reduction would take place; with 30 percent in 1979, and in 1980, 40 percent. Thus, the total reduction amounts to 100 percent in 4 years.

These severe penalties are only, and strictly, for those cities, townships, and boroughs which fail to participate in the flood insurance program and which are located in flood hazard areas. It only makes sense, that if the Federal Government is going to provide Federal funds to build in flood-prone areas, the local communities should be required to take steps to reduce the impact of the flooding.

In addition, this bill broadens the availability of flood insurance to anyone who wishes to obtain it. At the same time, in order to encourage local communities to sign up for the flood insurance program and meet Federal land-use requirements, the premium rates on policies issued in communities which have not been approved for flood insurance would be 25 percent above the subsidized rate offered to residents of approved communities.

One last note, the bill I have introduced will expand the Federal flood insurance program. And you can be sure that in the wake of Hurricane Agnes, it would have expanded of its own accord. As a result, I feel that a $20 billion statutory limit for total coverage in force under the national flood insurance program is an appropriate figure.

H.R. 16521

A bill to amend the National Flood Insurance Act of 1968

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

SHORT TITLE

SECTION 1. This Act may be cited as the "National Flood Insurance Act Amendments of 1972".

INSURANCE LIMITS

SEC. 2. (a) Section 1306(b)(1)(A) of the National Flood Insurance Act of 1968 is amended by striking out "$17,500", "$30,000", and "$5,000" and inserting in lieu thereof "$70,000", "$120,000", and "$20,000", respectively.

(b) Section 1306(b)(1)(B) of such Act is amended by striking out "$30,000" (each place it appears) and "$5,000" and inserting in lieu thereof "$120,000" and "$120,000", respectively.

(c) Section 1306(b)(1)(C) of such Act is amended by striking out "$30,000" and "$5,000" and inserting in lieu thereof "$120,000", and "$120,000", respectively.

PROGRAM LIMITATION

SEC. 3. Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "$2,500,000,000" and inserting in lieu thereof "$20,000,000,000"

SEC. 4. (a) Chapter I of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following new section:

"REQUIREMENT OF FLOOD INSURANCE COVERAGE FOR FEDERALLY INSURED OR FEDERALLY GUARANTEED MORTGAGES

"SEC. 1321. (a) No officer or agency of the United States shall insure or guarantee or enter into a contract or commitment for the insurance or guaranty of any mortgage or real estate loan if the property to which such mortgage or loan relates is situated in a flood-prone area as determined by the Secretary under section 1360, unless such property is covered by the flood insurance program under this title (to the extent that such program applies or has been extended to property of the type involved under section 1305 (a) and (b)).

"(b) For purposes of subsection (a), the terms 'insure or guarantee' and 'insurance or guaranty', with respect to mortgages or real estate loans, include or refer to the insurance of any mortgage (or financial institution) under the National Housing Act or title V of the Housing Act of 1949, the insurance or guaranty of any loan under chapter 37 of title 38, United States Code, and any other insurance or guaranty issued under Federal law with respect to a mortgage on real estate or with respect to a loan made to finance the purchase, acquisition, or rehabilitation of real property."

(b) The amendment made by subsection (a) of this section shall apply with respect to mortgages executed and loans made on or after the first day of the seventh month which begins after the date of enactment of this Act (except that such amendment shall not apply with respect to any such mortgage or loan which is executed pursuant to a contract or commitment entered into before such first day).

PROVISION OF FLOOD INSURANCE IN CERTAIN AREAS NOT MEETING REQUIREMENTS OF PROGRAM

SEC. 5. The National Flood Insurance Act of 1968 is amended—

(1) by striking out "The" in section 1305 (c) and inserting in lieu thereof "Except as provided in section 1322, the";

(2) by striking out "After" in section 1315 and inserting in lieu thereof "Except as provided in section 1322, after"; and

(3) by inserting after section 1321 (added by section 4 of this Act) a new section as follows:

"FLOOD INSURANCE COVERAGE IN NONQUALIFYING AREAS

"SEC. 1322. Notwithstanding any other provision of this Act flood insurance coverage may be provided under this title in any State or area (or subdivision thereof) which has not complied with the requirements of section 1305(c) or 1315 if—

"(1) the property with respect to which the insurance is sought is eligible for coverage under section 1305 (a) or (b); and

"(2) the premium charged for the coverage provided is at a rate which exceeds by 25 per centum the rate which would otherwise be chargeable on similar property in a State or area (or subdivision thereof) meeting the requirements of section 1305(c) and 1315."

REDUCTION OF CERTAIN FEDERAL BENEFITS IN THE CASE OF COMMUNITIES NOT PARTICIPATING IN THE FLOOD INSURANCE PROGRAM

SEC. 6. (a) Notwithstanding any other provision of law, in the case of any unit of local

government which is determined by the Secretary of Housing and Urban Development under section 1360 of the National Flood Insurance Act of 1968 to be located in an area which has special flood hazards, and which is not participating in the flood insurance program established under such Act, the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Administrator of Veterans' Affairs shall reduce the aggregate Federal benefits for such unit of local government by 10 per centum on July 1, 1977, by an additional 20 per centum on July 1, 1978, by an additional 30 per centum on July 1, 1979, and by an additional 40 per centum on July 1, 1980.

(b) For the purpose of subsection (a), a reduction of the aggregate Federal benefits of a unit of local government shall be carried out by applying the percentages referred to in such subsection to each of the following:

(1) The aggregate dollar amount obligated or expended in connection with any contract or other agreement entered into by such unit under title I of the Housing Act of 1949, title I of the Demonstration Cities and Metropolitan Development Act of 1966, title VII of the Housing and Urban Development Act of 1965, title VII of the Housing and Urban Development Act of 1970, and title VII of the Housing Act of 1961 during the fiscal year ending on June 30, 1977;

(2) The number of dwelling units covered by mortgages insured under section 203 of the National Housing Act in the jurisdiction of such unit which were purchased during the fiscal year ending June 30, 1977;

(3) The number of dwelling units with respect to which the Administrator of Veterans' Affairs furnished financial assistance under chapter 37 of title 38, United States Code, which were purchased during the fiscal year ending June 30, 1977; and

(4) The number of dwelling units with respect to which the Secretary of Agriculture furnished financial assistance under title V of the Housing Act of 1949 during the fiscal year ending June 30, 1977.

POLITICAL PIOUSNESS?

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, piousness is depicted in this morning's Washington Post newspaper. I include the following editorial at this point in the RECORD for the edification of the Members of the House:

MR. NIXON'S SUNDAY ADDRESS

There is a great deal of talk about elitism in politics these days. In its most commonplace and superficial meaning the term has to do with social class and caste and who went to school where and who is urging whom to do what that he himself is exempted from as a matter of social or financial privilege. Another kind of elitism, however, seems to us to require at least as much attention, being both more pernicious and more easily disguised than the obvious kind that goes with being a "limousine liberal." It is the elitism of men in government who hold that you can do one thing and say another and that the people (ever manipulable) will never be the wiser, that what you confide to the Washington press and governmental elite is quite another matter from what you pitch to the public at large. It holds, in other words, that the people are in fact too dumb to recognize distortions of the truth and too mean-minded in any event to respond to anything but an appeal to prejudice.

Cynicism would be another name for this form of elitist thinking. For almost four years now it has run through Nixon administration attempts to explain to the Washington press corps (and to each other) how it is that you can only "sell" a worthwhile program by pretending that it is something quite different from what it is. We bring it up because it reached new heights in the President's address to the people on Sunday.

Thus, Mr. Nixon, who lists as his top legislative priority passage of a welfare reform bill that would at least double the number of persons receiving welfare benefits, inveighs against the "welfare ethic" and those who favor a policy of "income redistribution"—which is exactly what his welfare program is. Again, the man whose administration has, on alternate days of the week, worked to bring us many of the big busing cases before the courts, now demands new laws to turn them back, even laws that could have the side effect of undoing much of the orderly desegregation that occurred in the South before he came to office. Finally, the President whose Labor Department brought us the Philadelphia Plan for hiring fixed numbers of blacks, now calls such schemes "as artificial and unfair a yardstick as has ever been used to deny opportunity to anyone."

If Mr. Nixon really means to run against his own administration this way on the theory that no one will be bright enough to notice, we submit that he will be undertaking a perilous and boomerang-laden course. You can only sermonize for so long on the supposed collapse of the "work ethic," after all, before people start wondering what that has to do with the high rate of unemployment in this country that has been tolerated by the present administration—except, perhaps, as a rather crude diversion. And if you persit in alluding to something called the "welfare ethic" that is indulged by those who want something for nothing and who get it out of the working man's taxes, well the first thing you know there's going to be talk about Lockheed loans and rich farmers' subsidies and milk price supports that rise with campaign contributions and oil depletion allowances and God knows what all else—maybe even the fact that the administration has yet to come forward with any specific proposals of its own for tax reform. Indeed, it is not even inconceivable that what with the Watergate affair and all those hundreds of thousands of dollars shuffling around from bank to bank, the better part of valor might be for this administration not to introduce the subject of ethics at all—work, welfare or otherwise.

The pity of it is that, given the showing of current political polls and the failure of the McGovern campaign to get off to much of a start so far, Mr. Nixon has the luxury of pursuing a straight arrow, straight talk campaign if he wants to. That is, he can dispense with this elitist nonsense—and he should. It's not just that people aren't dumb. They don't like to be talked to as if they were.

VICIOUS ACTS BY ARAB TERRORISTS AT MUNICH, GERMANY

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, I am very hard put to find words to describe my shock and outrage at the vicious acts of terrorism perpetrated this morning by Arab terrorists at Munich, Germany.

I cannot recall any act so wanton and so devoid of decency, and one more certain to call down upon its perpetrators total condemnation from the world community.

Mr. Speaker, for too long a time Arab terrorists have enjoyed sanctuary from nations whose borders are contiguous to Israel.

Mr. Speaker, it is time for this Nation, and all other nations in the world community, to take whatever action is necessary to see that the Israeli athletes now prisoners are freed and this contemptible act is never repeated.

Specifically, Mr. Speaker, I call upon the Soviet Union which has lent aid and encouragement to the Arab bloc to use its influence in the Middle East to bring the terrorist campaign to a halt. For a long time, the Soviets have encouraged anti-Israel feelings and supplied men and munitions for still another aggression against Israel. In a large measure, their encouragement of Arab terror is at the root of the crisis. It is time for the Soviet Union to put all pressure upon its client states in the Middle East to end the reign of terror.

DISTRESS UPON MURDER AT OLYMPIC GAMES

(Mr. DONOHUE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DONOHUE. Mr. Speaker, I want to join with my colleagues here this afternoon in publicly expressing our deepest common distress and dismay upon the news of the almost unbelievable armed Arab guerrilla band's murderous invasion of the Israeli quarters of the Olympic Athletes' Village in Munich, Germany.

According to the reports, at least one member of the Israeli group has been killed, another has apparently been seriously wounded, and 13 other members of the Israeli athlete teams are being held as hostages with the threat of being killed outright unless certain demands of these terrorists are met.

Mr. Speaker, it is very difficult, indeed, to even try to find words to express the extent of our feeling of outrage in learning about this horrible incident and the circumstances of the place where an occasion upon which it has been committed make it unique in the world annals of criminal violence.

It is nearly impossible for any normal, ordinary, peaceful, law abiding person, anywhere on earth, to understand what these terrorists hope to gain by such an awful deed, but whatever it is, they have certainly made the worst possible approach toward achieving it.

The will and the conscience of all other people everywhere in the civilized world has been turned against them by this senseless barbarism and they are succeeding only in generating a tremendous and united international enmity against whatever cause they may think they are espousing.

Mr. Speaker, as our sense of outrage heightens at this atrocious action, I know we all join in our prayers that this horrendous experience being visited upon innocent Israeli athletes and their supervisors may very, very soon be ended with no further bloodshed, that the perpetrators of this terrible crime will be subdued

and properly punished and that appropriate steps will be taken to insure that the possibility of such uncivilized terror to recur again at Olympic games or any other peaceful international assembly will be eliminated.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN, for Tuesday, September 5, 1972, on account of official business.

Mrs. HANSEN of Washington (at the request of Mr. BOGGS), for today through September 22, on account of official business.

Mr. CAMP (at the request of Mr. GERALD R. FORD), through September 14, on account of official business.

Mr. MATHIAS of California (at the request of Mr. GERALD R. FORD), through September 11, on account of official business.

Mr. RYAN (at the request of Mr. MCFALL), for this week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOLDWATER) and to revise and extend their remarks and include extraneous matter:)

Mr. CRANE, today, for 5 minutes.

Mr. WILLIAMS, today, for 10 minutes.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mrs. ABZUG, for 10 minutes, today.

Mr. GAYDOS, for 10 minutes, today.

Mr. GRIFFIN, for 10 minutes, today.

Mr. FLOOD, for 10 minutes, today.

Mr. HECHLER of West Virginia, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PERKINS, to revise and extend his remarks and to appear after the calling up of the conference report on H.R. 12350 today.

Mr. QUIE and to include extraneous matter with his remarks on the conference report on H.R. 12350.

(The following Members (at the request of Mr. GOLDWATER) and to include extraneous matter:)

Mr. BUCHANAN.

Mr. VEYSEY.

Mr. SCHWENGEL.

Mr. DERWINSKI in two instances.

Mr. HOSMER in two instances.

Mr. HANSEN of Idaho.

Mr. BRAY in three instances.

Mr. YOUNG of Florida in five instances.

Mr. COUGHLIN.

Mr. FORSYTHE.

Mr. MILLER of Ohio in six instances.

Mr. CRANE.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. GRIFFIN in two instances.

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mr. RODINO.

Mrs. ABZUG in 10 instances.

Mr. JACOBS.

Mr. NIX.

Mr. UDALL in 10 instances.

Mr. WALDIE in three instances.

Mr. HUNGATE.

Mr. FLOOD.

Mr. STOKES in two instances.

Mr. PUCINSKI in five instances.

Mr. CABELL.

Mr. FLOWERS in three instances.

Mr. HARRINGTON.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 173. An act for the relief of Mrs. Naoyo Campbell, to the Committee on the Judiciary.

S. 2483. An act to provide a national program in order to make the international metric system the predominant but not exclusive system of measurement in the United States and to provide for converting to the general use of such system within 10 years; to the Committee on Science and Astronautics.

S. 2741. An act to amend the act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such act; to the Committee on Interstate and Foreign Commerce.

S. 2816. An act for the relief of Mary Danos Nayak; to the Committee on the Judiciary.

S. 3252. An act for the relief of Renato M. Dioquino; to the Committee on the Judiciary.

S. 3583. An act for the relief of Gerald Vincent Bull; to the Committee on the Judiciary.

S. 3671. An act to amend the Administrative Conference Act; to the Committee on the Judiciary.

S. 3835. An act for the relief of Reynaldo Canias Baecher; to the Committee on the Judiciary.

S. 3858. An act to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S.J. Res. 202. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 13089. An act to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On August 18, 1972:

H.R. 755. An Act to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes;

H.R. 2394. An act for the relief of Antonio Benavides;

H.R. 2703. An act for the relief of Mrs. Concepcion Garcia Balauro;

H.R. 5158. An act for the relief of Maria Rosa Martins;

H.R. 5814. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737;

H.R. 12392. An act to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation;

H.R. 12931. An act to provide for improving the economy and living conditions in rural America; and

H.J. Res. 1278. A resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

On August 19, 1972:

H.R. 15580. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes;

H.R. 3413. An act for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force (retired);

H.R. 8549. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes;

H.R. 9256. An act for the relief of Kyong Ok Goodwin (Nee Won);

H.R. 10310. An act to establish the Seal Beach National Wildlife Refuge;

H.R. 10713. An act for the relief of Wilma Busto Koch;

H.R. 11185. An act to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations, and for other purposes; and

H.R. 15474. An act to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 6, 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:

2270. A communication from the President of the United States, transmitting notice of his intention to exercise the authority granted him under section 614(a) of the Foreign Assistance Act of 1971 to waive the requirements of section 514 of the act as it applies to our military assistance programs for fiscal year 1973 to two countries in east Asia, pursuant to section 652 of the act; to the Committee on Foreign Affairs.

2271. A letter from the Deputy Secretary of Defense, transmitting two reports of violation of section 3679, Revised Statutes, and

Department of Defense Directive 7200.1, "Administrative Control of Appropriations Within the Department of Defense," pursuant to section 3679(1)(2), Revised Statutes; to the Committee on Appropriations.

2272. A letter from the Assistant Secretary of State for Congressional Relations, transmitting reports showing the Laos assistance-related funds expended during the fourth quarter of fiscal year 1972, revised figures for the first half-year estimates and for the third quarter, and the totals for the entire fiscal year, pursuant to section 505 of the act of November 17, 1971; to the Committee on Armed Services.

2273. A letter from the Secretary of Commerce, transmitting the 100th quarterly report on export control, covering the second quarter of 1972, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

2274. A letter from the Commissioner of Social Security, Department of Health, Education, and Welfare, transmitting a copy of the notice of proposed rulemaking concerning black lung benefits published in the Federal Register on September 2, 1972; to the Committee on Education and Labor.

2275. A letter from the Assistant Secretary of State for Congressional Relations, transmitting reports showing the Cambodian assistance-related funds obligated during the fourth quarter of fiscal year 1972, and for the entire fiscal year, and on the value of Defense Department excess material transferred to Cambodia during the fiscal year, pursuant to section 655 of the Foreign Assistance Act of 1971; to the Committee on Foreign Affairs.

2276. A letter from the Secretary of the Treasury and the Director of the Office of Management and Budget, transmitting the second annual report on the performance of functions and duties imposed on the Office of Management and Budget and the Department of the Treasury by sections 201 and 202 of the Legislative Reorganization Act of 1970, pursuant to section 202(b) of the act; to the Committee on Government Operations.

2277. A letter from the Deputy Director, U.S. Information Agency, transmitting an annual report for fiscal year 1972 on the Agency's disposal of excess foreign property, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949; to the Committee on Government Operations.

2278. A letter from the Secretary of the Interior, transmitting a report on prototype desalting plants, pursuant to the Saline Water Conversion Act of 1971; to the Committee on Interior and Insular Affairs.

2279. A letter from the Assistant Secretary of the Interior, transmitting notice of the receipt of project proposals with applications for loans from the De Luz Heights Municipal Water District, Fallbrook, Calif., and the Farmington Area Pressurized Irrigation District, Farmington, Utah, pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

2280. A letter from the Acting Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of overnight accommodations, food and beverages, and merchandising, marine, and automobile service station facilities and services for the public at the Temple Bar site within Lake Mead National Recreation Area, Nev., for a 15-year term ending December 31, 1986, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

2281. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 275, *The Creek Nation, Plaintiff,* v. *The United States of America, Defendant,* pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2282. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 342–E, *The Seneca Nation of Indians, Plaintiffs,* v. *The United States of America, Defendant,* pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2283. A letter from the Chairman, Commission on Railroad Retirement, transmitting the report of the Commission, pursuant to Public Laws 91–377 and 92–46 (H. Doc. No. 92–350); to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations.

2284. A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures; to the Committee on Interstate and Foreign Commerce.

2285. A letter from the vice president for public affairs, National Railroad Passenger Corp., transmitting a financial report of the corporation covering the month of April 1972, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

2286. A letter from the vice president for public affairs, National Railroad Passenger Corp., transmitting a financial report of the corporation covering the month of May 1972, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

2287. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2288. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2289. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

2290. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2291. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2292. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act; to the Committee on the Judiciary.

2293. A letter from the Secretary of Commerce, transmitting a report, together with legislative recommendations, reflecting the results of a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and St. Lawrence Seaway beyond the present navigation season, pursuant to section 107(c) of Public Law 91–611; to the Committee on Merchant Marine and Fisheries.

2294. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to permit not more than 30 persons at a time from foreign countries to receive instructions at the U.S. Merchant Marine Academy; to the Committee on Merchant Marine and Fisheries.

2295. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to deduct from gross tonnage in determining net tonnage those spaces on board vessels used for waste materials; to the Committee on Merchant Marine and Fisheries.

2296. A letter from the Acting Administrator of General Services, transmitting a request for the withdrawal of approval of various postal construction projects previously approved by the Public Works Committees of Congress, since they will be financed and constructed by the Postal Service under its own authority; to the Committee on Public Works.

2297. A letter from the Acting Administrator of General Services, transmitting a draft of proposed legislation to amend the Public Buildings Act of 1959, as amended, and for other purposes; to the Committee on Public Works.

2298. A letter from the Secretary of Labor, transmitting the third annual report on the work incentive program (WIN), pursuant to section 440 of the Social Security Act, as amended; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

2299. A letter from the Comptroller General of the United States, transmitting a report on problems of the Atomic Energy Commission associated with the regulation of users of radioactive materials for industrial, commercial, medical, and related purposes; to the Committee on Government Operations.

2300. A letter from the Comptroller General of the United States, transmitting a report on the need for impartial cost-effectiveness studies by the Department of Defense in selecting new weapons; to the Committee on Government Operations.

2301. A letter from the Comptroller General of the United States, transmitting a report on the U.S. system for appraising and evaluating Inter-American Development Bank projects and activities; to the Committee on Government Operations.

2302. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for greater efficiency and savings through the use of evaluation techniques in the Federal Government's computer operations; to the Committee on Government Operations.

2303. A letter from the Comptroller General of the United States, transmitting a report on economies available through increased use of the Federal Telecommunications System by military installations; to the Committee on Government Operations.

2304. A letter from the Comptroller General of the United States, transmitting a report on the need for further improvements in Department of Defense controls over Government-owned plant equipment in the custody of contractors; to the Committee on Government Operations.

2305. A letter from the Acting Comptroller General of the United States, transmitting a report on achievements, administrative problems, and costs in paying black lung benefits to coal miners and their widows under the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801); to the Committee on Government Operations.

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. HALEY: Committee on Interior and Insular Affairs. H.R. 2327. A bill to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes; with an amendment (Rept. No. 92–1368). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 6067. A bill to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 359, 360, 361, 362, and 363, and for other purposes; with an amendment (Rept. No. 92–1369). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 6318. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes; with amendments (Rept. No. 92–1370). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 8063. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes; with amendments (Rept. No. 92–1371). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 9294. A bill to authorize the Secretary of the Interior to convey trust title of U.S. Government land within the Devils Lake Sioux Reservation to the Devils Lake Sioux Tribe; with amendments (Rept. No. 92–1372). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10330. A bill to provide for the distribution of judgment funds to the Cheyenne River Sioux Tribe; with amendments (Rept. No. 92–1373). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10489. A bill to provide for the disposition of funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission docket No. 326–I, and for other purposes; with an amendment (Rept. No. 92–1374). 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. ANNUNZIO (for himself and Mr. PUCINSKI):

H.R. 16516. A bill to amend section 109 of title 38, United States Code, to provide hospital and medical care to certain members of the armed forces of nations allied or associated with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. CARTER:

H.R. 16517. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAMBERLAIN:

H.R. 16518. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

By Mr. DRINAN:

H.R. 16519. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in the amount of any old-age insurance benefit to which an individual is entitled if such individual has 120 quarters of coverage, and to provide that an individual with 120 quarters of coverage may become entitled to medicare benefits at age 62; to the Committee on Ways and Means.

By Mr. FISH (for himself and Mr. PEYSER):

H.R. 16520. A bill to provide that no State development agency shall be entitled to receive Federal financial assistance in any form unless it provides satisfactory assurance that it will take no action inconsistent with local zoning laws; to the Committee on Banking and Currency.

By Mr. FLOOD:

H.R. 16521. A bill to amend the National Flood Insurance Act of 1968; to the Committee on Banking and Currency.

By Mr. GRAY (for himself, Mr. MORGAN, Mr. GARMATZ, Mr. BELCHER, Mr. STAGGERS, Mr. NIX, Mr. LEGGETT, Mr. VAN DEERLIN, Mr. PEPPER, Mr. ANDERSON of Tennessee, Mr. BROWN of Michigan, Mr. BRASCO, Mr. ROE, and Mr. DELLUMS):

H.R. 16522. 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; to the Committee on Public Works.

By Mr. RARICK:

H.R. 16523. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. SYMINGTON:

H.R. 16524. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16525. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

H.R. 16526. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable units of general local government to increase the numbers of police; to the Committee on the Judiciary.

By Mr. WHALEN:

H.R. 16527. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 16528. A bill to clarify the meaning of section 357(c) of the Internal Revenue Code of 1954 with respect to the basis of certain unrealized receivables; to the Committee on Ways and Means.

By Mr. PEYSER (for himself and Mr. KEMP):

H.J. Res. 1294. Joint resolution condemning the actions of the Arab guerrillas at the Olympic Village on September 5, 1972; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

421. By the SPEAKER: Memorial of the Senate of the State of Maryland (House concurring), ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

422. Also, memorial of the House of Representatives of the State of Maryland, (Senate concurring), ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. STEELE:

H.R. 16529. A bill for the relief John C. Mayoros; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 16530. A bill for the relief of Arturo Aguirre-Alvarado, his wife, Soledad Labra de Aguirre, and their children Graciela Agiurre Labra, Guadalupe Aguirre Labra, Alma Rosa Aguirre Labra, Arturo Aguirre Labra, Jr., Alberto Aguirre Labra, and Beatriz Aguirre Labra; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

274. By the SPEAKER: Petition of Ethel W. Satterthwait, Yardley, Pa., et al., relative to the agreements negotiated by the President in Moscow; to the Committee on Foreign Affairs.

275. Also, petition of the Board of Supervisors, Amador County, Calif., relative to the service of Congressman HAROLD T. "BIZZ" JOHNSON; to the Committee on House Administration.

276. Also, petition of the Committee To Save the People's Downtown, Washington, D.C., relative to the Pennsylvania Avenue Development Corporation Act of 1972 (H.R. 10751); to the Committee on Interior and Insular Affairs.

277. Also, petition of James L. Braley, Bell, Calif., relative to amendments to the Constitution of the United States; to the Committee on the Judiciary.

278. Also, petition of the Board of Supervisors, Milwaukee County, Wis., relative to welfare reforms; to the Committee on Ways and Means.

279. Also, petition of the Board of Directors, Chamber of Commerce of the Americas, relative to trade restrictions; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

ROY AND ELLEN BRIGMAN

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, September 5, 1972

Mr. GRIFFIN. Mr. President, two of the finest, most dedicated people I have ever known are Roy and Ellen Brigman, who make it possible each year for many handicapped children to enjoy the experience of camping.

A good friend and Traverse City neighbor, Dr. Robert H. Chase, recently authored an article for the magazine, Lady's Circle, which appropriately pays tribute to these two outstanding Americans and their Camp Roy-El.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

GEE, WASN'T I LUCKY I HAD POLIO!

(By Dr. Robert H. Chase)

"Gee, wasn't I lucky I had polio!" The pretty little 11-year-old blonde girl who made this remark surprised none of the people circled around her, for they knew what she meant. She had just finished her first week at Camp Roy-El, a camp for handicapped children in northern Michigan. She'd had a ball. For the first time in her polio-stricken life she had spent seven glorious days living just exactly like other girls not handicapped. She had missed nothing. She had spent these days in the company of other youngsters also handicapped, some worse, some not as bad. The people who listened, with tears in their eyes, as she bade them goodbye, were staff members, "teen-aiders," and other campers who had been to Camp Roy-El before. They all knew what she meant, for this special camp was and is something warm and wonderful, and all who have come in contact with it in any capacity share with the campers the affection and gratitude they have for the founders of Camp Roy-El, Roy and Ellen Brigman.

Twenty years ago Roy and Ellen had a dream. Quite simply, it was a dream in which handicapped children could go to a camp, without charges of any kind, and do all the things unafflicted children do, and lots more. Their dream came into being that year, 1952.

The Brigmans' interest in such a camp had been far from casual. Both in their thirties, Roy was a skilled physical therapist at Munson Hospital in Traverse City, Mich., and Ellen was an elementary grade school teacher at St. Francis School and director of the local Girl Scout camp. Both had seen the effects of disease on young people, particularly the ravages of polio during those days when it was at its worst. Too many times, Roy had seen children crippled by disease or accident limp through life living, or attempting to, in a world of normal, healthy people.

"I learned many years ago," Roy explains, "that sometimes my patients didn't respond as well as I knew they could, and sometimes the reason was that they felt left out and, like any of us, were inclined to feel sorry for themselves. When you're the only handicapped person in a family, in a school, or even in a small community, you're not expected to do the things an unafflicted child can do, and that includes partaking of sports, hobbies, and even work." Then, running his hand through his short-cropped sandy hair, Roy adds, "Ellen and I figured if we could start a camp for youngsters, all handicapped, some hopeless wheel-chair cripples, some even destined to die before they were 15 years old, that this intermingling would provide a healthy atmosphere for both body and soul. Here each youngster would soon realize he wasn't the only one who'd been victimized by fate, and that he too could have some measure of fun."

Their job wasn't easy, but there are few people like Roy and Ellen Brigman. Roy, a former pilot in the Air Force (now a reserve colonel), was more than familiar with the intricate planning that would be necessary to make the camp more than just a dream. Ellen, the teacher knowing how important discipline is in a classroom, realized it would be doubly important in a camp of this kind, for even handicapped children would have to obey such rules as getting to bed on time and being on time for meals and excursions. Quiet and efficient, Ellen was a natural for the job as co-director of the camp. Though never raising her voice, she speaks with the authority of a marine drill sergeant, but is listened to far more carefully. The campers and teenagers alike refer to her affectionately as "Mrs. B," and to Roy, with the same fondness, as "Mr. B."

Home of Camp Roy-El is Gilbert Lodge on beautiful Twin Lakes just eight miles west of Traverse City. Gilbert Lodge is supervised and controlled by the Twin Lakes 4–H Cub, and is rented by them to Camp Roy-El for two weeks every year, usually the last week in July and the first week in August. The rest of the summer, various 4–H and youth groups from around the state also rent it; so the facilities are in use through the entire camping season. The campers live either in cabins or in the lodge proper.

The campers themselves are between the ages of 8 and 21 and come from a variety of communities in the northern half of the Lower Peninsula of Michigan. All of them have some handicap or disability, and the younger ones attend the first week while the teen-age group attends the second week. All are identified as "Handicampers" and their disabilities include those caused by polio, cerebral palsy, muscular dystrophy and other illnesses. Some children are blind or deaf, while others may wear braces, use crutches or be in wheel chairs. Approximately one hundred Handicampers are provided for each summer. Since Roy and Ellen feel there should be a teenaider or staffer for each, that is all they have room for.

As indefatigable as Roy and Ellen are, they still are only two people, and hence they welcome the help of another hardworking couple, Clare and Dorothy Wilder. Dorothy works at the Central Methodist Church in Traverse City during the year and Clare is a brakeman for the C. & O. Railroad. For the last 12 years both Clare and Dorothy have, like Roy and Ellen, given up their entire vacation time to be at Camp Roy-El for both the first and the second weeks. Dorothy is chief cook for the camp, and this means cooking three meals a day for more than a hundred people, half of whom are ravenously hungry, food-destroying boys. Clare is in charge of the craft shop, where the campers may work on projects to take home at camp's end. Over the years the campers have made leather wallets, weather-vanes, stools, bulletin boards, mailboxes and many other things, all finished in a highly competent way. Most of the campers work on craft projects. They don't have to, but they do, even though they may have prosthetic devices instead of arms and even though they may be blind. There are always extra hands and eyes to help them, and they are usually Clare's.

The camp itself has grown, in these 20 years, from 15 campers in 1952 to 110 (for two weeks) in 1971. In 1952, there were 15 teen-aiders (teen-age helpers, both boys and girls, who bathe, dress and even feed the more severely handicapped, or who serve as buddies and helping hands to the less fortunate). In 1971, there were 45. The staff, (all unpaid volunteers, including Roy and Ellen, who receive no renumeration of any kind) has risen from five in 1952 to 38 in 1971, while the budget of $200 in 1952 has mushroomed to $1,000 for the year 1971.

In spite of the 20-fold increase in the budget, Camp Roy-El is in no financial trouble. It is so well received in the Grand Traverse area for the good it does that it has never had a fund-raising drive or had to solicit money in any way. In fact, during 1971 alone, 183 different groups and individuals made cash contributions, the largest being from the state Easter Seal campaign in the name of all the chapters in the area served by Camp Roy-El, and the smallest, 13 cents, from the four-year-old brother of a teen-aider.

While money is no real problem now, how about the year it was started? "Well that first year," Roy says, "we were rather small, ran only one week, camped outdoors and had very little expense. We anticipated a need for $300. We asked the March of Dimes, the Easter Seal campaign and one other agency for $100 each. The other agency wanted to give us the whole $300 or nothing, but we preferred that the support be broader, so we accepted the $200 from March of Dimes and Easter Seal and made it that first year with $6 left over."

The governing body of Camp Roy-El is the Camp Committee, comprised of 12 couples representing all walks of life in the Traverse City area. The committee meets three or four times during the year either to review the just-completed camp session or to start planning for the next year. While some things—meal planning, hours of camp, etc.—remain constant year in and year out, other things are changed from year to year for variety's sake. For example, the committee attempts to rotate the excursions so that each year there are new ones (with the exception of the trip to the Sand Dunes and the boat ride on the bay, which are regulars).

"It isn't always easy to find new and different excursions," says pert Mimi Dixon, for years publicity director of the camp and a member of the Camp Committee. "We really wrack our brains to come up with different things each year. Each camper has his favorite, but the one I think was the most fun for all was the chairlift ride at Crystal Mountain Ski Area. The kids really ate that up, I noticed."

The annual meeting of the Camp Committee is in the spring, where the first order of business is the election of the camp directors. To nobody's surprise, except Roy and Ellen's, they are annually re-elected as directors of the camp for the coming year. This means that while the Camp Committee meets three or four times during the year and works as staff during camp time, the year-around responsibilities of camp, such as corresponding with campers, talking to service clubs, setting up physical exams for the campers by local physicians, etc., are handled by Roy and Ellen. Thus, in addition to the arduous two weeks of camp itself, Roy and Ellen devote the rest of the year to it in one form or another.

Four couples remain from the original Camp Committee—Mrs. Lloyd Kohn, representing herself and her recently deceased husband, the Gordon Grapes, the Harold Hendges and the Ed Perketts. Ed, postmaster of Traverse City, tells why he and his wife Helen have stayed on through the years.

"We both love to help people and have seen the inspiration the camp has been to teenaiders like our two daughters, one of whom is now a physician."

This is an example of the way in which Camp Roy-El benefits not only the Handicampers but the teenaiders who help out. Says Ellen, brushing an imaginary hair back in place, "Roy and I are constantly amazed to see how many of our former teenaiders end up in occupational therapy, physical therapy, schools for the blind and in other related fields. Mostly because of their association with handicapped children. It's wonderful."

Two of Camp Roy-El's best friends and long-time supporters are Governor William G. Milliken and Senator Robert P. Griffin, both of whom have visited the camp many times.

"Camp Roy-El is a remarkable example of American compassion at work," Bob Griffin says. "When you see what is being done there, as Marge and I have, you can't help but be impressed by the actions of the many people who work to make Camp Roy-El possible—people whose only motivation is to help other less fortunate beings."

Governor Milliken, a native of Traverse City, had this to say in a congratulatory telegram on the occasion of Camp Roy-El's 20th birthday. "I've been tremendously impressed with the heart-warming work of Camp Roy-El over the years. It's a highly commendable undertaking in the best American tradition of community initiative and support."

Why such acceptance of a camp for handicapped children? Well, in the first place, people think it's great because it's completely free to the children. They have only to bring their own linens, and to arrange their own transportation to and from camp—they're even given a stamped post card each the day they arrive to mail back to their parents or friends. So, what else? Well, where else could you shoot an actual submachine gun, if you're blind, that is, with a Michigan State Trooper as your instructor? Where else could you make a wallet for your father in the craft shop, particularly when you have no forearms or hands, but prosthetic devices instead? Where else could you square dance to a real live polka band, where else indeed except at Camp Roy-El, on square dance night, all squares are composed of kids in wheel chairs, with teenaiders pushing them through the dosey-do's? Where else could you go on excursions like boat rides on yachts in Grand Traverse Bay and "dunesmobile" rides over the Sleeping Bear Sand Dunes (soon to be a national park)? Where else a train ride with a real steam engine, complete with a real live hold-up along the way? Or where else could you go on a fishing trip to a privately stocked trout pond where you fished till you caught something, and they had it cooked for your supper?

Where else could all this happen but at Camp Roy-El? There are camps and there are camps, and most of us went to them in our youth, and usually tired of them after a year or two. Not so at Camp Roy-El. Whether you're just beginning at eight years of age, or an old hand at 21 (actually some of the campers are older than 21, and are raised to the lofty status of "staff"), you can't wait for the fall, winter and spring to pass, because, with the summer, comes camp time. It's here at Camp Roy-El that, at least for a week, you can leave your world behind and join your fellow handicapped in fun, crafts, excursions, sports and games, all carefully planned by the Camp Committee months before. It's here you do everything an unafflicted child can do, and more. To you, Camp Roy-El is a little bit of heaven, a little bit of something to take the sting out of those Michigan winters, a little bit of something to look forward to for 11 months. It's really the beginning and end of everything in your young life. And, if you're 11 and crippled, and have just spent your first week at Camp Roy-El, that is why you say, "Gee, wasn't I lucky I had polio."

ALIMONY AND EQUAL RIGHTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. WALDIE. Mr. Speaker, at this time I would like to enter the following article in the CONGRESSIONAL RECORD. It was written by two dedicated Los Angeles women, Trude Forsher and Marian P. Winston, and appeared in the Los Angeles Times on July 16 of this year. Here Trude Forsher and Marian P. Winston neatly summarized their months of intensive research into the problems of alimony in this country today. It is in the best interest of all of us interested in the current unjust situation to read this article, but it is especially in the interest of those of us who are not concerned.

The article follows:

ON EQUAL RIGHTS: THE MYTH OF THE EASY LIFE ON ALIMONY

(By Marian P. Winston and Trude Forsher)

Now that an Equal Rights Amendment to the Constitution has been passed by Congress, and ratified by 20 of the necessary 38 states, one often hears—over bridge tables, coffee cups, and typewriters—a woman's voice saying:

"Who wants equal rights? I like to have my husband support me. If the women who want equal rights get their way, women will have to support their children themselves, and they won't have any alimony if they get divorced."

In saying so, these women are showing a sense of false security, based on a mistaken impression of the protection that present laws give them. The general impression of the legal rights of women and children to support from husbands and fathers is almost completely at variance with the facts.

What actually are a wife's legal rights to support from her husband during the marriage? "The rights to support of women and children are much more limited than is generally known," reports the President's Citizens' Advisory Council on the Status of Women. It is custom, not law, that causes millions of men to provide for their wives and children.

The Nebraska Supreme Court explains the legal viewpoint as follows: "As long as the home is maintained and the parties are living as husband and wife, it may be said (i.e., the court will say) that the husband is legally supporting his wife and the purpose of the marriage relation is carried out."

In other words, a married woman living with her husband can, with certain exceptions, get only what he chooses to give her. If he fails to provide the necessities of life, she has no recourse except to leave him.

What happens when a marriage does break up? You'd never guess it from the many magazine articles claiming that men are "exploited" and "victimized" by wives who bleed them for huge alimony payments, but an ex-wife's chance of obtaining alimony are statistically very small, except among the wealthy.

Mothers do obtain custody of children in about 90% of the cases, but this is hardly a victory, since very few fathers have any desire to assume the burden of child care. About 10% of divorced fathers receive custody now; when appropriate, the mothers pay money toward the children's support.

An attorney specializing in obtaining custody for men admits that 75% of men clients never express any interest in obtaining custody. In other words, the percentage of cases in which custody represents a victory for the mother is rather low. However, an equal rights law would remove any arbitrary preference for the mother, so that custody cases would be decided on the basis of the best for the children.

March, 1971, census figures (the latest available) show that 6 million families with children under 18 are headed by women—about 12% of all American families. For years the figure stood constant at 10%, but the huge increase in divorces (715,000 in 1970) is making the fatherless family commonplace.

Nine-tenths of women family heads are divorced, separated, or widowed; only a tenth have never been married. These women are raising at least 20 million children—not counting the legally adult children of 18 or older whom the mothers are putting through college.

Not only have the number and proportion of mother-headed families increased, but fatherless families have been getting poorer and poorer, on the average. During the prosperous 1960s, the proportion of men and male-headed families in poverty dropped to an all-time low of 6%, while the proportion of mother-child families in poverty went up to 36%.

The reason, clearly, is that more and more housewives were set adrift by divorce, separation, or desertion, with the children on their hands to support as well as to care for.

The proportion of nonpoor fathers who condemn their children to poverty by providing little or no support has been going up, regardless of good times or bad. California State Social Welfare Board figures for 1966 show that 70% of welfare children received no support from their fathers. Now the figure is about 90%—and the welfare families are only the tip of the iceberg.

But what about alimony and child support payments? Divorced men are supposed to be supporting their ex-wives in parasitic idleness, according to the usual myth. And equal rights would certainly eliminate any such one-sided arrangement based on sex alone. But do women have the privilege of alimony now?

Among the very wealthy—the cases that get into the papers—alimony is certainly a reality, and the amounts may be quite large. But for the rest, alimony is a myth. In well over 90% of all divorce cases in the United States, the wives don't even ask for alimony, and when they do, they often don't get it.

In 12,000 Chicago divorces, for instance, only 7% of the wives even asked for postdivorce alimony. In 1942–43, when the Kansas State Judicial Council published alimony statistics, the Kansas courts awarded alimony in about one case out of 100.

A California judge estimates that in his county not more than 2% of women are granted postdivorce alimony and 10% are awarded temporary alimony during divorce proceedings. The same story is reported by the 575 domestic relations judges and commissioners surveyed by an American Bar Assn. committee in 1965: Alimony is seldom requested and even more seldom granted.

Moreover, in the few cases that involve something called alimony, the grant is often not really alimony but money given to the wife to pay her husband's debts. Out of six "alimony" awards in a series of cases studied in Kansas, three were for the purpose of paying such debts.

We know of several cases in California where the wife's company credit union financed a car or other large purchase for the husband. After the divorce, the husbands arranged to make the payments to their ex-

wives to transmit to the credit union—and called the payments "alimony."

If a man is in a taxable bracket, he has a financial incentive to pay "alimony" instead of child support. Alimony, if paid for 10 years or more, is excluded from the man's taxable income and the woman must pay the taxes on it. The same is not true of "child support," on which the man pays the taxes.

In some cases, the wives are not aware of the tax burden they are accepting by agreeing to alimony rather than child support. Of course, their attorneys should warn them.

Why do so many people believe that the alimony burden is prevalent? We have no answer.

Is it because alimony used to be common, when wives were nearly all dependent? No, because alimony was not common then. The Census Bureau kept statistics on alimony until 1922. At the turn of the century, alimony was requested in only 13.4% of the divorces and was granted in 9.3%. The all-time high apparently was in 1922, when alimony was decreed in 14.7% of cases.

We say "awarded" or "decreed," not "paid" because monetary divorce awards—meaning alimony and child support—are the least complied with and the least enforced of all cases outside small claims court. Prof. Henry Foster of the New York University Law School told the Practicing Law Institute that 50% to 90% of New York court orders for alimony and child support are never enforced. Although national statistics are lacking, this degree of nonenforcement seems to be typical.

In a 10-year study of child support orders issued in 1955 in Wisconsin, 79% of the fathers simply did not obey the court orders. Only 13% were in full compliance, and 8% made some payment, however small. Approximately 90% of the men in white-collar occupations and 80% in blue-collar occupations were in defiance of the court order at some time.

By the end of 10 years, only 36% of those defying the court order had any legal action taken against them. Similar results are reported from Ohio and other states.

Many men do, of course, comply with support awards. Conscientious fathers manage to make support payments even during periods of unemployment, as reflected in the fact that support-nonsupport figures show no relationship to unemployment figures.

But does this relieve the mother of the financial burden? Not really, because most "child support" awards represent about half the actual cost of the child's expenses. The average award in California is about $75 per month, which is less than half what the public pays to support children in nonprofit institutions and foster homes. Thus the mothers are supplying half or more of the money, as well as all the care, and are doing this on salaries that average half of what a man earns.

Far from eliminating the right of children to support from absent parents, the Equal Rights Amendment might well increase them. The Citizens' Advisory Council on the Status of Women states: "A case could be made under the equal rights amendment that courts must require divorced spouses to contribute in a fashion that would not leave the spouse with children in a worse financial situation than the other spouse."

Lawyers report that many judges say that if women want to be equal they should not ask for alimony or child support—this despite the fact that equality is not yet the law, and that child support is a right of the child, not of the parent. Ironically, the women these judges are penalizing are the unliberated housewives and mothers who have devoted themselves to their families for 15 or 20 years or more instead of developing their earning power.

A recent change in the California divorce law would probably be found in violation of equal rights. The Hayes-Stacey amendment to the 1970 Family Law Act, which passed the Assembly unanimously, makes two changes in the former method of dividing community property. Both of them work to the disadvantage of wives.

A woman's earnings while separated from her husband used to be her sole and separate property; now they are community property, liable for her husband's debts. That in itself might seem a step toward equality—but the amendment also provides that a wife's expenses during the period before the divorce are to be subtracted from her half of the community property, not from the community property as a whole. The husband's expenditures continue to be subtracted from both halves.

As a result, says attorney Amy White Fixler, a conscientious lawyer can only advise the wives to file for divorce at the first inkling of marital trouble. "You just can't tell a woman to hang in there, hoping for a reconciliation, and use up her half of the property," says Mrs. Fixler, "knowing that there isn't going to be anything left to use in rearranging her life and supporting her children."

Where did the idea ever come from that women have the economic advantages in marriage and divorce? Probably from the same place that spread the equally false notion that women own a disproportionate share of the wealth of the country.

Actually, of course, the 51% majority of women receives about one-quarter of all the income, owns 26% of the shares of stock, similar shares of the real estate, and far less of the business proprietorships, and leaves estates that average half of what men leave.

PENNSYLVANIA JOINT COMMITTEE REPORT ON TOCKS ISLAND

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 5, 1972

Mr. SCOTT. Mr. President, I come forth to acknowledge and applaud the report on the Tocks Island multipurpose development recently approved by our Pennsylvania General Assembly Joint Legislative Air and Water Pollution Control and Conservation Committee.

This Pennsylvania committee was created over 4½ years ago out of our concern for enhancing our human environment. The committee is comprised of 18 members, nine from the senate and nine from the house. It is thoroughly bipartisan in its makeup and includes some of our outstanding Pennsylvania conservationists.

Last fall the committee toured the site of the authorized Tocks Island development on and around the Delaware River between Pennsylvania and New Jersey. It also held 2 days of public hearings, receiving testimony from some 50 different parties, both governmental and nongovernmental. It then conducted its own further analyses, and has followed and evaluated continuing developments to the present concerning Tocks Island. Its report approved August 16, 1972 is a model of mature, responsible deliberation.

It establishes that there are certain fixed human water resource needs in and around the Delaware basin and, as shown by the area's recent history, that the environmental effect of not meeting them, or deferring the undertakings necessary to do so, is fraught with disaster. It enumerates and evaluates the various alternatives proposed for meeting these urgent needs, and sets forth a complete and clear description of the authorized Tocks Island development. It is the committee's conclusion that none of the various alternatives "meet those essential human needs adequately, as appropriately, or as economically as the authorized Tocks Island water conservation project." It is also the committee's conclusion that this project "be carried out to avoid significant adverse effects," and to this end it recommends several steps in the interest of enhancing fish values and providing reasonable assurance against pollution of Tocks Island Reservoir's waters.

Mr. President, I recommend the committee report to all concerned with our need to develop and conserve our essential water resources in order to sustain the lives of our people and enhance the quality of their human environment. I ask unanimous consent that the report and its transmittal letter be printed in the RECORD.

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

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, Pa., August 16, 1972.

Hon. MILTON J. SHAPP,
Governor, Commonwealth of Pennsylvania, Main Capitol, Harrisburg, Pa.

DEAR GOVERNOR SHAPP: Attached is a copy of a report on the Tocks Island Project that was adopted this date by the Joint Legislative Air and Water Pollution Control and Conservation Committee.

It is the hope of the Committee that Pennsylvania affirms its commitment to bear its appropriate share of the cost of the regional water pollution control program presently under consideration by the Delaware River Basin Commission. Further, that Pennsylvania take adequate measures to insure that the fishery of these waters will be enhanced through proper construction of terraced fish passage pools and that all other environmental considerations mentioned therein are properly fulfilled.

Respectfully,

JOHN F. LAUDADIO, Sr.,
Chairman.

R. BUDD DWYER,
Vice Chairman.

[Joint Legislative Air and Water Pollution Control and Conservation Committee]

REPORT ON AUTHORIZED TOCKS ISLAND MULTI-PURPOSE DEVELOPMENT, UPPER DELAWARE RIVER, PENNSYLVANIA, NEW JERSEY, AND NEW YORK

Last fall members of the Committee toured the site of the authorized Tocks Island Project, on and around the Upper Delaware River between Pennsylvania and New Jersey, and held two mornings of public hearings on it in Stroudsburg, Pennsylvania.

The Committee received statements, testimony and related data from some fifty different parties representing diverse points of view on Tocks Island. These materials, from National, State and local interests, both governmental and nongovernmental, have been studied by the Committee and partly summarized by staff. The members conducted additional analyses and have followed continuing developments involving Tocks Island.

PROJECT BACKGROUND, STATUS

The Delaware River drains portions of the States of Pennsylvania, New Jersey, New York and Delaware. The matter of equitable sharing of its interstate waters has been extensively litigated (e.g., *State of New Jersey* v. *State of New York, Commonwealth of Pennsylvania, Intervenor*, 283 U.S. 336 (1931), 347 U.S. 995 (1954))), and extensively studied over the years. A major portion of this State's population, and its capital investment, economy and labor force depend on the waters of the Delaware River.

The authorized Tocks Island Project is the key structure in the approved Plan for conservation of those waters, prepared by Federal and State agencies and adopted by Congress and by the Federal-interstate Delaware River Basin Compact Commission. Due to the importance of these waters to Pennsylvania, and to the Delaware River's destructive vagaries, ranging from drought disaster to flood devastation, Tocks Island Project has been supported by all Pennsylvania Governors and Senate and House congressional delegations concerned, many of whom played leading roles in its inception, authorization and appropriations.

Tocks Island was authorized under President Kennedy in 1962, following extensive studies under President Eisenhower after the River's disastrous floodings of the nineteen fifties. Its preconstruction planning was accelerated under President Johnson following the River's disastrous droughts of the 'sixties. Its National Recreation Area was authorized in 1965. Combined development of its hydroelectric purpose by underground generation and transmission was authorized under President Nixon in 1970.

About 29 percent of the land needed for the Project's Dam, Reservoir and Beach Area, and about 46 percent of that needed for its National Recreation Area, has been acquired. The Dam is now ready for construction, pending clearance by the President's Council on Environmental Quality (noted below). DRBC is processing the application for administrative approval of its power aspects. Tocks Island's scheduled completion date is 1980.

PROJECT DESCRIPTION

The authorized Tocks Island Project consists of its Dam at River mile 217 six miles above Delaware Water Gap, its Reservoir Lake extending 37 miles up to Matamoras, its Beach Area of 10,000 acres surrounding its 100-mile Reservoir shoreline, and its National Recreation Area preserving another 47,000 acres from the Water Gap around the outer boundaries of the Beach Area. Also, as now proposed by DRBC and other agencies, the remaining upper 80 miles of the Delaware, from the top of the Reservoir at Matamoras up to Hancock, New York, would be preserved as a wild and scenic river.

Dam. Tocks Island Dam will resemble a sloping hill, rising 160 feet from River bed to elevation 455 feet MSL. It will be 3,200 feet long from shore to shore and vegetated on its downstream face. Its New Jersey side will have a series of terraced fish passage pools, overflow spillway, underground River passage conduits, underground power generating facilities (these latter also connected by underground conduits to an enlarged existing hydroelectric pool on the ridge beside the Dam), and underground transmission lines.

Reservoir. Including 2,500 acres now occupied by the River, the Reservoir's normal water surface will cover 12,500 acres, at elevation 410 feet MSL. As shown by upstream flow records, downstream water requirements and Project purposes, Reservoir lake level will vary seasonally and with the daily vagaries of the weather. In ninety (90) percent of the years: it will rise from elevation 410 to higher levels on brief occasions during the spring rain and snowmelt season. Those occasional rises will be brief, as between every April 1 through July 1 all excess inflows are released (within River channel limits) for shellfish downstream. During summer dry season its level starts declining from elevation 410 as releases are made to augment River low flows downstream and to make Reservoir flood storage space available by late summer-early fall flood season. From July 1 through Labor Day it will decline about seven feet to about elevation 403. In winter it will reach its lowest annual level, about elevation 393, and then start rising back to its springtime normal at elevation 410. Excluding occasional rises from these levels due to heavy rains, during average water years Reservoir annual seasonal variation thus will total 18 feet.[1]

Beach Recreation Area. This is to develop To ks Island's direct or water recreation potential. This Area, to have fourteen major beach developments, comprises about 10,000 acres with Reservoir at normal elevation 410. As it declines to elevation 403 by the end of the recreation season, this will expose 1,240 acres; its decline to its annual winter low at elevation 393 will expose another 2,100 acres. Beaches will be sanded down to elevation 385 feet MSL. Any objectionable flats will be eliminated by dredging. Operation of the underground power facilities, involving underground exchange of certain water between the Reservoir and the enlarged existing pool, will cause a gradual decline in Tocks Reservoir level in the evening, and a corresponding gradual rise in it during Reservoir daytime recreation hours. During recreation season this daily variation will total about nine inches, or about the same as the existing daily variation in this part of the River.

National Recreation Area. This is to develop Tocks Island's indirect or land recreation potential. This Area preserves another 47,700 acres outside the Beach Recreation Area.

Access to the Reservoir and Recreation Areas will be controlled at National Recreation Area entrance roads. Together the Beach and Recreation Areas will accommodate 4 million visitor-days annually (one person present for part or all of a day). As additional recreation facilities can be funded in years ahead, it is estimated that after 1990 the two Areas together will accommodate as many as 10 million visitor-days annually. This latter means a combined maximum of 141,000 people within the 110-square mile Project Reservoir and Recreation Areas on a summer Sunday. About 47 of those square miles are in Pennsylvania.

PROJECT PURPOSES

There are acknowledged public needs in and around the Basin for flood protection, water supply, water recreation, and electric energy. The way Tocks Island Project meets these is noted below.

Flood Control. Protection is needed against disasterous flooding of the Delaware Valley. The floodings of 1955 caused untold damage along the River and tributaries from above Matamoras to below Trenton, *Presidential Disaster Declarations,* (August 20, 22, 1955). Whole communities and parts of communities were wiped out. The most concentrated property loss occurred around the Delaware-Lehigh confluence, 34 River miles below Tocks Island. Tocks Island gives protection against this menace.

Water Supply. Over 20 million people in and around the Basin depend on Delaware River waters. The 1961–1967 Delaware Basin drought necessitated a *Presidential Disaster Declaration* (August 18, 1965). All forecasts show a substantial increase in this area's consumptive water requirements. DRBC's forecasts show they will more than double over the next fifty years. Conservation storage of Delaware River water is need to supply this increased requirement, and to provide sustained River flow to keep sea water back from Philadelphia's Delaware River water supply intakes and Southern New Jersey's underground fresh water sources. Tocks Island, with a steady water supply yield of 630 million gallons a day or 980 cubic feet a second, provides 60 percent of this required conservation storage.

Water Recreation. There is great increase in the water recreation need of the public within or within a short distance of the Delaware Basin. According to the U.S. Interior Department, no section of the country has greater need for the water recreation Tocks Island Reservoir provides.

Electric Energy. New capacity for supplying peak public electric needs and system reliability is needed. (Peak public needs are those occurring daily, of a few or more hours duration, in excess of baseload plants output.) Tocks Island provides 1.3 million kilowatts of hydroelectric capacity for supplying peak public needs and pickup of baseload plant load in the event of outage. This capacity is subject to several statutory requirements for protection of the Damsite environment, including underground powerhouse, transmission lines and water conduit facilities, preservation of Sunfish Pond and Kittatinny ridge, and enlargement and use of the existing hydroelectric pool near the Dam.

PROJECT COST

Tocks Island Project's Federal cost is (1971 prices): Dam, Reservoir, Beach Recreation Area: $257 million.[2] About half of this is to be repaid, $74 million by water supply and at least $50 million by power, for a net Federal cost of not more than $133 million. None of this $133 million, for Tocks Island flood control and direct recreation, is repayable by State or local governments.

National Recreation Area: $87 million.[3] None of this, for Tocks Island indirect recreation, is repayable by State or local governments.

Additional cost assignable to Tocks Island may be some share of the cost of any regional water pollution control program (noted at p. 11) that will also protect its water quality. Additional income is annual tax revenues of $5.5 million to $6 million produced by its power.

As of Fiscal year 1973, commencing July 1, 1972, Congress has appropriated $50 million for the Dam, Reservoir, and Beach Recreation Area; and $37.4 million for National Recreation Area land. For Fiscal year '73 President Nixon requested and Congress appropriated $14.8 million for the Dam, Reservoir and Beach Area. Nothing was requested or appropriated this year for the National Recreation Area, as its appropriation authorization of $37.4 million for land is exhausted.

PROJECT ALTERNATIVES

The existence of those public water resource needs met by Tocks Island is not denied. The possible alternative ways urged by some for meeting them are collected and noted below.

Flood Control. A series of smaller dams on the tributaries. These would not supply the needed level of protection and would cost more than Tocks Island flood control. Flood plain zoning, i.e., preventing new development in areas vulnerable to destructive floodings, will not protect existing communities and plant investment.

Water Supply. (A) Hudson River, (B) Flood Skimming, (C) Desalination, (D) Restrict Water Use.

(A) Hudson River. By court allocation New York can withdraw up to 800 million gallons daily (mgd) of Delaware Basin water from NY's reservoirs in its part of the upper Basin—provided it operates them to insure a dependable Delaware mainstem flow (1130 mgd) down at the NY border. For this purpose NY constructed three large reservoirs,

Footnotes at end of article.

the last in 1967, and elaborate aqueduct, systems. These collect Delaware tributary flood flows early in the year for release throughout the year, partly to the NYC area, and partly to the mainstem downstem. (In dry periods the required release to the mainstem provides as much as two-thirds of its total flow down at the NY border, and the release to NYC can supply only 482 of the 800 mgd authorized.) As this arrangement delivers certain Delaware Basin water from NY's part of the Basin to New Yorkers living outside of it (in the Hudson River watershed), some maintain that water should flow to downstream Basin States instead, and NYC should draw all of its supply from the Hudson. This alternative maintains it would substitute for Tocks Island to meet increased requirements downstream. This is contradicted by studies now completed under the recent Northeastern Water Supply Act of 1965. In any event such an alternative would be expensive: this NY reservoir system, financed by NY alone, is valued at many hundreds of millions of dollars; Tocks Island water supply storage costs $74 million. This alternative presents legal problems also.[4]

(B) Flood Skimming. By court allocation NJ can withdraw up to 100 mgd of Delaware Basin water for consumption outside its part of the Basin. If NJ provides Delaware Basin water storage for releasing to the mainstem such water as will compensate for NJ withdrawals in excess of 100 mgd, NJ can withdraw additional Basin water "without limitation" for non-Basin consumption.[5] Water demand already exceeds dependable supply in parts of NJ, that State has determined the increased needs of Northeastern NJ must be met by Delaware Basin storage, and has declared its need for 300 mgd of Tocks Island storage. The "flood skimming" alternative to Tocks Island some urge for NJ involves electrically pumping the Delaware's flood flows through large conduits to enlarged or new reservoirs built inland by NJ to meet its increased non-Basin requirements. This is rejected as unreliable, inadequate to meet demands, and uneconomical by NJ State and DRBC analyses, most recently by the U.S. Geologic Survey, and by studies completed under the Northeast Water Supply Act. Also it fails to meet increased water supply needs of Southeastern Pennsylvania and the Wilmington, Delaware area, and to provide Basin storage releases to the mainstem required to compensate for any additional NJ trans-Basin withdrawals.

(C) Desalination. This has been conducted on small, experimental bases and some urge it as an alternative to Tocks Island. This would involve large plants at or off the coast, extensive piping running inland therefrom, and new power facilities for pumping that water to diverse delivery points. Corps, DRBC and Northeast Water Supply Act studies show this has major technological and environmental constraints. It is also inordinately expensive. DRBC studies show that for 300 mgd of water, desalination costs 33 cents, Tocks Island 4.2 cents.

(D) Restrict Water Use. Conservation of water has become a national priority. Methods urged to reduce its consumption include raising its price, increased use of water meters, reducing its use in household chores and food preparation, installing or modifying toilets, dishwashers and washing machines to use less water, and re-use of waste water. However necessary, and encouraged, these do not materially reduce or eliminate increased future need. The possibilities of the other method urged, reducing consumption of water available for cooling electric plants, depend on public electric requirements, improvements in generator efficiency and waterway capacity to dissipate heat without adverse effect.

Water Recreation. Tocks Island Reservoir will have a water surface covering nearly twenty square miles with a 100-mile shoreline, all accessible to the public. According to Interior: there is an acute public need for water recreation in the area, Tocks Reservoir has tremendous water recreation potential, and no comparable publicly owned water recreation resource, or opportunity for one, exists in the area. A possible plan primarily for non-water recreation, briefly sketched by National Park Service personnel at the Council of Environmental Quality's request, involves eliminating Tocks Reservoir and using its land only for an enlarged Recreation Area. This would entail enormously increased, additional non-reimbursable expenditures for a land Recreation Area. It would not meet public need for water recreation or other known water resource requirements. It would require statutory change.

Electric Energy. Tocks Island has substantial power potential: it provides one of the area's most needed commodities (peaking power) largely by facilities also required for other purposes. Some urge construction and operation of numerous new natural gas or oil-fired combustion turbine or combined cycle peaking power installations instead. A detailed environmental, economic, technical comparison of Tocks Island and its peaking alternatives is a matter before and will be made by the administrative licensing agencies.

COMMITTEE VIEWS

The Delaware River Basin service area is the most populous, heavily industrialized area in the country. It is subject to disastrous flooding, disastrous drought, pressing public needs for energy and for water recreation. The environmental effects of failing to meet this area's water resource requirements are out of the question.

The Tocks Island Project to supply those urgent water resource requirements "significantly affects the quality of the human environment" of this area (PL 91–190, National Environmental Policy Act). The Committee is satisfied that the alternatives explored do not meet those essential human needs adequately, as appropriately, or as economically as the authorized Tocks Island water conservation Project.

The Committee is insistent that Tocks Island Project be carried out to avoid significant adverse effects, and to this end makes the following recommendations:

I. The U.S. Fish and Wildlife Service reevaluation of Tocks Island (July 1971) establishes that the difference in fish with and without Tocks Island is not large, that resident fish in its Reservoir will "increase substantially", that there will be "small but significant improvements in River fishing both below and above the Dam, and "that no fish and wildlife-related basis is apparent that justifies objecting to construction of either the Tocks Island Dam and Reservoir or" its recently authorized hydroelectric development. It is also now established that a series of terraced fish passage pools will be constructed (costing over $7 million) between the Dam's overflow spillway and the ridge on its New Jersey side, and that the Fish and Wildlife Coordination Act provisions are adequate to insure its recently authorized power facilities are so designed to prevent significant adverse effect on fish. It is the Committee's position that in the construction of Tocks Island Project all appropriate arrangements be incorporated for the preservation and enhancement of fish.

II. Concern has been expressed that migration of fish through the Reservoir may be hampered or prevented by inappropriate water currents. It is the Committee's position that efforts to insure such migration be sustained and expanded, as appropriate.

III. Concern has been expressed that Pennsylvanians will not enjoy unrestricted access to fishing opportunities on the New Jersey shore of the Reservoir. The proposed Reservoir fishery management plan provides a fishing license from either State will entitle a person to fish anywhere in the Reservoir or along its shores. It is the Committee's position that this proposed plan be adopted.

IV. Earlier this year, after completing its analyses of Tocks Island's revised comprehensive environmental report, the Council on Environmental Quality recommended its construction not begin before the Governors affirm their States will pay their share of a water pollution control program providing reasonable assurance that the eutrophication potential of Tocks Island Reservoir will be minimized. This should not cause undue delay, CEQ noted.[6] The Congressional reports accompanying the Act appropriating the money President Nixon requested this year for Tocks Island's construction also recommended (June 1972) it not begin before the Governors provide that affirmation. It is now established that the cost of this program is $53 million, and that the State and local share of it is substantially reduced by the financial assistance provisions of the Federal Water Pollution Control Act. This program's regional approach has been commended by both the CEQ and the Environmental Protection Agency. The Committee appreciates that regional water pollution control will be required for this area regardless of the presence of Tocks Island, and that implementation of the approved program including Tocks Island may provide certain water pollution control economies for Pennsylvanians and other people of this region not available without it. In the interest of minimizing the Pennsylvania State and local share of the cost of this $53 million program, it is the Committee's position that the Federal government assume the maximum Federal portion of that cost allowed by Federal Water Pollution Control law. It is also the Committee's position that the State, through DRBC or otherwise, affirm it will bear its appropriate share of the cost of this program providing reasonable assurance that the eutrophication potential of Tocks Island Reservoir will be minimized.

FOOTNOTES

[1] In wet years it could total as little as two feet. Once in 100 years, in drought, it could total as much as 54 feet, down to a winter low at elevation 356 Basin water is not replenished.

[2] Excluding $38 million for the originally authorized above ground power plant, saved by underground development of the Project's hydroelectric pumped storage and streamflow power by non-Federal interests recently authorized by Congress.

[3] Assuming congressional enactment of legislation authorizing another $31.4 million expenditure for land within the Recreation Area's boundaries, but excluding increased costs for required recreation facilities.

[4] The Supreme Court pointed out respecting this New York diversion "from the watershed of that [Delaware] river to the watershed of the Hudson River in order to increase the water supply of the City of New York", that: "The removal of water to a different watershed obviously must be allowed at times unless States are to be deprived of the most beneficial use on formal grounds. In fact it has been allowed repeatedly and has been practiced by the States" (*State of New Jersey v. State of New York and City of New York, Commonwealth of Pennsylvania, Intervenor*, 283 U.S. 336, 343).

[5] The compensating storage releases are needed downstream for keeping sea water back from Philadelphia and southern NJ's fresh water sources, for pollution control flows, and for shellfish.

[6] The remaining environmental question earlier raised by CEQ, involving Reservoir seasonal variation (p. 3, above), was satisfactorily clarified.

LARRY ROBINSON IS "BULLISH" ON CLEVELAND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. STOKES. Mr. Speaker, Larry Robinson believes in the old concept of "boosterism" for the city of Cleveland, Ohio, and it is impossible to remain unaffected by his contagious optimism about Cleveland's potential. His optimism, moreover, is channeled into innumerable, constructive community activities. He puts his principles to work every day of the year.

On July 19, 1972, Larry Robinson received much-deserved kudos in a local magazine, Our Town. I would like to share this brief—but important—article with my colleagues today:

LARRY ROBINSON

Larry Robinson believes in the future of Cleveland. "I grew up here—this is my home—that's why I want to do something about it."

Larry is President of J. B. Robinson Co., Jewelers, an eight-store chain with its main offices in downtown Cleveland on the eighth floor of the Euclid-Ninth Street tower.

His list of community activities reads like a book—President of the City Club, a trustee of the Greater Cleveland Growth Association, and a trustee of the Cleveland Institute of Music.

In addition, he is a director of the University Circle Development Foundation, the Cleveland Convention and Visitors Bureau, the Cleveland Chapter of Phi Beta Kappa, and served on the Cleveland Area Arts Council, and . . . well the list goes on and on.

He explains his involvement this way, "The businessman is always solving problems. I felt that people skilled at solving problems professionally might become more involved at solving problems of the city and the state."

Larry first began to make his presence felt in this city little more than ten years ago when his father died and left him a small, three-man, jewelry wholesaling business in downtown Cleveland.

Despite the fact that he was then working for a large corporation whose holdings then included the Empire State Building, Larry left it all behind to go into business for himself.

"Well, you know, the difference between a small business and a giant corporation is basically a matter of adding zeroes to the annual volume.

"The independent retailer does everything the Corporate President does only he doesn't work through a comptroller, a sales marketing man, a personnel director and the rest. He does it all himself."

And Cleveland is the place to be in business for yourself according to Larry. "It's a great expanding market of good, solid people. Among chain operations, this is a lower credit risk area which makes it a good area to do business in."

Once his business was established, Larry turned in the mid-1960s to civic involvement.

"Visitors judge a whole city by its downtown," he explained, and so expends a great deal of effort on downtown Cleveland starting with his own store which, according to Larry, carries the selection of at least five average jewelry stores.

To Larry, downtown represents a definite cycle that has led to his deep involvement in the City Club. "The City Club is the oldest forum in Cleveland designed to stimulate thought about Downtown Cleveland.

"And a healthy Downtown will help to bring together different thoughts and people from all professions." This, in turn, will bring to light more ways to improve the Downtown area and the City in general . . . which will in turn stimulate further thought, and so on.

"There must be more awareness of Greater Cleveland's potential," he went on to explain.

And Cleveland's potential is limitless as J. B. Robinson's recent growth shows. Starting as that small, three-man wholesale jeweler, Robinson's in the last twelve years has grown to ten times the original volume to one of the largest retail jewelers in the country.

"We did it with only one rule—to try and understand what customers want and to satisfy those desires."

The formula worked very well, especially when combined with hard work and perseverance.

The same virtues Larry applies in his approach to finding ways and means of helping improve the quality of big cities.

Especially the one he grew up in.

SOME CENTRAL PLANNING HINTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. CRANE. Mr. Speaker, as my colleagues know, I have not failed to express my differences with the administration on those subjects where we disagree. One of these areas is the question of whether or not wage and price controls were a wise decision when they were implemented last year.

I did not believe it was wise then, and I do not believe it will solve the problem today.

The following editorial from the Wall Street Journal of August 31, in several succinct paragraphs gives a graphic example of why wage and price controls will not, and cannot, work in a specific area—that is, the automobile industry.

I insert the editorial at this point in the CONGRESSIONAL RECORD:

SOME CENTRAL PLANNING HINTS

A few suggestions on how to run the auto industry from Washington:

1. Require the manufacturers to install costly emission control and safety devices.

2. When the companies apply for price increases to cover the costs of these devices, ask them not to.

3. Even if they trim their demands, have the Price Commission deny the increases to General Motors and Ford, since these two appear to be going through the permissible profit-margin ceiling.

4. Chrysler and American Motors can't be denied on the profit-margin gambit, so give them the increases they want. It won't matter because either:

a) They won't want their prices to get out of line with GM and Ford, so will be forced by free-enterprise type competition to hold prices steady even though their profits fall further behind those of GM and Ford. Or

b) They will effect the price increase, in which case they will sell fewer cars than GM or Ford, due to the free-enterprise type price system taking hold. In which case,

5. To preserve free enterprise, have the Justice Department bring antitrust proceedings against GM and Ford for having gobbled up an unconscionably high percentage of the market. After these giants are broken up into smaller, less efficient but more competitive units, in the interests of the free enterprise system, repeat the cycle by,

6. Require the manufacturers to install costly emission control and safety devices.

JACKSON: MISSISSIPPI'S CAPITAL CITY

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. GRIFFIN. Mr. Speaker, in 1792, a young French-Canadian, Louis LeFleur, established a trading post on a bluff of the Pearl River. Thirty years later in 1822, the Mississippi Legislature elected to establish its new capital city on this site. Thus, the long colorful story of Jackson, Miss., began 150 years ago.

Jackson has over the past 150 years grown to become a modern, progressive metropolitan city striving to meet the challenge of a great future.

All Mississippians are indeed proud of their capital city, its past and its future. And in this sesquicentennial year we join in saluting the great progress that has been a part of Jackson and look to even greater years ahead.

I take pride today in sharing with my colleagues the interesting and colorful story of Jackson and its potential for the future that recently appeared in the magazine, Mississippi News & Views.

JACKSON—150 YEARS

(By Dr. R. A. McLemore)

The rolling forested hills that were to become the site of Mississippi's capital city were untouched by Europeans in 1821. The Indians lived in the forests and won a livelihood from its denizens and the creatures of the gently flowing streams. They loved the beauty of the land but were finally forced to cede it to their white brothers. The white man wanted the land because he knew it would produce an abundance of cotton, the "white gold" of that era.

The unresolved question of the Constitutional Convention of 1817 and of subsequent legislative sessions was the location of a capital. The legislature wisely sought a site near the center of the state. The searching party sent out by the legislature in 1821 looked at many sites, but their preference was LeFleur's Bluff on Pearl River. Their convincing arguments for this choice location won the approval of the legislature. The site was ordered surveyed, a capitol erected, and the name of the hero Major General Andrew Jackson given the embryonic city.

Jackson welcomed its first legislative session in December, 1822, and though living accommodations were primitive the state's business was transacted and the lawmakers departed. The lands on the bluffs around Pearl River were not as productive as the loess soils farther westward, nor was it as easy to get cotton to market as it was from other areas. Since the economic health of a community depended upon the amount of cotton produced in its vicinity, Jackson grew slowly. The city was almost abandoned in 1828, and the legislature considered removing the capital to a more favored area. The difficulty of reaching an agreement and opening of Indian lands to the north saved the city and provided opportunities for growth.

The railroads laid their lines to reach Jackson, and thus the capital became the crossroads of the iron horse in the state. The city's central position made it the center of commerce for the interior. By the outbreak of the Civil War, Jackson had become a respectable city of over 3,000 souls. There were many of the amenities of life, such as gas lights, good hotels, a beautiful capitol building, many elegant homes, including the governor's mansion, and an abundance of

churches, newspapers, professional people, and a few manufacturing establishments.

The pleasant tenor of life in Jackson was wrecked by the tragedies of the Civil War. The city was occupied on four different occasions by enemy forces. On the second occupation in 1863, the facilities that supported the war effort were systematically destroyed and the stricken city was referred to as "Chimneyville." The difficulties of earning a livelihood made recovery from the war a slow and tedious process. The railroads were rebuilt, and new ones were added. The factories were gradually restored, and new enterprises began to develop. The manufacture of lumber took on new importance as the market became more lucrative. The cotton seed was utilized in the manufacture of various oil products. Millsaps College and Belhaven College were opened to give the capital city prestige as an educational center. The cultural life of the city was enhanced by the formation of drama groups, choral organizations, study clubs, and the presentation of traveling artists. Life in Jackson had become again rich and satisfying when the twentieth century opened.

Perhaps Jackson's greatest asset in its rise of the dominant municipal area in Mississippi was the concentration of governmental agencies in the city. At the beginning of the twentieth century government was relatively unimportant as an employer of labor and conductor of enterprises. The new century was characterized by a tremendous change. The state and federal governments entered many new fields of service and consequently expanded the labor force in governmental agencies. Their development had a greater impact on Jackson than on any other city. Another change that influenced the growth of the city was the migration of farm workers to the city. The growth of the population made it necessary for the city to promote an active industrialization program in order to provide jobs for the people. The intensive industry building program resulted in Jackson becoming one of the most highly industrialized areas in the state. This in turn increased the population of the city.

Jackson also became the principal finance center in the state during the twentieth century. The banking industry began a healthy growth in the early part of the century but met reverses during the depression of the 1930s. This was followed by a reorganization of the banking system and new growth that placed the city in the forefront of the financial communities of the state. Banking growth was supplemented by the development of insurance companies. Mississippi had been negligent in taking advantage of the opportunities of this industry, but the twentieth century witnessed a healthy growth in this field. Another field was the rise of savings and loan associations. These organizations stimulated thrift and savings among the citizens and provided funds for housing and other projects.

The cultural life of Jackson was enriched by many activities. Jackson State College became a public institution and established a record as one of the fastest growing institutions of higher learning in the state. Mississippi College, Belhaven College, Millsaps College, and Tougaloo College were centers of cultural activity. Hinds Junior College began its service in the 1920s and became a particularly important force in the technical life of the area. The Jackson Symphony Orchestra, the Little Theatre, the Opera Guild, the Art Association, the Ballet Guild, the Choral Society, the Junior League, the Old Capitol Museum, and many other organizations contributed to the cultural growth of the city. Jackson became the principal medical center of the state with the University Medical School, Baptist Hospital, St. Dominic's Hospital, Veterans' Hospital, Hinds General Hospital, and Doctors' Hospital providing leadership in the field. These developed the largest concentration of medical personnel in Jackson of any center in the state.

The religious life of the citizens was strengthened by the numerous church organizations that served the community.

The 150th anniversary of the founding of Jackson marks the realization of dreams that far exceeded the wildest expectations of the first settlers. If comparable achievements are to mark the years ahead, heavy responsibilities rest upon the citizens of today.

LETTER TO SENATOR KENNEDY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. DERWINSKI. Mr. Speaker, last week in a major mailing, a letter from Senator EDWARD KENNEDY was evidently directed to hundreds of thousands of individuals in support of Senator McGOVERN.

The tone of the letter was more anti-Nixon than pro-McGovern and that is understandable given the intellectual bankruptcy of the McGovern campaign and the ill-disguised animosity of the Kennedys for the President.

Usually when a mailing of this sort is misdirected, a number of Members take to the floor to answer. In this case, I was spared the task of preparing a reply since a dedicated Illinois taxpayer, Mr. Jim Reichardt of Carol Stream, Ill., was kind enough to send me a copy of his response to the senior Senator from Massachusetts.

The letter follows:

CAROL STREAM, ILL., *August 31, 1972.*

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR FRIEND: Thank you for your kind invitation to join the McGovern Million Member Club. Since I am one of your typical poverty people, I cannot afford the dues. I am sure that you will not discriminate against me because of my financial status, and thereby exclude me from the club. So, I am asking you, as a friend, to pay my dues for me. I'm sure you can afford the $25, and after all, you did address me as friend.

A word of criticism. Membership in the club only entitles one to a membership card and a button. I think we should also get a secret decoding ring. This way, members of the club, who have a special "in" in the McGovern campaign, could use their rings to find out what the good Senator means when he indicates he is behind someone 1,000%, or when he promises everyone $1,000. (By the way, what ever happened to that? I could have used the dough to become a member of the club!)

Thanks again for your letter. It isn't every day that I get a letter from a Famous Personage who considers me a friend. You are certainly a good friend to have, because I happen to know that you are worth several million clams and are intensely interested in helping us poverty folk.

Let me know how the club goes and make sure that I get an invitation to the first meeting. I am anxious to get to know the other 999,999 members. They must be a great bunch of guys.

Sincerely,

JIM REICHARDT.

GUARANTEED STUDENT LOAN PROGRAM

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. QUIE. Mr. Speaker, the Congress is solving the most current problems related to the guaranteed student loan programs, with Senate Joint Resolution 260, but this resolution delays the implementation of the recent guaranteed student loan amendments only until March 1, 1973. In the meantime, we must plan for the period beyond March 1.

Some individuals—including Members who participated in the conference on the Education Amendments of 1972—have been suggesting that the new amendments to the guaranteed student loan do not require a so-called needs analysis. It is true that the conference report—now Public Law 92–318—does not mention a needs test specifically. But I can say as one who was very much involved in our negotiations with the other body that some form of a needs analysis was clearly intended.

Under the old provisions, there was an arbitrary ceiling of $15,000 adjusted family income beyond which no student could receive Federal interest subsidies on any guaranteed loan. Those below this arbitrary ceiling received a Federal interest subsidy on every guaranteed loan. For a family of four, this adjusted income of $15,000 amounts to a gross income of closer to $19,000. The adjusted figure does not reflect the number of children one family has in postsecondary education at one time. This is a shortcoming of such an approach.

There were two major concerns of the conferees. One was to open up the interest subsidy provisions to some students above the adjusted $15,000 who could demonstrate real need. The father might have recently became unemployed. There might be a serious medical or business setback. Whatever the reason, it was argued that some students above $15,000 were actually in greater need of the subsidy than some students below that level.

The second major concern was the fact that many students under $15,000 could get no-interest loans for non-education purposes through periods up to 7 or 8 years. It has not been rare to hear of students using these loans for trips abroad, cars, honeymoons and even investments. Indeed, many parents jump at the chance to get $1,500 interest free money each year during the time their children are in college.

The conferees attempted to meet both of these problems. First, we allowed the educational institution to declare that a student whose adjusted family income was above $15,000 to be "in need," thus qualifying him for a subsidized loan.

Second, we agreed that for all students—those whose need was "presumed" because their income was less than $15,000 and those whose need was specifically "determined" by the educa-

tional institution—the educational institution would make a recommendation as to the amount of the subsidized loan each student needed.

The way this recommendation is determined is spelled out in the law. The financial aid officer determines the total cost of attending the institution. I should mention here that the conference report mistakenly restricted the definition of "cost." I hope technical amendments will soon correct this so that "total costs" will reflect all legitimate expenses related to attendance.

From this total cost figure for each student is subtracted "the expected family contribution with respect to such student plus any other resources or student aid reasonably available to such student." The "other resources" include grants, scholarships, other loans, and so forth.

Much of the controversy in recent weeks has centered on the required determination of "expected family contribution." This determination has been made for many years as part of the other Federal student aid programs. It has never been part of the guaranteed student loan program until the recent amendments. I do not know how anyone can comply with the law and not go through some sort of analysis of family income and assets. This is more popularly referred to as a "needs test."

The Office of Education, in its July 18 interim regulations, told the schools to use any of the several needs tests which have been approved for the other programs. That meant for thousands of students a rather complex parental confidential statement that took several weeks to process. My own hope is that OE can find a much simpler needs analysis system. That would solve most of the problems we have seen since July.

Mr. Speaker, I should also say that one major assumption behind the changes in the law was the assumption that students could continue to receive nonsubsidized guaranteed loans. We should not restrict the availability of guaranteed loans. We should only restrict the amount of loans for which the Federal Government pays the interest. These interest costs are growing rapidly, as the following table indicates:

Fiscal year:	
1970	$96,558,000
1971	150,341,000
1972	192,062,000
1973 (estimate)	215,000,000

What we intended with the recent amendments was that these interest subsidies would go to students to the extent they showed a need. So naturally some students who received large subsidized loans in the past without this needs determination would now qualify for smaller subsidized loans. But we did not intend to cut them off from guaranteed loans of which they paid the 7-percent interest.

I understand that the fact of the situation is that few banks are willing to exceed the institution's recommendation for a subsidized loan and that few banks are willing to make nonsubsidized loans at all. The reason for this latter problem is that banks find it much easier and less costly to bill the Government for one large sum rather than bill each individual student for the interest.

Something must be done to solve this problem. Many students are absolutely dependent on receiving a guaranteed loan. And they are willing to pay 7-percent interest. If the banks continue to discriminate against those students who do not qualify for a subsidy, then we should consider eliminating the subsidy for all students since it is usually the student who pays off the loan once he becomes a wage earner rather than the family. We should look into the question of who actually repays these loans and whether or not an interest subsidy based on the student's family's income makes any sense at all.

ADM. HAROLD R. STARK, U.S. NAVY—1880–1972

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. FLOOD. Mr. Speaker, my home State of Pennsylvania has produced many military and naval leaders who have risen to high positions in the Armed Forces, among them Adm. Harold R. Stark of my hometown of Wilkes-Barre, whom I knew for many years and always held in the highest esteem.

A graduate of the U.S. Naval Academy in 1903, he was promoted through grades to the rank of admiral, a rank obtained on August 1, 1939, when appointed as Chief of Naval Operations in the crucial period preceding the outbreak of World War II in Europe. A dedicated naval officer of outstanding ability with the background of a distinguished career afloat and ashore, he was a leader for naval preparedness before the attack on Pearl Harbor.

Because of his high position he was in the vortex of intrigue and propaganda that preceded U.S. entry into the war and dealing with forces beyond his control he unavoidably became involved in the consequences of Pearl Harbor but was supported by such eminent naval leaders as Adm. Ernest J. King.

After being relieved as Chief of Naval Operations, in March 1942, he became the Commander of U.S. Naval Forces in Europe—the same position held during World War I by Adm. William S. Sims on whose staff he has served, 1917–19.

Admiral Stark continued in the European command until August 1945, and gained distinction. He retired from active duty on April 1, 1946.

Admiral Stark died on August 20, 1972, at the age of 91. In order that the details of his life and career as reported in two newspapers of our Nation's Capital may be recorded in the permanent annals of the Congress and thus be made readily available for historians, I quote the obituaries as parts of my remarks as follows:

[From the Washington Post, Aug. 21, 1972]

ADM. HAROLD R. STARK, FORMER NAVAL CHIEF, DIES

(By Martin Weil)

Adm. Harold R. Stark, chief of naval operations when the Japanese attacked Pearl Harbor, died yesterday after a heart attack at his home here. He was 91.

Admiral Stark earned much praise and many decorations for his service before Pearl Harbor and after it, but the attack on Dec. 7, 1941 cast a shadow over his career that was not quickly dispelled.

Shortly after Pearl Harbor, Adm. Stark was relieved of his duties as chief of naval operations, and given the lesser post of commander of American naval forces in European waters.

His command included American Naval forces involved in the Normandy landings of June, 1944, and for this service, he received the distinguished service medals of both the Navy and the Army.

However, on June 13, 1944, Fleet Adm. Ernest E. King, wartime chief of Naval Operations, signed a statement saying that Adm. Stark, and Adm. Husband E. Kimmel, the commander of the Pacific Fleet during Pearl Harbor, "lack the superior judgment necessary for exercising command commensurate with their rank and their assigned duties."

On Aug. 13, 1945, three months after the surrender of Germany, Adm. Stark received a testimonial dinner from the British Admiralty Lords. He sailed for home, Aug. 17 and arrived on Aug. 21.

But a few days later a Navy board report on Pearl Harbor criticized him and Secretary of Defense Forestal directed that he be barred from any future position of responsibility.

At this time, Adm. King protested bitterly in Adm. Stark's behalf. However, after several months of service in the office of chief of naval operations here, Adm. Stark was detached from all active duty, on April 1, 1946, and ordered to the retired list.

In a book published six years later, Adm. King came vigorously to the defense of both Adms. Stark and Kimmel and the Army commander in Hawaii at the time of Pearl Harbor, Gen. Walter C. Short.

Adm. King called them "scapegoats . . . sacrified to political expediency."

Adm. Stark himself had been a fervent advocate of preparedness after becoming chief of Naval Operations in 1939.

"We must translate our potential strength into immediate readiness, and . . . we must stay ready," he said in a 1940 speech. "My position is that we should have a Navy second to none," he said in testimony before Congress.

In a broadcast on Oct. 27, Navy Day, 1940, he said that the nation should prepare for "the possibility of simultaneous attacks on either or both oceans."

Adm. Stark was born at Wilkes-Barre, Pa. in 1880, graduated in 1903 from Annapolis where he was a member of the crew.

In one of his early assignments, he served aboard the USS Minnesota when the battleship made a round the world cruise that ended in 1909 with a fleet review by President Theodore Roosevelt.

Afterwards came several destroyer commands. It was in 1914 when he commanded the destroyer Patterson that the future admiral, then a lieutenant, met his future commander in chief, Franklin D. Roosevelt.

Mr. Roosevelt, then assistant secretary of the Navy, was on board the Patterson off the Maine coast when he saw Lt. Stark at the helm. Describing himself as an experienced navigator who knew the coast, Mr. Roosevelt asked to relieve the young officer.

Lt. Stark reportedly replied: "I am in command here and responsible for the ship. I doubt your authority to supersede me. If you can offer any helpful suggestions I should be glad to hear."

It was 25 years later that Mr. Roosevelt, who apparently was impressed by the young officer's response, picked Adm. Stark over 59 others who outranked him for the Navy's No. 1 post.

In the interim, Adm. Stark distinguished himself in a number of posts. During World

War 1, he won the Distinguished Service Medal for taking a flotilla of reconditioned, broken-down destroyers from Philippine waters to the Mediterranean, where they harassed German and Austrian submarines.

His later posts included service as aide to two Navy Secretaries, commander of Navy cruisers, and chief of the bureau of ordnance in the Navy Department, where he became known as a believer in the theory that victory went to the side with the biggest guns.

He lived here at 4900 Glenbrook Rd. NW. Survivors include two daughters.

[From the Washington Star and News, Aug. 21, 1972]

ADM. HAROLD STARK, 91, DIES; FIGURE IN PEARL HARBOR ROW

Retired Adm. Harold R. Stark, 91, whose role as chief of naval operations at the time of the attack on Pearl Harbor later embroiled him in national controversy; died yesterday at his home on Glenbrook Road NW.

Despite having been awarded four Distinguished Service Medals—including one for his role as chief of naval operations—during his four decades in the Navy, Adm. Stark was a prominent figure in the search for a culprit during several post-war investigations of the surprise Japanese attack on Pearl Harbor in 1941.

A 1945 Navy Court of Inquiry criticized Adm. Stark and Rear Adm. Husband E. Kimmel for being "inadequate in emergency, due to the lack of superior judgment necessary for exercising command . . ."

But in 1948, Adm. Ernest J. King, who headed the inquiry, asked that the critical section of his report be withdrawn.

Four months after Pearl Harbor, President Franklin D. Roosevelt replaced Adm. Stark with Adm. King as chief of naval operations.

Adm. Stark went on, however, to distinction as commander of U.S. naval forces in Europe before and during the 1944 D-Day Allied invasion of Normandy.

For his role in that campaign, he received two Distinguished Service Medals—one an Army citation awarded by Gen. Dwight D. Eisenhower.

He retired in 1946 from active duty. His death came after a long illness, including a stroke last January.

A native of Wilkes-Barre, Pa., Adm. Stark entered the U.S. Navy Academy in 1899. There he acquired his career nickname, "Betty"—which stuck after he was required as a plebe, or freshman, to recite repeatedly a quotation attributed to one of his military ancestors: "We must win today, or Betty Stark will be a widow tonight."

During World War I, he earned his first Distinguished Service Medal as commander of a squadron of small and old destroyers hurriedly fitted out in the Philippines and dispatched to the Mediterranean at a season when the southwest monsoon was at its height.

Stark's efficient leadership in spite of many difficulties, in a time much shorter than had been considered possible, and the squadron arrived in the Mediterranean in excellent condition in time to take an active and efficient part in the antisubmarine campaign there and in the Atlantic, the citation said.

After World War I, he held posts of increasing responsibility on land and at sea, including serving as aide to two Navy secretaries here. He was named chief of the bureau of ordnance and rear admiral in 1934 after commanding the battleship U.S.S. West Virginia for a year.

When President Roosevelt chose Adm. Stark as chief of naval operations in 1939, he jumped over 59 officers with more seniority.

It was a time of buildup for war and Stark was a leader in pressing for a strong Navy. In a nationwide radio broadcast in 1940, he warned of "the possibility of simultaneous attacks in either or both oceans."

Later, his Distinguished Service Medal for his service as CNO from 1939 to 1942 cited his efforts "to effect a high state of training for war and the building of a 'two-ocean Navy.'"

After commanding the naval forces in Europe during the American campaign there, he returned to Washington for about six months in the office of the chief of naval operations, spending most of his time preparing testimony for Navy and congressional inquiries into Pearl Harbor.

His many U.S. awards and decorations were supplemented by a long list of honors from foreign governments, including Britain, France, Brazil, Norway, Poland, the Netherlands and Belgium.

Stark Field at Terminal Island, Long Beach, Calif. was named in honor of him in 1941.

Adm. Stark was a member of the Westmoreland Club in Wilkes-Barre, the New York Yacht Club and the Army and Navy Club, the Army-Navy Country Club, and the Chevy Chase Club here. He was also active in a variety of Navy organizations, including the Navy Relief Society.

His wife, the former Katherine Rhoads, died previously. He leaves two daughters, Mrs. Edwin W. Semans and Mrs. Harold P. Gillespie, both of Washington, three grandchildren and two great-grandchildren.

OPERATION DRUG ALERT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. HUNGATE. Mr. Speaker, at a time when we are all concerned with drug abuse, I would like to call the attention of my colleagues of the resolution adopted by Kiwanis International at its 57th annual convention in Atlantic City, N.J., in connection with the continued outstanding success of "Operation Drug Alert."

DRUGS AND ENVIRONMENT

A Resolution adopted by the delegates to the 57th Annual Convention of Kiwanis International in Atlantic City, New Jersey, June 21, 1972.

Kiwanis is dedicated to the idea that to build means to grow.

To meet new challenges, we must continuously expand our horizons while promoting the activities and programs which have been the measure of our growth.

While we have made excellent progress with Operation Drug Alert and a good beginning on Project Environment, the need for and importance of these programs continue.

Therefore be it resolved, That we re-endorse the sponsorship of Operation Drug Alert and Project Environment, urging all Kiwanians to increase their efforts to implement these programs.

Be it further resolved, that we oppose the legalization of the manufacture, distribution, or use of marijuana and hashish, except for scientific or medical purposes.

And further, in the absence of self imposed controls by the legitimate drug manufacturers, we support legislation at federal, state, provincial and municipal levels, aimed at controlling the production, importation, exportation and distribution of amphetamines and barbiturates except to meet the realistic requirements of the medical profession.

And in keeping with our concern for our youth,

Be it further resolved, that a youthful first offender who is only involved in possession of, or use of less than one ounce of marijuana, be charged with a misdemeanor offense according to the state or provincial law.

Be it further resolved, that a second offender, a grower, a transporter or a proven pusher or seller shall be filed upon as a felony and be held under the felony laws of each respective state or province.

PRACTICES WHAT HE PREACHES

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. CABELL. Mr. Speaker, a personal friend and excellent staff writer of the Dallas Times Herald, OT Hampton, has written a most interesting article on the career of Col. Gordon A. Foubister who leads the Texas Salvation Army. I have admired Colonel Foubister for many years and know him to be a man who combines his religious faith with a humanistic and direct approach to solving the problems of our society. The article is as follows:

PRACTICES WHAT HE PREACHES

(By OT Hampton)

"Charity can put a new suit on a man, but it takes the grace of God to put a new man in the suit."

Col. Gordon A. Foubister peddles that kind of personal philosophy as he goes about the day-by-day, night-by-night job of keeping the Salvation Army in Texas in marching shape.

He's a sincerely religious man, yet, since he joined up with the "Army" in 1936, he's learned to rely heavily on his Scotch-like common sense to help the needy help themselves.

"I've found, in my long dealings with people and their problems, you can never change a man's circumstances until you change the man," he said. "Preaching the gospel is part of it. Then you've got to get out there where the problems are and do something about them."

Foubister practices what he preaches.

He "gets out there where the problems are," even though he's the Salvation Army's top officer in Texas. He still has a youthful zeal for work.

While being interviewed by The Times Herald, he interrupted himself three times to give advice to a mobile field crew he'd just dispatched to the Snyder flood scene in West Texas.

"Those flood victims can't wait," he explained. "Their needs have to be filled today."

Foubister grew up with other people's problems. He's the fourth generation member of his family in the army and his daughter, Capt. Ted Dalberg, has already started a fifth-generation tradition.

"I can still see my father and mother standing in front of saloons, conducting street meetings," the colonel said. "I was there, too, playing my cornet and mandolin. It wasn't easy, believe me. Times were hard in those days and our problems were many."

He said the Army kept his parents on the move most of the time, making it necessary for him to attend 12 different schools.

"We were always moving," he said. "I never did have time to spend much time with my friends."

Finally, after graduation from high school and business college, Foubister made up his mind about his future.

"I told father I wanted to devote my life

to the Salvation Army," he recalled. "He signed me up immediately. He said he and mother had prayed that would be my decision. They were really thrilled."

After a long course in the Salvation Army's training school in Chicago, Foubister was sent to the Citadel Corps in Omaha in 1936. Then, like clockwork, he advanced up through the ranks in Illinois, Iowa, Michigan, Minnesota and Missouri.

WORK ETHIC RECEIVES LABOR DAY TRIBUTE

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. COUGHLIN. Mr. Speaker, in commemorating Labor Day, I think it is appropriate that we join the President in paying tribute to the work ethic which has impelled Americans and their forebears for many generations.

Working men and women who are formally honored on Labor Day have contributed significantly through the years in helping the United States reach its status of the one nation in history that has done so much for so many people. Their continued contributions will help us reach the full potential of which this Nation is capable.

I insert in the CONGRESSIONAL RECORD this editorial published in the Philadelphia Inquirer on Labor Day, September 4, 1972, which indicates the depth of commitment to their jobs of working people in the United States:

[From the Philadelphia Inquirer, Sept. 4, 1972]

"MAN IS MADE TO WORK"—AND THERE LIES SATISFACTION

This being Labor Day, it seems an appropriate time—even at the risk of sounding a bit old fashioned—to say a good word for work.

The work ethic, to get more formal about it, is by no means dead in this country. But it does seem to be ailing.

Workers today, says Wickham Skinner, a professor of business administration at Harvard, "have a fundamentally different ethic about what a person ought to do with his life. The typical worker is . . . more anxious to get away from the job."

And that's particularly true of the young, according to Frederick Herzberg, a professor of management at the University of Utah and an expert on industrial psychology. Many younger workers, he says, feel "no personal obligation for productivity, work quality or work discipline."

It doesn't take an expert in industrial psychology to sense this, of course.

We had a phone call recently, for example, from a businessman who was puzzled by the fact that he had had just one answer—in this period of high unemployment—to an advertisement for a machine shop trainee who would start at $5,200 a year, plus generous benefits, and have good opportunities for advancement.

We also had an applicant of our own who wrote not to ask for a job but something called "a valid journalistic work experience." In case we missed the point, he explained that "it is of utmost concern to me that I not be burdened, for very long, with the trivial types of reporting that so many new prospects are confronted with at the outset of their jobs."

Why? Why it is that an increasing number of people don't want to work at all, or want to work as little as possible, or don't want to be "burdened" with anything they consider trivial?

One popular explanation in that in this highly automated and increasingly impersonal society of ours too many jobs have become dull, boring, routine and monotonous.

That assumes, however, that in the good old days there were no such jobs. But that assumption is just as erroneous as another many workers make, namely that there's nothing but glamor in the executive suites. They'd be surprised how many hours the boss spends on routine details.

There is some validity, all right, to change in work patterns noted by Dr. Hans Selye, director of the University of Montreal's Institute of Medicine and Experimental Surgery and author of the book "The Stress of Life." "Formerly a craftsman would make a table from beginning to end and get a great deal of satisfaction. Today, one person makes the legs, another the top and still another paints so that no one person has made the article and no one is gratified."

But it is also true, as Prof. Herzberg reminds us, that there were plenty of dull jobs in the past, too. So what has changed? The typical worker, then, he says, "would bear his life on a Mickey Mouse job and gather his psychological income from social traditions, ethnic traditions, religious traditions, and family traditions." But now many of those traditions, religious traditions, and of those * * * and more workers are discontented with their lives as a whole.

Which is exactly why work itself needs to be understood as something not to be avoided or, at best, endured but something to be pursued as a source of satisfaction.

"Man is made to work, to do something that makes demands on him," says Dr. Selye. "With the decline of so many other values and nothing new to replace them, work is one of the few areas where man can find a sense of worth and enjoyment."

That doesn't mean that everybody has to be president of the company, either.

"There's just as much satisfaction in being a bricklayer and building walls well as there is in being a scientist," Dr. Selye concludes. "Everybody, no matter how low he may be in the scale of mental development, has something to give, something that he wants to express, some valve for letting off steam."

It's called work, and it remains a value which merits our individual and national respect.

RED CROSS CERTIFICATE OF MERIT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. HOGAN. Mr. Speaker, recently the American National Red Cross honored one of my constituents, Miss Catherine A. Bohn, 19, by presenting the Red Cross Certificate of Merit, its highest award.

Miss Bohn received the award because of her quick-thinking and knowledgeable actions in an emergency. She saved the life of a man who had been bitten by a copperhead snake.

While many people would panic or find themselves helplessly immobilized in such an extreme crisis, Miss Bohn quickly put into action her Red Cross training and drew on her own courage and resourcefulness. She applied a constricting band above the wound, used a bobby pin to make the fang punctures bleed, and sucked the wound to remove as much venom as she could.

Miss Bohn was later informed by medical authorities that without her first aid the victim in all probability would have died.

In this era when people spend so much time criticizing the younger generation, oftentimes unfairly, it is my pleasure to be able to commend Miss Bohn for actions which are a credit to her generation and to any generation. To my mind, such courage and heroism in a person of any age are truly humbling. One wonders how one would react in an emergency, and though some people believe themselves to be calm enough to handle such crises, it is indeed a rare person who has the combination of the first aid knowledge and quick thinking calmness that Miss Bohn has shown. Our society is truly in debt to those few.

CONGRESSMAN REPORTS SURVEY RESULTS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. FORSYTHE. Mr. Speaker, earlier this summer I asked my constituents to respond to questions soliciting their views on major issues facing our Nation.

Hoping that their feelings will be of interest to my colleagues, I am including the results of my questionnaire in the RECORD at this point:

RESULTS OF QUESTIONNAIRE

1. Southeast Asia: What is the best policy to follow?

1. Reintroduce ground troops and take necessary action to win the war, 8%.

2. Continue withdrawal, but provide air and naval power to help curb North Vietnam's invasion of the South, 44%.

3. Publicly set a date for absolute withdrawal of all U.S. forces from Southeast Asia, in return for all U.S. prisoners of war, 41%.

4. Continue President's withdrawal program, but not provide air and sea support regardless of military efforts made by North Vietnam, 7%.

2. War Powers: Do you support legislation restricting the President's use of armed forces in combat for more than 30 days without prior Congressional approval?

1. Yes, 55%.

2. No, 36%.

3. Undecided, 8%.

3. Military Spending: How would you characterize present U.S. expenditures for defense?

1. Too high, 60%.

2. Too low, 12%.

3. About right, 28%.

4. Economy: Do you believe the Economic Stabilization Program is:

1. Stopping the rise in inflation and improving employment, 22%.

2. Reducing inflation only, 14%.

3. Improving employment only, 3%.

4. Not having a positive effect upon either factor in the economy, 61%.

5. Pollution: What do you consider most important in combatting pollution?

1. Finding ways to reduce the number of motor vehicles using the highways, 10%.

2. Initiating a "pollution tax" based on

the amount of pollutant discharged by industry into the atmosphere, 14%.

3. Enacting stricter anti-pollution laws, 53%.

4. Requiring industry to control pollution, with the cost reflected in the price of the production, 23%.

6. Elderly: Do you believe Congress should:

1. Provide better retirement benefits, 32%.

2. Improve medical benefits, 10%.

3. Find ways to reduce tax burdens for senior citizens, 38%.

4. Concentrate on other services and needs, such as nursing homes, special food programs, transportation and recreation, 19%.

7. National Health Program: Which would you prefer?

1. No national health insurance program, 20%.

2. A program financed by tax revenue and operated by the federal government with benefits for all citizens, 29%.

3. A federally-mandated program financed by employer and employee contributions, 14%.

4. A program financed by tax revenue and operated by the federal government with benefits only for persons in need and for catastrophic illness, 11%.

5. A mandatory program financed with a combination of tax revenue, employee and employer contributions, 27%.

8. Welfare: Which of the following do you favor:

1. Establishing a minimum annual income for every American, with strict job training and work requirements, 35%.

2. Maintaining the present welfare system, 1%.

3. Reduce welfare benefits, limiting food stamp program, and establish government work program for those who are able, 64%.

9. Transportation: In what area would you prefer concentration of transportation funds?

1. Operating funds for mass transit systems, such as bus and train lines, 15%.

2. Construction and improvement of highway system, 14%.

3. Development of new mass transportation systems, and expansion of facilities like the Philadelphia-Lindenwald High Speed Line, 71%.

10. School Desegregation: What is the best way to resolve the problem of school desegregation?

1. Adopt President Nixon's moratorium on school busing and enact his recommended Equal Educational Opportunities Act, 21%.

2. Adopt a constitutional amendment prohibiting busing to achieve racial balance, 28%.

3. Using busing as a means of integrating schools in hopes of providing equal education, 6%.

4. Reform the tax system to remove the reliance of school districts from the property tax and equalize spending for education, 45%.

11. School Financing: If you agree that public education should be less dependent upon the local property tax, which would you prefer:

1. A value-added (national sales) tax, 39%.

2. Increased federal income tax, 13%.

3. State Income Tax, 19%.

4. Combination of above, 27%.

12. Age:

1. 18–20, 5%.

2. 21–35, 27%.

3. 36–45, 18%.

4. 46–55, 22%.

5. 56–64, 14%.

6. 65 and over, 13%.

13. Do you consider yourself a:

1. Republican, 39%.

2. Democrat, 16%.

3. Independent, 45%.

14. County of Residence:

1. Burlington, 51%.

2. Camden, 33%.

3. Ocean, 17%.

IDAHO—"THE SPARKLING LAND"

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. HANSEN of Idaho. Mr. Speaker, each year additional thousands of Americans and visitors from other lands are seeing Idaho for the first time as they vacation in our rugged and magnificent State. While all of them are inspired to conversational superlatives in describing the attractions of Idaho, few have the opportunity of seeing their high thoughts in print. One of the outstanding exceptions is Emma Louise Philabaum whose accomplished writing on Idaho as "The Sparkling Land" appeared in the August 26 issue of the Christian Science Monitor.

IDAHO—"THE SPARKLING LAND"

The mountains of Idaho have beckoned us for a long time, even though there are pine-clad hills only two hours from our home. Finally it was decided; we must see these unfamiliar highlands that have lured travelers and trappers as long as men roamed the mountain west.

We journeyed over this state of wide contrasts from southern to northern border, through farmlands and desert plains, river valleys and mountain fastnesses. From now on, as long as memory lasts, we shall think of Idaho as the sparkling land.

The sparkle is no illusion. It is everywhere . . . luminous, radiant, adding extra grandeur to the already grand mountains and sage-blue flatlands.

Mountain air always has a crystal quality, yet this alone cannot explain the light burnishing the Idaho landscape.

Most of this brightness comes from the incandescent sun that blazes in a sky so fiercely blue that eyes ache to view it. Then the land and all that grows upon it also seem to snatch at the light, to catch it, collect it . . . and flash it back in myriad ways and colors.

Mile on mile the highways follow twisting creeks turned into long silver ribbons tying together the broad meadows. And the magnificent rivers—the placid Snake and the furious Salmon—have that same shimmer all along their white-capped breadths. The rocky gorges they have carved shine in infinite colors, layered evidence of the earth's shaping in aeons past.

Trees always have seemed creators of shade, yet here they become sources of light. Golden glints spark from the needles of breeze-stirred evergreens. Aspen leaves flash on-and-off spots of reflected sun against the patterned ground.

Across the face of a shimmering meadow, pink-tasseled grasses blush. And light from the weaving emerald blades riffles onto wildflowers of endless variety.

The flowers make their own bright points of neon hue. A whole valley turns golden with daisies and black-eyed Susans. Deep blue lupine and pentstemon make tall spikes of pigment along the roadside. Lacy yarrow—three times as large as that blooming at home—tosses back a white reflection. And there are more—vermillion cups, purple bells, magenta torches—whose names we do not know but whose luster we shall not forget.

The water glistens most—and illumines the land. Every bend in the road brings us to another canyon . . . and another tumbling shaft of silver liquid. Spring comes late to the high country, and these cascading streams we see in every crevice still hold the icy light of the thawing heights. High above we glimpse the glow cast from the last snow patches. And on the smooth, tree-lined swaths, now spring green, we envision the white flame that must radiate from ski slopes wrapped in winter.

Stopping to picnic by one of these sunny streams, we see a dozen tints reflected from the agate- and crystal-strewn creek bed. The static rocks are as many-hued as the blossoms that dip their heads along the water's edge.

The sun, a clear, all-encompassing white through the long day-light hours, takes on a new quality at sunset. We see it begin to break and splinter and finally dissolve. Each atom of air becomes a single dot of glit, bathing the folded beige hills in golden mist.

Even on blackest nights, the light leaves tardily, outlining the pines in dusky silhouette against the blue-black horizon. Though the sky keeps an almost daytime brightness, stars appear in such piercing profusion that the universe seems to stretch its boundaries.

At dawn, the abrupt Idaho sunrise startles the earth with its suddenness and brilliance. All the trees stir with the orange light and the breeze that seems always to accompany it. The small creatures of the forest scurry about, their fur alight with morning flame.

Each bright day brings renewed radiance to the sparkling land.

MAKES OLYMPIC QUARTER FINALS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. JACOBS. Mr. Speaker, I am sure all Americans are proud of the outstanding performances these past several days by members of the U.S. Olympic team in Munich, Germany. And the people of Indianapolis, Ind., can take special pride in the tremendous abilities of native son Marvin Johnson, a graduate of Crispus Attucks High School.

Last night Americans had the opportunity to see this young man perform, with the grace and skill recalling the world's great boxers, in his march to the gold medal in the middleweight finals. With the brilliant coach and trainer, Mr. Colin Chaney of St. Rita's, in his corner, this young athlete brought the fans to their feet in defeating the 29-year-old West German, Ewald Jarmer.

I'm sure my colleagues will indulge my own pride in sharing with them the following news item from this morning's Indianapolis Star:

MAKES OLYMPIC QUARTER FINALS

Middle-weight Marvin Johnson of Indianapolis, Indiana, punished West Germany's Ewald Jarmer for three rounds to gain a unanimous decision and advance to the Olympic boxing quarter finals yesterday.

The eighteen-year-old American belted his scar-faced opponent about the ring with a dangerous left uppercut. But Johnson, a southpaw, failed to floor his more experienced opponent. Jarmer, twenty-nine, seemed to have only one thing in mind, to reach the final bell without a knockout. Johnson, who won thirty-nine of his fifty-seven previous fights, gained the decision on all five score cards by a wide margin. His next opponent will be Alejandro Montoya of Cuba who beat Britain's William Knight by a second round technical knockout.

CARL T. ROWAN COMMENTS ON "WATERGATE CAPER"

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. NIX. Mr. Speaker, the Philadelphia Evening Bulletin on Monday, September 4, carried an excellent commentary by Mr. Carl T. Rowan, who asked: Do we really care? The caption over the commentary was: "Little public outcry over 'Watergate caper' ". I believe the theme of the article and the points made are most worthy of note and should be called to the attention of all Americans.

LITTLE PUBLIC OUTCRY OVER "WATERGATE CAPER"

(By Carl T. Rowan)

WASHINGTON.—It would be in the spirit of charity to give everyone the benefit of doubt and say that a secret $25,000 gift to the Nixon reelection fund had nothing to do with the grant of a new Minnesota bank charter to the donor, Dwayne Andreas.

But the evidences of big favors for big money keep piling up in this Administration. I call your attention again to that remarkable, almost incredible, revelation on "Meet the Press" two weeks ago by Clark MacGregor, the former Minnesota congressman, who heads Mr. Nixon's reelection campaign.

MACGREGOR STORY

MacGregor said the lawyer for a generous Democratic donor had awakened him at half-past midnight to plead with him not to reveal his client's name. Keeping "faith" with people like this donor was MacGregor's justification for not revealing those who gave $10 million to the Nixon campaign through last-minute maneuverings, just in time to beat the new campaign reporting law.

Was it Andreas' lawyer who telephoned MacGregor? Andreas had reasons to fear embarrassment. Here was the friend and No. 1 supporter of Sen. Hubert H. Humphrey, playing financial footsie with "the enemy."

If it wasn't Andrea's lawyer who telephoned MacGregor with the plea for secrecy, then it means someone else among the givers of that secret $10 million has something to hide. And that only deepens the pall of shame that lies about this fund, part of which former Commerce Secretary Maurice Stans funneled through Mexico so as not to reveal the name of the donors.

OTHER CASES

If the Andreas case stood alone, one could be accused of politicking for suggesting there is a scandal here. But there are other cases of this Administration's ladling out favors to persons connected with campaign contributions.

The ITT affair, involving a donation of $200,000 to the cost of the Republican convention (if held in San Diego) at the same time the Justice Department was dropping court action to block ITT mergers, has faded from the headlines. But the memory lingers on.

There was the matter of dairy price supports which I wrote about. Through various channels, the dairy people pumped at least $329,000 (in 1971) into the fund to reelect Mr. Nixon. Suddenly, then-Secretary of Agriculture Clifford Hardin decreed a hike in price supports worth at least $400 million a year to the dairy industry.

LAW AND ORDER?

It is manifestly clear to me that this Administration is about as sanctimonious over "law and order" as the next one. Imagine the No. 1 fund-raiser for a President of the United States with a secret slush fund of at least $350,000 in his personal safe. At least $114,000 from that fund winds up in the Miami bank account of a man arrested with, and believed to be the leader of, a team of accused burglars bugging Democratic Party headquarters.

Imagine Stans claiming "no knowledge" of how $114,000 from his slush fund is spent. It is more than any sane American can swallow.

Yet, Stans offers only evasive talk in which he tries to discredit a report by the General Accounting Office. The White House also offers only silence.

Americans are left only to hope that Attorney General Kleindienst is going to order a vigorous investigation which opens the way to indictment of officials in the Committee to Reelect the President. To suggest that this is likely, however, is to insult the intelligence of the people.

On the other hand, there is pathetically little public outcry. It is as though the people have become inured to corruption, considering it the new American way of life, as it long has been in some Asian lands.

INTERNATIONAL OUTRAGE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. CRANE. Mr. Speaker, the horrifying tragedy that has befallen the innocent civilians representing the State of Israel at the Olympic games in Munich offends the sensibilities of all civilized men. And yet, in quantitative terms, this cowardly and reprehensible deed does not compare with the violence at Lod international airport earlier this year. The truth of the matter, Mr. Speaker, is that this is but one more outrage in a chain of outrages perpetrated by terrorist fanatics against innocent civilians, many of whom at the Tel Aviv Airport were not even Israelis. But, such is the nature of terrorism.

It is high time all civilized nations rise up in condemnations of such atrocities. Nations of the world should refuse sanctuary to such elements. A desirable first step would be to reach an international agreement refusing sanctuary anywhere to skyjackers. In the Middle East, the Arab States which still permit terrorist organizations to operate within their borders should take the initiative in purging themselves of such elements with a vengeance.

The problems between Arabs and Israelis are complex and delicate. Hopefully, in time, they will be resolved without further conflict. But atrocities such as this most recent one can only injure efforts at reaching an amicable settlement and simultaneously bring shame and mortification to all responsible Arabs in whose name these self-styled leaders in the war against Israel conduct their barbarous activities. If the Arab countries sheltering terrorist organizations act with dispatch, they can restore lost prestige, ease international tensions, and hopefully, prevent repetitions of these senseless tragedies by those at war with all standards of decency and humanity.

TEAMSTERS SET LETTUCE DEBATE STRAIGHT

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. VEYSEY. Mr. Speaker, in Extensions of Remarks, August 3, 1972 (page 26779 I corrected some misinformation circulated to the Members in a letter July 31 by one of our colleagues urging the boycott of lettuce not bearing the seal of the United Farm Workers—UFW.

On August 9, our colleague attempted a refutation of my principal points that: no lettuce workers are on strike in California or Arizona, and since all lettuce marketed in the East is harvested under union contract, we are being asked to take sides in a jurisdictional dispute between the Teamsters and the UFW.

I was happy to note that our colleague conceded:

It is understood that there is no strike in progress at the present time.

Unfortunately, he persists in denying that a jurisdictional dispute between two unions exists. He stated,

The jurisdictional dispute that did arise soon after the termination of the grape strike was settled over 16 months ago on March 26, 1971, in Los Angeles, Calif. This information was reconfirmed by conversations with representatives of the two unions here in Washington and with officers of the Western Conference of Teamsters in California.

Our colleague does not identify which officers of the western conference of Teamsters are the source of his information, but I would like to insert a letter below dated August 21, 1972, from the international director of the western conference of Teamsters at my request narrating the inability of all parties in the lettuce dispute to come to an acceptable agreement following an arrangement worked out May 7, 1971, between the Teamsters, the UFW, and the AFL–CIO.

I draw particular attention to the last sentence:

As a consequence, the Teamsters consider their contracts with the growers to be both valid and in full force.

If two unions contesting over the organization of the same workforce does not constitute a "jurisdictional dispute," what does?

The letter follows:

WESTERN CONFERENCE OF TEAMSTERS,
Burlingame, Calif., August 21, 1972.

Hon. VICTOR V. VEYSEY,
U.S. Congressman,
Washington, D.C.

DEAR CONGRESSMAN VEYSEY: On May 7, 1971, I and some of my associates in the Teamsters Union met with Albert Woll and Joseph Keenan as representatives of the AFL–CIO, Cesar Chavez and aides from the United Farm Workers and Herb Fleming, Andrew Church and others representing growers with Teamster contracts.

On that occasion the Teamsters proposed, and it was agreed to by the other participants, that the growers sit down with representatives of the AFL–CIO and United Farm Workers in an attempt to work out an agreement that would be acceptable to all parties. In the event this was done, the Teamsters

agreed they would turn over to the United Farm Workers all of the approximately 170 contracts in existence between them and the growers.

Representatives of the concerned parties met at intervals during the next several months but failed to come to any solution or acceptable agreement. As a consequence, the Teamsters consider their contracts with the growers to be both valid and in full force.

Very truly yours,

EINAR O. MOHN,
International Director.

HEALTH CARE—THE 92D CONGRESS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. SCHWENGEL. Mr. Speaker, since I first came to Congress, I have had a strong interest in health care. I have been a member of the Republican Task Force on National Health since it was created and we have studied the problem, trying to devise an effective program to decide how our health care dollars can best be applied.

Of course, this is a very complex, interrelated area. We can rarely isolate and attack a problem, expect it to disappear, and then attack another problem. A comprehensive approach is obviously needed and too often lacking.

Listed are the bills concerning health care which have at least had hearings during this Congress and which I support. As you can see, there is a strong emphasis on research and study. I have faith in our ability to find new cures and treatments for damaging disease, such as cancer and sickle-cell anemia, as well as the troublesome common cold.

Unfortunately, the social problems of increasing health costs and lack of care in rural areas and for the poor will not yield as easily. Often we do not define or understand the causes of a problem before we propose a hasty or dramatic solution. Action on many fronts is needed, from the training of more personnel to the social causes of drug and alcohol abuse. There are no reasons why a Nation as rich as ours cannot afford to provide health care to all the people at reasonable cost.

The list referred to follows:

HEALTH CARE, 92D CONGRESS

Public Law 92–13, H.R. 5674 (House Report 92–121) Commission on Marihuana and Drug Abuse: During the 91st Congress, the Commission on Marihuana was established to study the extent of marihuana use in the United States, the efficiency of existing marihuana laws, the pharmacology of the drug, its immediate and long-term effects physically and phychologically, its relationship to aggressive behavior and crime, its relationship to other drugs, and the international control of the drug. There was an original expenditure limit of $1 million, however, subsequent amendments expanded the duties of the Commission.

The Commission's duties now consist of an intensive study of such subjects as the relationship of drug abuse to personality traits, especially as regards a tendency to be prone to drug abuse, the relationship of peer group, and family relationships to susceptibility to drug abuse, and the degree to which social tensions locally and nationally (such as poverty, war, social permissiveness, availability of drugs, leisure time activities, personal and family use of alcoholic beverages, media exposure, especially rock music and underground papers) contribute to drug abuse.

The Commission will employ experts in various areas and will conduct hearings across the country. Also as a key to stopping drugs, the Commission will meet with officials from countries where drugs originate.

Public Law 92–255, H.R. 12089 (House Report 92–775) Action Office for Drug Abuse Prevention: This bill sets forth the national policy toward controlling drugs and drug addiction. The government recognizes that education, treatment, rehabilitation, research, training of personnel, and law enforcement are all interrelated with the drug problem. The Action Office for Drug Abuse Prevention will be the focal point in the Federal government for coordination of comprehensive, long-term programs aimed at combatting the drug abuse now prevalent in the United States.

The Office is set up as a component of the Executive Office of the President. It is the duty of the Director to establish the objectives and implement the policies which will govern Federal drug abuse prevention programs.

The bill authorizes the Director to recommend changes in other Departments to overcome bureaucratic apathy. The Director is expected to act decisively and promptly and is given wide powers to do so. By giving him these powers it is expected that new or modified programs will be more effective in combatting drug abuse. As a final method of causing action, the Director is given powers similar to those held by OMB over drug related programs.

Research and development are to be encouraged and facilities can be provided. The Director is given broad budget powers to speed programs he deems especially productive. This Act also provides for the treatment of drug problems in Mental Health Centers, Veterans Hospitals and public health facilities.

H.R. 9936 (House Report 92437) Drug Listing Act of 1971: Awaiting Conference.

This Act would require the drug companies to list with the Secretary of Health, Education and Welfare, the drugs currently marketed. It would have to be updated semi-annually. It would provide information including ingredients, labels, advertising, etc. Secretary would be able to determine better if the drug fell under the jurisdiction of a new law. Could be used as a source to check if labelling was deficient.

It is basically a consumer protection plan.

MEDICAL PERSONNEL

Public Law 92–52 (H.R. 7736, House Report 92–249) Medical Student Loan Extension Act of 1972: Extends the student loan and scholarship provisions of the Public Health Service Act. This allows that the 35% of entering medical students who need aid beyond what is normally granted to receive that aid necessary in order to allow qualified but disadvantaged students to continue pursuit of the understaffed medical profession.

PERSONNEL

H.R. 15859 (not voted yet).

Emergency Medical Services Act of 1972 (Report Ordered Filed 8/15/72): Provides that the Secretary may determine the feasibility of establishing through expansion and improvement of existing services or otherwise and operating emergency medical service system for an area through projects (one per area) which are undertaken by public and/or private groups or individuals.

Allows the Secretary to make grants for projects to plan the establishment of a workable system.

$5 million authorized to be appropriated for fiscal year 1973 and $10 million for fiscal year 1974.

Allows the Secretary to make grants to cover up to 50% of the operating cost of such a system during the first two years of operation. Grants under this authority are not to exceed $150 million. Allows the Secretary to make grants for research into emergency care methods. Grants under this authority are not to exceed $10 million in 1973; $20 million in 1974.

May make grants to cover up to 50% of the cost of expansion or improvement of existing facilities, but not to exceed $10 million.

Secretary shall create an Inter-Agency Technical Committee to evaluate programs and proposals.

H.R. 8629 (House Report 92–258, conference report 92–578, Public Law 92–187) Comprehensive Health Manpower Training Act of 1971: Act extends the grant assistance provided for construction of research and teaching facilities and adds loan guarantees and interest subsidy authority for teaching facilities.

Schools may apply for funds to update facilities.

Private schools may be eligible for assistance.

Portions of affiliated hospitals and outpatient facilities which are geared to teaching are eligible for assistance.

Provides the schools with grants based on the number of students enrolled.

Provides grants to allow a two-year medical school to convert to a full school of medicine.

Provides grants to schools of veterinary medicine.

Provides grants to schools of pharmacy, optometry, and podiatry.

Sets requirements a school must meet to qualify for a grant—application required.

Provides loan forgiveness for students who will serve in under-staffed areas.

Authorizes grants for the training of teachers in health fields.

Provides draft exemption to those who practice in shortage areas for more than four years.

Public Law 92–158, H.R. 8630 (House Report 92–259, Conference Report 92–577) Nurses Training Act of 1971: Provides money for grants for construction or expansion of nurses training centers.

Also provides loan guarantees.

Allows for construction of interim teaching facilities.

Provides for start up grants for new schools.

Provides up to 85% loan forgiveness over a 5-year period for service to a non-profit agency; 85% over three years for shortage area.

DISEASE CONTROL

H.R. 13592 (House Report 92–923, Public Law 92–294) Sickle Cell Anemia Control Act: Secretary can make grants to develop information, and research project relating to sickle cell anemia.

H.R. 11302 (House Report 92–659, Conference Report 92–722, P.L. 92–218) National Cancer Attack Act of 1971: Provides that all programs aimed at conquest of cancer will be coordinated.

Establishes a National Cancer Institute—Accelerates the attack on cancer.

Sets up a date bank to collect and disseminate cancer date—worldwide.

Eliminates a hold of funds by anyone except the President (overrides OMB).

Sets up a National Cancer Advisory Board.

Authorizes the President to request additional appropriations beyond the original authorization.

H.R. 13501 (House Report 92–940, Public Law 92–305) National Institute of Arthritis, Metabolism, and Digestive Disease: Places consideration of digestive disease under the Institute by changing the title.

Expedites consideration of digestive Disease Research.

H.R. 15081 (House Report 92-1108) National Heart, Blood Vessel, Lung and Blood Act of 1972 (In Conference): Enlarges the authority of the National Heart and Lung Institution to advance the attack against heart, blood vessel, lung and blood disease.

Coordinates the programs relating to the research and treatment.

Authorizes up to $1.2 billion over a three-year period.

Places emphasis on informing the public of the effect of reduction of known risk factors.

H.R. 14455 (House Report 92-1107) (In Conference) Communicable Disease Control Programs: Extends the Public Health Service Act provisions which authorizes grants to state and local government for communicable disease programs.

Authorizes money for control of tuberculosis, measles, VD, and other communicable diseases.

H.R. 15475 (House Report 92-1185) (not voted on yet) (Passed House) National Advisory Commission on MS: Establishes a National Advisory Commission on multiple sclerosis to determine the most effective means of finding causes and cures and treatments of MS.

Directs the study of the possible means of financial support to research.

H.R. 15474 (House Report 92-1184) (not voted on yet) (Passed House) National Cooley's Anemia Control Act: Establishes a national program to provide support for research into Cooley's Anemia.

Sets up agency to test, screen, and counsel those susceptible.

Distribution set up for information on the disease.

AGING

H.R. 14424 (House Report 92-1026) (Passed House, pending in Senate) National Institute of Aging: National Institute of Aging is established.

Purpose—to research the aging process, and special health problems of the aged.

Allows for treatment of aged in mental health facilities.

Noise Control Act of 1972 (H.R. 11021, H.R. 92-842): Requires all Federal agencies to promote noise control.

EPA given consultant status with all noise regulations decisions—may order review of lenient regulations.

Requires publication of noise information.

Requires publication of a list of major products constituting a noise hazard.

Enables the Administrator to set standards for new products.

Leave the State to control the operation or movement of products covered under this statute.

Can request review of standards set by the Federal Aviation Agency.

Requires labeling of noisy products.

Allows penalties of up to $25,000 per violation of noise standards.

Allows citizen to file court action.

Requires manufacturers to keep record of the tests they run to check compliance.

Directs the Administrator to find low emission products and push for use by Federal agencies.

MUNICH OLYMPIC TRAGEDY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. ROSENTHAL. Mr. Speaker, mere indignation and condemnation by the international community over the wanton slaughter of two members of the Israeli Olympic team and the seizure of others in Munich today are no longer sufficient responses if this type of outrage is to be prevented in the future. The unwillingness of the international community to respond in a meaningful way to previous incidents of this kind is as responsible for the present tragedy as the madness of the assassins themselves.

I am today asking the Secretary of State to advise the House Foreign Affairs Committee on what steps the United States intends to take—itself and with other nations—to punish any government which offers sanctuary or encouragement to international murderers and air pirates.

Positive steps can and must be taken by the United States, the United Nations, and other individual countries to end once and for all the actual or threatened murder of totally innocent civilians for political or other purposes. International accords must be reached which provide for the mandatory punishment of any nation which offers refuge to international outlaws, including expulsion from the U.N. and stern economic sanctions by members of that body. Anything less deserves scorn and condemnation by all those throughout the world who respect the sanctity of life and the rule of law.

TOO MUCH CONCERN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. DERWINSKI. Mr. Speaker, in my judgment, taxpayers of the country are not being deceived by the demagogues who preach of tax reform and who, in the same breath, envision new Government spending programs.

The evergrowing, costly Federal bureaucracy has clearly become too much of a burden on the average American.

A very effective, timely editorial commentary in the press publications of August 18, should, I believe, be read by all the Members, especially since we have all returned from our districts and, I am sure, are now aware of the wrath of the taxpayers.

The editorial follows:

TOO MUCH CONCERN

Congresswoman Edith Green of Oregon asked the Library of Congress to compile the total amount of funds a family could receive if that family took advantage of all public assistance programs available. On the basis of two hypothetical families—one a mother with four children ranging in age from preschool to the college level and the other a mother with eight children ranging from preschool to college—Mrs. Green was advised that the first family could collect a total of $11,513 a year under various programs of federal aid ranging from health care to scholarships. The second family, if all available federal programs were utilized, could have an annual income of over $21,000. Commented Mrs. Green, "Now for those people across the country who are saying this is a government that does not have any concern for the poor . . . I suggest they look at these programs."

A lot of taxpayers are also looking at the programs and do not like what they see—a country that is being overwhelmed by the adverse ratio between producers and non-producers.

TAX CREDIT FOR HIGH SCHOOL AND GRADE SCHOOL TUITION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. DULSKI. Mr. Speaker, the question of tax assistance for parents and guardians of students attending non-public schools is a subject of wide interest.

The House Committee on Ways and Means has resumed hearings on this vital matter and a witness at Tuesday's hearing was Charles J. Ruppert of Buffalo, N.Y., representing two parents' organizations from my district.

Mr. Ruppert was the founder about three years ago of the organization of parents of high school students, the Parents' Council of Independent Schools. He is a past president and now serves the group as secretary. Mr. Ruppert also appeared on behalf of the parents of elementary school students whose organization is known as the Federation of Home School Associations.

In his testimony, Mr. Ruppert spells out very well the case for providng a tax credit for those parents of elementary or high school students who pay tuition. There are several suggested formulas for the tax credit, including the one I proposed last May. And on which I testified before the committee on August 17.

The need for help for those families is clear and a tax credit obviously is the best approach. In view of the developing support for action, I am hopeful that the committee will make recommendations promptly.

Mr. Speaker, as part of my remarks, I include the text of Mr. Ruppert's excellent testimony today:

TESTIMONY OF CHARLES J. RUPPERT AT HEARING BEFORE HOUSE COMMITTEE ON WAYS AND MEANS, SEPT. 5, 1972

Mr. Chairman, Honorable ladies and gentlemen:

I am Charles J. Ruppert and I am speaking on behalf of the Parents' Council of Independent Schools and the Federation of Home School Associations of the Diocese of Buffalo. These organizations represent over 100,000 parents of approximately 70,000 children in the non-public schools in the Western New York area. I am Secretary and past-President of the Parents' Council of Independent Schools and father of eight children, all of whom have been or are presently being educated in the Buffalo Catholic School System.

I would like to speak briefly on the necessity of maintaining freedom of choice in education, secondly, the economic problems afflicting parents who exercise this choice by sending their children to non-public schools and, thirdly, the urgent need for financial relief for parents via some form of tax credit.

While our Constitution and courts have guaranteed us this freedom of choice, it is more and more becoming an economic impossibility to exercise this choice. The need to preserve this freedom of choice is highlighted by the fact that in many underprivileged areas, parents choose to send their children to non-public schools.

As an example, in a recently consolidated Inner City parochial school in the City of Buffalo, approximately 80% of the 800 students are non-Catholic and their parents are paying $60 per year to exercise this freedom of choice.

DIVERSITY IN EDUCATION

The non-public schools provide a diversity which our educational system would otherwise lack. They not only provide knowledge but also a system of values which inform the moral and ethical choices one must make throughout his life.

The more one appreciates the quality of education provided by the typical non-public school, the more urgent their preservation becomes. In the Diocese of Buffalo, for example, standard tests demonstrate that children in Catholic elementary schools exceed the national average by an ever-increasing margin as they progress from kindergarten through grade eight. This phenomenon occurs despite the fact that the distribution of IQ's among the student population is normal.

Inasmuch as a pluralistic society has been part and parcel of this country since its very inception, it is absolutely necessary that a realistic freedom of choice in education be maintained. It appears that Russia and the United States are the only two countries that discriminate against non-public schools.

The economic problems afflicting parents who exercise this freedom of choice of education by sending their children to non-public schools continue to mount. These parents make many sacrifices to support the two school systems.

For the average working man and the underprivileged this freedom of choice is fast disappearing. The inflationary pressure afflicting non-public schools with a resultant increase in the cost of tuition is fast making the exercise of this precious freedom an economic impossibility for more and more parents.

Mothers are going to work, fathers are working two jobs, and discrimination is occurring within families where some children are sent to non-public schools and others must attend the public schools because of a shortage in family funds.

Present unemployment rates of 11% in Niagara County and 9½% in Erie County serve to compound these economic problems.

SPIRIT OF FAIR PLAY

All Americans are enjoying the benefits produced by both school systems but the fact that some Americans are penalized by exercising this freedom of choice offends the Americans spirit of fair play.

For example, it costs the Catholic community in New York State approximately $172 million a year to operate the parochial schools. In New York State alone, it would cost taxpayers over $400 million to absorb the students in these schools.

In the span of five years, it has been necessary to increase tuition in our diocesan high schools from $150 to $400, further increases in tuition are inevitable. More and more, the average family can no longer afford to send their children to non-public schools.

The average per pupil cost in the Buffalo Diocese in $216 in the elementary schools and $550 in the secondary schools. This is well below the average per pupil expenditure of $1,400 in New York State's public schools. Obviously, a tax credit of only a few hundred dollars would help restore balance to our plural educational system.

RECOMMENDS TAX CREDIT

It is therefore our recommendation that some form of tax credit be given directly to the parents. It is my understanding that over fifty tax credit bills have been submitted to this Committee and it is our hope and prayer that you will see fit to recommend one that most suits our immediate needs.

It is also our recommendation that tax credit for tuition be extended only to the parents whose children attend schools meeting State and Federal educational standards and conforming to the Civil Rights Act of 1964. All the non-public schools represented by our organizations have been approved by the New York Education Department.

It is not our intention, now or in the future, to expect government to support the entire cost of tuition for non-public schools. However, we must keep in mind that time is of the essence and too little or too late could be chaotic.

In closing, I wish to thank this Committee for your interest and concern and I trust you will submit a tax credit bill that will enable us to maintain our freedom of choice in education.

BEN CHERNER—A GREAT LOSS FOR ALABAMA

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. FLOWERS. Mr. Speaker, our State of Alabama lost a great public servant in the untimely death of Ben Cherner on August 27. A two term member of the Alabama Legislature, he was one of its acknowledged leaders. Whatever Ben Cherner participated in, he did so with enthusiasm and ability.

It was a privilege for me to have known him well as a friend, and I know that he will be greatly missed by all.

I include in the RECORD two articles appearing recently in the Bessemer News and the Birmingham Post-Herald:

[From the Bessemer News, Aug. 27, 1972]

BENNETT CHERNER

Bessemer people who had worked with Bennett Cherner on local-level projects knew we had something special in this young man.

And the shock waves that erupted here at his untimely, sudden death Sunday afternoon were felt in the four corners of the state, as he had made his unusual talent for getting things done known statewide in his tenure as a member of the Legislature.

Such a pity that such a brainy, knowledgeable man as Ben Cherner was taken by death, at barely half of his Biblically-allotted three score and ten years.

He never sought publicity, although he was thankful for what he got, and thus it may be that many Bessemer citizens probably are not aware of the really effective civic work he did for us.

At the time of his death he was busy promoting a "Sell Bessemer" plan to create an industrial park at the new airport, he being a member of the Airport and Industrial Park Authority.

The other projects in which Mr. Cherner was interested, business and civic, are too numerous to mention here, but it can truthfully be said these interests covered an extremely wide and varied area.

Ben's ability to see through extraneous matters to the core of a problem was perhaps his greatest asset. Our city, our state, can ill afford to lose such a promising mind coupled with unusual ability.

No man is irreplaceable, of course, but Ben Cherner comes close.

As Shakespeare wrote: "Now cracks a noble heart. Good night, sweet prince."

[From the Birmingham Post-Herald, Aug. 27, 1972]

BEN CHERNER

Although he was a very modern model of a legislator, State Rep. Ben Cherner, whose sudden death on Sunday diminishes this entire community, was an exemplar of the best of all the old time traditions of public service.

For one thing, Mr. Cherner was probably as hard-working a Legislator as has ever sat in the state capitol. He also was as well informed on public affairs in general and the operation of the State Legislature in particular as any legislator in memory.

Candidates seek public office for a variety of reasons, personal and otherwise. Generally, however, most of them will say that they merely seek only an opportunity to serve. Ben Cherner said that, too, when he first ran for the Legislature. What set him so distinctively apart was that he really did seek an opportunity to serve. And he did serve well.

Reporters and other observers of the Legislature soon learned that if they wanted to understand a piece of legislation or a course of action they would be wise to check with Ben Cherner. He always knew. From his first day in the Legislature he made it his business to understand every proposition made to the Legislature and to determine for himself a course of action which, in his opinion, would best serve the people of Jefferson County.

A fine intelligence and a creative spirit distinguished all of Ben Cherner's service in the State Legislature. He will be sorely missed by his fellow legislators and by all whom he represented so well. It cannot be said of many but it certainly can be said of Ben Cherner: he left his community and his state better than he found them and his example of service should inspire office seekers for a long time to come.

ARAB TERRORISTS STRIKE AGAIN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. RODINO. Mr. Speaker, the shock has worn off a bit now. The cruel message of this morning's radio commentator has ended: The initial attack occurred at 4:30 a.m.; the Israeli wrestling coach was immediately killed; an additional team member was fatally wounded; all 14 members of the Israeli Olympic team are being held hostage. The captors have stated that if their demands are not met, one hostage will be killed every 2 hours. The Black September terrorist organization, the most violent of all Palestinian groups, has acknowledged responsibility for these acts. Once again, Arab terrorists have taken innocent lives and used them as objects for protest and for pawn.

The Bonn cabinet has already met and stated that they will come through with all demands asked of them. They have offered money for the ransom of these Israeli prisoners but their offer has been coldly truned down. I am told that seven of the hostages were former inmates in concentration camps a few miles from where this morning's injustice took place.

Prime Minister Golda Meir has called for the suspension of the Olympic games. Early this afternoon her request was granted.

I am deeply distressed and extremely frustrated by this brutal behavior. Whatever terrorist activities take place, no action, no settlement has yet been strong enough to stop the Palestinian destruction of life. I pray for an end to this unfair method of resolving differences while I remain with all the world anxiously awaiting further news of this horrid situation.

WHY WE SERVE

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. BUCHANAN. Mr. Speaker, during the Fourth of July festivities in Birmingham, Ala., a city which it is my privilege to represent in the Congress, Brig. Gen. R. C. Cartwright, one of this Nation's finest military officers, delivered an outstanding address which well answers the strident voice of cynicism in the United States.

General Cartwright is currently assistant commander of the 3rd Infantry Division, now stationed in Germany. He holds an A.B. degree from San Francisco State College and an M.B.A. from the University of Missouri. The general has a distinguished record in Vietnam, having served as commander of the 108th Artillery Group stationed along the Demilitarized Zone and later as deputy commanding officer of the U.S. Army Support Command at Cam Ranh Bay. Prior to his current assignment, he was special assistant to the Comptroller of the Army in Washington, where he was Director of Management, Review, and Analysis.

General Cartwright's words of encouragement are particularly fitting in this day when we hear prophets of gloom continually expounding about this Nation's problems. The address of this distinguished black American points to a hope for the future, which so many in our country feel today, and to a spirit which must be kept alive if we are to conquer the problems we face.

I include the text of General Cartwright's remarks, because they represent but another aspect of what is right with America:

WHY WE SERVE

(By Brig. Gen. R. C. Cartwright)

Congressman Buchanan, distinguished guests, and members of WBRC–TV audience.

It is a distinct honor to be here today to represent the Army in this outstanding 4th of July celebration. During my Army career, I have seen many 4th of July celebrations—but none like this. It is most impressive and I am proud to be a part of it. I congratulate the city of Birmingham and station WBRC for this truly fine effort.

Flying here from Europe yesterday, on my way to Birmingham, I looked down on this great land of ours through the window of the plane. I saw the green farmlands—the cities and towns—the beautiful hills and woods—and the lakes and streams as they passed beneath the plane. And I couldn't help but recall those great poetic lines:

Breathes there a man with soul so dead
Who never to himself has said
This is my own—my native land!

These lines by Sir Walter Scott are to me what this celebration is all about. We are saying that we are proud of our great country—proud to be a part of it. It is our country—for better or worse. And it is this undefinable feeling of pride and patriotism that we express today.

Americans have always had this feeling of pride in our land—from our beginning days as a colony. We have had to make our own destiny, and often against heavy odds. To recall a little of the flavor of those early days, a prominent Englishman named Samuel Johnson said in March 1775, "The American Colonists are a race of convicts and ought to be thankful for anything we allow them short of hanging." This was the prevailing attitude among our British rulers at the time.

It is small wonder that American Colonists—patriots like George Washington, Jefferson, Adams, Hancock and many others—reacted negatively to the British view, and to British actions. In June of 1776, the Continental Congress passed a resolution that said,

"Resolved that six companies of expert riflemen be raised in Pennsylvania, two in Maryland and two in Virginia; that each company consist of a captain, three lieutenants, four sergeants, four corporals, a drummer or trumpeter and sixty-eight privates; that each company as soon as completed shall march and join the Army near Boston, there to be employed as light infantry under the command of the Chief Soldier of the Army." With this resolution, the United States Army was born.

From this humble beginning, the Army—lacking in supplies, in manpower, in food and weapons—even in shoes—in fact, lacking in everything but courage and fortitude—went on to force the British to surrender at Yorktown in 1781.

In the years that followed, the Army and our sister services whose representatives are here on the platform with me today, have compiled a magnificent record protecting the American people and the American way of life from its foreign enemies. We exist for one purpose—to serve the American people in defense of their liberty and freedom. As one of our senior leaders said, "The Army belongs to the people, and it is made up of the people. It draws its officers and soldiers from every walk of life—from every part of America. The Army—and all of the Armed Services—are cross sections of American life."

In today's world, The Armed Services are stationed across the United States, and around the world, protecting our precious freedoms. The Seventh Army in Europe is one of these units. It is part of NATO—the North Atlantic Treaty Organization. NATO is the military shield in which Army, Navy and Air units of the United States combine with forces from 14 other nations against the threat of Communist aggression. The Third Infantry Division, of which I am a part, is one of the four and one-third U.S. divisions in Europe making up part of the NATO shield. We are there to protect the United States. We are there because it is cheaper, easier and safer to protect our country from east of the Rhine River—working together with the joint forces of 14 other nations—than it would be to do it alone, from somewhere on the eastern coast of America.

The Third Infantry Division is called the "Marne Division" because of its unyielding defense of a sector along the Marne River during World War One. Through more than 50 years—and three major wars—the Marne Division has compiled a combat record unsurpassed in American military history, as attested by the 49 Marnemen who have won their nation's highest award, the Medal of Honor.

Today, in Europe we are in a constant state of combat readiness as part of the deterrent to the spread of Communism. This calls for highly motivated, well trained soldiers, dedicated to the principles of freedom. These men reflect in their professionalism and pride the finest spirit of our American life.

As symbols of this commitment of service to you, two Marne men are here with me today. Staff Sergeant Stanley P. Lowry, who is holding the Third Division flag with its 26 battle streamers and 3 Presidential Unit Citations is a native of Birmingham. Staff Sergeant James A. Miller, holding the national colors, is a native of Sumter, South Carolina. These outstanding noncommissioned officers are two of your representatives in Europe, protecting your freedom—and you have every right to be proud of them today—and of all of the soldiers, sailors and airmen who are manning the outposts of freedom here and overseas.

But pride is not enough—and the military cannot do everything. For we have some problems in America that must be faced. I have read many statements that America is in real trouble. And I must admit that in some ways, it seems true. Old Glory has never fallen so close to earth. Some of our embassies and installations have been stoned and attacked, we've been involved in a number of conflicts on foreign soil. Our young men have died for ideals which don't seem to mean much to some Americans.

The truth is, America's real trouble doesn't lie in the rice paddies of Vietnam, in the masses of China or the endless turmoil of the Middle East. Our real trouble lies in places like the playgrounds of St. Louis, the hillside mansions of San Francisco and the slums of Chicago. A disease is slowly eating at the lives of Americans in the small towns—and in the big industrial cities like Birmingham. The disease is cynicism—a lack of faith.

This is the age of the cynic—"The man who knows the price of everything and the value of nothing", as Oscar Wilde once said. It is the year of the unbeliever—the era of doubt. We've killed all our sacred cows, ever-exposed our faults and destroyed many of the images—and there is nothing much left to respect—too little old fashioned love of country, God and family. There are people who stare at their shoelaces when the national anthem is played. They don't want to be seen at a political rally, or a town hall meeting. Other people are not sure they want to be caught with their eyes closed during public prayer. Our heroes are often the bad guys who get away with things. And patriotism—pride in our country, the old, hand over heart, flag waving, singing patriotism is fast going out of style—it's embarrassing. Our form of government is the same; we still say America stands for the same things; the fundamentals haven't changed—we have, you and I. To prove it, next time at a gathering, ask someone to sing America and see what happens.

Our enemies know this, for they have seen the pictures in the papers and on TV, of the discontented marching around the country. They have distorted and blown up our mistakes, and they have been driving steel wedges into the wall of our solidarity. They say, don't attack America—wear it down gradually and it will eventually fall of its own corruption. This sneering cynicism, once stamped out by the bloody feet of a tattered Continental Army in 1776, has risen again. This daily "let George do it" attitude lights the way for the Viet Cong in the swampy jungles of Vietnam. This "better Red than dead" cancer may be more dangerous than all the Communist mortar shells, for it kills the spirit and vitality of America. Democracy is a frail and fragile instrument, made of hope, prayer, confidence and American ingenuity—and held together by pride, and 4th of July patriotism—and it is in danger today.

But I do not want to sound like a prophet of doom and gloom, because I really am not. I think America will come out of this period of cynicism—in the long run of our history, it will seem as a short temporary detour on our road of progress.

In fact, I think our best days are still ahead of us—for several reasons. One is that we have identified our national problems now. We know what they are: ecology, pollution, quality education, civil rights, poverty and the rest. The problems are out on the table. We can talk about them, and we do—and this is the vital first step. And, we are moving to solutions—not always quick or easy solutions—often halting and unsure, with much noise and debate. But we are shouldering our burdens and moving

again in the right direction—and we will succeed.

Just as important, we have good material to work with. This younger generation, the "now generation", is the finest we have produced. When they are given meaningful jobs to be done—and provided with good leadership—and respect for their effort, and their ideas—they cannot be surpassed. I see them every day in the Army, and I know you can depend on them when it counts. They are superb—and they will help us solve these national problems better than we could ever do by ourselves.

Finally let me observe that our national spirit—our sense of concern for our country and its people—is returning. I sense it in my daily contacts and in my travels. The spirit of the 70's was so well stated by President John Kennedy when he said, "Ask not what your country can do for you; ask what you can do for your country". I see this spirit expressed in many forms. It is on the rise and it will pull us through.

Yes, America's future is bright—brighter than ever before. And in the America of the future, we will pause on future 4th of Julys—and in the noble words of our song, "America the Beautiful", we shall look across our spacious skies, our amber waves of grain, our purple mountain majesties, and we will know that God has truly shed his grace on our country—and crowned our good with brotherhood—with peace—with pride in our country—from sea to shining sea.

THREAT TO EDUCATIONAL TV

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. HARRINGTON. Mr. Speaker, the President's recent veto of the Corporation for Public Broadcasting appropriations bill may have dealt a damaging blow to the important and innovative cultural and educational programing provided by public TV. One of the leading noncommercial stations, WGBH in Boston, detailed the extensive cutbacks it will have to make, both in program quality and quantity. Such a result is the product of the long line of administration efforts to undermine freedom of the press in this Nation.

I urge all my colleagues to read the inserted articles from the Boston Globe. One of them reveals the problems facing public television in Boston and many other cities in the wake of the veto. The other is an editorial examining the impact of President Nixon's action on the future of noncommercial television.

The articles follow:

NIXON VETO OF PUBLIC BROADCASTING BILL SEEN LEADING TO SEVERE CHANNEL 2 CUTBACK

(By Percy Shain)

A severe cutback in broadcasting activity will become necessary at WGBH–TV (Channel 2) as a result of President Nixon's veto of the $155 million appropriations bill for public broadcasting, it was revealed last night.

Old shows will be reduced in episodes and new shows will never get off the ground because of the action, David O. Ives, Ch. 2 president, said in a statement issued from his island home on Naushon.

At the same time, Rep. Torbert MacDonald, chairman of the House subcommittee on communications, blasted the last-minute veto as an "incredible sacrifice of the public's interest on the altar of partisan politics. Despite Nixon's shallow protestations I am absolutely convinced that this Administration has decided that their interests will best be passed by muzzling the voice of public broadcasting directly."

"WGBH has been very active in developing plans for new programming—exciting plans dependent on Federal funding," said Ives. "Now those plans must be shelved, for how long we just don't know.

"Of those programs WGBH is currently producing for the national audience of the PBS network, we are already constrained by limited funds to less than a full season's run. At present our grant support for The Advocates extends to no more than 26 programs—the shortest season for this series in four years on national television. Zoom, which was a runaway success this season, is assured of only 33 new programs—far short of the year-round service it should be.

"Perhaps more damaging is the blow to totally new programs. WGBH has developed a number of series that would be pioneering in their fields. Some of them have already reached the stage of pilots.

"Two in particular were virtually certain of being funded, if the CPB's (Corporation for Public Broadcasting) appropriation for this fiscal year had been at least somewhere in the $55 to $65 million range.

"One of these new program projects would launch, here in Boston, a permanent first rate production unit for the making of science-documentaries, children's series, and even some co-productions with the foreign broadcasters whose achievements in science far outshadow anything American television, short of moon shot coverage, has ever mustered.

"Another new program project jeopardized by the veto would be a fresh, dramatic and useful weekly treatment of the causes and curses of crime in our cities.

"Locally, moreover, this setback will hurt our news and public affairs programming most. We have been counting on an increased annual CPB grant for community services to help make up the difference in support for the Reporters when the Ford Foundations's partial grant for this new local news operation ceases as of Aug. 31.

THREAT TO EDUCATIONAL TV

It has been argued that government financing of television, even on a partial scale, involves the same risks as would government subsidy of an otherwise free press. What government gives, government can take away (as President Nixon now has done), and therein lies the constant threat of control.

There is something in this. And in the radio and television industry the threat of control and hence of government suppression of all criticism is aggravated by licensing laws.

What needs to be emphasized, however, in assessing President Nixon's last minute veto of a two-year, $155 million appropriation for the Corporation for Public Broadcasting, is that public, or educational, TV magnificently serves one of the main purposes of the land-grant colleges established by the Morrill Act 110 years ago. There can be no sound criticism of them, and no President has dared to impoverish them.

"A nation that acts by the will and judgment of the people," said the author of the land-grant college act, Rep. Justin Smith Morrill, of Vermont, "must make available to the people the knowledge and spirit of the civilization they are expected to sustain and develop." This is precisely what public TV has been doing.

The Carnegie Commission paraphrased the Morrill philosophy when it fostered the Public Broadcasting Act of 1967, setting up the system under which such public service stations as Boston's superb WGBH, better known, perhaps, as Channel Two, operate today. President Lyndon B. Johnson also said much the same thing in his State of the Union message in January of that year:

"We must develop educational television into a vital public resource to enrich our homes, educate our families and to provide assistance in our classrooms."

* * * * *

The President has not succeeded in wrecking Public TV entirely—not yet, anyway. There are still foundation grants and individual donations. And at the last minute, the Senate joined the House in passing a resolution to keep it going at the present level of funding—$39 million—pending new legislation. But serious question remains as to why he tried at all, especially in view of the Congress's overwhelming support of the project—the House approved the appropriation 256 to 69 and the Senate, 82 to 1, surely enough to override the veto.

He is convinced, the President said in his veto message, that "the problems posed by Government financing of a public broadcast system are much greater than originally thought."

* * * * *

DR. MELVIN R. POSTON—OPTOMETRIST OF THE YEAR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. WALDIE. Mr. Speaker, in the July 1972 Optometric World, there appeared an article praising a constituent of mine, Dr. Marvin R. Poston, an optometrist from Danville, Calif.

I would like to take this opportunity to place this article in the CONGRESSIONAL RECORD.

DR. MARVIN POSTON, FIRST BLACK TO BE NAMED "OPTOMETRIST OF THE YEAR" BY AOA

Dr. Marvin R. Poston, a prominent, black, Oakland, Calif., citizen and optometrist, was named the 1972 national "Optometrist of the Year" by the American Optometric Association. He is the first black to be so honored in AOA history.

The honor, in recognition of Dr. Poston's public service contributions to his community and profession, was announced at a 75th anniversary tribute and awards evening held as part of the association's annual congress in St. Louis, Mo. More than 2,000 optometrists and their guests attended the function.

The national award of the 17,300-member association, which represents the nation's largest vision care profession, follows Dr. Poston's selection as the California "Optometrist of the Year" in March. He was the first black ever given the honor in California.

A resident of Danville, Calif., Dr. Poston has practiced optometry in downtown Oakland for over 31 years.

One of his major interests has been youth and he has devoted many hours to his work with the Alameda County Juvenile Delinquency Committee. He has served as president of the Northwest Branch of the Young Men's Christian Association and as a member of the board of directors of the Oakland area YMCA. He is also a member of the board of directors and Minority Adoption Committee of the Children's Home Society of Northern California.

Concerned with the renewal of his urban community, Dr. Poston has served as a member of the board of the Oakland Council for Social Planning and as a member of the Danville Renewal Corporation. He is director of the Oakland/Fukuoka (Japan) Sister City Committee and is an active member of

the Oakland NAACP, the Oakland Rotary Club, the board of directors of the Contra Costa County Tuberculosis Association, and the African Methodist Episcopal Church.

Dr. Poston has been an organizing member of at least four major vision care programs in the Bay Area and throughout California. These include the West Oakland Health Group, where he is vice president and chairman of the center's eye group; the Children's Vision Center of the East Bay; vision screening programs for the East Bay Skill Center; and the California Vision Service, a prepaid vision care plan covering over 700,000 eligible participants in California.

Dr. Poston has served as co-chairman of the Merritt College Optometric Assistants' Advisory Committee and as a member of the Public Advisory Council on Education for Oakland Public Schools. He also is a member of the board of directors and treasurer of the community Committee for African Students and works with the University of California at Berkeley and the American Optometric Association in minority recruitment programs.

The noted optometrist is a past president and currently a member of the California State Board of Optometry. He is a past president of the Alameda and Contra Costa Counties Optometric Society. He has also served as a member of the Long Range Planning Committee of the California Optometric Association.

Dr. Poston resides at 567 El Pintado Road in Danville.

BALLOTS, NOT BULLETS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. STOKES. Mr. Speaker, on August 30, 1972, as Gov. George Wallace was leaving the hospital after two more operations, reporters pressed him for his comments on the political scene. He fended off the questions, saying that he had not had much time for politics, that he was concentrating on getting well. The newscaster reporting the story added that Governor Wallace had told a friend that:

If I had all the money in the world—if I was the king of Siam—I'd give it all up just to be able to walk again.

The really tragic part of this vignette is that it never had to be. The shooting of George Wallace—and of Dr. Martin Luther King, Senator Robert Kennedy, President John Kennedy, and Malcolm X—could easily have been prevented. It is not too late, of course, to start thinking about ways to prevent future killings and maimings.

Congressman WILLIAM L. CLAY discussed some of the means of prevention in an article he wrote for The Boston Globe. His column appeared on July 25, 1972 and it contained a number of important, provocative ideas on the subject of political assassinations. His thoughts range from the need for gun control legislation, through media overexposure of assassins, to a discussion of the violent society in which we live.

I hope that Congressman CLAY's ideas receive the wide discussion they certainly merit. For this reason, I include his column for the benefit of my colleagues:

OPPOSITION TO MEN LIKE WALLACE MUST BE BY BALLOT, NOT BULLETS

(By Congressman WILLIAM L. CLAY)

George Wallace stood opposed to the leadership of the late John F. Kennedy. He stood in the schoolhouse door blocking the entrance and orders of integration carried by former Attorney General Robert Kennedy.

For Dr. Martin Luther King, Jr., it is fair to say that George Wallace held only contempt—for they stood at the very opposite ends of the political and ideological spectrum. Until two months ago, the only thing these men shared in common was that both had the spotlight in center stage debating national issues. And it must have been that spotlight which attracted the senseless bullets that struck each of them.

No matter how repugnant the politics of George Wallace, nothing is more regretful than the notion that these men who inspire controversy and/or who seek to lead this nation are fair game for thousands of kooks, misfits and degenerates.

Assassinations and attempted assassinations are only so prevalent because of availability of firearms is prevalent. Many argue that strict gun control would not eliminate political assassinations. This may be a fact. But it is also a fact that the abundance of guns in America, the deification of those who possess them and the false sense of security experienced by gun owners contribute significantly not only to assassinations, but to 28,000 other deaths each year in America.

George Wallace was not shot because of his views. The shots came from a man who was probably void of politics. If the would-be assassins of this country believe they will become heroes in the eyes of those who renounce their political targets, let us make as clear as we can to these demented minds that they are wrong. Assassins are despicable to all Americans—about that, at least, there is consensus in this country.

The men who commit these acts are weak and faceless—and they should remain nameless. If it is the promise of notoriety which drives their sick minds, it should be deprived them.

It is unlikely that there are any "bullet-proof" guarantees to protect public office seekers from assassins, especially since those who have aimed the guns over this last decade came alone, unnoticed and silent. Nevertheless, it may be very important at this time for those of us who disagree with George Wallace to speak up. We have sought and we will continue to seek to defeat the influence of George Wallace. But we join the supporters of George Wallace in a deep concern for his welfare. The only thing we would want cast against him is the vote.

The Wallace philosophy will not be overcome by gunfire or by any other violent act. Americans do not make heroes of men who bring such tragedy.

We must also be concerned for the welfare of the nation as a whole—for if men are not allowed to go to the public to seek the vote, what is to become of the democracy we have strived to practice?

MAN'S INHUMANITY TO MAN

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 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?

JACKSON, MISS.

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. GRIFFIN. Mr. Speaker, education plays a key role in the development and growth of any area. The city of Jackson has made great strides in its growth because of the dramatic steps it has taken in its educational program to offer unlimited opportunity for all citizens.

I am especially pleased to note that recent figures for cities of comparable size—100,000 to 250,000—show that Jackson, Miss., has the highest educational level in the South and 10th highest in the United States. This is certainly an outstanding achievement and a fine tribute to a growing city.

I am sure that with the new innovate education plans being developed, Jackson will continue to enjoy a prosperous and expanding future.

I include, as a part of my remarks, an editorial from the Jackson Clarion-Ledger on this subject.

EDUCATIONAL LEVEL OF JACKSON IS 10TH HIGHEST IN UNITED STATES

Many impressive facts and figures are listed in "Change and Challenge—The Story of Jackson, Mississippi Today" issued by City Hall officials as a dramatic reminder of our city's amazing progress and vast potential for future growth.

Among the most gratifying phases of this handsomely illustrated brochure is the section devoted to education. Its text notes that our area's educational facilities run the gamut—from nursery school to graduate school with everything in between.

City schools include 37 elementary facilities, ten junior high schools, and seven senior high schools. There is also a state school for the deaf and for the blind. Most of these facilities have a complete array of advanced equipment and are in excellent condition. They serve the student demand well. Approximately 75 percent of the City school system's graduates go on to college. The City also has a number of private schools at each level.

An exciting new project to centralize the City's public schools into a unique creative learning concept is being planned. Two educational plazas will be constructed for fifth and sixth graders in areas where there are presently no homes. One plaza is scheduled for North Jackson and the other in Southwest Jackson. Both will have about 2,000 students, and employ the latest teaching techniques.

The program of the City's schools include closed circuit instructional television, special computers, teaching teams, creative organizational patterns, and new courses.

The Jackson area offers a wide choice of institutions of higher education. There are five 4-year colleges, two junior colleges, the University of Mississippi Medical Center, the Universities Center and the Jackson School of Law in the metropolitan area. The unique Universities Center is a joint venture of the University of Mississippi, Mississippi State University, Jackson State College, and the University of Southern Mississippi. It offers

undergraduate subjects, a graduate degree program, and statewide educational television.

One of the most important facts about Jackson in the area of education though, is the average Jacksonian's general educational level. Based on the U.S. Census report of 1960 (these figures will be even higher when the 1970 Census figures are available), the average Jacksonian has completed 12.1 years of school. In cities of comparable population—100,000 to 250,000—this is the HIGHEST general educational level in the South, and 10th highest in the entire United States. In the important area of college education, 13.4 percent of all adults are college graduates, making Jackson 2nd HIGHEST in the South and 8th HIGHEST in the nation. These remarkable figures speak for themselves regarding the quality of education the average Jacksonian has received.

SENATE—*Wednesday, September 6, 1972*

The Senate met at 10 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:

Dear Lord and Father of mankind, as we pause this day in Thy presence and share in the grief of all peoples before the horror of shattered young life which so sears the conscience of all men, teach us once more the hard lesson that hate begets hate, evil nourishes evil, and violence reproduces violence. Teach us the higher truth of the oneness of the race, that every man's suffering and sin is our suffering and sin, for we are all involved in humanity.

By some miracle of divine grace, may the innocent suffering of today atone for the sins of yesterday and bring cleansing and forgiveness to our broken world. May the shock of events drive a war-weary world to the ways of peace and concord. May there come over the world a renewal of the ideals of good sportsmanship and a resurrection of that spirit of universal good will and fraternity which endures all pain and abides all time.

Help us here to labor ceaselessly for that kingdom whose builder and maker is God. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed 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. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 5, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Republican leader and myself, may I say it would be our hope that the policy will continue which was inaugurated before adjournment for the Republican National Convention, that committees would hold only necessary meetings, and that they will clear with us, if they would—and I use these words in their best sense—any meetings which they may be contemplating.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum briefly.

The PRESIDING OFFICER (Mr. GAMBRELL). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE TRAGEDY AT MUNICH—SENATE RESOLUTION 358, EXPRESSING THE SENSE OF THE SENATE ON THE TRAGIC KILLINGS OF ISRAELI OLYMPIC TEAM MEMBERS OF THE 20TH OLYMPIAD AT MUNICH

Mr. MANSFIELD. Mr. President, a resolution can express our sympathy to the families of the victims and to their homeland, but it can in no way diminish the tragedy of Munich. That tragedy points up the fact that the Olympic games have become a forum not for sports, primarily, but in specific instances, a means for political, ideological, social, and racial expressions of the most violent kind.

It seems to me that too much emphasis has been placed on gold, silver, and bronze medals, on commercialism, on nationalism. In these games, we tend to place stress above all else, on the superiority of nations.

What of equality among nations? What does superiority prove?

What has the tragedy at Munich accomplished, except to disturb the shaky and dangerous balance in the Middle East and to emphasize that violence in the end defeats its own ends?

In lending itself to displays of violence, of defections, of anarchy, of dispute and dissension, and even of madness, the arena of the Olympics has strayed far from its original concept of peace and unity among all men. There are individual triumphs and there are national triumphs; there are gold, silver, and bronze medals. But none of these can have any meaning when they are accompanied by what we have witnessed in Munich.

The tragedy of Munich should make us review our concept of these games and even ponder their ultimate worth. The nations of the world should address themselves to this grave question at once.

A fitting memorial for the dead demands no less.

Mr. President, for myself and on behalf of the distinguished Republican leader (Mr. SCOTT), Senator JAVITS, Senator RIBICOFF, Senator ALLEN, Senator ROBERT C. BYRD, Senator COOPER, Senator GAMBRELL, Senator BAKER, Senator SAXBE, Senator GRIFFIN, Senator EASTLAND, Senator MCGOVERN, Senator SPONG, Senator METCALF, Senator BROOKE, and Senator PERCY, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GAMBRELL). The resolution, with its preamble, will be stated.

The assistant legislative clerk read as follows:

Whereas, with profound sorrow and deep alarm the Senate is informed of the events surrounding the killing of eleven members of the Israeli Olympic team participating in the Twentieth Olympiad at Munich, and

Whereas, such actions are to be condemned as inimical to the interests and aspirations of the civilized world, be it hereby

Resolved, That the United States joins with the world in mourning the loss of Israel's athletes and extends its deepest sympathy to the people of Israel and to the families of those so tragically lost and be it further

Resolved, That all means be sought by which the civilized world may cut off from contact with civilized mankind any peoples or any nation giving sanctuary, support, sympathy, aid or comfort to acts of murder and barbarism such as those just witnessed at Munich and that the Secretary of the Senate be directed to communicate these sentiments and expressions to the Secretary of State for appropriate transmittal.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCOTT. Mr. President, there is a depth of irony in this tragedy, rarely reached, beyond the scope of the writer's pen. The reason for holding the games at Munich, 36 years after the bitter episode of the 1936 Olympic games where man's inhumanity to man was exemplified by the greatest beast in human form in this century and his behavior toward some of our athletes; it was the hope of the resurgent nation of West Germany that the memory of that inhumanity might be erased by the manner, the spirit, and the universality with which the games would be observed.