America's intentions and staying power. But I recognize that these arguments rest on the assumption that it is important to maintain a power balance with the Soviet Union—which many of my young friends do not share—and the further assumption that the Soviet Union would almost certainly take advantage of opportunities for expanding its influence in Western Europe if it saw the chance to do so.

To conclude that the Soviet Union is in an expansionist phase one need look no further than the recent vast extension of Soviet power in the Mediterranean and Egypt. And to the young, who would insist that the Soviet Union is no worse in its motive or actions than the United States, I would pose only one question: Why, in that case, need Russia maintain a wall in Berlin, or forcibly prevent its own citizens and those of Eastern Europe from moving to the West? Evil as it may appear to our self-flagellating youth, the "American empire," even at the height of its pre-eminence, never sought to encage the millions in its orbit. And would the young moralists of today feel no qualms if more and more of the world's population were forced within an expanding prison?

In any event, why hurry as Senator Mansfield would have us do?

Once there was a village that was saved from the constant devastation of destructive floods by the building of a dam. For a quarter of a century the village prospered; then a restless new generation asked the penetrating question: "Why do we need the dam? After all, there has not been a flood for 25 years." So they tore it down.

It is a partially inept parable, since it implies a sense of permanence with regard to our NATO deployments that I do not endorse. Yet it does underline one simple point: Change for the sake of change is no sound policy for a great nation.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SENATE—*Friday, May 21, 1971*

The Senate met at 10 a.m. and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

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

Eternal Father, without whom we can do little that is great and good, but with whom all things are possible, help us to begin, continue, and end this day with Thee. Shed Thy light upon our pathway that we may see Thy way clearly and walk in it. Help us so to live that we may be part of the solution and not part of the problem confronting us. May we be cheerful when things go wrong, serene when things are irritating, and persevering when things are difficult. Spare us from bitterness or resentment or inflamed temper. Give us grace so to live with joy and peace in our lives that we may reflect the spirit of the Master Workman, who went about doing good, and in whose name we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 21, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of May 20, 1971, the Secretary of the Senate on May 21, 1971, received a message from the House of Representatives 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. 8190) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes"; that the House receded from its disagreement to the amendments of the Senate numbered 4, 26, 29, 37, 39, 41, 46, 62, 64, 69, and 84 to the bill and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 2, 18, 38, 49, 57, and 59 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 20, 1971, be dispensed with.

The ACTING 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 be authorized to meet during the session of the Senate today.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent, with no reference whatsoever to the Pastore rule of germaneness, which will not begin until the unfinished business is laid before the Senate, that the Senate proceed to the consideration of unobjected-to items on the calendar, beginning with Order No. 111, Senate bill 441.

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

BLANDINA SALVADOR

The bill (S. 441) for the relief of Blandina Salvador, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 441

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, Blandina Salvador shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act during the current fiscal year or the fiscal year next following.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–112), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Blandina Salvador. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

ALBINA LUCIO Z. MANLUCU

The bill (S. 559) for the relief of Albina Lucio Z. Manlucu, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 559

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, Albina Lucio Z. Manlucu shall be held and considered to have been lawfully ad-

mitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraph (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–113), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Albina Lucio Z. Manlucu. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

SIU-KEI-FONG

The bill (S. 617) for the relief of Siu-Kei-Fong, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Siu-Kei-Fong may be classified as a child within the meaning of section 101 (b) (1) (F) of that Act, and a petition may be filed in his behalf by Hee Fong, a citizen of the United States, pursuant to section 204 of the Act: *Provided,* That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD, an excerpt from the report (No. 92–114), explaining the purpose of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by a citizen of the United States.

ANGELO DISTEFANO

The bill (S. 898) for the relief of Angelo DiStefano, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 898

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, Angelo DiStefano shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–115), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Angelo DiStefano. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

DR. DIONISIO TENG LIBI AND DR. BERNADETTE LIBI

The bill (S. 997) for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

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, Doctor Dionisio Teng Libi and Doctor Bernadette Libi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 7, 1961, and July 9, 1963, respectively.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–116), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiaries to file petitions for naturalization.

LUANA GAJA

The bill (S. 1155) for the relief of Luana Gaja was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a) (1) and 204 of the Immigration and Nationality Act, Luana Gaja shall be held and considered to be the natural-born alien daughter of Charles K. Hekekia, a citizen of the United States. The natural mother, brother, or sister of the said Luana Gaja, by virtue of such relationship, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–117), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for first preference status as the unmarried daughter of a citizen of the United States.

MIRIAM LAZAROWITZ

The bill (S. 1269) for the relief of Miriam Lazarowitz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1269

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, Miriam Lazarowitz shall be held and considered to be within the purview of section 203(a) (4) of that Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–118), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for fourth preference status.

WONG WAH SIN

The bill (S. 1271) for the relief of Wong Wah Sin was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a) (19) of the Immigration and Nationality Act, Wong Wah Sin may be issued a visa and be admitted to the United States for permanent residence if he found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–119), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has sought to procure a visa by misrepresenting a material fact in behalf of the son of a U.S. citizen.

LEONORA LOPEZ

The Senate proceeded to consider the bill (S. 255) for the relief of Leonora Lopez which had been reported from the Committee on the Judiciary with an amendment.

On page 1, line 3, strike out—

That, for the purposes of section 201(b) of the Immigration and Nationality Act, Leonora Lopez shall be held and considered

to be the parent of Adelaida Eugenio, a citizen of the United States.

And insert in lieu thereof:

That, in the administration of the Immigration and Nationality Act, the proviso to section 101(b)(1)(E) of that Act shall not be applicable in the case of Leonora Lopez.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, the proviso to section 101(b)(1)(E) of that Act shall not be applicable in the case of Leonora Lopez.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–120), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill as amended, is to provide for the filing of an immediate relative visa petition in behalf of Leonora Lopez, the natural mother of an adopted U.S. citizen daughter. The amendment is clarifying in nature.

EDDIE TROY JAYNES AND ROSA ELENA JAYNES

The Senate proceeded to consider the bill (S. 306) for the relief of Eddie Troy Jaynes and Rosa Elena Jaynes which had been reported from the Committee on the Judiciary with an amendment. On page 1, beginning with line 3, strike out:

That, for the purpose of the Immigration and Nationality Act and section 21(e) of the Act of October 3, 1965, Eddie Troy Jaynes and Rosa Elena Jaynes shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 2, 1964, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by two, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to special immigrants as defined in section 10(a)(27)(A) of the Immigration and Nationality Act.

And insert in lieu thereof:

That, for the purposes of the Immigration and Nationality Act, Eddie Troy Jaynes, Junior, and Rosa Elena Jaynes shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 2, 1964, upon payment of the required visa fees.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Eddie Troy Jaynes, Junior, and Rosa Elena Jaynes shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 2, 1964, upon payment of the required visa fees.

The amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of Eddie Troy Jaynes, Jr., and Rosa Elena Jaynes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–121), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill as amended is to enable the beneficiaries to file petitions for naturalization. The bill has been amended to delete reference to visa number deductions, inasmuch as the beneficiaries could originally have entered the United States as nonquota immigrants had they been properly documented. A further amendment reflects the complete name of the male beneficiary.

CHRISTINA BANGCAWAYAN

The Senate proceeded to consider the bill (S. 442) for the relief of Christina Bangcawayan which had been reported from the Committee on the Judiciary with an amendment.

On page 1, in line 4 strike out "Christina Bangcawayan" and insert in lieu thereof "Cristina Bangcawayan", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Cristina Bangcawayan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act during the current fiscal year or the fiscal year next following.

The amendment was agreed to.

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

The title was amended, so as to read: "A bill for the relief of Cristina Bangcawayan".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–122), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent resident in the United States to Cristina Bangcawayan. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction. The purpose of the amendment is to correct the spelling of the beneficiary's first name.

DESIGNATION OF NATIONAL STAR ROUTE MAIL CARRIERS WEEK

The joint resolution (H.J. Res. 583) designating the last full week in July of 1971 as "National Star Route Mail Carriers Week" was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–124), explaining the purposes of the measure.

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

PURPOSE

The purpose of the joint resolution is to authorize and request the President of the United States to issue a proclamation designating the last full week in July of 1971 as "National Star Route Mail Carriers Week" and calling upon the Postal Service to observe such week with appropriate recognition to the Nation's star route mail carriers.

DESIGNATION OF NATIONAL PEACE CORPS WEEK

The joint resolution (S.J. Res. 29) to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week", and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Whereas the year 1971 marks the tenth anniversary of the Peace Corps; and

Whereas the Peace Corps has been notably successful in promoting world peace and friendship by making available to interested countries and areas Americans willing to help meet the need for trained manpower by serving overseas; and

Whereas the Peace Corps presently has programs in over sixty countries; and

Whereas more than forty-five thousand volunteers have served overseas in the Peace Corps: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation (1) designating the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; and (2) inviting the Governors and mayors of States and local governments of the United States to issue similar proclamations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–123), explaining the purposes of the measure.

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

PURPOSE

The purpose of the joint resolution is to authorize and request the President of the United States to issue a proclamation designating the calendar week beginning May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week" and inviting the Governors and mayors of States and local governments of the United States to issue similar proclamations.

AMENDMENT OF JOINT RESOLUTION ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The Senate proceeded to consider the bill (S. 1538) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended which had been reported from the Committee on the Judiciary with an amendment.

On page 1, in line 7, strike out the figure "$675,000" and insert in lieu thereof the figure "$670,000", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(a) of the joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes, approved July 4, 1966 (80 Stat. 261), as amended, is further amended by striking "$373,000" and inserting in lieu thereof "$670,000".

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–126), explaining the purposes of the measure.

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

PURPOSE OF AMENDMENT

The purpose of the amendment is to limit the authorization of appropriations for the American Revolution Bicentennial Commission to "$670,000" for fiscal year 1971.

PURPOSE

The purpose of the bill is to authorize an appropriation not to exceed $670,000 for the expenses of the American Revolution Bicentennial Commission for the fiscal year 1971.

STATEMENT

The American Revolution Bicentennial Commission was established on July 4, 1966, under provisions of Public Law 89–491 (80 Stat. 259). The statute placed on the Commission the responsibility of planning, encouraging, developing, and coordinating the commemoration during the bicentennial era.

AMENDMENT OF THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

The bill (H.R. 4209) to amend the Revised Organic Act of the Virgin Islands was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–125), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to amend section 27 of the Organic Act of the Virgin Islands (48 U.S.C. § 1617) by correcting the reference in that section to the chapter of title 28 of the United States Code covering U.S. attorneys, and by deleting the exception in section 27 which now limits the U.S. attorney in the Virgin Islands to one assistant.

STATEMENT

The bill, H.R. 4209, was introduced in accordance with the recommendations of an executive communication from the Department of Justice which recommends its enactment. The amendments contained in the bill have been recommended by the Department of Justice because the work of the office of the U.S. attorney for the Virgin Islands has increased significantly in recent years and there is a demonstrated need for an additional assisting U.S. attorney.

At the present time, section 27 of the Organic Act of the Virgin Islands (48 U.S.C. § 1617) prohibits the Attorney General from appointing an additional assistant U.S. attorney. This section provides that chapter 31 (now chapter 35) of title 28, United States Code, which deals with the office of U.S. attorney, shall apply to the Virgin Islands, with the sole exception that the "attorney general shall not appoint more than one assistant U.S. attorney for the Virgin Islands."

This bill would update the title 28 chapter reference from "31" to "35" and would remove the exception; hence 28 U.S.C. 542, as a part of chapter 35, would apply in the Virgin Islands. Section 542 provides that the "attorney general may appoint one or more assistant U.S. attorneys in any district when the public interest so requires." Enactment of this proposal would give the attorney general the same discretion in this matter within the Virgin Islands as he presently has in the judicial districts of the United States.

A subcommittee of the House Committee on the Judiciary held a hearing on this bill on March 10, 1971. At that hearing, the witness appearing in behalf of the Justice Department pointed out that the workload in the Virgin Islands actually exceeds several of the six districts which are presently allocated two assistant U.S. attorneys. In addition, the present lack of flexibility in the appointment of assistants in the Virgin Islands has had the effect of creating a substantial case backlog. To illustrate the problem and to make comparisons to comparable districts, the witness presented the following tables in connection with his testimony before the subcommittee:

APPENDIX

WORKLOAD COMPARISON BETWEEN DISTRICT OF VIRGIN ISLANDS AND 1 ASSISTANT DISTRICTS FOR 1ST HALF OF FISCAL YEAR 1971

District	Case filings	Case terminated	Cases pending
Virgin Islands	156	158	185
Canal Zone	114	128	36
Guam	6	8	[1] 11

WORKLOAD COMPARISON BETWEEN DISTRICT OF VIRGIN ISLANDS (1 ASSISTANT) AND 2 ASSISTANT DISTRICTS FOR 1ST HALF OF FISCAL YEAR 1971

Virgin Islands	156	158	185
Maine [2]	69	63	69
New Hampshire [2]	44	57	53
Vermont	78	66	95
West Virginia N	148	143	215
Wisconsin W [1]	103	91	236
Wyoming [2]	96	90	53

[1] 440 lands tracts.
[2] These districts were increased from 1 to 2 assistant U.S. attorneys effective January 1971.

Note: It can be seen from the above charts that the Virgin Islands workload greatly exceeds that of the other 1 assistant districts and generally exceeds the workload of the 2 assistant districts.

The U.S. attorney in the Virgin Islands has the additional responsibility of prosecuting felonies as defined in the laws of the Virgin Islands. It was pointed out at the hearing on March 10, 1971, that this responsibility has served to compound the workload problem of this particular office. This additional responsibility is based upon language found in section 27 of the revised Organic Act itself. It is there provided that the U.S. attorney is to prosecute in the district court in the name of the government of the Virgin Islands all offenses against the laws of the Virgin Islands which are cognizable by that court. It is his responsibility to prosecute all such cases unless he consents to a transfer of the function to the attorney general of the Virgin Islands. This aspect of the U.S. attorney's duties was the subject of extended discussion and explanation at the hearing. It was pointed out that it is a part of the governmental operation in the islands that the U.S. attorney is to have this jurisdiction over local crimes as well as the usual responsibility of the U.S. attorney over Federal crimes. The result is that the U.S. attorney is responsible for the prosecution of offenses other than misdemeanors.

In the Federal area, it was observed that the burden placed upon the office in connection with immigration cases also contributes to the workload. The problem of illegal entrants has been a continuing one which appears to have increased in recent years and represents a law enforcement problem. Moreover, there has been a marked increase in the number of criminal cases in the district court.

The comparative figures concerning cases handled by the average assistant U.S. attorney as compared with the assistant in the Virgin Islands should also be noted. In the United States for the year 1970, the average number of cases handled by an assistant U.S. attorney was 139. In the Virgin Islands, the cases handled during the same year by the assistant was 389. This is a disproportionate figure even when an allowance is made for the different type of cases being handled by the various districts.

Another local aspect that must be considered when one is analyzing the work of the U.S. attorney in the Virgin Islands relates to the geographical situation. The group is made up of three principal islands and the U.S. district court is held on the island of St. Thomas as well as on the island of St. Croix. Should a judge be holding court on St. Thomas at the same time as a judge is holding court on St. Croix, the office of the U.S. attorney has a dual responsibility. Should the U.S. attorney be required to appear in a case before the court of appeals in Philadelphia, where the U.S. Court of Appeals for the District of the Virgin Islands generally meets, the pressures placed upon the office are obvious. Since the U.S. attorney's office is responsible for the prosecution of felony cases, it is necessary for a representative of the U.S. attorney's office to appear in local courts in connection with preliminary hearings for felonies. There are four local courts in the islands which conduct these preliminary hearings and these courts meet on the island of St. Croix and St. John as well as St. Thomas. The responsibility before these courts, as well as before the district court, for a U.S. attorney's office with only two attorneys available to perform the work has proven to be a difficult matter at times.

Public Law 91–272, approved on June 2, 1970, authorized an additional judge for the Virgin Islands, so that two U.S. district judges are now authorized for the Virgin Islands. The demonstrated need for the additional judge, which has already been recognized by the Congress, is also relevant in connection with the consideration of this bill. Clearly, the volume of work which justified the creation of the additional judgeship impels a similar conclusion in connection with the removal of the limitation of the U.S. attorney's office to one assistant.

In response to a question at the hearing concerning the cost of this legislation, the witness in behalf of the Justice Department stated that in view of the additional judge-

ship authorized by Congress, a supplemental appropriation provided for a proportionate increase in the moneys available for the Office of the U.S. attorney. In other words, the money has been appropriated for this purpose. In response to a question concerning the facilities available to the U.S. attorney's office in the Virgin Islands, it was stated that there is adequate space available at the present time for an additional assistant U.S. attorney in the same building now being utilized by the U.S. attorney's office. As to support personnel, the Justice Department does not contemplate any immediate need for additional clerical support even with the appointment of the new assistant.

On April 5, 1971, H.R. 4209 passed the House of Representatives. Based on the facts outlined in the executive communication and the testimony presented at the House subcommittee hearing, the committee recommends that the bill be considered favorably.

SMALL BUSINESS AMENDMENTS ACT OF 1971

The bill (S. 1905) to clarify and extend the authority of the Small Business Administration, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1905

A bill to clarify and extend the authority of the Small Business Administration, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Amendments Act of 1971".

TITLE I

SEC. 101. (a) In connection with the financial assistance programs established by the Small Business Act, the Small Business Investment Act of 1958, and by title IV of the Economic Opportunity Act of 1964, the Small Business Administration is authorized—

(1) to make loans in cooperation with persons or organizations not normally engaged in lending activity, as well as with banks or other lending institutions, and to enter into agreements with respect to the servicing of these loans; and

(2) to make interest subsidy grants to small business concerns which receive financial assistance from the Administration, through the cooperation of banks or other lending institutions or through the cooperation of persons or organizations not normally engaged in lending activity. In no case, however, shall the annual amount of such a grant exceed the product of the amount of the loan multiplied by the least of (A) 3 per centum; (B) one-third of the prevailing rate of interest applicable to the loan; or (C) the difference between the prevailing rate of interest applicable to the loan and 5½ per centum. No grant shall be made under this subsection relating to interest due on a loan later than three years from the time the loan was disbursed, and each grant under this title shall be charged, in the amounts thereof relating to each of said years, to the respective appropriations current at the time the grant agreement is entered into and to the appropriations current on the respective anniversaries thereof.

(b) In exercising its discretion to make interest assistance grants pursuant to subsection (a) of this section, the Administration shall—

(1) consider the need of the small business recipient, taking into account all of the relevant circumstances, including the borrower's ratio of debt to equity, the newness of the business, the financial position of the recipient, the cost of money to the recipient's competitors, and the individual needs of the borrower; and

(2) take appropriate action to assure that the benefits of the interest assistance do not accrue to persons other than the recipient.

SEC. 102. (a) The Small Business Administration is authorized to extend grants to public or private organizations to pay all or part of the costs of providing business management assistance and related technical aid to socially or economically disadvantaged persons.

(b) The purposes of the grants made under this section may include the following:

(1) planning and research, including feasibility studies and market research;

(2) the identification and development of new business opportunities;

(3) the furnishing of centralized services with regard to public services and Government programs;

(4) the establishment and strengthening of business service agencies, including trade associations and cooperatives;

(5) the encouragement of the placement of subcontracts by major business with small business concerns owned by socially or economically disadvantaged persons, including the provision of incentives and assistance to such major businesses so that they will aid in the training and upgrading of potential subcontractors or other small business concerns;

(6) the furnishing of business counseling, management training, and legal and other related services, with special emphasis on the development of management training programs using the resources of the business community, including the development of management training opportunities in existing businesses, and with emphasis in all cases upon providing management training of sufficient scope and duration to develop entrepreneurial and managerial self-sufficiency on the part of the individuals served;

(7) payment of all or part of the costs, including tuition, of the participation of socially or economically disadvantaged persons in courses and training programs for the development of skills relating to any aspect of business management; and

(8) provision of guidance or advice to socially or economically disadvantaged persons seeking government assistance relating to the establishment or continuance of small businesses.

(c) To the extent feasible, services under this section shall be provided in a location which is easily accessible to the individuals and small business concerns served.

(d) The Administrator of the Small Business Administration shall provide for an independent and continuing evaluation of programs under this section, including full information on and analysis of the character and impact of managerial assistance provided, the location, income characteristics, and types of businesses and individuals assisted, and the extent to which private resources and skills have been involved in these programs.

(e) Section 406 of the Economic Opportunity Act of 1964 is hereby repealed.

SEC. 103. The Small Business Administration may conduct research and studies with a view to identifying categories of small business which lack growth possibilities, as distinguished from small business built around innovations promising rapid growth, and with a view to identifying the nature and causes of small business failures.

SEC. 104. Appropriations are authorized in such amounts as may be necessary for the purposes of the program under sections 101, 102, and 103.

TITLE II

SEC. 201. Section 103 of the Small Business Investment Act of 1958 is amended—

(1) by striking "and" from paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by adding the following new paragraph:

"(8) The term 'minority enterprise small business investment company', hereinafter called MESBIC, means a small business investment company, the investment policy of which is that its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages."

SEC. 202. Section 301 of the Small Business Investment Act of 1958 is amended by adding the following new subsection:

"(d) Notwithstanding any other provision in this section, a MESBIC may be organized and chartered under State nonprofit corporation statutes, and may be licensed by the Administration to operate under the provisions of this Act."

SEC. 203. Section 302 of the Small Business Investment Act of 1958 is amended by adding the following new subsection:

"(d) Notwithstanding subsection (b)(2) of this section, or any other provision of law, shares of stock or other equity or debt securities issued by a MESBIC shall be eligible for purchase by banks and other financial institutions, subject to the 5 per centum limitation of subsection (b)(1) of this section. MESBICs shall not be deemed ineligible for any assistance under this Act because of such purchases."

SEC. 204. Subsection 303(b) of the Small Business Investment Act of 1958 is amended—

(1) by inserting the following in lieu of the first sentence thereof: "To encourage the formation and growth of small business investment companies the Administration is authorized (but only to the extent that the necessary funds are not available to said company from private sources on reasonable terms) when authorized in appropriation Acts, to purchase, or to guarantee the timely payment of all principal and interest as scheduled on, debentures issued by such companies. Such purchases or guarantees may be made by the Administration on such terms and conditions as it deems appropriate, pursuant to regulations issued by the Administration. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.";

(2) by inserting "or guaranteed" following "purchased" each time it appears in paragraphs (1) and (2) thereof and in the second sentence thereof;

(3) by inserting "or guarantees" following "purchases" in the last sentence of paragraph (2) thereof; and

(4) by inserting "or guarantee" following "purchase" in paragraph (3) thereof.

SEC. 205. Subsection 304(a) of the Small Business Investment Act of 1958 is amended by inserting "and unincorporated" after "incorporated".

SEC. 206. Subsection 305(b) of the Small Business Investment Act of 1958 is amended by deleting the second sentence thereof.

TITLE III

SEC. 301. Section 7(a) of the Small Business Act is amended—

(1) by striking "paragraph (5)" in paragraph (4) and inserting "paragraphs (5) and (8)"; and

(2) by adding at the end thereof a new paragraph as follows:

"(8) The Administrator shall require that any equipment, facilities, or machinery to be acquired with assistance under this subsection be so designed as to prevent, control, or minimize environmental pollution which might otherwise result therefrom in accord-

ance with such standards as may be established under Federal or State law or regulations issued thereunder. In the processing of applications for financial assistance under this subsection the Administrator shall give priority to those applications which he determines will further the development or utilization of new and improved methods of waste disposal or pollution control. The rate of interest for the Administration's share of any loan with respect to which such determination has been made shall be at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity of ten to twelve years less not to exceed 2 per centum per annum."

SEC. 302. Section 7(b)(4) of the Small Business Act is amended—

(1) by inserting "(A)" after "injury"; and

(2) by inserting before the semicolon at the end thereof the following: ", or (B) as the result, directly or indirectly, of the pollution of any stream, lake, or other body of water from sources other than the business operations of such concern".

SEC. 303. (a) Section 7(b) of the Small Business Act is amended—

(1) by redesignating paragraph (5) (added by Public Law 91-597) as paragraph (6);

(2) by redesignating paragraph (6) (added by Public Law 91-596) as paragraph (7);

(3) by striking the period at the end of paragraph (7) (as redesignated by clause (2) of this subsection) and inserting "; and"; and

(4) by adding after such paragraph (7) a new paragraph as follows:

"(8) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration determines to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements for the prevention or control of environmental pollution imposed by Federal or State law or regulations issued thereunder, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of such Act is amended by striking "or (6)" and inserting ", (6), (7), or (8)".

(c) Section 4(c)(1) of such Act is amended by striking out "7(b)(1), 7(b)(2), 7(b)(4), 7(b)(5), 7(b)(6)" and inserting "7(b) (except 7(b)(3))".

(d) Section 4(c)(2) of such Act is amended by striking out "7(b)(1), 7(b)(2), 7(b)(4)" and inserting "7(b) (except 7(b)(3))".

(e) Section 28(d) of Public Law 91-596 is amended by striking out "7(b)(6)" and inserting "7(b)(7)".

SEC. 304. Subparagraph (B) of section 8(b)(1) of the Small Business Act is amended to read as follows:

"(B) in the case of any individual or group of persons cooperating with it in furtherance of the purposes of subparagraph (A), (i) to allow such an individual or group such use of the Administration's available office facilities, parking space, and related materials and services as the Administration deems appropriate; (ii) to rent for the use of such an individual or group such office facilities, and related materials and services as would not otherwise be available for the purpose and as the Administration deems appropriate; (iii) to pay, as the Administration deems appropriate, the expenses of disseminating through advertising media information to small business concerns respecting the availability of such individuals or groups; (iv) to pay, as the Administration deems appropriate, the expense of placing in telephone directories an independent listing of the telephone numbers of such individuals or groups; (v) to reimburse any such individual for the cost incurred in making any telephone call from his home in furtherance of the purposes of subparagraph (A); and (vi) to pay transportation expenses and a per diem allowance in accordance with section 5703 of title 5, United States Code, and, when the Administrator deems appropriate, the cost of transportation or mileage and related allowances under section 5704 of title 5, United States Code, for local travel including travel between the individual's residence or regular place of business and the place where service is performed, to any such individual or group for travel and subsistence expenses incurred at the request of the Administration in providing gratuitous services to small businessmen in furtherance of the purposes of subparagraph (A) or in connection with attendance at meetings sponsored by the Administration: *Provided*, That expenditures incurred by the Administration in the exercise of the authority conferred by this subparagraph (B) shall not exceed $250,000 in any fiscal year;".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-129), explaining the purposes of the measure.

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

SUMMARY

The bill expands existing SBA programs which encourage participation in the financing of small business by private capital. It establishes a new program of grants to reduce interest costs to small business. The bill amends the Small Business Investment Act to recognize the development of Minority Enterprise Small Business Investment Companies and to clarify SBA's guarantee authority with respect to debentures issued by Small Business Investment Companies.

The bill amends the Small Business Act to establish four new programs to assist businesses which affect or are effected by environmental regulations and pollution. In addition, the bill provides reimbursement, on a limited basis, for certain out of pocket costs presently being met by volunteer groups.

COMMITTEE ACTION

Hearings were held on S. 71, S. 1224, and S. 1355 on April 21, 1971. Essentially the same issues had been considered by the Committee in the 91st Congress during its consideration of S. 3528 and S. 3699, on which hearings had been held on June 15, 16 and 17, 1970. The Committee voted unanimously to report out an original bill, S. 1905, incorporating S. 71, S. 1224, and S. 1355, with amendments.

ANALYSIS

The bill, S. 1905, is divided into three titles. Title I is new legislative authority for the Small Business Administration. Title II consists of amendments to the Small Business Investment Act. Title III consists of amendments to the Small Business Act.

TITLE I—NEW LEGISLATIVE AUTHORITY

Subsection 101(a)(1) of the bill provides new authority which SBA may exercise in connection with its financial assistance programs under the Small Business Act, Small Business Investment Act, and Title IV of the Economic Opportunity Act. Under those acts, SBA is presently limited in the exercise of its authority to participate with or guarantee loans to institutions which are normally engaged in lending activity. Accordingly, such sources of non-federal financing as pension funds and foundations are excluded from federal small business finance programs. This subsection authorizes agreements with such organizations to participate in or guarantee loans.

INTEREST SUBSIDY GRANTS

Subsection 101(a)(2) of the bill authorizes a new program of interest subsidy grants to small businesses. The grants are limited in four different ways.

(1) They may be made only in connection with SBA financing during the first three years that such financing is made available to a small business concern.

(2) They are limited as to amount by a formula which sets an absolute maximum of 3% of the loan, and, where less, one-third of the rate of interest on the loan or the difference between the loan interest rate and 5½%.

(3) They are limited, as among small businessmen who would otherwise be eligible, by the provisions of subsection 101(b)(1) to small businesses which are in need of the subsidy grant, taking into consideration the following factors.

(*a*) The borrower's ratio of debt to equity.

(*b*) The newness of the business—a factor which the Committee gave special emphasis to in the past Congress by requiring that the business be less than five years old.

(*c*) The general financial position of the recipient.

(*d*) The cost of money to the recipient's competitors—to insure that no unfair competitive advantage would accrue from eligibility for a subsidy grant, and

(*e*) The individual needs of the particular borrower.

(4) Finally, under Subsection 101(b)(2), the SBA is required to assure that the grants are not used as a justification by lenders to increase interest rates, but rather that the benefit of the grants go directly to the borrower.

The Committee wishes to emphasize this last requirement. Interest subsidies are granted at the discretion of the SBA under the criteria of Subsection 101(b), and do not automatically follow from the approval of initial SBA financial assistance. The Committee expects that SBA's regional offices will exercise a continuous watch on local levels of interest rates and will affirmatively exercise their discretion under that Subsection to withhold subsidy grants if it appears that the subsidy program is being used by lenders to justify any increase in interest rates.

MANAGEMENT ASSISTANCE

Section 102 of the bill represents a continuation of an existing program. Under Section 406 of the Economic Opportunity Act of 1964, SBA was authorized until 1972 to conduct certain management assistance and technical aid programs for socially or economically disadvantaged persons. Section 102 transfers that authority from the Economic Opportunity Act to the Small Business Amendments Act without making any substantive changes. In the process of making the transfer, the Administration has suggested, and the Committee concurs, that Subsection 406(e) of the Economic Opportunity Act, requiring consultation between the Small Business Administrator and the Secretary of Commerce, need no longer be required in the statute.

RESEARCH

Section 103 of the bill authorizes research into the identification of categories of small business which lack growth possibilities, as distinguished from those which promise rapid growth, and into the nature and causes of small business failures. The Committee feels that such research, which is clearly beyond the capacity of individual small businessmen or potential entrepreneurs, would be of assistance both to small business and to the Congress in the shaping of future small business legislation.

This section, as originally proposed by the Administration, contained language authorizing the employment of consultants and experts. The Committee, noting that authority for such employment already exists in Section 5(c) of the Small Business Act, has deleted the requested language as redundant and unnecessary. In this connection, the Committee strongly expresses its belief that the employment of consultants and experts on a temporary basis by federal agencies is a practice which should be strictly circumscribed and employed only in those cases when building up in-house capability is impracticable because of the temporary need for the type of expertise involved.

Section 104 of the bill authorizes such appropriations as may be necessary for the purposes of Title I. In this connection, the Committee has been informed by SBA that the interest subsidy grant program, the only new program authorized by this Title, is estimated to involve approximately $8.1 million in Fiscal Year 1972.

TITLE II—AMENDMENTS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958 MESBIC AUTHORITY

Sections 201, 202 and 203 are concerned with minority enterprise small business investment companies, or MESBIC's. Under the Act, Small Business Investment Companies (SBIC's) have been licensed by SBA to provide financial assistance to minority or other individuals whose participation in the free enterprise system has been hampered by social or economic disadvantages, SBA has regulated these companies, which provide services to a quite different group of customers than those normally served by SBIC's, in essentially the same regulatory framework as the regular SBIC program. These three sections, 201–203, will enable SBA to move towards a separate regulatory pattern for MESBIC's. Section 201 provides a definition of MESBIC's.

Section 202 authorizes the licensing as MESBIC's of nonprofit corporations.

Section 203 removes the present restriction on bank ownership of MESBIC shares. Banks are authorized by this section to purchase up to 100% of the shares or other securities of a MESBIC. Present restrictions on bank ownership of non-MESBIC SBIC's are not affected by this section. The Committee believes that Section 203 will provide greater incentives for bank participation in minority financing.

SBIC AMENDMENTS

Section 204 clarifies existing law regarding SBA's authority to pledge the full faith and credit of the United States to guarantees on certain SBIC debentures.

Section 205 would remove present restrictions limiting SBIC financing to incorporated businesses.

Section 206 would permit SBIC's to engage in deferred participation financing for up to 100% of the amount being financed, removing the present limitation of 90%, in order to permit additional flexibility to this type of small business financing.

TITLE III—AMENDMENTS TO THE SMALL BUSINESS ACT

Section 301 adds a new subsection 8 to Section 7(a) of the Small Business Act which would add two new criteria to the approval process under which Section 7(a) loans are considered.

ENVIRONMENTAL IMPACT

First, for any loans which will be used to acquire equipment, facilities or machinery, the Administrator shall require that such equipment, facilities, or machinery shall not result in environmental pollution, which would be in conflict with applicable federal or state standards.

The Administrator has discretion, under the provisions of S. 1905, to select the method by which he executes his responsibilities under Section 301. The Committee expects that the Administrator will establish procedures to insure that the equipment, facilities, or machinery will be in compliance with applicable federal and state standards which exist at the time that the loan application is processed, through procedures established with the Environmental Protection Administration, in the case of federal law, and possibly through a certification procedure in the case of state standards. The Committee recognizes that under present law the Environmental Protection Administration has final administrative responsibility for environmental standards and does not intend by recommending approval of Section 301 to suggest that the Small Business Administration play an independent role in the establishment of such standards.

However, in the event that applicable federal and state standards differ, the Committee expects that the Administrator will require compliance with the more strict standard. In no event does the Committee contemplate that compliance with the less restrictive standard will be sufficient to meet the requirements of Section 301.

Second, Section 301 establishes a priority under Section 7(a) for those applications which will further the development or utilization of new and improved methods of waste disposal or pollution control. To give an even further stimulus to the development of such methods, Section 301 provides that such applications, to the extent that they involve SBA loans, will receive preferential interest rates identical with those now applicable to economic disaster loans.

Section 302 broadens the existing program in Section 7(b)(4) of the Small Business Act to provide Section 7(b) disaster financing to business which suffer economic injury as the result of water pollution from sources other than the conduct of their own business.

Section 303 involves an area of great concern to the Committee on Banking, Housing and Urban Affairs. Many regulatory statutes impose a substantial financial burden upon businesses which are required to make alterations in equipment or processing techniques to comply with new standards. This burden falls with a particular hardship upon small business, which often lacks either the necessary capital or technical skill or both. The Committee has acted in the past to provide Section 7(b) financing for small business concerns affected by such regulatory enactments as the Federal Coal Mine Health and Safety Act, the Egg Products Inspection Act, the Wholesome Poultry Products Act, and the Occupational Safety and Health Act. Section 303 will make such assistance available to small business concerns which must comply with federal or state requirements for the prevention or control of environmental pollution.

VOLUNTARY ACTION PROGRAMS

In addition, Section 303 makes several technical conforming changes in the numbering of sections of the Small Business Act.

Section 304 of S. 1905 is concerned with support of SBA's voluntary action programs. In each of the two principal programs—the Service Corps of Retired Executives ("SCORE") And the Active Corps of Executives ("ACE")—experienced businessmen volunteer their time to assist small businesses. These volunteers presently must pay certain expenses out of their personal funds. In recognition of the substantial contributions of time and effort which SCORE and ACE volunteers make to the mission of the SBA and the substantial assistance which they provide the small business community, the Committee recommends this modest and limited authorization of $250,000 per year to pay certain specified out-of-pocket expenses.

CORDON RULE

In the opinion of the committee, it is necessary to dispense with the requirements of subsection 4 of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate in connection with this report.

DOROTHY G. McCARTY

The bill (S. 1810) for the relief of Dorothy G. McCarty was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code, Dorothy G. McCarty of Washington, District of Columbia, shall be deemed, subject to sections 8334(c) and 8339 (h) of title 5, United States Code, to have rendered creditable service while employed for the period from August 1, 1947, through Apuril 30, 1952, as an office manager for the United States Senate Restaurant which was operated during such period by Nationwide Food Service.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–127), explaining the purposes of the measure.

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

PURPOSE

This legislation would make creditable the service of an employee of the United States Senate while detailed to the Nationwide Food Service from October 1, 1947, to May 1, 1952. During that time the U.S. Senate restaurant was operated under contract by Nationwide Food Service of Chicago, Ill., and Dorothy G. McCarty was detailed from the Office of the Architect of the Capitol to Nationwide Food Service and was, therefore, not an employee of the Congress. She served as office manager of the restaurant directly accountable to the Senate Committee on Rules and Administration. Her duties were no different than they were prior to detail to Nationwide or subsequent to the return of the restaurant to the management of the Architect of the Capitol.

COST

An employee receiving credit for past service under the Civil Service Retirement Act must pay into the civil service retirement and disability fund the amount of money which would have been withheld from their pay during such creditable periods or take a permanent reduction in their civil service annuity equal to 10 percent annually of the total amount owed the fund. The committee estimates that the cost of this legislation is relatively insignificant.

ERMA P. CURRY

The Senate proceeded to consider the bill (S. 1811) for the relief of Erma P. Curry which had been reported from the Committee on Post Office and Civil Service with an amendment.

On page 1, in line 6, strike out the words "an employee" and insert in lieu thereof "employees"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of subchapter III of chapter 83 of title 5, United States Code, Erma P. Curry and Margaret Hamilton shall be deemed to have become disabled after 12

noon on January 3, 1971, while employees of the Capitol Guide Service.

The amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of Erma P. Curry and Margaret Hamilton".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–128), explaining the purpose of the measure.

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

PURPOSE

This legislation would correct an inequity in the administration of the civil service retirement provisions of title 5, United States Code, as made applicable to employees in the United States Capitol Guide Service by the Legislative Reorganization Act of 1970 (Public Law 91–510; 84 Stat. 1140).

Under section 442 of that act, individuals who serve as guides in the U.S. Capitol were made "congressional employees" within the definition of 5 U.S.C. 2107 and were covered into the civil service retirement system with credit being given for all past service as Capitol guides in computing their civil service annuities.

JUSTIFICATION

To be eligible for retirement, an employee must have completed one full year in a position subject to the Civil Service Retirement Act out of his last 2 years of Federal service, or become disabled while in a position subject to the act. Employees of the Capitol Guide Service came under the Civil Service Retirement Act at noon, January 3, 1971, and the Civil Service Commission has subsequently ruled that an employee in the Capitol Guide Service applying for disability retirement must have become disabled while serving in a position subject to the Civil Service Retirement Act; that is, the disability must have occurred after noon, January 3, 1971.

RELIEF OF THE VILLAGE OF ORLEANS, VT.

The bill (S. 708) for the relief of the village of Orleans, Vermont was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 5103(d) of title 39, United States Code, the Postmaster General is authorized and directed to (1) receive and consider any claims of the village of Orleans, Vermont, for the repayment of six unpaid United States money orders issued to such village in 1945 for the aggregate amount of $527.31, and (2) provide for the payment of the face value of such money orders to such village.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–131), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Postmaster General to receive and consider any claims of the village of Orleans, Vt., for the repayment of six unpaid money orders issued to the village in 1945 in the aggregate amount of $527.31. The bill would require the Postmaster General to provide for the payment of the face value of the money orders to the village.

ESTABLISHMENT OF THE BUFFALO NATIONAL RIVER

The Senate proceeded to consider the bill (S. 7) to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 10, following the words "interests therein by" strike out the word "donation" and insert the word "donation,"; on page 3, line 8, following the word "property" strike the word "and"; and on page 6, line 16, following "Sec. 6." strike the words "There are authorized to be appropriated not to exceed $9,200,000 for acquisition of land and not to exceed $8,224,000 for the development of the area as provided for in this Act." and insert the following:

"There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $12,102,000 (April 1971 prices) for development of the area plus or minus such amounts, if any, as may be justified by ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.";

so as to make the bill read:

S. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled, "Proposed Buffalo National River" numbered NR–BUF–7103 and dated December 1967, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary may revise the boundaries of the national river from time to time, but the total acreage within such boundaries shall not exceed ninety-five thousand seven hundred and thirty acres.

SEC. 2. (a) Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by *donation,* purchase with donated or appropriated funds, or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

(b) With the exception of property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereafter in this section referred to as "owner") of (1) improved property used solely for noncommercial residential purposes on the date of its acquisition by the Secretary or of (2) lands used solely for agricultural purposes on such acquisition date may retain the right of use and occupancy of such property for such respective purposes for a term, as the owner may elect, ending either (a) upon the death of the owner or his spouse, whichever occurs later, or (b) not more than twenty-five years from the date of acquisition. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right (1) shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this Act, (2) may be transferred or assigned, and (3) may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential or agricultural purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use: *Provided,* That the Secretary may exclude from any improved property any waters or land fronting thereon, together with so much of the land adjoining such waters or land as he deems necessary for public access thereto.

SEC. 3. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, and rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

SEC. 4. The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which

will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and values to be protected by it under this Act.

SEC. 5. The Secretary shall administer, protect, and develop the Buffalo National River in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $12,102,000 (April 1971 prices) for development of the area plus or minus such amounts, if any, as may be justified by ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–130), explaining the purposes of the measure.

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

PURPOSE OF BILL

The legislation would enable the Secretary of the Interior to establish the national river area to include not more than 95,730 acres preserving 132 miles of the Buffalo River as among the most outstandingly scenic of free-flowing streams in the Eastern United States.

With little residential or commercial development on its banks, and with no municipal or industrial pollution, the Buffalo River is unspoiled. It provides a unique opportunity for preservation since its headwaters lie within the Ozark National Forest, and the remaining 132 miles of the river can be preserved and administered as a single unit.

Hillsides and bluffs provide a variety of conditions for some 1,500 species of plants, while the Buffalo River and its tributaries are one of the richest waterways in the Nation in terms of the total number of fish species.

Within the proposed national river are a 200-foot waterfall in Hemmed-in Hollow, the highest free-leaping waterfall between the southern Appalachians and the Rockies; a collection of outstanding gypsum formations in Beauty Cave; and a number of archeological sites. These sites can yield the story of Indian occupation from archaic to late prehistoric times—a span of some 9,000 years.

Recreational uses within the proposed Buffalo National River include boating, fishing, swimming, camping, photography, nature observation, and hunting.

The old trails and wagon roads which wind along the river, parallel the tributaries and traverse the ridges, provide a good basis for developing a system of hiking and riding paths. Two rugged and virtually uninhabited expanses of country, one at each end of this area, will provide unusual primitive environments where a rider, canoeist, trail camper, and scientist may find enjoyment.

The proposed national river includes about 132 river-miles and a total of some 95,730 acres in four counties as follows: Newton County (43,610 acres); Searcy County (24,530 acres); Marion County (26,000 acres); and Baxter County (1,590 acres). The Federal Government owns about 770 acres of land within the national river boundaries, and this acreage is administered by the Forest Service, Department of Agriculture. The State of Arkansas owns about 2,960 acres of land comprising the Buffalo River and Lost Valley State Parks and scattered parcels of public hunting areas. The remaining land acreage within the national river boundaries is in private ownership.

The bill authorizes the Secretary of the Interior to acquire by donation, purchase with donated or appropriated funds, or exchange lands and waters or interests therein within the national river boundaries, and outside of such boundaries in order to avoid the payment of severance costs. Lands owned by the State of Arkansas or its political subdivisions may be acquired only by donation.

The bill provides that owners of improved property or lands used solely for agricultural purposes on the date of acquisition could retain the right of use and occupancy for a term ending either on the death of the owner or his spouse, whichever occurs later, or not more than 25 years from the date of acquisition.

COSTS

The Department of the Interior estimates the costs of the proposal as follows:

Land acquisition	$16,115,000
Development	12,102,000

Annual operating costs are expected to be $1,006,800 by the fifth year.

AMENDMENTS

The Interior Department recommended that S. 7 be amended to relate the development cost ceiling to construction cost indexes of April 1971. The committee adopted this recommendation and amended the bill as follows:

On page 6, line 17, delete the entire section and insert in lieu a new section 6 as follows:

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $12,102,000 (April 1971 prices) for development of the area plus or minus such amounts, if any, as may be justified by ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

Two additional technical amendments recommended by the Interior Department were also adopted by the committee.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs unanimously recommends enactment of S. 7, as amended.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I should like, on the time allocated to the joint leadership, to ask the distinguished President pro tempore, the chairman of the Committee on Appropriations, the Senator from Louisiana (Mr. ELLENDER), what his wishes are in view of the action taken by the House on the second supplemental bill last evening.

Mr. ELLENDER. Mr. President, I wish to say that I am ready to act at any time to get a quorum. I understand there may not be a quorum present.

Mr. MANSFIELD. There is one.

Mr. ELLENDER. I should like to take it up today, if we can, and get through with it.

Mr. SCOTT. Mr. President, I have no objection, but I understand that some Senators may wish to have a quorum to give them an opportunity to be here.

Mr. ELLENDER. I wish to say that the conference did its best to keep everything we had in there, but as we all know, we have to give and take. I think we came out very well with what the Senate had accomplished. As I say, I am very anxious to get this bill on the President's desk. There are many items in it that need immediate attention. The postal clerks pay is one item. The bill should be sent to the President as soon as possible.

Mr. MANSFIELD. The Senator is aware of the fact that the House is out of session and will not return until Monday next.

Mr. ELLENDER. I understand that. If we cannot get it through today and to the House, and the leadership desires to postpone the bill until Monday, I would have no objection, but I believe we should take some action on it and get it on the President's desk as soon as possible.

Mr. MANSFIELD. I believe that the joint leadership would be willing to accede to whatever the distinguished chairman of the committee would desire us to do.

Mr. ELLENDER. I would prefer to go on with it.

Mr. SCOTT. I would suggest that we have a quorum call to determine what Senators desire to be heard and are available.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

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

BILLS AND JOINT RESOLUTIONS INTRODUCED

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. JORDAN of North Carolina (for himself and Mr. YOUNG):

S. 1921. A bill to establish a Federal Commodity Account Insurance Corporation, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. CRANSTON:

S. 1922. A bill for the relief of Mrs. Nelson Lee (Lok Tai Chow). Referred to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 1923. A bill for the relief of Harold Donald Koza. Referred to the Committee on the Judiciary.

By Mr. HARTKE (for himself, Mr. THURMOND, and Mr. CRANSTON) (by request):

S. 1924. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. WILLIAMS:

S. 1925. A bill to promote the advancement of research in aging through a comprehensive and intensive program for the systematic study of the aging process in human beings. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS:

S. 1926. A bill for the relief of Kenneth Adam Andoll. Referred to the Committee on the Judiciary.

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 1927. A bill to provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JORDAN of North Carolina (for himself and Mr. YOUNG):

S. 1921. A bill to establish a Federal Commodity Account Insurance Corporation, and for other purposes. Referred to the Committee on Agriculture and Forestry.

FEDERAL COMMODITY ACCOUNT INSURANCE CORPORATION ACT

Mr. JORDAN of North Carolina. Mr. President, I am pleased to introduce today, on behalf of myself and the Senator from North Dakota (Mr. YOUNG), a bill which is tentatively entitled the "Federal Commodity Account Insurance Corporation Act."

The purpose of this bill is to preserve public confidence in the commodity futures markets of the United States which have performed for many decades a vital role in the marketing and pricing of food and other products both in the United States and throughout the world. The Congress has repeatedly recognized the importance of commodity markets in the distribution of agricultural products, in reducing consumer prices by permitting producers, processors, and merchandisers to insulate themselves with futures contracts against the uncertainties of future changes in their costs or prices, and in affording public investors an opportunity to assume those price risks so that the foregoing purposes can be fulfilled.

Futures trading is utilized extensively in the United States for both commercial and investment purposes. Growers, manufacturers, processors, and merchandisers of certain commodities trade in "futures" to reduce the risk of adverse price fluctuation in their business operations, while investors assume that risk in the hope of capital gains. Brokers trading in commodity futures contracts for customers are commonly called "futures commission merchants," and many of the largest stock brokerage houses are also active as futures commission merchants. The bankruptcy or insolvency of a futures commission merchant, while an infrequent occurrence, can place in jeopardy large sums of money held for customers by that broker. Certain domestic agricultural commodities traded for future delivery, as well as the futures commission merchants and commodity exchanges dealing in them, are now regulated by the Commodity Exchange Act. The act is administered by the Commodity Exchange Authority, an agency of the U.S. Department of Agriculture, under the supervision of the Secretary of Agriculture.

The bill will reduce the risk of loss to customers when a broker dealing for customers in commodity futures contracts becomes unable, due to financial reverses or failure, to pay amounts owed to its customers, or to other brokers representing customers, or to the clearing organizations of the commodity exchanges. The bill parallels the Securities Investor Protection Act recently enacted by the Congress for the safeguarding of securities and cash of customers of stock brokerage firms. Since many of these same firms are brokers in commodity futures contracts as well, the present bill would augment that act by protecting all customers who could sustain losses from the failure of a firm.

The bill is unique in several respects. First, it was developed in a period of unprecedented growth and prosperity in the commodity markets, looking responsibly toward future preparedness rather than to a current crisis. Second, it is the product of harmonious effort between the Department of Agriculture and the largest commodity exchanges. Third, the bill involves a minimum of Federal financial participation which would be called upon, if at all, only in circumstances of unprecedented dimensions.

The bill establishes a Federal Commodity Account Insurance Corporation. It encompasses all futures commission merchants situated in the United States and all commodities traded for future delivery on any commodity exchange in the United States. Each customer account of a futures commission merchant is insured up to $50,000; amounts owed by the insolvent broker to other futures commission merchants and to clearing organizations of commodity exchanges arising out of futures transactions are insured up to $200,000.

The Corporation will be a "mixed-ownership Government corporation," headquartered in the District of Columbia. The Board of Directors will consist of three permanent directors: The Secretary of Agriculture, the Secretary of the Treasury and the Attorney General, or their designees. Six additional directors will be appointed for 3-year terms by the Secretary of Agriculture from a list of names submitted to him by the various commodity exchanges.

The organizational, operating and insurance reserve funds of the Corporation will be contributed by the futures commission merchants through an initial assessment and subsequent annual assessments, within prescribed limits, based upon their gross commission income from commodity futures trading.

The reserve of the Corporation to meet insurance losses will be accumulated to the sum of $10,000,000, plus interest earned on such funds. In addition, the Corporation will be entitled to borrow up to $50,000,000 from the U.S. Treasury in the event that a catastrophic loss occurs which cannot be fully met from the insurance reserves of the Corporation. In such event, the Secretary of the Treasury—a Director of the Corporation—is authorized to impose certain revenue-raising procedures designed to effect a prompt repayment of such loans.

The Corporation will make insurance payments to eligible recipients as soon as possible after a futures commission merchant is declared to be "closed," that is, when the Board of Directors has determined that a futures commission merchant cannot meet its obligations to insured persons.

The Corporation is also empowered, under limited circumstances, to make loans from its insurance reserve when such loans will likely avoid the need to declare a futures commission merchant "closed." When the inability of a futures commission merchant to meet its obligations is strictly temporary, and the basic financial condition of the firm is sound, the Corporation may make a short-term loan to the firm. Likewise, the Corporation may lend funds to another futures commission merchant, or guarantee the liabilities of the insolvent firm, to facilitate a merger or consolidation with another futures commission merchant. If more than 10 percent of the Corporation's insurance reserve is used for such loans or guarantees, approval must be obtained from the Secretary of Agriculture.

The Corporation is empowered by the bill to establish minimum financial requirements for futures commission merchants, to audit their books, and to undertake other activities for the purpose of reducing the risk of loss to the public and itself. In addition, the annual rate of assessment may be adjusted by the Corporation with respect to any insured futures commission merchant posing special risks to the public or to the Corporation. The Corporation will also draw upon information compiled by other Government bodies, including the Commodity Exchange Authority, and the investigative findings of the commodity exchanges, in overseeing the financial condition of insured futures commission merchants.

The activities of the Corporation are closely overseen by the Secretary of Agriculture, and by the Secretary of the Treasury and the General Accounting Office when Federal funds have been borrowed by the Corporation. The Secretary of Agriculture (or his designee) is a Director of the Corporation. In addition, the Secretary may examine and inspect the Corporation's books and operations; may receive the Corporation's annual report and financial statements and may transmit such reports to the President and the Congress with comment; may receive information about proposed borrowings from the Treasury and the plan for repayment thereof; may receive copies of all bylaws, rules, and regulations of the Corporation and disapprove any which violate the act or the Commodity Exchange Act; may veto loans by the Corporation to futures com-

mission merchants above a certain limit; and may compel the Corporation to perform its obligations under the act.

It gives me special pleasure to introduce this bill today because the history of regulation and self-regulation in the commodity industry fully justifies the public confidence that it enjoys. The Congress first adopted regulation in the commodity field, and recognized the valuable self-regulatory role of commodity markets, more than a decade before a similar legislative scheme was devised for the securities industry. The Commodity Exchange Act pioneered many protective measures for the public, some of which are only now being applied in other industries.

The commodity markets themselves have a long history of effective self-regulation, which can often entail great personal sacrifice. In 1968, the major commodity markets raised from among themselves and their members a special fund which prevented serious loss to hundreds of small investors when a Minneapolis-based commodity brokerage firm foundered. During the ominous years of 1969 and 1970, these markets not only remained healthy and strong but gave close attention to securities firms in difficulty in order that their commodity customers would be protected. In this regard, a national business publication—Business Week, February 6, 1971, page 74—stated:

> Within the broad spectrum of investment opportunities, few vehicles offer a greater range of profit and loss potential than commodities speculation. Yet, when it came to built-in safeguards for a customer against his broker's failure, commodities in 1970 proved a far more prudent investment than securities.

This bill, by supplementing the existing programs and procedures under present Federal regulation and within the commodity industry itself to protect the investing public and the great agricultural enterprises that utilize the commodity markets, will greatly benefit the public interest at minimum cost—if any—to the Treasury, will buttress public confidence in commodity futures trading, and will complete the program of investor protection begun with the passage of the Securities Investor Protection Act in 1970.

By Mr. HARTKE (for himself, Mr. THURMOND, and Mr. CRANSTON) (by request):

S. 1924. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery, and for other purposes. Referred to the Committee on Veterans' Affairs.

VETERANS MEDICAL CARE ACT OF 1971

Mr. HARTKE. Mr. President, today I am introducing, by request, for myself, the ranking minority member (Mr. THURMOND), and the chairman of the Health and Hospitals Subcommittee (Mr. CRANSTON), a bill to provide increased medical care to veterans. This bill was recommended in a May 3, 1971, transmittal letter to the President of the Senate from the administrator of Veterans' Affairs.

This bill, which is cited as the Veterans Medical Care Act of 1971, proposes amendments which will allow the Administrator to improve hospital staffing; expands the use of specialized staff educational programs; increases patient treatment; makes adjustments in salary and positions in the Bureau of Medicine and Surgery, including a pay differential increase for nurses in the Veterans' Administration hospitals serving night, evening, weekend, and holiday tours of duty.

The proposed amendments expand the medical sharing agreement authority and permit participation by the Veterans' Administration in certain programs under the Public Health Service Act.

Mr. President, as you know, I have been quite concerned about the quality of care which is provided to our Nation's veterans. The Subcommittee on Health and Hospitals, under the able leadership of its chairman, will carefully consider the provisions of this bill together with other recommendations in hearings to be held this next month.

Mr. President, I ask unanimous consent that the text of the May 3, 1971, transmittal letter be printed in the RECORD at this point followed by the text of the bill and a section-by-section analysis and estimate of cost thereof.

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

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., May 3, 1971.

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

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38 of the United States Code to provide improved medical care to veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes", with the request that it be introduced in order that it may be considered for enactment.

In view of the large number of sections and the wide area of medical care and medical personnel administration covered by the draft bill, we are enclosing a detailed analysis and cost estimate of each section of the proposed bill, together with an enclosure showing the changes proposed to be made in current law. Briefly, however, the draft bill would:

(1) extend the long-standing statutory definition of the term "Veterans Administration facility" to include private facilities under contract to provide outpatient care for service-connected disabilities;

(2) provide statutory basis for furnishing pre-hospital, post-hospital, and out-patient care which might expedite or avoid hospital care;

(3) clarify the Administrator's authority to furnish training and education to health service personnel beyond the direct needs of the Department of Medicine and Surgery;

(4) make adjustments in salary and positions of certain Department of Medicine and Surgery personnel and provide differential pay for nurses;

(5) clarify contracting authority for scarce medical specialists;

(6) clarify and extend malpractice liability protection for medical personnel; and

(7) expand medical sharing agreement authority and permit a VA facility to participate in certain programs under the Public Health Service Act.

If enacted, the total first-year cost to the Government of the draft bill would be approximately $16.1 million.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

DONALD E. JOHNSON,
Administrator.

S. 1924

A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Medical Care Act of 1971".

TITLE I—AMENDMENTS TO CHAPTER 17 OF TITLE 38, UNITED STATES CODE—HOSPITAL, DOMICILIARY, AND MEDICAL CARE

SEC. 101. Subparagraph (C) of section 601 (4) of title 38, United States Code is amended to read as follows:

"(C) private facilities for which the Administrator contracts in order to provide (i) hospital care or medical services for persons suffering from service-connected disabilities or from disabilities for which such persons were discharged or released from the active military, naval, or air service; (ii) hospital care for women veterans of any war; or (iii) hospital care for veterans of any war in a State, Territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, except that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each such noncontiguous State may not exceed the average patient load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; but authority under this clause (iii) shall expire on December 31, 1978."

SEC. 102. Subsection (f) of section 612 of title 38, United States Code, is amended to read as follows:

"(f) The Administrator may also furnish medical services for a non-service-connected disability under the following circumstances:

"(1) Where such care is reasonably necessary in preparation for hospital admission, or where such care is reasonably necessary for a veteran who is determined to need hospital care if not treated.

"(2) Where a veteran has been granted hospital care, and outpatient care is reasonably necessary to complete treatment incident to such hospital care.

"(3) Where a veteran of any war has a total disability permanent in nature from a service-connected disability."

TITLE II—AMENDMENTS TO CHAPTER 73 OF TITLE 38, UNITED STATES CODE—DEPARTMENT OF MEDICINE AND SURGERY

SEC. 201. Subsection (b) of section 4101 of title 38, United States Code, is amended to read as follows:

"(b) In order to carry out more effectively the primary function of the Department of Medicine and Surgery to provide a complete medical and hospital service for the medical care and treatment of veterans and to assist in providing an adequate supply of health service personnel to the Nation, the Administrator shall, to the extent feasible with-

out interfering with the medical care and treatment of veterans, develop and carry out a program of training and education of such health service personnel, acting in cooperation with schools of medicine, dentistry, osteopathy, and nursing; other institutions of higher learning; medical centers; hospitals; and such other public or nonprofit agencies, institutions, or organizations as the Administrator deems appropriate."

SEC. 202. Section 4103(a) of title 38, United States Code, is amended—

(a) by amending paragraph (4) to read as follows:

"(4) Not to exceed eight Assistant Chief Medical Directors, who shall be appointed by the Administrator upon the recommendations of the Chief Medical Director. At least two Assistant Chief Medical Directors may be individuals qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicine. One assistant Chief Medical Director shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service."; and

(b) by amending paragraph (7) to read as follows:

"(7) A Director of Pharmacy Service and a Director of Dietetic Service, appointed by the Administrator."

SEC. 203. (a) Subsections (a) and (b) of section 4107 of title 38, United States Code, are amended to read as follows:

"(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director and Deputy Chief Medical Director, shall be as follows:

"Section 4103 Schedule

"Associate Deputy Chief Medical Director, $36,000.

"Assistant Chief Medical Director, $37,624.

"Medical Director, $32,546 minimum to $36,886 maximum.

"Director of Nursing Service, $32,546 minimum to $36,886 maximum.

"Director of Chaplain Service, $28,129 minimum to $35,633 maximum.

"Director of Pharmacy Service, $28,129 minimum to $35,633 maximum.

"Director of Dietetic Service, $28,129 minimum to $35,633 maximum.

"(b)(1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and Dentist Schedule

"Director grade, $28,129 minimum to $35,633 maximum.

"Executive grade, $26,143 minimum to $33,982 maximum.

"Chief grade, $24,251 minimum to $31,523 maximum.

"Senior grade, $20,815 minimum to $27,061 maximum.

"Intermediate grade, $17,761 minimum to $23,089 maximum.

"Full grade, $15,040 minimum to $19,549 maximum.

"Associate grade, $12,615 minimum to $16,404 maximum.

"Nurse Schedule

"Director grade, $24,251 minimum to $31,523 maximum.

"Assistant Director grade, $20,815 minimum to $27,061 maximum.

"Chief grade, $17,761 minimum to $23,089 maximum.

"Senior grade, $15,040 minimum to $19,549 maximum.

"Intermediate grade, $12,615 minimum to $16,404 maximum.

"Full grade, $10,470 minimum to $13,611 maximum.

"Associate grade, $9,026 minimum to $11,735 maximum.

"Junior grade, $7,727 minimum to $10,049 maximum.

"(2) No person may hold the director grade in the 'Physician and Dentist Schedule' unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position."

(b) The provisions of section 5308 of title 5, United States Code, shall apply to payments made under this section.

SEC. 204. Section 4107 of title 38, United States Code, is further amended by adding at the end thereof the following new subsection:

"(d)(1) In addition to the basic compensation provided for nurses in subsection (b) (1) of this section, a nurse shall receive additional compensation as provided by paragraphs (2), (3), (4), and (5) of this subsection.

"(2) A nurse performing service on a tour of duty, any part of which is within the period commencing at 6 p.m., and ending at 6 a.m., shall receive additional compensation for each hour of service on such tour not exceeding eight hours, at a rate equal to 10 per centum of the employee's basic hourly rate, provided that four hours or more of that tour fall between 6 p.m. and 6 a.m. When fewer than four hours fall between 6 p.m. and 6 a.m., the nurse shall be paid the differential for each hour of work performed between those hours.

"(3) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday, and which part is not overtime work, shall receive additional compensation for each hour of service on such tour not exceeding eight hours, at a rate equal to 25 per centum of the employee's basic hourly rate.

"(4) A nurse performing service on a holiday designated by Federal statute or Executive order, shall receive such employee's regular rate of basic pay, plus additional pay at a rate equal to such regular rate of basic pay, for that holiday work which is not overtime work.

"(5) A nurse performing officially ordered or approved hours of service in excess of 40 hours in an administrative workweek, or in excess of eight hours in a day, shall receive overtime pay for each hour of such additional service; the overtime rate shall be one and one-half times the employee's basic hourly rate, not to exceed one and one-half times the basic hourly rate for the minimum rate of Intermediate grade of the Nurse Schedule. For the purposes of this paragraph, overtime must be of at least 15 minutes duration in a day to be creditable for overtime pay. Compensatory time off in lieu of pay for service performed under the provisions of this paragraph shall not be permitted. Any excess service performed under this paragraph on a day when service was not scheduled for such nurse, or for which such nurse is required to return to her place of employment, shall be deemed to be a minimum of two hours in duration.

"(6) For the purpose of computing the additional compensation provided by paragraphs (2), (3), (4), or (5) of this subsection, a nurse's basic hourly rate shall be derived by dividing the annual rate of basic compensation by 2080.

"(7) Any additional compensation paid pursuant to this subsection shall not be considered as basic compensation for the puropses of subchapter VI and section 5595 of subchapter IX of chapter 55, chapter 81, 83, or 87 of title 5, or other benefits based on basic compensation."

SEC. 205. Section 4114(a) of title 38, United States Code, is amended by striking out the words "ninety days" in the last sentence of paragraph (3)(A) and inserting in lieu thereof "one year".

SEC. 206. Section 4116 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows: "(a) The remedy—

"(1) against the United States provided by sections 1346(b) and 2672 of title 28, or

"(2) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under sections 1346(b) or 2672 of title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of his duties in or for the Department of Medicine and Surgery shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim.";

(2) by striking out the last sentence in subsection (c) and inserting in lieu thereof the following:

"After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of his office or employment, the case shall be remanded to the State court."; and

(3) by adding at the end thereof the following new subsection:

"(e) The Administrator may, to the extent he deems appropriate, hold harmless or provide liability insurance for any person to which the immunity provisions of this section apply (as described in subsecton (a)), for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment (including the conduct of clinical studies or investigations) in the exercise of his duties in or for the Department of Medicine and Surgery, if such person is assigned to a foreign country, detailed to a State or political division thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States provided by sections 1346(b) and 2672 of title 28, for such damage or injury."

SEC. 207. Section 4117 of title 38, United States Code, is amended to read as follows:

"The Administrator may enter into contracts to provide scarce medical specialist services at Veterans' Administration facilities with medical schools, clinics, and any other group or individual capable of furnishing such services (including, but not limited to, services of physicians, dentists, nurses, technicians, and other medical support personnel)."

TITLE III—AMENDMENTS TO CHAPTER 81 OF TITLE 38, UNITED STATES CODE—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

SEC. 301. Chapter 81 of title 38, United States Code, is amended by inserting at the end of the first sentence in subsection (a) of section 5012 thereof the following:

"Any lease made pursuant to this subsection to any public or nonprofit organization may be made without regard to the provisions of section 5 of title 41. Notwithstanding section 303b of title 40 or other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease."

SEC. 302. (a) Chapter 81 of title 38, United States Code, is amended by—

(1) striking out in the first sentence of subsection (a) of section 5053 immediately after the parenthesis the words "or medical schools" and inserting immediately after the close parenthesis the words "or medical schools or clinics"; and

(2) inserting immediately after section 5053 the following new section:

"§5053A. Use of excess hospital beds

"In addition to the authority granted under section 5053 of this title, the Administrator may, when he determines it to be in the best interest of the prevailing standards of the Veterans' Administration medical care program, make arrangements, by contract or other form of agreement, between Veterans' Administration hospitals and other hospitals (or other medical installations having hospital facilities) or medical schools or clinics in the medical community, for the use of hospital beds, with supporting services, when not needed for the care and treatment of veterans."

(b) The table of headings at the beginning of chapter 81 of title 38 is amended by inserting immediately after

"5053. Specialized medical resources."

the following:

"5053A. Use of excess hospital beds."

SEC. 303. (a) Chapter 81 of title 38, United States Code, is amended by striking out section 5056 thereof and inserting in lieu thereof the following:

"§ 5056. Coordinating with and participating in program carried out under the Heart Disease, Cancer, and Stroke Amendments of 1965

"The Administrator, to the extent feasible without interfering with the medical care and treatment of veterans, is authorized to participate in programs under title IX of the Public Health Service Act, and the Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate programs carried out under this subchapter and programs carried out under such title IX of the Public Health Service Act."

(b) The analysis of such chapter 81 is amended by striking out

"5056. Coordination with programs carried out under the Heart Disease, Cancer, and Stroke Amendments of 1965."

and inserting in lieu thereof the following:

"5056. Coordinating with and participating in programs carried out under the Heart Disease, Cancer, and Stroke Amendments of 1965."

TITLE IV—AMENDMENT TO CHAPTER 3 OF TITLE 38, UNITED STATES CODE—VETERANS' ADMINISTRATION; OFFICERS AND EMPLOYEES

SEC. 401. (a) Section 234 of title 38, United States Code, is amended by inserting immediately after the words "telephones for" the words "non-medical directors of centers, hospitals, independent clinics, domiciliaries, and".

(b) The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by deleting

"234. Telephone service for medical officers."

and inserting in lieu thereof:

"234. Telephone service for medical officers and facility directors."

SECTION-BY-SECTION ANALYSIS AND ESTIMATE OF COST OF DRAFT BILL: "VETERANS MEDICAL CARE ACT OF 1971"

TITLE I—AMENDMENTS TO CHAPTER 17 OF TITLE 38, UNITED STATES CODE—HOSPITAL, DOMICILIARY, AND MEDICAL CARE

Section 101

This section would amend subparagraph (C) of section 601(4), title 38, to reflect in the definition of "Veterans' Administration facilities" the long-standing statutory construction of the term to include private facilities for which the Administrator contracts to provide outpatient care for service-connected disabilities. The amendment will not create a new benefit nor expand the outpatient care program nor would there be any additional cost.

Section 102

This section would amend subsection (f) of section 612 of title 38, to authorize the Administrator to furnish medical services for a non-service-connected disability where (1) such care is reasonably necessary in preparation for hospital admission or obviate the need for hospital admission; (2) a veteran has been granted hospital care, and outpatient care is reasonably necessary to complete treatment; or (3) any veteran of any war who has a total disability permanent in nature from a service-connected disability.

Section 612(f)(1) as added by Public Law 86–639, authorizes outpatient treatment for a non-service-connected disability where such care is reasonably necessary in preparation for admission of a veteran who has been determined to need hospital care and who has been scheduled for admission.

The objectives of that legislation were reduction in the length of patient stay in the hospital, decrease in the cost per patient treated, and a partial check on the development of longer waiting lists as the veteran population ages. While, generally, such benefits have been realized during the period the law has been in force, certain restrictive provisions in the current law serve as an impediment to fuller achievement of these worthwhile goals. Medical services furnished must be limited to those necessary to prepare the patient for hospital care for which he has actually been scheduled.

There is a sizable number of applicants whose need for hospitalization cannot definitely be determined after routine examination. This group frequently requires extensive workup and recalls for consultation to confirm or rule out requirement for hospitalization. Realistically, such procedures often go beyond the need to determine hospital care and constitute treatment.

The provisions in revised section 612(f)(1) will result in a more timely treatment of veterans on an outpatient basis whom the VA admitting physician has certified would otherwise require admission to a VA hospital. It is estimated that enactment of this provision would entail no additional cost to the VA hospital system, but it may generate modest savings.

TITLE II—AMENDMENTS TO CHAPTER 73 OF TITLE 38, UNITED STATES CODE—DEPARTMENT OF MEDICINE AND SURGERY

Section 201

This section would amend section 4101 of title 38 by amending subsection (b) thereof to make it clear that the Administrator can furnish training and education to health service personnel beyond the direct needs of the Department of Medicine and Surgery and thus assist in providing an adequate supply of such personnel to meet the needs of the Nation to the extent that this is feasible without interfering with the medical care and treatment of veterans.

Section 4101 of title 38 now specifically identifies education and training as a functional responsibility of the Department of Medicine and Surgery. The programs authorized, however, are limited to those which bear reasonable relationship to the basic mission of the Department; namely, the medical care and treatment of veterans. This authority, together with the provisions of section 5053 of title 38, has done much to support the education and training programs of the Veterans Administration and to permit greater participation with the medical community in a more effective utilization of specialized medical resources. Nevertheless, the limitation imposed on our education and training program does, in some measures, impede our ability to realize our full potential for carrying out programs to increase the availability of qualified health service personnel to meet the needs of the Nation.

The Veterans Administration is affiliated with a number of educational institutions, including 79 medical schools, 55 dental schools, 254 nursing schools, 73 social work schools, and 74 graduate departments of psychology. It is manifest that the extensive nature of the Veterans Administration's medical program, together with this broad basis of affiliation with educational institutions, presents an unusual opportunity to contribute to a program of training and education of health service personnel and thereby make a substantial contribution in alleviating the national shortage in these categories of employees.

The provisions of present law limiting the Veterans Administration education and training functions to those which bear reasonable relationship to the medical care and treatment of veterans render it impossible to make the maximum contribution to the Nation's objective to increase the medical manpower.

There would be no necessary additional cost as the result of the enactment of this amendment. The actual cost would be dependent upon the training possibilities which develop and the support given the activity by the Congress through appropriations.

Section 202

This section amends subsection 4103(a)(4) of title 38 to provide for the appointment by the Administrator, upon recommendation by the Chief Medical Director, of two additional Assistant Chief Medical Directors who are qualified in the Administration of health services and who may not be doctors of medicine, dental surgery, or dental medicine.

Under the provisions of Public Law 293, 79th Congress, enacted January 3, 1946, there were authorized not to exceed eight Assistant Chief Medical Directors in the Department of Medicine and Surgery. This number was reduced to five by Public Law 87–793 but increased to six in 1966 by Public Law 89–785. Hence, the net effect of the proposed amendment would be to restore the number of Assistant Chief Medical Directors to eight as previously provided although, for the first time, providing that two of them may not necessarily be physicians or dentists.

The expansion in the type of complex medical programs has concomitantly fostered an increased awareness of the necessity for sophisticated management techniques in implementing these programs. An organization as large and dispersed as the Department of Medicine and Surgery of the Veterans Administration, with an annual budget of almost $2 billion, requires a wide range of specialized disciplines. To this end, the Chief Medical Director should have the option available to him to appoint individuals basically trained in management disciplines, with or without qualifications as doctors of medicine or dentistry. These individuals would supplement the professional skills of the medical Assistant Chief Medical Directors and would provide the Chief Medical Director with the full range of expertise needed to efficiently administer the agency's far-flung medical activities.

The gross cost resulting from enactment of this section would be approximately as follows:

1972	$75,000
1973	80,000
1974	85,000
1975	90,000
1976	95,000
Total first 5-year cost:	425,000

These costs would be to some extent offset by savings in salary of classified personnel now performing related duties.

This section also amends section 4103(a)(7) in order to conform the titles "Chief Pharmacist" and "Chief Dietitian" to reflect new designations of Director of the Pharmacy Service and Director of the Dietetic Service to correspond to the other Director of Services titles, such as Chaplain and Nursing.

Section 203

This section would amend subsections (a) and (b) of section 4107 of title 38, in order to reflect the adjustment in rates of pay effected by Executive Order 11576, dated January 8, 1971, pursuant to authority vested by subchapter I of chapter 53 of title 5, as amended by the Federal Pay Comparability Act of 1970, and section 3(c) of that Act.

The per annum full-scale or ranges for positions in this amended schedule in excess of $36,000 are limited by section 5308 of title 5, as added by the Federal Pay Comparability Act of 1970, to the rate for level V of the Executive Schedule (as of the date of the Executive Order $36,000).

Moreover, this section would amend the "section 4103 schedule" contained in section 4107(a) by providing that the salary range for the Director of Nursing Service would be changed from the equivalent of GS–15 to the equivalent of GS–17 and for the Director of Chaplain Service, the Director of Pharmacy Service, and the Director of Dietetic Service from the equivalent of GS–15 to the equivalent of GS–16. The VA in conjunction with the Civil Service Commission recently completed a study of these positions with a view to determine in particular the appropriateness of linkage in pay between the position of Director of Nursing Service and grade GS–15 under the General Schedule. It was the conclusion in this study that the position of Director of Nursing Service was clearly superior to GS–15 in level. The proposed adjustment in pay for the positions indicated is essential for alignment purposes and recognition of their individual responsibilities. The titles of Chief Pharmacist and Chief Dietitian are changed to that of Director of Pharmacy Service of Dietetic Service, respectively, in order to parallel the existing titles for Director of Nursing Service of Chaplain Service.

It is estimated that enactment of this portion of section 203 would result in an additional annual cost to the Government of approximately $10,500.

The joint study by the Veterans Administration and the Civil Service Commission also revealed that certain other nurse positions of those presently in the Assistant Director Grade, which equates in pay to grade GS–14 under the General Schedule, were superior to that grade relationship. Accordingly, the purpose of the new Director grade inserted in the "Nurse Schedule" by this amendment is necessary to recognize those positions. The pay range provided is equivalent to that of GS–15 under the General Schedule.

It is estimated that enactment of this part of section 203 would cost an additional $42,000 annually.

Subsection (b)(2) of section 4107 is amended to confine the prohibition against any person in the director grade serving in any other position than director of a hospital, domiciliary, center, or outpatient clinic (independent) to the "Physician and Dentist Schedule", in order to accomplish the purpose of the amendment creating a director grade in the "Nurse Schedule".

Section 204

This section would provide that a nurse performing (1) service on a tour of duty, of which four hours or more fall within the period commencing at 6:00 p.m. and ending at 6.00 a.m., would receive additional compensation for each hour on such tour, not exceeding eight hours, at a rate equivalent to 10 percent of the employee's basic hourly rate, and when fewer than four hours fall between 6:00 p.m. and 6 a.m., the nurse would receive an additional 10 percent for each hour of work performed between those hours; (2) nonovertime work on a tour of duty, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday, would receive additional compensation for each hour of service on such tour, not to exceed eight hours, at a rate equivalent to 25 percent of the employee's basic hourly rate; (3) service on a holiday designated by Federal statute or Executive order, would receive such employee's regular rate of basic pay, plus additional pay at a rate equal to such regular rate of basic pay for that holiday work which is not overtime work; and (4) officially ordered or approved hours of service in excess of 40 hours in an administrative workweek, or in excess of eight hours in a day, would be paid for each hour of such additional service at a rate of one and one-half times the employee's basic hourly rate; compensatory time off would not be permitted and such overtime work would have to be of at least 15 minutes duration in a day to be creditable for overtime pay; however, excess service performed on a day when service was not scheduled, or for which such nurse is required to return to her place of employment, would be deemed to be a minimum of two hours in duration, regardless of whether or not work is performed for the full two hours.

This section also provides the formula for converting the per annum basic compensation rate into the hourly rate. Such hourly rate would be derived by dividing the annual rate of compensation by 2080, which represents the average number of working hours per year, and is the same formula used in computing the hourly overtime and night rate of pay for Civil Service employees under title 5, United States Code, where the basic rate of pay of the employee is fixed on an annual basis. Moreover, it provides that "the additional compensation" provided by this section would not be considered basic compensation for purposes of lump sum leave payments, severance pay, compensation for work injury, retirement, life insurance, or other benefits relating to basic compensation.

Under current law Veterans Administration nurses do not receive premium pay for those conditions of work which are generally regarded as more onerous to employees both within and without the Federal Government. A study of hospital practices shows that non-Federal hospitals almost universally provide extra pay for nurses working on evening and night tours of duty. Also, by law, Federal employees under the General Schedule, Postal Field Service, and prevailing rate systems of pay are entitled to premium pay for such considerations as Sunday and overtime duty.

The Veterans Administration has found it very difficult to attract and retain qualified nurses for the evening and night tours of duty in many Veterans Administration hospitals. An impairment of our ability to provide adequate nursing care for our ill and disabled veteran patients could result unless immediate action is taken to strengthen our position in this matter.

Developments in recent years with respect to the matter of nurses' pay in private, community and state hospitals throughout the country make it necessary for the Veterans Administration, which operates the largest single system of medical facilities in the world, to provide a rounded compensation plan for nurses, including customary provisions for premium pay, in order to remain competitive in attracting and retaining highly qualified nursing personnel.

It is estimated that the annual cost based on present level of salaries, should this amendment be enacted, would be approximately $16 million.

Section 205

This Section would amend section 4114(a)(3)(A) of title 38 to extend from 90 days to one year the present time limit on temporary full-time appointment by the Administrator upon recommendation of the Chief Medical Director, of persons in the Department of Medicine and Surgery, other than physicians, dentists, and nurses. If amended, this authority would parallel the present one-year time limit on part-time appointments of these personnel, other than trainees who currently have no time limit for part-time appointment.

The enactment of this proposal would not result in any significant increase in costs.

Section 206

This section would clarify and extend the type of malpractice liability protection now provided medical personnel of the VA Department of Medicine and Surgery by the provisions of section 4116 of title 38, United States Code.

Section 4116 provides, in effect, that a suit against the United States under the Federal Tort Claims Act is the exclusive remedy of an individual seeking to recover for injuries arising while undergoing medical care and treatment in a Veterans' Administration hospital. It was intended to immunize the Department of Medicine and Surgery medical personnel who are covered from personal liability arising out of their official VA duties. It has served its purpose well and has been an aid in the recruitment of much-needed medical personnel. Nevertheless, questions have arisen as to the scope of its coverage in certain situations where a suit against the Government cannot now be brought under the Federal Tort Claims Act (e.g., suits alleging assault and battery, libel and slander, false imprisonment, or relating to a work-incurred injury of a Federal employee).

While several recent decisions by the U.S. Court of Appeals for the Sixth and Ninth Circuits (i.e., *Van Houten v. Ralls, 411 F. 2d 940* and *Vantrease* v. *United States,* 400 F. 2d 853) have added assurance that the type of protection provided by the so-called Drivers Liability Act (upon which the provisions of 38 U.S.C. 4116 were patterned) was intended to immunize the employees covered thereby from personal liability in all situations where they are sued as a result of their official duties (including when they are sued by a fellow employee for a work-related reason), it is believed desirable to spell out authority in the law itself to insure such immunity.

In addition to providing clarifying language as to the intent of the law, the amendment here proposed would provide Department of Medicine and Surgery medical personnel with a type of protection similar to that contained in the National Health Service Corps Act of 1970 (P.L. 91–623), applicable to Public Health Service Personnel. It would authorize the Administrator, to the extent he deems appropriate, to hold harmless or provide liability insurance for any person to which the immunity provisions of 38 USC 4116 are applicable, where such person might be held liable for damage to property, or personal injury or death, negligently caused while furnishing medical care and treatment (including the conduct of clinical studies or investigations) in the exercise of his duties in or for the Department of Medicine and Surgery, under circumstances where the injured party could not bring an action against the United States as provided by Sections 1346(b) or 2672 of title 28. For example, it would provide a means of protecting Department of Medicine and Surgery medical personnel who are assigned to a foreign country, or who are sued for assault and battery, false imprisonment, or libel and slander in connection with the performance of their assigned duties.

By filling a void which exists in areas where

a suit against the Government under the Federal Tort Claims Act may now be precluded, this amendment would provide a means of insuring the immunity from personal liability arising out of the performance of official duties, which Congress intended to provide when the provisions of 38 USC 4116 were enacted.

While this proposal may result in a slight increase in the Government's exposure to malpractice claims arising out of the activities of our medical personnel, any cost increase which may be involved would be more than offset by the improvement of morale which would result therefrom, and the added inducement in attempting to recruit shortage category health personnel.

Section 207

This section would amend section 4117 of title 38, to authorize the Administrator to enter into contracts to provide scarce medical specialist services at Veterans Administration facilities with medical schools, clinics, and any other group or individual capable of furnishing such services. This contracting authority would include, but not be limited to, services of physicians, dentists, nurses, technicians, and other medical support personnel.

This proposed amendment is intended merely to clarify current law which authorizes such contracting authority with medical schools and clinics. This contracting authority, insofar as clinics are concerned, has been interpreted by the Comptroller General of the United States (B–169747, June 24, 1970) to mean "any medical organization which is capable of contracting for and furnishing the services in question." Moreover, the Comptroller General was of the opinion that the term "medical specialist" may be construed "as including any professional or technician who performs specialist services related to providing medical care and attention."

Enactment of this section would clarify current statutory language whereby the Administrator could contract for scarce medical specialist services with medical schools, clinics, and any other group or individual capable of furnishing such services and wherein an employer-employee relationship is established. Enactment of this section would not result in any additional cost to the Government.

TITLE III—AMENDMENTS TO CHAPTER 81 OF TITLE 38, UNITED STATES CODE—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

Section 301

This section would amend section 5012(a) of title 38, which permits the Administrator to lease lands or buildings under his control for terms not exceeding three years, to exempt such leases from (1) the provisions of section 5 of title 41 requiring advertising where the lease exceeds $500; and (2) from the provisions of section 303b of title 40 which bars lease provisions calling for alteration, repair, or improvement of such leased property as part of the consideration for the rental to be paid. Under the change, the lessee would be permitted to maintain, protect, or restore property where such property is leased to public or nonprofit organizations.

The Veterans Administration only outleases property when it is temporarily excess to its needs. We do not lease for strictly commercial purposes, but only for civic, health, educational or local government use. Thus, advertising in these cases serves no useful purpose but does involve time and expense that is considered unnecessary.

When the Veterans Administration does out-lease property it is most usually to satisfy a particular civic or local community need and is generally to a public or nonprofit organization. In many instances there are benefits, either directly or indirectly, accruing to the Government. Also, there is to be considered the community relations benefits that are derived. In negotiating the rental value we set a rate that will serve to recapture the value of all services provided by the Government. However, in some instances we could be relieved of certain expenses for materials and personnel if we could require the lessee to provide for maintenance and protection of the property leased.

It is estimated that the enactment of this section would not involve any additional cost to the Government, but could result in some savings.

Section 302

Subsection (a)(1) of this section would amend section 5053(a) of title 38, by deleting immediately after the parenthesis the words "or medical schools" and inserting immediately after the close parenthesis the words "or medical schools or clinics". Current law (38 U.S.C. 5053) requires that the medical school have hospital facilities before any sharing agreement can be made between the medical school and the Veterans Administration.

The amendment proposed here would cure this defect and authorize the Administrator to enter into a contract or agreement with a medical school, whether or not it has a hospital, and with clinics, for the mutual use, or exchange of use of specialized medical resources.

Subsection (a)(2) would amend chapter 81 of title 38, United States Code, by adding a new section 5053A authorizing the Veterans Administration hospitals to furnish, under contract, hospital beds, with supporting services, to other hospitals or other installations having hospital facilities or medical schools or clinics in the medical community, when not needed for the care and treatment of veterans. The authority which would thus be granted would be an extension of our present sharing authority (38 U.S.C. 5053).

In our letter to the Congress on April 23, 1965, requesting enactment of our current sharing authority, we stated:

While current law permits the use of our facilities by nonveterans in emergencies for humanitarian reasons, we are unable to permit the use of such facilities and equipment, as well as expertise of our staff, for nonemergent situations even if there are no other similar facilities available. This situation exists even though these scarce medical facilities are not always utilized to the maximum and could be available to the community, without detriment to the care and treatment of veteran beneficiaries, during periods when our immediate needs do not require maximum utilization.

Although the language of the present authority would appear to be sufficiently broad to encompass the sharing of beds surplus to our needs, as contemplated by the subject bill, this question was resolved by the legislative history of the enactment of the sharing authority. In Senate Report No. 1727, to accompany H.R. 11631, 89th Congress (p. 12), the committee stated:

Some apprehension has been expressed that the language of this legislation might be construed to authorize the use of Veterans Administration medical care beds by nonveteran patients of private or other Federal facilities on the basis of a shortage of such beds in the medical community. Specifically, there was some concern that the language in section 5052(c) which reads "For the purpose of this section the term 'specialized medical resources' means medical resources (whether equipment, space, or personnel) which because of cost, limited availability, or unusual nature, are either unique in the medical community or are subject to effective utilization only through mutual use," would authorize such a construction. Such a broad interpretation was in no way intended by the Veterans Administration in recommending this legislation, nor by this committee in reporting it, and, therefore, would not be permissible. Since the major purpose of this legislation is to strengthen and improve VA hospitals, the committee emphasizes that no provision shall be construed to authorize any reduction in medical services available to veterans.

In view of that language, we have held that we do not have authority to contract with hospitals, medical schools or other medical installations having hospital facilities for the use of our hospital beds, even though such beds are not needed for the care and treatment of veterans.

In a hospital system as large as the Veterans Administration hospital system, some excess beds will exist which are either staffed or which could readily be staffed. Our experience has shown that in a number of such instances these facilities could have been utilized for the benefit of the community without any interference with our primary mission of meeting the medical care and treatment needs of our veteran beneficiaries. Two examples of such a situation, which occurred during the past year, may be mentioned.

First, a medical school with hospital facilities with which one of our hospitals was affiliated needed some additional bed capacity. There were unused beds available in the Veterans Administration hospital, but they were not staffed. Those beds could have been activated with the assistance of the staff of the medical school and would thus not only have assisted the community but, at the same time, enhanced Veterans Administration health care by attracting high caliber personnel interested in the extended training opportunities which would have existed.

The second case involved an affiliated medical school which did not have a hospital and depended on community hospitals for the clinical treatment of medical school patients, and we had beds excessive to our use and, moreover, could have provided certain specialized medical resources had it been permissible to furnish hospital beds for the use of medical school patients. In such a case it would be beneficial to our hospital care program, to the medical school, and to the community if we were in a position to execute an agreement with the medical school as would be authorized by this section.

The type of contract proposed would be subject to the same requirement for reimbursement of full costs to which other types of sharing contracts are now subject. Under those circumstances, increased costs would not be involved and enactment of this section could result in some savings being realized.

Section 303

This section would amend section 5056 or title 38, United States Code, to clearly delineate the authority of the Administrator to participate in programs under title IX of the Public Health Service Act, and directs the Administrator, to the maximum extent practicable, to coordinate with the Secretary of Health, Education, and Welfare, programs carried out under subchapter IV of chapter 81 of title 38, and programs carried out under title IX of the Public Health Service Act. Thus, within certain limitations, a Veterans Administration facility would be eligible to receive funds (through local contracts, agreements, or otherwise) from any institution which is a grantee under section 901(a) of title IX of the Public Health Service Act, and to receive project grants under section 910 or that Act.

The Acting Secretary for Health, Education, and Welfare, stated in an opinion dated May 20, 1970, that the Veterans Administration is not precluded from receiving funds (through local contracts, agreements, or otherwise, from any institution which is a grantee under Section 901(a) of title IX of the Public Health Service Act provided that the Federal facility on its part is authorized

to undertake the activity and so to utilize the funds provided. He further stated that by virtue of Section 501 of the Public Health Service Act "research, training, demonstration" project grants may be made direct to Veterans Administration hospitals under title IX of the Act, but only to the extent that the services provided by the Veterans Administration facility, as an affiliate of a regional medical program, constitute a "research, training, demonstration project" to be conducted by the facility as part of a regional medical program. The proposed amendment to Section 5056 of title 38 would make it clear that the Administrator is authorized to participate in programs under title IX of the Public Health Service Act and thus utilize grant funds thereunder.

There would be no identifiable additional cost resulting from the enactment of this provision.

TITLE IV—AMENDMENT TO CHAPTER 3 OF TITLE 38, UNITED STATES CODE—VETERANS' ADMINISTRATION; OFFICERS AND EMPLOYEES

Section 401

This section amends section 234 of title 38 to permit the installation of official telephone service in the private residences, apartments, or quarters of non-medical Veterans Administration hospital, independent clinic, domiciliary, and center directors.

Present law permits such official telephones only for directors who are physicians. This direct service has proven very valuable in (a) local within hospital emergencies, including such instances as berserk patients and employees, shootings, an employee held as a hostage, and the sudden death of a key employee while on duty after hours; (b) local community emergencies such as Hurricane Camille, tornadoes, and train collisions with multiple victims; and (c) national and area civil defense programs where the support, participation, and coordination by each Veterans Administration hospital director is required on a planned basis. This has permitted direct communication with these key officials without having to compete with the normal family telephone. More well-trained non-medical administrators are becoming available to us as hospital, center, clinic and domiciliary directors and we believe that these non-medical directors have as great a need for rapid telephone service in the case of these within-facility, local, or civil defense emergencies as the other directors.

It is estimated that such a proposal would cost approximately $3,000 annually.

By Mr. WILLIAMS:

S. 1925. A bill to promote the advancement of research in aging through a comprehensive and intensive program for the systematic study of the aging process in human beings. Referred to the Committee on Labor and Public Welfare.

RESEARCH ON AGING ACT

Mr. WILLIAMS. Mr. President, I introduce, for appropriate reference, the Preliminary Research on Aging Act.

America is a young nation, but we are also an aging nation. At the turn of the century approximately 3 million persons were 65 years of age or older. Today, their numbers have grown to 20 million, nearly 7 times as many as 70 years ago.

In addition, more than 41 million individuals are in the 45 to 64 age category. And they are the older Americans of tomorrow.

During the next 30 years, it is estimated that approximately 45 to 50 million persons will have reached their 65th birthday.

In terms of numbers then, we, as a nation, should be concerned about the aging process.

Yet, we know far too little about this phenomenon, even though it accounts for a substantial portion of the cost of medical care today. For example, according to some estimates, two-thirds of the health and medical care expenditures are attributable to persons 65 and older.

About 80 percent of this age group suffer from some form of chronic condition. Many of these conditions, which are associated with old age, are really the end product of a process begun several years earlier—when these individuals were in their forties or early fifties.

Despite the recognition of the importance of research in this country, our outlay for aging research has been woefully inadequate. For instance, it is estimated that the Federal Government spent about $15 mililon in 1969 for biomedical aging research. This represents only about 8 cents per person.

Quite clearly the low priority assigned for aging research continues to be a major problem in the field of gerontology. This inadequate commitment, in my judgment, is ill advised, shortsighted, and counterproductive.

Moreover, existing efforts have been, to a large degree, fragmented and haphazard. Grants for aging research have been conducted through many Federal agencies and within many different units in these departments. And this diffusion of responsibility has resulted in duplication of efforts, lack of coordination, and gaps in our overall approach.

The bill that I introduce today can help to provide the systematic approach and essential leadership for a coordinated research on aging program. To develop this necessary commitment, an Aging Research Commission would be established to develop a comprehensive plan for intensive and coordinated research into the biological, medical, psychological, social, and economic aspects of aging.

Important but still unanswered questions about growing old present compelling reasons for obtaining accurate information about the basic physical changes accompanying the aging process.

With this body of knowledge we can have a very substantial effect on the quality of life for aged and aging Americans. Such efforts can help contribute to more years of useful, healthy living.

Equally important we can help more people live better for longer periods of time. A soundly and coordinated aging research program can also lead to the discovery of techniques which can slow down the aging process. With this knowledge we can hope to develop greater proficiency in preventive medicine for the aging process, which can substantially reduce the costs of treatment for diseases in later years.

All Americans—the young as well as the old—have a vital stake in understanding and learning to cope with the inevitability of aging.

This proposal, I am pleased to say, has the strong support of the Gerontological Society, a longstanding leader in the field of geriatric research.

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

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

S. 1925

A bill to promote the advancement of research in aging through a comprehensive and intensive program for the systematic study of the aging process in human beings

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 "Research on Aging Act".

FINDINGS

SEC. 2. The Congress hereby finds and declares—

(1) that the aging process usually results in the gradual deterioration of memory, certain aspects of learning, and loss of sensory acuity;

(2) that concern about the infirmities of age are substantial factors in psychological distress and psychiatric disorders;

(3) that there is not yet a comprehensive program in the United States to study aging at the most fundamental level of its biological origins, in a systematic and intensive manner;

(4) that the aging process involves social and economic problems for a substantial proportion of aging Americans;

(5) that despite the current Federal research effort, the effects of the aging phenomenon on virtually every aspect of life, and the complexity and magnitude of forces affecting aging persons, require a unified national approach to research on aging;

(6) that there is a need (A) to establish research priorities; (B) to stimulate research in sub-areas, the exploration of which is essential to an understanding of aging; and (C) to expand the level of support allocated to the studies of scientists whose current research efforts are relevant to the process of aging; and

(7) that there is a need for an organized effort to encourage the involvement of additional scientists and capable students in research on aging.

ESTABLISHMENT OF COMMISSION

SEC. 3. There is hereby established a commission to be known as the Aging Research Commission (hereinafter called the "Commission").

FUNCTIONS OF THE COMMISSION

SEC. 4. (a) The Commission shall be responsible for preparing a long-range program, to be known as the Gerontological Research Plan, designed to promote intensive coordinated research into the biological, medical, psychological, social, and economic aspects of aging. Such plan shall be submitted to the President and the Congress on or before June 30, 1970.

(b) In order to prepare such plan, the Commission is authorized and directed to carry out the following preliminary activities:

(1) to gather, analyze, and interpret timely and authoritative information and statistical data concerning developments and programs on the biological, medical psychological, social, and economic aspects of aging;

(2) compiling studies relating to such developments and programs;

(3) appraising the various programs and activities of the United States pertaining to the causes and consequences of aging and evaluating whether such programs and activities contribute to our understanding of aging and our efforts to ameliorate the problems of aging;

(4) developing priorities for programs to increase our knowledge of the various aspects of aging; and

(5) making and furnishing such studies, reports, and recommendations, with respect to programs, activities, and legislation, to achieve a greater insight into all aspects of aging.

ORGANIZATION OF THE COMMISSION

SEC. 5. (a) The Commission shall be composed of seven members to be appointed by the President, by and with the advice and consent of the Senate. The Commission shall include at least one member from each of the following backgrounds: biological science, clinical medicine, the behavioral and social sciences, and economics. Each person nominated for appointment shall, as a result of his training, experience, and attainments be exceptionally qualified to formulate and appraise programs and activities related to aging.

(b) The President shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. The Chairman shall receive compensation at the rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code. Each of the other four members shall receive compensation at the rate prescribed for level IV of the Executive Schedule under section 5315 of such title.

(c) Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers, and three members of the Commission shall constitute a quorum.

(d) The Commission shall have existence until December 31, 1970, except that if legislation is enacted on or before such date to implement the Gerontological Research Plan, the Commission shall continue in existence and be responsible for carrying out such Plan.

RESEARCH BOARDS

SEC. 6. (a) There is hereby established within the Commission a Bio-Medical Research Board and a Social and Policy Sciences Board.

(b) These Boards shall, under the supervision of the Commission, prepare the Gerontological Research Plan.

(c) Each Board shall consist of not less than five nor more than eight members, a majority of whom are highly recognized scientists and scholars who have been engaged in fundamental, relevant research within the preceding decade. The members of the Boards shall be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

The Commission shall fix the compensation of such members without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no members of the Boards, shall receive compensation in excess of the rate payable for positions in GS–18 of the General Schedule under section 5332 of such title.

COMMISSION STAFF

SEC. 7. (a) The Commission is authorized to employ such officers and employees as may be necessary to carry out its functions under this Act.

(b) The Commission is authorized to obtain services of consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem.

POWERS OF COMMISSION

SEC. 8. (a) To carry out this Act, the Commission shall have the authority—

(1) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(2) to obtain from any department, agency, or instrumentality of the United States, with the consent of the head thereof, such facilities, services, supplies, advice and information as the Commission may determine to be required by it to carry out its duties;

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

(4) to enter into contracts or other arrangements, or modifications thereof, with State and local governments, and institutions and individuals in the United States, to conduct programs the Commission deems necessary to carry out the purposes of this Act, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(5) to make advance, progress, and other payments which the Commission deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(6) to receive money and other property donated, bequeathed, or devised to the Commission, without condition or restriction other than that it be used for the purposes of the Commission;

(7) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

(8) to make any other expenditures necessary to carry out this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions and purposes of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1383

At the request of Mr. WILLIAMS, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1383, a bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman.

S. 1424

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Wyoming (Mr. MCGEE), I ask unanimous consent that, at its next printing, the name of the distinguished Senator from Alaska (Mr. STEVENS) be added as a cosponsor of S. 1424, a bill to provide improved health benefits for Federal employees.

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

S. 1457

At the request of Mr. SPARKMAN, the Senator from Indiana (Mr. HARTKE) and the Senator from New Hampshire (Mr. COTTON) were added as cosponsors of S. 1457, a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

S. 1597

At the request of Mr. HARTKE, the Senator from New Hampshire (Mr. MCINTYRE) and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 1597, a bill to amend title 38, United States Code, so as to provide that increases in social security benefits, railroad retirement benefits, and cost-of-living adjustments of civil service retirement annuities shall be disregarded under circumstances in determining eligibility for or the amount of dependency and indemnity compensation for dependent parents of veterans and nonservice-connected pension for veterans and widows.

SENATE JOINT RESOLUTION 80

Mr. BYRD of West Virginia. Mr. President, on behalf of my distinguished colleague from West Virginia (Mr. RANDOLPH), I ask unanimous consent that, at its next printing, the names of the distinguished Senator from Maryland (Mr. BEALL) and the distinguished Senator from New Mexico (Mr. MONTOYA) be added as cosponsors of Senate Joint Resolution 80, expressing the support of the Congress that the United States should convene in 1971 an international conference on ocean dumping.

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

SENATE RESOLUTION NO. 126—SUBMISSION OF A RESOLUTION REGARDING HEART AND CARDIOVASCULAR DISEASES

DEFEATING THE NO. 1 KILLER

Mr. CRANSTON. Mr. President, I am submitting on behalf of myself and the distinguished Senator from Wisconsin (Mr. NELSON), Senate Resolution 126 to authorize the Committee on Labor and Public Welfare to conduct a study of our Nation's efforts to fight heart disease and other cardiovascular diseases.

This resolution is drawn along the lines of Senate Resolution 376 of the 91st Congress, by which we launched the effort to determine what action is necessary to conquer cancer.

This resolution must be considered in light of S. 34, the proposed Congress of Cancer Act, now pending before the Subcommittee on Health, of the Committee on Labor and Public Welfare.

I firmly support the move to make a massive attack on cancer, which killed 323,330 Americans in 1969. However, we cannot rationally or conscientiously ignore the No. 1 cause of death in this country, heart and cardiovascular diseases.

Over 1 million Americans died of cardiovascular disease in 1969, three times the number who died of the second greatest cause of death—cancer. Of this number, over 260,000 were under 65 years of age.

Despite the fact that cardiovascular disease is our greatest killer, our research efforts do not reflect the urgency which I believe should characterize our program in this field. In fiscal year 1971, the budget of the National Heart and Lung Institute was $193,455,000. The budget request for fiscal year 1972 is only $194,448,000. This minimal increase—about one-half of 1 percent—is not even nearly sufficient to offset the inflationary increases and maintain our effort at the same level. Instead of moving forcefully ahead, as we are in the fight against cancer, we will be falling behind.

It is my hope that the submission of this resolution, about which I intend to

speak in more detail next week, will mark the beginning of a massive, national attack on the No. 1 killer—heart and other cardiovascular diseases.

The PRESIDING OFFICER (Mr. ROTH). The resolution will be received and appropriately referred.

The resolution (S. Res. 126), which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. RES. 126

Resolution authorizing the Committee on Labor and Public Welfare to study research activities conducted to ascertain the causes and develop cures to eliminate heart disease and other cardiovascular diseases

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to (1) the present status and extent of scientific research conducted by governmental and nongovernmental agencies to ascertain the causes and develop means for the treatment, cure, and elimination of heart disease and other cardiovascular diseases, (2) the prospect for success in such endeavors, and (3) means and measures necessary or desirable to facilitate success in such endeavors at the earliest possible time.

SEC. 2. For the purpose of this resolution, the committee, from the date of enactment of this resolution to January 31, 1972, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,800 than the highest gross rate paid to any other employee; (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; and (4) establish and defray the expenses of such advisory committees as it deems advisable.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1972.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $250,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 108

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of Senate Resolution 108, a resolution to disapprove Reorganization Plan No. 1.

THE MILITARY SELECTIVE SERVICE ACT

AMENDMENT NO. 105

Mr. NELSON, for himself, Mr. HUMPHREY, Mr. HUGHES, and Mr. CRANSTON, submitted an amendment (No. 105) intended to be proposed by him, to (H.R. 6531) an act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972, and for other purposes, which was ordered to be printed and to lie on the table.

AMENDMENT 106

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

Mr. HATFIELD. Mr. President, I rise today to introduce an amendment to Senate amendment 76 as modified, and I ask unanimous consent that at the end of my remarks the text of the amendment be printed in full.

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

(See exhibit 1.)

Mr. HATFIELD. Mr. President, the amendment I am offering today would halt induction of men into the Armed Forces July 1, 1971. It would not do anything to the structure of the Selective Service System—it would merely take away all authority of the President to draft men after the expiration date of the Selective Service Act.

I make these few brief remarks so that there will be a minimum amount of ambiguity as to the intention behind and the effect of the amendment I am introducing today.

I anticipate a full debate on this proposal, which would be a significant step toward creating an all-volunteer force.

EXHIBIT 1

AMENDMENT NO. 106

Strike out all of the proposed new title V in the amendment and insert in lieu thereof the following:

TITLE V—TERMINATION OF AUTHORITY TO INDUCT PERSONS INVOLUNTARILY INTO THE ARMED FORCES

SEC. 501. Notwithstanding any other provision of law, no person may be involuntarily inducted into the Armed Forces of the United States after July 1, 1971.

AMENDMENT NO. 107

Mr. DOMINICK submitted an amendment (No. 107) intended to be proposed by him to the same bill (H.R. 6531), which was ordered to be printed and to lie on the table.

AMENDMENT NO. 108

Mr. DOMINICK also submitted an amendment (No. 108) intended to be proposed by him to amendment No. 76, intended to be proposed by Mr. SCHWEIKER to the same bill (H.R. 6531), which was ordered to be printed and to lie on the table.

THE CONQUEST OF CANCER ACT

AMENDMENT NO. 109

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

SEPARATE NIH TO CONQUER CANCER

Mr. NELSON. Mr. President, I send to the desk for printing, an amendment I intend to propose to S. 34, the proposed Conquest of Cancer Act. I am sponsoring this amendment along with the Senator from California (Mr. CRANSTON) and the Senator from Pennsylvania (Mr. SCHWEIKER), and the statement I am making regarding this amendment is on behalf of my fellow cosponsors and myself.

The proposed Conquest of Cancer Act has been a matter of enormous debate and discussion within the Congress, within the medical and biomedical research world, and within the Nation as a whole since the bill was first introduced. On March 9 and 10, the Health Subcommittee, chaired by the distinguished Senator from Massachusetts (Mr. KENNEDY), of the Labor and Public Welfare Committee, conducted extensive hearings on S. 34. These hearings fully demonstrated the great concern and broad base of support across the country for establishing a special research program with the objective of conquering cancer at the earliest possible time.

Mr. President, there is no question in my mind, nor that of any Member of this body, insofar as I am aware, that the Congress and the country are prepared to give extensive support to expanding the effort to eliminate this disease. This is amply demonstrated by the inclusion by both Houses of Congress in H.R. 8190, the second supplemental appropriation bill, fiscal year 1971, of an immediate additional $100 million to support the urgent attack on cancer right now. The consensus behind the conquest of cancer is the broadest possible, including Members of both parties in the Congress and President Nixon, as indicated in his February 18, 1971, health message and further amplified in his May 11, 1971, statement on cancer.

The only difference of opinion is over what is the best approach to accomplish this end.

The resolution—Senate Resolution 376 of April 27, 1970—sponsored by the esteemed former Senator from Texas, Mr. Yarborough, then chairman of the Health Subcommittee, authorized the creation of the National Panel of Consultants on the Conquest of Cancer, which conducted the study and made the recommendations calling for this concerted national effort. Senator Yarborough in the last Congress and Senator KENNEDY in this Congress moved to implement the panel's recommendations by introducing appropriate legislation (S. 34).

The recent Health Subcommittee hearings on S. 34 brought forth some sharp differences over the particular approach recommended by the panel; that is, to establish an independent, separate cancer agency outside of the National Institutes of Health in order to mount the fight against cancer. As a cosponsor of S. 34 as introduced, I agree wholeheartedly with the objectives of that measure. However, after reviewing the testimony at the hearings and having extensive conversations with physicians, biomedical researchers, health educators, and scientific groups, we believe that the

best compromise between S. 34 as introduced and the administration bill (S. 1829), introduced by the Senator from Colorado (Mr. DOMINICK) on May 11, 1971, is modification of S. 34 to establish the National Institutes of Health as an independent agency outside the Department of Health, Education, and Welfare. Within NIH, this compromise elevates the cancer effort to a new Cancer Authority.

Mr. President, I wish to stress in the strongest possible terms that we believe this modification we are proposing accomplishes all of the objectives of the panel's recommendations. It gives special priority emphasis to cancer research by elevating the cancer effort within NIH to a new Cancer Authority, thereby removing the numerous HEW bureaucratic layers above NIH, and at the same time, meets the very strong objections of the biomedical research community to any proposal to remove the cancer effort from NIH.

The amendment we are proposing is an adaptation of the Kennedy bill (S. 34), retaining all of its major features and making relatively minor changes while maintaining the cancer research program within NIH.

Briefly described, our amendment would create a separate National Institutes of Health as an independent agency of the United States accountable directly to the President, with Presidential appointment of an NIH Director and nine other top-level agency officials. The amendment would create within the new independent NIH a National Cancer Authority, the Administrator of which would also be Deputy Director for Cancer of the new NIH. Thus, only one administrative position—the Director of NIH—would separate the Cancer Authority Administrator from the President.

At present, within HEW there are six bureaucratic layers between the Director of the National Cancer Institute and the President—the Deputy Director of NIH, the Director of NIH, the Deputy Assistant Secretary of HEW for Health and Scientific Affairs, the Assistant Secretary of HEW for Health and Scientific Affairs, the Under Secretary of HEW, and the Secretary of HEW.

The autonomous NIH would be comparable to other Federal research agencies; namely, the National Aeronautics and Space Administration, the Atomic Energy Commission, and the National Science Foundation. It would place biomedical research on a par with space, atomic, and general scientific research. It should be pointed out that these programs are careful to combine both targeted and basic research, so that no research effort is isolated, and no areas of discovery are closed off or ignored.

The scientific and biomedical communities have expressed very strong concern that isolating cancer research energies may result in cutting off valuable, possibly related, research channels. They point out that cancer research is still at the frontier stage, that it is multifaceted and elusive in its present state of the art, and that important discoveries have historically derived, and likely will continue to derive, inadvertently from basic research. They fear that crucial areas of basic research will be dropped, possibly at the expense of such discoveries, and they urge the continued Federal support of the multifaceted activities now supported by NIH.

Dr. James A. Shannon, who served as Director of National Institutes of Health during its period of greatest growth, expressed these fears in a letter submitted as testimony during hearings on S. 34 before the Health Subcommittee.

> The several Congressional actions which propose that the new program be mounted under a separate Authority, perhaps reporting directly to the President, and, as a corollary, to be operated outside the NIH, is to my mind without merit and dangerously destructive. The NIH is many things, but above all, it symbolizes a set of proceses for the governance of the orderly growth and development of science . . . the NIH, in the sense described above, is an invaluable and irreplaceable guarantor to the nation that order, stability, sound judgment, balance, flexibility, responsiveness, and responsibility will characterize the country's assault on the problems of disease, disability and death.

Dr. Shannon and others are concerned that separating cancer research from other biomedical research will create a divisive competition for funds, which will be counter-productive to the cause of cancer research.

Dr. Philip R. Lee, former assistant for Health and Scientific Affairs in the Department of Health, Education, and Welfare, testified:

> Cancer is not simply an island waiting in isolation for a crash program to wipe it out. It is in no way comparable to a moon shot . . . which requires mainly the mobilization of money, men and facilities to put together in one imposing package the scientific know-how we already possess. Instead, the problem of cancer—or rather the problem of the various cancers— represents a complex, multifaceted challenge at least as perplexing as the problem of the various infectious diseases. . . . We do not know where the breakthroughs will come and I think it would be a great mistake to begin to dismantle NIH in favor of an untested approach.

The amendment we propose would keep NIH together, would emphasize a cancer program, and establish biomedical research at a priority level comparable to other scientific research.

The infusion of substantial funds will insure and expansion of cancer research. But by maintaining cancer within the NIH structure we will insure that all basic research efforts that may touch on cancer will be fully developed in the battle against cancer.

Mr. President, on May 2, 77 chairman of departments of medicine in the Nation's medical schools endorsed the concept that progress in cancer research can best be achieved within the NIH, utilizing the capacities of the National Cancer Institute, and possibly may be "facilitated by establishing NIH as a separate agency" outside of HEW.

Mr. President, the Health Subcommittee has scheduled for June 8 another hearing on S. 34 which will also consider the administration proposal, S. 1828. I intend to request the witnesses scheduled to testify at that hearing to be fully prepared to comment on the modification proposed in the amendment I have outlined today.

Mr. President, I ask unanimous consent that, at this point in my remarks, there be printed in the RECORD the full text of the amendment to S. 34 which I have submitted for printing as well as a section-by-section analysis of the amendment.

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

AMENDMENT NO. 109

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Conquest of Cancer Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that the incidence of cancer is increasing and is the major health concern of the American people;

(2) that the attainment of better methods of prevention, diagnosis, treatment, and cure of cancer deserve the highest priority;

(3) that this and other dread diseases such as diseases of the heart and lung, diseases of the nervous system and joints, and diseases related to birth defects have for too long afflicted mankind; and

(4) that great opportunity is offered as a result of recent advances in the knowledge of these dread diseases to conduct energetically a national program for their conquest.

(b) In order to carry out the policy set forth in this Act, it is the purpose of this Act to establish the National Institutes of Health as an independent agency of the United States, and, within it, the National Cancer Authority.

NATIONAL CANCER AUTHORITY ESTABLISHED

SEC. 3. (a) There is hereby established within the National Institutes of Health the National Cancer Authority, having as its objective the conquest of cancer at the earliest possible time.

(b) The Authority shall be headed by an Administrator who shall also be Deputy Director for Cancer of the National Institutes of Health, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the Authority a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. The Deputy Administrator shall perform such functions as the Administrator may prescribe and shall be the Acting Administrator during the absence or disability of the Administrator or in the event of a vacancy in the position of Administrator. Upon the expiration of his term, the Administrator shall continue to serve until his successor has been appointed and has qualified.

ESTABLISHMENT OF THE NATIONAL INSTITUTES OF HEALTH AS AN INDEPENDENT AGENCY

SEC. 4. (a) The National Institutes of Health is hereby established as an independent agency within the executive branch of the Federal Government, having as its objective the conquest of cancer and other serious diseases at the earliest possible time.

(b) The agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the agency a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years and who shall also be the Administrator of the National Cancer Authority. The Deputy Director shall perform such functions as the Director may prescribe and shall be the Acting Director during the absence or disability of the Director, or in the event of a vacancy in the position of Director. Upon the expiration of his term, the Director shall continue to serve until his successor has been appointed and has qualified.

(c) The President, by and with the advice and consent of the Senate, is authorized to appoint within the National Institutes of Health a Deputy Director for Science, a General Counsel, a Deputy Administrator of the National Cancer Authority, and not to exceed five Associate Directors.

(d) The agency shall include the existing National Institutes of Health, including its research institutes and divisions and the National Library of Medicine, Bureau of Health Manpower Education, and other such units that the Director determines are necessary to carry out the purposes of this Act, and the Regional Medical Programs carried out under Title IX of the Public Health Service Act.

TRANSFERS FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 5. (a) All officers, employees, assets, liabilities, contracts, property, and resources as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the National Institutes of Health, its public advisory groups, and except as otherwise specifically provided in section 12, with any function of the National Cancer Advisory Council, are hereby transferred to the agency.

(b)(1) Except as provided in paragraph (2) of this subsection, personnel, including commissioned officers of the Public Health Service, engaged in functions transferred under this Act shall be transferred in accordance with applications and regulations relating to transfer of functions.

(2) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

TRANSFER OF FUNCTIONS

SEC. 6. (a) Except as provided in subsection (b), there are hereby transferred to the Director all functions of the Secretary of Health Education, and Welfare—

(1) with respect to and being administered by him through, or in cooperation with, the National Institutes of Health, the various institutes and divisions of the National Institutes of Health, including the National Library of Medicine, the Bureau of Health Manpower Education, and the various public advisory groups to such institutes and divisions and to the Director.

(2) under the Public Health Service Act which the Director of the Office of Management and Budget determines relate to the administration, conduct, and support of biomedical research, biomedical communications, and the construction and development of health research facilities;

(3) under title IX of the Public Health Service Act.

(b) There are hereby transferred to the Administration of the National Cancer Authority all functions of the Secretary of Health, Education, and Welfare with respect to and being administered by him through, or in cooperation with, the National Cancer Institute and the National Cancer Advisory Council.

(c) Functions transferred to the Administrator under subsection (b) of this section shall be carried out under the general supervision and direction of the Director.

FUNCTIONS OF THE NATIONAL INSTITUTES OF HEALTH

SEC. 7. In order to carry out the purpose of this Act, the agency shall—

(1) carry out all functions and research activities previously conducted by the National Institutes of Health, prior to the enactment of this Act, together with an expanded, intensified, and coordinated research program to conquer cancer, heart disease, and other dread diseases;

(2) advise the President with respect to the progress of biomedical research in the conquest of disease and recommend to the President appropriate policies and programs to foster the orderly growth and development of biomedical research facilities and resources, especially in the light of emerging scientific opportunities;

(3) expeditiously utilize existing research facilities and personnel for accelerated exploration of the opportunities for cures of cancer, heart disease and other diseases in areas of special promise;

(4) encourage and coordinate biomedical research by industrial concerns where such concerns evidence a particular capability for such research;

(5) strengthen existing cancer centers, and establish new cancer centers, and other centers for the treatment and cure of other diseases as needed in order to carry out a multidisciplinary effort for clinical research and teaching, and for the development and demonstration of the best methods of treatment in such cases;

(6) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer and other diseases for professionals and for the general public;

(7) establish or support the large-scale production of specialized biological materials for health research and set standards of safety and care for persons using such materials; and

(8) support research in the field of cancer and other diseases outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants and the training of American scientists abroad and foreign scientists in the United States.

ADMINISTRATIVE PROVISIONS

SEC. 8. (a) The Director is authorized, in carrying out his functions under this Act, to—

(1) appoint and fix the compensation of personnel of the Agency in accordance with the provisions of title 5, United States Code, except that (A) to the extent the Administrator deems such action necessary to the discharge of his functions under this Act, he may appoint not more than four hundred of the scientific, professional, and administrative personnel of the Agency without regard to provisions of such title relating to appointments in the competitve service, of whom not less than two hundred shall be in the National Cancer Authority, and may fix the compensation of such personnel, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to pay rates, not in excess of the highest rate paid for GS–18 of the General Schedule under section 5332 of title 5 of such Code; (B) to the extent that the Director deems it necessary to recruit specially qualified scientific and professionally qualified talent he may establish the entrance grade for scientific and professional personnel without previous service in the Federal Government at a level up to two grades higher than a grade provided such personnel under the provisions of title 5 of such Code governing appointments in the Federal service, and fix their compensation accordingly;

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

(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain comprehensive cancer centers, laboratories, research, and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the agency for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

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

(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments he deems desirable to advise him with respect to his functions under this Act;

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

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

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

(9) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(10) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary, including funds appropriate for construction, repairs, or capital improvement; and

(11) take such actions as may be required for the accomplishment of the objectives of the agency.

(b) Upon request made by the Director, 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 agency in the performance of its functions, with or without reimbursement.

(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily 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.

SAVINGS PROVISIONS

SEC. 9. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or institute, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Director, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or institute, or part thereof, functions of which are transferred by this Act; but such proceedings to the extent that they relate to function so transferred shall be continued under the agency. Orders shall be issued in such proceedings, appeals shall be taken

therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by the Director, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or institute, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or institute, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the agency as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any part, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any agency or institute, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or institute, or any part thereof, is transferred to the Director or the Administrator, or

(B) any function of such agency, institute, or part thereof, or officer is transferred to the Director or the Administrator,

then such suits shall be continued by the Director or the Administrator, as the case may be (except in the case of a suit not involving functions transferred to the Director or Administrator, in which case the suit shall be continued by the agency, institute, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, institute, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the agency or officer in which such function is vested pursuant to this Act.

(e) In the exercise of the functions transferred under this Act, the Director and the Administrator shall have the same authority as that vested in the agency or institute, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or institute, or part thereof.

REPORTS

SEC. 10. (a) The Administrator of the National Cancer Authority shall, within one year after the date of his appointment, prepare and submit to the President through the Director, National Institutes of Health, for transmittal to the Congress, a report containing a comprehensive plan for a national program designed to conquer cancer at the earliest possible time, together with appropriate measures to be taken, time schedules for the completion of such measures, and cost estimates for the major portions of such plan.

(b) The Director shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the National Institutes of Health during the preceding calendar year, including a comprehensive report of the Administrator of the National Cancer Authority. In addition, the report will include such information as is appropriate on the health of the citizens of the United States, and the progress of biomedical research in improving diagnosis, treatment, cure, and prevention of disease.

NATIONAL CANCER ADVISORY BOARD

SEC. 11. (a) There is hereby established in the Authority a National Cancer Advisory Board to be composed of eighteen members appointed by the President, by and with the advice and consent of the Senate. Nine of the members of the Board shall be scientists or physicians and nine shall be representative of the general public. Members shall be appointed from among persons, who by virtue of their training, experience, and background are exceptionally qualified to appraise the programs of the Authority. The Director and the Administrator shall be an ex officio member of the Board.

(b)(1) Members shall be appointed for six-year terms, except that of the members first appointed six shall be appointed for a term of two years, six shall be appointed for a term of six years as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) A vacancy in the Board shall not affect its activities and eleven members thereof shall constitute a quorum.

(c) The Board shall biannually elect one of the appointed members to serve as Chairman for a term of two years.

(d) The Board shall meet at the call of the Chairman but not less than four times a year and shall advise and assist the National Cancer Authority in the development and execution of the program.

(e) The Administrator of the Authority shall designate a member of the staff of the Authority to act as Executive Secretary of the Board.

(f) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities of the Authority.

(g) The Board shall perform all of the functions of the National Cancer Advisory Council, which are hereby transferred to it.

(h) The Board shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Authority toward the accomplishment of its objectives.

(i) The Board shall supersede the existing National Advisory Cancer Council, and the members of the Council serving on the effective date of this Act shall serve as additional members of the Board for the duration of their present terms, or for such shorter duration as the President may prescribe.

(j) Members of the Board who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

(k) The Administrator shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

COMPENSATION OF THE DIRECTOR, ADMINISTRATOR, DEPUTY DIRECTORS, THE DEPUTY ADMINISTRATOR, GENERAL COUNSEL, AND ASSOCIATE DIRECTORS

SEC. 12. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(21) Director, National Institutes of Health."

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(56) Deputy Director for Cancer, National Institutes of Health, the incumbent of which also serves as the Administrator, National Cancer Authority.

"(57) Deputy Director for Science, National Institutes of Health."

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(131) General Counsel, National Institutes of Health,

"(132) Associate Directors of the National Institutes of Health (five),

"(133) Deputy Administrator, National Cancer Authority".

DEFINITIONS

SEC. 13. For the purposes of this Act—

(1) "Administrator" means the Administrator of the National Cancer Authority;

(2) "agency" means the National Institutes of Health;

(3) "Authority" means the National Cancer Authority;

(4) "Board" means National Cancer Advisory Board;

(5) "cancer center" means such cancer research facilities as the Administrator determines are appropriate to carry out the purposes of this Act, including laboratory and research facilities and such patient care facilities as are necessary for the development and demonstration of the best methods of treatment of patients with cancer, but does not include extensive patient care facilities not connected with the development of and demonstration of such methods;

(6) "construction" includes purchase or lease of property; design, erection, and equipping of new buildings; alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof); and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings;

(7) "Director" means Director, National Institutes of Health;

(8) "function" includes power and duty;

(9) "Federal agency" means any department, agency, or independent establishment of the executive branch of the Government including any wholly owned Government corporation.

AUTHORIZATION OF APPROPRIATIONS

SEC. 14. For the purpose of carrying out any of the programs, functions, or activities authorized by this Act, there are authorized to be appropriated for each fiscal year such sums as may be necessary.

EFFECTIVE DATE

SEC. 15. (a) This Act, other than this section, shall take effect sixty days after its date of enactment or on such prior date after the enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Nothwithstanding subsection (a), any of the officers provided for in sections 3 and 4 may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take

office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the agency pursuant to this Act.

SECTION-BY-SECTION ANALYSIS OF AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR S. 34.

Section 2: Findings and Purpose.

Findings: Similar to existing language of S. 34 except language expanded to include other disease with priority maintained for cancer.

Purpose: To establish the National Institutes of Health as an independent agency of the United States and within it the National Cancer Authority.

Section 3: National Cancer Authority Established. Headed by an Administrator, who shall also be Deputy Director for Cancer of NIH (Grade III). Except for dual title language, all other language is identical to S. 34.

Section 4: Establishment of the National Institutes of Health as an Independent Agency. Provides for Presidential appointment of Director of NIH (Grade II), Deputy Director for Cancer (Administrator of National Cancer Authority) (Grade III), a Deputy Director for Science (Grade III), General Counsel and up to five Associate Directors (all Grade V). Agency includes all existing institutes (other than National Cancer Institute which is absorbed by the National Cancer Authority established in Section 3), the Bureau of Health Manpower, divisions, the National Library of Medicine, the Regional Medical Programs, and such other units as the Director determines to be necessary (for example, the Fogarty International Center).

Section 5: Transfers from the Department of Health, Education & Welfare to Independent N.I.H. Provides for the transfer of appropriate employees, assets, etc. from HEW to an independent NIH.

Section 6: Transfer of H.E.W. Functions to National Cancer Authority. (a) Related functions of Secretary of HEW are transferred to Director of NIH. (b) Functions of Secretary for National Cancer Institute and Advisory Council are transfered to the Administrator of the National Cancer Authority.

Section 7: Functions of the National Institutes of Health. Language with emphasis on cancer restates existing NIH authority.

Section 8: Administrative Provisions. Allows Director of NIH to appoint 400 persons to supergrades with not less than 200 within National Cancer Authority. S. 34 now provides 200 supergrades for National Cancer Authority. (Note: at present NIH has 180 supergrades authorized 30 of which are for NCI)

(Note other provisions of Section 8 are routine and identical to S. 34.)

Section 9: Savings Provisions. These are routine technical provisions to insure a smooth transition.

Section 10: Reports. (a) The Administrator of the National Cancer Authority is required within one year to report to the President and Congress with a national program designed to conquer cancer. This language is identical to S. 34 (section 9) except the report is made through the Director of NIH.

(b) The Director of NIH is required to report annually to the President and Congress on the activities of NIH. This report must include a comprehensive report of the Administrator of the National Cancer Authority.

Section 11: National Cancer Advisory Board. These provisions for the Board are identical of S. 34 except for the addition of subsection (g) which follows the recommendation of the National Panel of Consultants on the Conquest of Cancer that it be made clear by statute that the new Board assume all the functions of the old Advisory Council, plus the functions elsewhere provided in Section 11.

Section 12: Compensation of the Director, Administrator, Deputy Directors, the Deputy Administrator, General Counsel and Associate Directors.

Director NIH (Executive Grade II).

Deputy Director for Cancer/Administrator, National Cancer Authority (Executive Grade III).

Deputy Director for Science NIH (Executive Grade III).

General Counsel NIH (Executive Grade IV).

Associate Directors NIH (Executive Grade IV).

Deputy Administrator NCA (Executive Grade IV).

Section 13: Definitions.

Section 14: Authorization of Appropriations. This section continues existing NIH appropriations authorizations without limit as to time or money.

Section 15: Effective Date.

ANNOUNCEMENT CONCERNING THE HEARINGS ON NEW EXECUTIVE DEPARTMENTS BY THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. McCLELLAN. Mr. President, on May 6, 1971, I announced that hearings on the President's reorganization proposal to create four new Executive departments would be held on May 25 and 26, 1971, before the Committee on Government Operations, in room 3302, New Senate Office Building.

During these hearings, the administration will present its case for these reorganization bills with the following witnesses:

Mr. George Shultz, Director of the Office of Management and Budget, who will testify on Tuesday, May 25, as the first administration witness. Also testifying on that day will be Mr. John Gardner, former Secretary of Health, Education, and Welfare. Tuesday's hearings will begin at 10:30 a.m.

Mr. Roy Ash, Chairman of the President's Advisory Council on Executive Organization will be the lead-off witness on Wednesday, beginning at 10 a.m. He will be followed by Mr. Joseph Califano, former Special Assistant to President Johnson; Mr. Ben W. Heineman, Chairman of President Johnson's Task Force on Government Organization—1967, and Mr. Charles Schultz, former Director of the Bureau of the Budget.

ADDITIONAL STATEMENTS

FARM CREDIT ACT OF 1971

Mr. MANSFIELD. Mr. President, the Senate Subcommittee on Agriculture Credit and Rural Electrification held several days of hearings this week on the Farm Credit Act of 1971. This important piece of legislation was introduced by the distinguished chairman of the committee, Senator TALMADGE, and I am pleased to be a cosponsor.

While it was not possible for me to appear before this committee, I understand that some excellent testimony was given in support of this legislation. I ask unanimous consent to have the opening statement presented by Senator McGOVERN printed at the conclusion of my remarks in the CONGRESSIONAL RECORD. I hope that these hearings will enable the committee to proceed expeditiously in reporting out legislation which will help to make extensive improvements in our system of providing credit for farmers.

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

STATEMENT BY SENATOR GEORGE McGOVERN, CHAIRMAN, SUBCOMMITTEE ON AGRICULTURAL CREDIT AND RURAL ELECTRIFICATION, SENATE AGRICULTURAL COMMITTEE, MAY 17, 1971

S. 1483—THE FARM CREDIT ACT OF 1971

This subcommittee is today beginning public hearings on one of the most important pieces of farm legislation before the Congress this year.

It will affect every farm community.

It will affect the soundness of our nation's economy.

It will affect the livelihood of the family farmer in every state.

It will affect our efforts to establish a reasonable rural-urban balance in America.

It will affect the futures of thousands of young Americans for whom farming could be a rewarding career.

It will affect our battle against hunger and malnutrition here at home.

And it will affect the price of food in every supermarket in the land.

Food for Americans is more vital than guns for Vietnam. Success in agriculture at home is far more important to our nation than killing people and poisoning crops in the homeland of others. Yet, agriculture in America today has a lower priority than our massive expenditures for questionable ABM's, a lower priority than our forays into space, a lower priority than our handouts to the aerospace industry, and a lower priority than our construction of vast fleets of unnecessary bombers and ships.

If the United States survives this critical period as a leader among nations, it will not be due to our weaponry but rather to the fact that we are still able to feed and clothe our people. Our successes in the field of agriculture have won us admiration throughout the world; our military adventures have won us the animosity and distrust of millions of the world's peoples.

There is great danger in ignoring agriculture, and most dangerous of all would be to ignore the farmer's credit problems. Adequate credit is his life blood. Already, huge non-farm corporations are moving into farming, and if the family farmer cannot get the credit he needs, he will be crushed by the capital-rich corporate giants.

The danger is not to the farmer alone. It is to every American citizen, for farm credit is as urban as the prices we pay in the supermarket. The best protection we can have against soaring food prices is an adequate flow of credit for the family farmer. For we have long known that farming in the hands of the family farmer is our best guarantee that food prices will be reasonable. And we know that farming in the hands of a few giants could produce the greatest leap in food prices we have ever seen.

At the beginning of this Century, the farmers of America made little use of credit. It was cash or barter; farm credit was extremely hard to obtain. But today, as the result of vast changes in agriculture, credit is an essential tool for the successful farmer. This is true in South Dakota where our farmers had approximately one billion dollars in credit at the beginning of 1970; and it is true in every state in the union. On January 1, 1970, American farmers had agricultural credit totaling over 58 billion dollars, more than double the amount just ten years earlier. And experts, predicting that there will be no let-up in the demand for farm credit, tell me they expect to see the

demand more than double by the end of this decade.

Therefore, it is time for this subcommittee to launch a careful investigation to determine what improvements we can make in the American system of providing agricultural credit.

One set of improvements is embodied in the Farm Credit Act of 1971, S. 1483, which is before us this week.

Through my years in the House, the executive branch, and the Senate I have been extremely impressed by the Farm Credit System. I do not know of a single program which has done more for the farmers of this country at less cost to the taxpayer. And I know from my years with Food For Peace that this System is a model for developing countries throughout the world. The System has helped U.S. agriculture bring in a major percentage of all dollars earned by exports, and I can tell you that in terms of world peace our food shipments abroad have helped us far more than our arms shipments. Food and fiber produced by American farmers contribute far more to the peace and stability of the world than shells and bombs.

I want to add that the farmers in South Dakota and the Midwest are fiercely proud of the Farm Credit System. Many saw the System at work when agriculture faced its darkest years, and they know it is too strong to be broken by depression and disaster. Over the years, they have worked in the System to pay back all the Federal seed money, and I know that over one million American farmers are proud of the fact that today they own the System.

With the continued imbalance in our national priorities, it should be of some comfort to the taxpayers that the Farm Credit System is now operating at virtually no cost to the United States government. And as I understand it, the bill before us today will require no expenditure of Federal funds.

This year, perhaps more than in any other, there is greater impetus here in Congress for coming to grips with the problems of rural development. Congress is ready to get on with the job of full scale rural development and I know my distinguished colleague and Chairman, Senator Talmadge, is directing this committee toward significant solutions in this field. I have made numerous proposals myself and I know all these will be considered as we proceed with the issues of rural development.

We cannot overlook the fact that one essential element in full development for rural America is a sound agricultural economy. This fact has been ignored by the government's money managers who, since 1966, have increasingly relegated agriculture to a secondary position. They have refused to recognize that for many years ahead rural counties will depend on farm production—especially by family farmers—as their number one industry. And the family farmer is the key pillar in this industry. So, in that credit is vital to the efficiency of the family farmer, it will be the job of this subcommittee to examine the flow of credit to the farmers, to determine what changes are required to meet future needs, to ensure that when it comes to agriculture, our nation is number one.

I believe the Congress has a serious responsibility in this area and I welcome the opportunity, through this piece of legislation, to see what we can do to chart a path for the future.

THE RECENT POSTAL RATE INCREASE

Mr. COOK. Mr. President, I rise today in order to pay tribute to the Louisville Courier Journal for the objective and unselfish position which it took in regard to the recent postal rate increase.

In an editorial of Friday, May 14, the editors responded to a statement I made during the Commerce Committee hearings on "no-fault" insurance legislation. In that statement I mentioned that newspapers were no strangers to the Halls of Congress; referring to their concerted lobbying efforts against the increase.

The editorial stated that:

While lobbying may save newspapers some money, it often exerts a severe strain on the credibility of the press.

It goes on to say that since newspapers are so well protected by the first amendment to the Constitution, it is unbecoming of them to continually pressure the Government for new privileges.

Citing the fact that the postal rates paid by newspapers cover less than one-half of the costs of handling involved, the editorial questioned why those who pay first-class postage should subsidize those mailers who do not pay equitably for the services they receive.

The Courier Journal will be greatly affected by the increased rates. Their own estimates indicate that the new rates will cost the paper approximately $91,000 annually, an increase of 23 percent in their mailing costs. The editorial states, however, that:

If the newspapers are going to be critical of such subsidies as the oil depletion allowance and the bailing out of Lockheed—as this and many other newspapers have been in the past—we must take a close look at our own institutions as well . . .

Mr. President, I wish to congratulate the Courier Journal on its objectivity and impartiality, and add that attitudes such as this continually reassure us as to the great contributions made by the press, and as to their value in our free society.

Mr. President, I ask unanimous consent that the editorial referred to be printed in the RECORD.

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

[From the Courier-Journal, May 14, 1971]

THE PRESS HAS NO VALID REASON TO ARGUE FOR A POSTAL SUBSIDY

During a hearing before the Senate Commerce Committee last week, Kentucky's Senator Marlow W. Cook gave the press a well deserved blistering. He had just observed that lobbyists for the American Trial Lawyers Association were using methods the American Medical Association has used in the past to oppose legislation. Noting smiles at the press table, the Senator remarked that lobbyists for the press were no strangers in the halls of Congress, either.

He is right. Lobbying may not be as American as apple pie but it is every bit as American as poison ivy and just as inevitable. Hardly any facet of American society, with the exception of the lowly consumer, is not represented by a lobby in Washington. And for years newspaper publishers have been at or near the front of the parade.

This is a pity. While lobbying may save newspapers some money, it often exerts a severe strain on the credibility of the press. After all, the most fundamental right has been bestowed on American newspapers in the form of the First Amendment's guarantee of freedom of the press. And it is unbecoming for an industry so blessed by the founding fathers to continually return to the government, grasping for new privileges.

AN HISTORIC SUBSIDY

The most recent lobbying effort on the part of the American Newspaper Publishers Association (ANPA) has been an effort to prevent an increase in postage rates for second-class mail—newspapers and magazines. Yet a study last year by the Post Office Department showed that postage paid on this material covered less than half of the handling charges and contributed nothing toward the costs of running the Department. The same study showed that third-class mail, frequently referred to as "junk mail," paid 100 per cent of its handling costs and contributed approximately 70 per cent of its share of Post Office overhead.

Obviously, newspapers and magazines were receiving a substantial subsidy from people who paid first-class postage on their letters; and from the Congress, which traditionally has covered the Post Office Department's debt. But the sweeping Postal Reorganization Act of 1970, designed to reorganize the mails along business-like lines, requires rates that apportion postal costs "to all users of the mail on a fair and equitable basis."

NO DOUBLE-STANDARD

Should publishers resist paying their fair share? They shouldn't, but they do. The ANPA persists in the historic argument that because newspapers and magazines contain news of interest and importance to citizens, distribution of this material should be subsidized.

If newspapers were staggering on the brink of bankruptcy, perhaps some logical argument could be made to support this thesis. But statistics tend to show just the opposite. For example, since 1940 the number of daily newspapers in the U.S. has declined 10 per cent, from 2,170 to 1,948. But total circulation has increased 57 per cent, from 39.4 million to 61.9 million. And prices of newspaper properties are rising almost as swiftly as those of football franchises. So the industry as a whole is far from hurting.

Further, the postal changes include some protection for smaller newspapers, since the rates will go up only slightly on mail circulation within the publisher's home county. This will protect small weeklies from the heavier burden that will fall on daily newspapers that have wider mail distribution and greater financial resources.

The total postal increase for second class postage is slated at 142 per cent over a five-year period, starting with an initial bite of 23 per cent this Sunday—when other rates rise, too—unless the ANPA succeeds in having the increase delayed or killed. The impact of this increase varies slightly from one newspaper to another, but the year's cost to *The Courier-Journal* will be $90,914.91, raising total mailing costs for this newspaper to $482,958.49 per year.

The Courier-Journal has always maintained that every category of mail-user should pay its own way, and we accept the new rates as equitable. They will have a substantial impact on this newspaper, since we have the fourth largest mail circulation of any newspaper in the United States—45,000 papers per day, or 20 per cent of our total circulation. Yet even though our stake is substantial, we cannot endorse the ANPA's plea for continuation of a subsidy that is neither economically justified nor morally supportable.

If newspapers are going to continue to be critical of such subsidies as the oil depletion allowance and the bailing out of Lockheed (as this and many other newspapers have been in the past), we must take a close look at our own institution as well, lest we jeopardize our credibility with the public.

So we're glad Senator Cook gave the press such a timely reminder of its own special-interest pleading. We hope that all publish-

ers will take heed and devote more attention to nurturing a free press than pandering to preserve a free ride.

JET AIRCRAFT NOISE

Mr. CRANSTON. Mr. President, earlier this year, I introduced S. 1566 to reduce jet aircraft noise to one-half of its present level by requiring that the commercial aircraft fleet be retrofitted with sound suppressant devices.

Last week the National Academy of Sciences and the National Academy of Engineers issued a report detailing the problems of aircraft noise around Kennedy Airport in New York. According to that report over 640,000 individuals living near Kennedy would have their noise environments substantially improved if aircraft noise is reduced to the levels prescribed in S. 1566. I ask unanimous consent that the Commission's conclusions on noise pollution be printed in the RECORD.

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

AIRCRAFT NOISE AND OTHER EFFECTS OF THE AIRPORT

Scientific studies of the reactions of people to aircraft noise have led to a quantitative scale for measuring its annoyance, called the Noise Exposure Forecast (NEF). This scale accounts for the loudness of the noise, its quality (screech or roar), its duration, the frequency of its occurrence, and the time of day when it occurs. At each level on this scale, the average response of people to aircraft noise can be predicted. For example, at NEF 30, conversation will be repeatedly interrupted for a cumulative duration of about one half hour per day, and about 50 percent of the people will experience an interruption of sleep (with a much higher percentage among elderly people). There will be organized efforts to seek noise abatement in communities subjected to this level. For the purposes of our study, we have selected a value of NEF 30 or higher to define the noise-impacted areas surrounding Kennedy Airport, although we recognize that a lower value should be used as an acceptable standard for residential usage.

At the present time, about 700,000 people live in areas near Kennedy Airport that are subject to a noise exposure greater than NEF 30. About 120,000 of them live in homes subject to an exposure exceeding NEF 40, which should be considered tolerable only for commercial usage in which noise-proofed buildings are used. These large numbers of noise-impacted residents are a result of two factors, both of which have increased with time: the increasing population density in areas surrounding the airport, resulting from housing construction, and the increasing area subject to NEF 30 or greater, caused by more and noisier aircraft operations. Unless circumstances change, both of these trends forecast increasing numbers of people exposed to greater aircraft noise.

Within the present impacted area (NEF 30 or greater) there are 220 schools attended by 280,000 pupils. With normal schoolroom usage, this implies about an hour's interruption of classroom teaching each day and the development by the teachers of the "jet pause" teaching technique to accommodate the impossibility of communicating with pupils as an aircraft passes overhead. The noise interference with the teaching process goes beyond the periods of enforced noncommunication, for it destroys the spontaneity of the educational process and subjects it to the rhythm of the aeronautical control system. Given the advanced age of many of these schools, noise-proofing (where possible) would cost an appreciable fraction of their replacement cost.

A significant improvement in the noise environment around Kennedy Airport can be produced only by equipping aircraft with less noisy engines. If engine noise were reduced to levels consistent with the projections of the National Aeronautics and Space Administration "quiet engine" development program, which is estimated to be 10 EPNdb (effective perceived noise level) below present FAA standards for new engines, the number of people exposed to NEF 30 would be reduced dramatically from about 700,000 to 60,000, even if present runways were used. While the use of quieter engines would not eliminate the noise problem in communities surrounding Kennedy Airport, it would so reduce its severity as to permit the implementation of a long-range plan for completely compatible land use in the environs of the airport. Until aircraft are equipped with quiet engines, compatible land use is not a realistic possibility within the foreseeable future.

THE PRESIDENTIAL CANDIDACY OF SENATOR McGOVERN

Mr. ALLOTT. Mr. President, I noticed several days ago that Prof. John Kenneth Galbraith has endorsed the presidential candidacy of the distinguished junior Senator from South Dakota.

I would call to the attention of the distinguished Senator the fact that Galbraith's endorsement came approximately 170 weeks after Galbraith informed the world that the South Vietnamese Government would collapse in 2 weeks.

A REPORTER'S REFLECTIONS

Mr. CHURCH. Mr. President, after 40 years as a newsman, that august gentleman of the press, Chalmers Roberts, reports he is retiring from the news side of the Washington Post. He writes:

My school of journalism has been empirical. I reject the participatory. I have at least tried to minimize if not avoid advocacy. . . . I have simply preferred to "stay on the street" rather than edit the news or write the editorials.

I am glad to learn that Chal Roberts will continue to write for the Post, for he says:

I am only 60, still know what questions to ask and can still knock out a story in a hurry. Aside from ballplayer's legs, then, why quit now?

I commend Chalmers Roberts' final article from the news side to you, together with an editorial, "Thoughts About Chalmers Roberts," which appeared in the May 17 edition of the Washington Post, and ask that they be printed at this point in the RECORD.

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

A REPORTER'S REFLECTIONS ON HIS NEWSPAPER CAREER

(By Chalmers M. Roberts)

It has been more than 40 years since I waded through the Latin of Cicero's "De Senectute." I never was one for the lilt of Browning's "grow old along with me; the best is yet to be." But old journalists, unlike old generals, don't fade away; their legs give out like ballplayers'.

In the fall of 1933, a few months after Eugene Meyer bought The Washington Post at a bankruptcy sale on the steps of the old E Street office, I started newspapering as a $15-a-week cub. My first lesson in where the power resides in Washington came that very first day: As the newest kid on the staff I was told to write the obituary of an ex-senator. *Sic transit gloria mundi.*

A glance at the Congressional Directory shows that I have survived the entire Senate membership on hand when I first came here, sitting fascinated in the gallery when someone shouted out "Borah's up" and we all scrambled to listen to the old lion of Idaho. Only three of the 435 in the House today were there when I arrived here.

Despite that, I am only 60, still know what questions to ask and can still knock out a story in a hurry. Aside from ballplayers' legs, then, why quit now? In the first place, I'm not really quitting; I'm just going to stop chasing fires after June 30—journalistic fires, that is. There are plenty of young bucks, and young ladies too, to do that and a lot of them are damned good at it. I never achieved the conceit of thinking that the paper would suffer if I missed a day; it manages to come out every morning, the craft unions willing, no matter who is not aboard.

I do expect to "do some pieces," as the saying goes in the trade, for The Washington Post from time to time. And I have a couple of books I want to write for which I have been squirreling away a lot of memoranda and notes over a good many years.

The umbilicus between reporter and news desk for which he writes is not easily cut. Chasing journalistic fires is habit forming. One develops a thirst for news as well as a nose for news. Yet time produces a desire not only to slow the physical pace but also to draw a longer bow, to be reflective about what one has seen first hand of history in one's time. And what history!

The only war my children know is Vietnam but I can still see the falling confetti on a downtown Pittsburgh street the night of the World War I false armistice. My first view of the national capital included sheep on Woodrow Wilson's White House lawn and tempos between Union Station and the Capitol. And I remember being patted on the head by President Harding, attending Herbert Hoover's shining inaugural as a high school student and interviewing ex-President Coolidge as a college journalist.

One remembers covering some of the first sit-in strikes in Ohio, being tear-gassed in the Little Steel strike in Michigan, writing about Alf Landon's maple syrup presidential campaign speech in Pennsylvania. And there were the swastikas in the Free City of Danzig and visiting the Brown House in Munich that same 1933 where I resisted the temptation to swipe a letter opener in brown leather stamped with the gold initials "A.H."

What fun it was to live in Tokyo even though the xenophobes were taking down the subway signs in English letters to foil the spies; walking the Great Wall of China and getting caught in a Gobi Desert sandstorm; having an appendix out in a Shanghai hospital while Chinese and Japanese troops fired at each other outside the windows.

And later who could forget the horror of walking through the shambles of Hiroshima and Nagasaki three months after The Bomb, or the little pleasure of receiving in wartime London a formal thank-you note in gratitude from a British lady for a single PX lemon for her tea?

What fun was the chaos of Washington in that first New Deal year. How I wept as FDR's coffin rolled down Pennsylvania Avenue. What a chore to untangle the syntax of Dwight Eisenhower's press conferences. What shock to hear President Johnson say I once had tried to destroy him. How John Kennedy got off too easily because he charmed us so. And how fascinating to hear Vice President Nixon explain that he did not

get The Post at home, because he did not want his young daughters to see the Herblock cartoons of him.

There was Chou En-lai at the 1954 Geneva Conference and "Old Ironpants" Molotov picking his teeth after dinner at the Berlin Conference. Winston Churchill, cigar and brandy, and an edgy Anthony Eden beside him, at the Statler Hotel. A smiling Nikita Kruschev in Geneva in 1954 and a glowering Khruschev at Paris in 1960 and that incredible Khrushchev debate in Hollywood with Spyros Skouras over which system gave a poor boy the better chance to make good.

Newspapering is so full of the unexpected: the day I started off to cover a Federal Power Commission hearing, heard the sirens and ran through Lafayette Park to discover a would-be assassin of President Truman lying dead on the Blair House steps. I still don't know what the FPC decided.

For more than 18 years, now, I have been concentrating on diplomacy here and abroad with occasional sallies into presidential and congressional politics on the theory that to make sense of diplomacy one ought to test the mood of the nation which must support it. In this role I and my colleagues in diplomatic reporting have produced a lot of fragments of history. The problem, as Walter Lippmann once put it, is that "we have to select some facts rather than others, and in doing so we are using not only our legs but our selective judgment of what is interesting or important or both."

Arthur Schlesinger Jr. once wrote that the historian's "commitment is to history-as-record, not to history-as-experience, to writing history rather than making it." After a spell in the White House, Schlesinger ripped journalistic accounts as "sometimes worse than useless when they purport to give the inside history of decisions; their relation is often considerably less than the shadows in Plato's cave. I have too often seen the most conscientious reporters attribute to government officials views the exact opposite of which the officials are advocating within the government to make it possible for me to take the testimony of journalism in such matters seriously again."

That is strong language and I simply don't believe or accept it. God knows we do a lot of bad and fragmentary reporting and we are not very good at admitting error. Yet looking back over 18 years of diplomatic reporting I must conclude that we have given the reader at least what the late Philip Graham used to call "the first rough draft of history" though the draft surely often has been incomplete or worse. Where we have most notably failed, as in the earlier years of the Indochina War, it was too often because we accepted the government's view uncritically.

There is, always has been and must always be, a built-in conflict between press and government. That is simply one of the checks and balances of our system. I agree with Mr. Dooley that "the job of a newspaper is to comfort the afflicted and afflict the comfortable." But I don't go so far as President Johnson who said that "your job is to provoke a fight. Mine is to prevent one." I do agree with Dean Rusk that "there is an inevitable tension between officials and reporters about the tiny fraction of our business—some one or two per cent—which is or ought to be secret, at least temporarily."

My school of journalism has been empirical. I reject the participatory. I have at least tried to minimize if not avoid advocacy. "I'm not sure where you stand on this issue" has always been the best kind of compliment. Of course I have views and opinions but they belong in the books. I have simply preferred to "stay on the street" rather than edit the news or write the editorials. And I have tried to follow Lippmann's view of the Washington correspondent who "has had to teach himself to be not only a recorder of events but also . . . to be a writer of notes and essays in contemporary history."

There are a million other things that might be said or events that might be recalled—but enough. I know it is going to be a wrench to move away from the running news after nearly 38 years. But I am not running off to the sun in Florida or somewhere else; I will be right here in Washington and I hope you will hear from me.

THOUGHTS ABOUT CHALMERS ROBERTS

By way of preparing to write these few lines on the occasion of Chalmers Roberts' retirement, and to make sure we got straight such names, dates and places as we might want to use, we looked up Mr. Roberts' biography in our library. Merely to read it is, frankly, exhausting. To that panorama of people, places and problems covered, which he has recorded elsewhere on this page, must be added the list of prizes won, of books written, of magazine pieces published and—from another time:

"Spent one year on trip around the United States, 1935–36, working in dairy, iron foundry, silver mine, logging camp, creosote mill, itinerant farm work, tenement house inspector, etc."

The "etc." is a particularly Robertsesque touch: it probably covers some three or four hundred other activities and enterprises he found time and energy for in what he would also probably dismiss as a relatively uneventful, relaxing year.

For two good reasons, stately, sentimental, valedictory prose really won't do for this occasion. One is that it would embarrass him. Not that he is shy. Those government officials who would rather not answer his questions can testify to that, and within The Post he remains the man who can and will take on anything from an interminable, suddenly issued report to an unexpected major news development and turn out the long, comprehensive account of it—plus background—in record time. His nearly four decades "chasing fires," as he says, have had no perceptible effect on his enthusiasm for the chase—they seem only to have increased his speed.

Which brings us to the second reason that a sentimental farewell is not in order. Whatever sigh of relief those recalcitrant "sources" around Washington might be heaving just about now is—like the report of Chal Roberts' retirement—in a sense premature. We are pleased to say that he will be producing columns for this page on a regular basis after June 30, when he leaves our news side. We welcome young blood.

CUBAN INDEPENDENCE DAY

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Florida (Mr. GURNEY) I ask unanimous consent to have printed in the RECORD some remarks prepared by him on Cuban Independence Day, together with an insertion which he asks to have included with his remarks.

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

STATEMENT BY SENATOR EDWARD J. GURNEY

Mr. GURNEY. Mr. President, today the 20th of May, is Cuban Independence Day. On this day in 1902, our Cuban neighbors, with the assistance of the United States, became a free and independent nation.

Today Cuba is no longer free. Many of her freedom-loving citizens have fled to our own shores, and now enjoy the freedom all of us share in the United States.

Dr. Manolo Reyes, one of Florida's most highly respected Cuban spokesmen, has prepared a short history of the trials of Cuban Independence. We can see that the Cuban people, even away from their homeland, have not forgotten the sweet taste of freedom.

I would like to commemorate this Cuban Independence Day, then, by having this article on Cuban Independence, by Dr. Manolo Reyes, reprinted in today's RECORD. My sincere wish is that Cuba will be free, that the day will not be far off when the Castro regime will be but a dim and ghastly memory. Castro has betrayed the Cuban revolution, and betrayed the ideals of Jose Marti, and has visited a regime of brutal oppression and tyranny on the Cuban people. We pray that Castro's tenure will soon end and that the island republic will be restored to freedom, peace and prosperity.

CUBAN INDEPENDENCE—MAY 20, 1902–MAY 20, 1971

Today, May 20, 1971, we commemorate another anniversary of the independence of Cuba. On that glorious date, May 20, 1902, the Cuban flag waved, but free, sovereign and independent, on the Morro Castle, in Havana, capital of Cuba. This was a sight through which you could see the heroism of the Cuban people, who, for over 50 years, fought with inferior forces against the most powerful country in the European Continent: Spain!

In its years of existence, Cuba has the longest independence history of any country in the American continent. Centuries ago, a great Cuban man, General Narciso Lopez, landed in the city of Cardenas, Province of Matanzas, Cuba, with an expedition. This city is not too far from the "Bay of Pigs" ("Bahia de Cochinos"). General Lopez came as a leader to liberate Cuba. With this expedition came an old retired Colonel from West Point, Colonel Crittemdem, with a group of Americans from Kentucky. It was probably then when the United States of America and Cuba become united in the fight for freedom! This expedition was very successful and for the first time the Cuban flag waved on Cuban soil, after the defeat of the troops of the city of Cardenas; for this reason, the city of Cardenas is called "Flag City" ("Ciudad Bandera").

However, the above victory did not last very long since the General Governor of Spain in Havana sent strong reinforcements which defeated General Lopez and his men; a great number of them died on the battlefield, others, like General Lopez, were executed after being tried by the island's Spanish government, according to their army regulations. This tragedy silenced the people of Cuba for a period of time which did not last too long, since on October 10, 1968, in "La Demajagua" farm in the Province of Oriente, Carlos Manuel de Cespedes, another patriot fighting against the Spaniards, started another battle which was called "The Cry of Yara". This farm was located in the city of Yara. Cespedes' first victory was in the city of Bayamo, where a large number of Spanish troops were sent to take over the city. However, Cespedes asked the people of Bayamo what should he do, and they answered him "Liberty or Ashes" (Libertad O Cenizas). When the Spaniards arrived, they found only ashes since these glorious patriots burned all their properties, such as houses, stores, etc. which had taken them years of honest labor, to build. The fire burned these years of honest labor, memories and fortunes in just seconds!

"The Cry of Yara" starts the 10-year war in 1878. A peace treaty, however, was signed, because the Cubans were exhausted from the long war. This treaty was called "The Peace of Zanjon" and it was initiated by one of the greatest of Cuban generals, General Antonio Maceo.

An exile started in 1878, when many Cubans came to the United States of America, to

well-known cities such as New York, Key West and Tampa. This exile lasted 17 years. It was then when a great man and Cuban patriot, Jose Marti, who lived the greatest part of his life in exile, gathered the Cubans and started a new liberation war in Cuba—it was on February 24, 1895. Unfortunately, when this war started, Jose Marti, the Cuban mastermind, and General Antonio Maceo, the military forceman, were both killed in combat. In 1898, the *USS Maine* blew up in the Havana harbor and the United States government blamed Spain for this; this incident started the Spanish-American war. On April 19, 1898, the United States Congress approved a Joint Resolution for the liberation of Cuba, declaring therein that *"Cuba is and has the right to be free and independent."*

The famous "rough riders," lead by Theodore Roosevelt, landed in Oriente Province and the battle was fought in the San Juan hill by the Americans and Cubans against the Spaniards. Like it previously happened to General Narciso Lopez, there was a bloodshed, but fortunately, this time the Spanish troops were defeated not only in Cuba, but also in Puerto Rico and the Phillippine Islands.

There was a United States intervention in Cuba from 1898 to 1902. It was not until May 20, 1902, that the lone star flag, the Cuban flag, waived victoriously in Cuba, on the Morro Castle. Today we commemorate the 69th anniversary of the Independence of Cuba, yet . . . today, May 20, 1971, Cuba is suffering more than it ever did in the past. *A traitor* of the Revolution which began on October 10, 1868, has turned over the liberty, sovereignty, and independence of Cuba, won through the blood of many Americans and Cubans, to the international communism of Moscow-Peking. All of the Cuban people, both in the island and in exile, are against this red tyranny. We see daily the heroism of Cuban patriots, risking and losing their precious lives, fighting for the liberation of their country.

However, as stated in the above mentioned "Joint Resolution" of 1898, Cuba has the right to be free and independent and its liberation will be the tomb of communism in the American continent, even if we have to go back to the history of Bayamo, i.e., "Liberty or Ashes," *because* the Cuban people were not born to be slaves.

RETIREMENT OF JOHN C. HERBERG AS LEGISLATIVE COUNSEL OF THE SENATE

Mr. McCLELLAN. Mr. President, in the legislative branch of our Government, as in the other branches, there are many supporting units required to keep the Government operating effectively. In the Senate, one of those supporting units is the Office of the Legislative Counsel. I wish to invite the attention of the Senate to the fact that one of our most skilled professional employees, Mr. John C. Herberg, retired as Legislative Counsel of the U.S. Senate on April 30, 1971, after serving a distinguished career of 24 years in the Office of the Legislative Counsel.

Following his graduation from the University of Minnesota in 1934, where he received his B.A. and LL.B. degrees, John Herberg was employed by the Department of Justice, Antitrust Division, during the period from 1934 through 1942. During that employment he served as special attorney from 1934 through 1938, and as special assistant to the Attorney General from 1938, until May 1942. From May 20, 1942, until May 18, 1946, he served in the Judge Advocate General's Office, U.S. Army, where he attained the rank of colonel. Following his separation from the Army, John Herberg returned to the Department of Justice where he remained until his appointment to the Office of Legislative Counsel on March 3, 1947. At the time he left the Department of Justice, he was in charge of the Chicago office of the Antitrust Division of the Department of Justice.

Mr. President, I wish to take this opportunity to thank John Herberg for the outstanding service and assistance which he has rendered over the years to Senators and the committees of the Senate. His personal standards were extremely high and he fulfilled them in every respect. I am sure that the staff of the Office which he left at the time of his retirement will be the better for having had the opportunity and the privilege to serve with him.

Mr. President, I want to convey my wish—and I am confident that I speak for all Senators—that John Herberg and his wife, Grace, will both enjoy a long and happy retirement.

THE PRESIDENT'S POLICY AND REPRESENTATIVE McCLOSKEY

Mr. ALLOTT. Mr. President, before the press drowns in the rising tide of ill-spilt ink, and before the media gives him a prime-time variety show for next fall, it would be good to speak the plain truth about Congressman McCLOSKEY.

The most familiar sight in Washington is a political appetite—ambition—in desperate search for a principle that will justify it. There is nothing more than this involved in Congressman McCLOSKEY's frantic effort to represent himself as the only thing that stands between the Republic and perdition.

The Congressman is full of fear, but it is not fear for the future of the Nation. Rather, it is the fear—quite well founded—that the President's policy will leave him looking more than faintly ridiculous by the time the first primaries begin.

Congressman McCLOSKEY is a less than one-issue candidate. He wants to end the war in Vietnam. So he plans to run for President against the President who is ending the war.

This would be uninteresting were it not for the Congressman's amusing twistings and turnings on one political question. He began his charade with the avowal that he really did not want to run for the Presidency, but might be forced to run if no better qualified man stepped forward to oppose the President's policy for ending the war.

This was amusing enough: It would be hard to imagine a candidate who would not be more qualified than the Congressman for the demands of the Presidency. But soon the Congressman began to change his tune. The reluctant dragon began to have visions dancing in his head—visions of himself in the oval office. Suddenly he became very reluctant to mention the names of persons he had previously listed as candidates on whose behalf he would step aside.

By now it is clear that McCLOSKEY intends to run for the Presidency even should world peace arrive tomorrow. What was originally represented as an exercise in altruism has gone rancid in record time. Now the McCloskey caper stands revealed as just one more pathetic monument to another ambitious man's delusions of indispensability.

SUPPORT FOR GATEWAY

Mr. WILLIAMS. Mr. President, the Senate Committee on Interior and Insular Affairs is currently considering legislation which would create the Gateway National Recreation Area in New Jersey and New York.

This project would be of great benefit to New Jerseyans and New Yorkers who live in the most urbanized and densely populated area of our country. Gateway would provide greatly expanded recreational activities close to both inner-city and suburban areas, and would insure the preservation and intelligent utilization of several scenic and historic sites.

The New Jersey section of Gateway would consist of the Sandy Hook Peninsula. In the early 1960's, I was pleased to take part in negotiations which secured some of the federally owned land on Sandy Hook for use as a State park. In 1967, Senator CASE, Congressman HOWARD, and I introduced legislation which would have made Sandy Hook a national seashore area by itself.

The Gateway plan was first proposed by Secretary of the Interior Walter Hickel 2 years ago. The first legislation to implement this plan was introduced on March 11 of this year by Senators CASE, JAVITS, BUCKLEY, and myself. Thanks to the generous support of the chairman of the Interior Committee, Senator JACKSON, two hearings have already been held on the Gateway bill, and field hearings in New Jersey and New York are being scheduled for the near future.

It came as a pleasant surprise when, 2 days before the first hearing on Gateway, President Nixon announced his support for the project and sent to Congress an administration bill authorizing it. Although there are some differences between the administration's bill and the one previously introduced by myself and Senators CASE, JAVITS, and BUCKLEY, they are of such a nature that I expect they will be resolved without too much difficulty.

Support for Gateway has also been expressed by State and local government officials, and by a wide range of citizens groups. In addition, a number of newspapers have endorsed it in editorials, and urged quick congressional approval. In my judgment, this broadly based, bipartisan support, should be a strong inducement to speedy and favorable consideration by the Congress.

Mr. President, I ask unanimous consent that editorials expressing support for Gateway from the Newark Star-Ledger, Newark Evening News, Camden Courier-Post, Bergen Record, New Brunswick Home News, Hudson Dispatch, Plainfield Courier News, New York Times, Asbury Park Evening Press,

and New York Daily News, be printed at this point in the RECORD.

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

[From the Newark (N.J.) Star-Ledger, May 11, 1971]

WELCOME ABOUT FACE

The Nixon Administration has done an about-face on the on-again, off-again Gateway National Park, an ambitious recreational undertaking that would transform the Jersey shore and several New York beaches into an integrated facility that would be available to 50 million people a year.

The President's hastily arranged aerial tour of the proposed recreational park yesterday marks an upward turn after months of delay. It was first announced two years ago by former Interior Secretary Walter J. Hickel, who fell out of favor with Mr. Nixon, along with the park project.

But the Administration has finally made up its mind; it has submitted to Congress an altered proposal that would include Sandy Hook and add Floyd Bennett Field, a former naval air station in Brooklyn. However, there are some highly regrettable deletions—Great Kills Park on Staten Island and Hoffman and Swinburne islands at the entrance to New York Harbor.

Most of the sites are owned by the federal government, the states and New York City. The creation of the national recreation area would bring all the sites under the jurisdiction of the Interior Department, an action that would assure their continued operation for recreational purposes.

The firm position taken by the Administration comes on the eve of the first public hearing scheduled by the Senate Interior Committee for tomorrow. Members of the New Jersey and New York congressional delegations, including Senators Case and Williams, have introduced bills authorizing varying versions of the recreational park.

The obvious physical advantages of a recreational area so close to a huge urban center have finally been recognized by the Nixon Administration. But it was only a few months ago that doubts were raised about undertaking the project when the federal government offered to turn Sandy Hook, a major part of the park, over to New Jersey. The action was widely interpreted as marking a cooling by the Administration toward federal sponsorship of the project.

On the surface, it was a magnanimous gesture. But New Jersey was in no financial position to undertake the costly development of Sandy Hook, including the preliminary phase for jetties and beach replacement, estimated at $2.5 million.

The firm stand taken by the New Jersey and the New York congressional delegates apparently persuaded the Administration that it should endorse the park project, a facility that will help restore some of the pleasure and graciousness disappearing from contemporary urban life.

The cost of the recreational facility, when it is projected over the 10 years it will take to complete the development, will be more than justified by the large number of people who will be able to use it. It is one of those rare occasions when the government will be able to accommodate so many people with facilities of high quality for relatively little money.

[From the Newark (N.J.) Evening News, May 11, 1971]

GATEWAY BOOST

President Nixon's dramatic endorsement of the proposed Gateway National Recreation area, whose fate has been uncertain in recent months, is as welcome as it is overdue.

Presidential support had appeared to languish after the departure of Secretary of the Interior Walter Hickel, originator of the plan, from the Cabinet.

But Mr. Nixon's unexpected announcement that he would propose to Congress a five-year, $116.5-million development program represents a substantial commitment to the project, even though it falls short of the $150-million plan originally envisioned.

Whether there are political overtones to the presidential announcement and his helicopter tour of the area is really immaterial. But it may be noted that the initiative had been allowed to pass to Congress, where Sen. Jackson, D-Wash., chairman of the Senate Interior Committee and a putative candidate for the Democratic presidential nomination, had scheduled hearings for tomorrow on a resolution introduced by the four senators from New Jersey and New York to compel the administration to undertake the project.

In any event, Sen. Jackson's support—he regards it as a rare opportunity to demonstrate how recreational projects can be developed in urbanized areas—should be influential in getting the program through Congress.

New Jersey can be grateful that the revised plan, though dropping two New York areas, still retains Sandy Hook. That splendid spit of land, beyond the means of the state to protect from erosion by wind and sea and develop to its full potential, will thus be saved for recreation—boating, fishing, swimming, picknicking.

The federal commitment also makes more imperative than ever a concerted effort, involving state and local governments, too, in overcoming the pollution that infests much of the harbor area, notably on the Raritan Bay side of Sandy Hook.

President Nixon's intention of bringing parks to the people should thus be well implemented by a project that will serve the recreational needs of this teeming urban area.

[From the Camden (N.J.) Courier-Post, May 12, 1971]

GATEWAY PARK HAILED

Two years ago the proposal for a Gateway National Recreation Area at the mouth of New York Harbor came under serious study.

Now it has reached the point of endorsement by President Nixon, Gov. Cahill of New Jersey and Gov. Rockefeller of New York, Mayor Kenneth A. Gibson of Newark and Mayor John V. Lindsay of New York City, and other top officials of the federal, state, and local governments throughout the New York-North Jersey metropolitan region.

Legislation is being submitted to Congress and the Senate Interior Committee is already holding hearings on the project, which Nixon calls "one of the most significant steps the federal government has taken in cooperation with state governments perhaps in this century."

The plan will provide 23,000 acres on both sides of the New York Harbor entrance for recreational facilities that will be within easy reach of 20 million people. New Jersey's Sandy Hook will be a key part of the area, which will include 7,000 acres of land and 16,000 acres of marsh and submerged land. It will also contain 10 miles of open beach.

After flying over the area with the governors and mayors of the two states and two biggest cities involved, Nixon said on Monday that one aim of his administration was "bringing parks to the people" and that Gateway would dramatize this purpose. Less than two months ago the President transferred six miles of beach and 3,400 acres of land behind it, near his home at San Clemente, from federal ownership to the State of California as a state park in a similar project. He has also allocated $580 million in the 1972 federal budget for similar parklands, near urban centers, that will be of easy access to large populations.

Rapid transit lines and low-fare ferries will connect the 23,000 acres of Gateway's islands and onshore sections. New Jersey's contribution to the project will be its state property at Sandy Hook, hitherto used only for military purposes and valued at $10 million. New York will contribute land valued at $100 million, while the federal government's donation of land is estimated at $161 million.

President Nixon has noted that the project will allow city children to view and enjoy wildlife as well as have new clean beaches, playing fields and campsites, and "strike a proper balance between maintenance of wildlife and hunting."

Interior Secretary Rogers C. B. Morton, who accompanied the President on his flight over the area, expects congressional approval of the necessary legislation this year, possibly even before the summer recess. He says full development of the area will take about four years, but that some of it can be opened for use immediately.

Obviously Gateway will be an invaluable asset to New Jersey as well as New York and the rest of the people of the Northeast. It will be a great supplement to this state's Green Acres program, and at insignificant cost. Although the residents of the New York-North Jersey metropolitan area will be its biggest beneficiaries, South Jerseyites likewise will receive a goodly share and join in acclaiming it.

[From the Bergen Record, May 2, 1971]

GATEWAY

When the Senate Interior Committee originally scheduled its hearings on the Gateway National Recreation Area to begin today the outlook was bleak. President Nixon was offering to give Sandy Hook back to New Jersey, New York was planning a vast housing development for Floyd Bennett Field, and there were rumblings of filing Jamaica Bay to extend Kennedy Airport.

Thanks to Mr. Nixon there has been a sharp turnaround, and now we have an amazing united front on what could have been the subject of wrangling. In the plane with the President Monday were Govs. Cahill and Rockefeller, Mayor Lindsay, and Mayor Gibson. Back in Washington all four Senators from the two states—Case, Williams, Buckley, and Javits—were comparing notes on how to bring their proposals into line with the President's. Now it looks as if Gateway will not only become a reality but will do so with wonderful promptness.

This is going to be the first national park of its kind, plunked down in the midst of at least 15 million persons within a two-hour drive of some part of the reservation. It will have 20,000 acres of waterfront from Sandy Hook to Breezy Point and Jamaica Bay, and if all goes well there will be ferries connecting the various parts of the park.

And it will produce side benefits. Just beyond the waters enclosed in the Gateway area is the dumping ground that has created a dead sea in the Atlantic. It's bad having it there, but if the park plans develop as projected it will become intolerable, and to make us stop tolerating it will be an unalloyed gain.

Many details remain to be worked out, no doubt, and possibly some compromises are necessary. But it's a magnificent concept, and Congress should speed the necessary legislation to the President for signature. And if it is not a discordant note, let's remember in our cheering that former Interior Secretary Hickel deserves a thought: after all, he was Gateway's original champion.

[From the New Brunswick (N.J.) Home News May 12, 1971]

SEASHORE PARK FOR PEOPLE

With hearty support of New Jersey's Sen. Clifford P. Case and Sen. Harrison Williams, Jr., President Nixon's proposal to develop the $100 million Gateway National Recreation area on both sides of the entrance to New York Harbor ought to roll fast.

We in New Jersey are, of course, most interested in the fact that Sandy Hook is a basic component of the Gateway project.

Sandy Hook has about 4,650 acres. It includes six miles of sandy ocean beach and another two miles of the Jersey shore, Sandy Hook has its beach erosion problems, and the federal government is better able to afford the fight against erosion than the state would be.

When President Nixon made his helicopter visit over the lands which will comprise the Gateway area he said, "One of the things we want to dramatize is this whole idea of bringing parks to the people."

Those with imagination can see that that will be accomplished by the Gateway recreation area. Gov. Cahill, another enthusiast, notes that ferries can be used to provide mass transport to the recreation areas and between them.

This is good, for current highway access to Sandy Hook via Route 36 to Atlantic Highlands just isn't good; and this section of New Jersey is probably always going to have a traffic problem.

But there's no real total problem. We can envision ferry service from a revitalized port of Perth Amboy to Sandy Hook, perhaps some kind of hydrofoil or similar service down the Raritan from New Brunswick.

Hydrofoil and ferries can bring the burgeoning masses from Staten Island to Sandy Hook.

Perhaps we shall even see some day the attractive steamers making the leisurely trip from Manhattan to Atlantic Highlands and the Hook, which remain a pleasant memory only for those of previous generations.

Far too small a portion of New Jersey's magnificent beaches is now open for public use. We are glad to see state and national leaders getting together to preserve Sandy Hook for the people, in perpetuity.

"GATEWAY" GETS THAT IMPETUS

When this newspaper first endorsed the idea of a Gateway National Recreation Area in December, 1969, the hope was expressed that the plan to encompass sites at the entrance to the New Jersey-New York harbor would be expedited by the government.

As with anything involving bureaucracy and politics, the proposal to establish the much-needed area languished until only recently. Then, late last week, the Nixon administration, after months of delay, said it would seek congressional approval.

President Nixon gave the proposal further impetus with a helicopter trek from Sandy Hook to the Jamaica Bay area in New York, accompanied by smiling Govs. William T. Cahill and Nelson A. Rockefeller. Interest in the project had certainly perked up.

Yesterday before a senate subcommittee the project which would eventually bear a price tag of $100 million and give the entrance to the harbor a new vista, was generally hailed as a valid one. And, New Jersey also sought to include a planned state park in Jersey City in the overall federal proposal.

Although the Gateway plan has been altered somewhat from the original proposal in 1969 the main concept is still with us. It would put a national recreational area right in the middle of a highly-concentrated metropolitan section where it is needed.

Significantly, the proposal of Gateway represents a shift by the government from military to domestic priorities in federal spending. This is good, for this country exists for its people, not for its military. And, city dwellers certainly need good recreational space nearby.

The impetus, long dormant, has now returned to the proposal and one would sincerely hope that it remains until fruition of the plan. It is a good one and would be appreciated by everyone in the metropolitan region. It is sorely needed, too.

[From the Plainfield Courier News, May 13, 1971]

SANDY HOOK PROJECT LONG OVERDUE

Praise for President Nixon's decision to spur development of New Jersey's Sandy Hook and several New York beach areas as a federally-funded Gateway National Park should be tempered by criticism of the President and others who kept the two-year-old proposal waiting while the 23,000-acre site continued to become more polluted.

Nixon's about-face—contradicting his February plan to give federal land at Sandy Hook to New Jersey, dumping the burden of its development on our state's taxpayers—came on the eve of a hearing on the measure which began yesterday before the Senate Interior Committee.

During Monday's hastily-arranged aerial tour of projected park sites on both sides of the New York harbor entrance, Nixon cited benefits of the Gateway proposal mentioned in yesterday's testimony by Gateway Citizens Committee Co-chairmen Alexander Aldrich and Archibald Alexander of Bernardsville.

Nixon, noting that only a fraction of the millions who live in the intensely urbanized New York metropolitan area are able to travel to the vast national parks in the West, hailed the Gateway proposal he formerly failed to fully support as a means of bringing a huge federal recreation area to the people.

The President didn't mention that more than 1,600 sewers empty into Jamaica Bay and the basins leading into it, a sizable chunk of the Gateway site.

Yesterday's Gateway Citizens Committee testimony noted that at Sandy Hook one can still see the giant osprey flying overhead with a fish in its mouth. The printed copy of this testimony did not add that you can stand on Sandy Hook beach and watch oil-coated waves lap at your feet. It did not say the osprey now finds fewer fish in these polluted waters.

The Gateway bill submitted to Congress Tuesday calls for $116.5 million to develop this national park. Yet, the price tag for New York City's massive revamping of water pollution control facilities in Jamaica Bay has, during recent years, totaled more than $250 million, with 98 per cent of it financed by state and local funds.

There, the snowy egret, glossy ibis and green heron still exist in a wildlife refuge alongside the shallow salt water bay which, half a century ago, housed a shellfishing industry second in size only to that in Great South Bay and Chesapeake Bay.

Will $116.5 million be enough to reclaim other already-polluted areas within the confines of the proposed Gateway Park? It seems doubtful when one considers that developing ferries and rapid transit systems to bring people to the park was tied to the proposal.

The vision of a giant Eastern seaboard national park whose clean, sandy beaches and tidal coves of ecological significance would cover an area nearly twice the size of Manhattan Island is an exciting one.

It is a worthy plan for the area where Henry Hudson got his first view of a new continent—a Historic Gateway through which millions have since entered the United States and a place within two hours of one out of every 10 families in America.

This week's action comes when future availability of these lands for public recreational use has already been jeopardized by a battle over expanding Kennedy Airport into a third of Jamaica Bay. Swift action authorizing creation of Gateway Park will insure that other segments of Gateway are not similarly threatened.

[From the New York Times, May 14, 1971]

AN OPENING TO GATEWAY

President Nixon's endorsement of the proposed Gateway National Recreation Area enhances the prospect that the national park system will be brought at last to urban America, where most of the country's population is to be found. Differences over detail are not unimportant, but they are far less consequential than the support of top Federal, state and city officials for the overall plan.

A regrettable change in the original concept is the omission of Great Kills Park on Staten Island. This tract is within two hours distance of some 6.5 million New Jersey residents, whose small children especially would enjoy the seaside park's shallow waters and mild surf, once the shore is redeemed from pollution.

The surprise incorporation of Floyd Bennett Field raises doubts in Governor Rockefeller, who thinks of it as a housing site, and in Mayor Lindsay, who wants to turn it over to general aviation. Both uses are convincingly challenged, however, and although it might be expensive to convert 1,200 acres of fill-and-blacktop into parkland, the area is already Federal and would make a welcome addition to the seashore park.

Gateway still has Congressional hurdles to pass, but the chances are good that New York may in the near future have a harbor made as gracious as any in the world by a string of seashore recreation areas from Sandy Hook to Jamaica Bay. Accessible by ferry, car and subway to fifteen million people in the metropolitan area, Gateway's component parts would be extensive enough to offer a half-million of them, on any given day, the pleasures of boating, swimming, fishing, bird-watching or simply basking in the sun.

To Secretary of the Interior Morton and his predecessor, Walter J. Hickel, the people of this area owe thanks for their indispensable support, as they do to Mayor Lindsay, an early and ardent promoter of the Gateway. As chairman of the Committee on the Interior, Senator Jackson of Washington has been a major champion of the project and is counted on to guide the bill through the upper house. Not least, credit should go to the Regional Plan Association, which first conceived the idea of linking New York harbor's parks into a coherent area.

[From the Asbury Park (N.J.) Evening Press, May 15, 1971]

NO CAUSE FOR DELAY

The suggestion of Rep. James J. Howard, that on-site congressional hearings on the proposed Gateway National Recreation Area be held, while it has some merit, should not be allowed to delay any positive steps leading to implementation of the plan. U.S. Senate subcommittee hearings are already under way and Mr. Howard is evidently referring to House subcommittee hearings which are scheduled late in June, suggesting that they be held at the Shore instead of in Washington. If this supposition is correct then no additional delay would ensue, unless those hearings could be advanced.

To those who have been advocating the conversion of Sandy Hook into some kind of park, county, state or national, for the benefit of the people instead of mouldering away in the custody of the army, the very word "delay" conjures up memories of countless previous battles to pry it loose from the military. At every juncture in the 40 year history of the campaign this newspaper has been mounting to secure the park there has been some sort of delay that ended in killing the project for the time being.

By this time the New York Harbor area has been studied and restudied. Surveys without

number have been made. The advantages of doing something about park areas now, while they are available, are well known. Details can be worked out if the Gateway project can just get started.

Fortunately, the ideal starting point, Sandy Hook, is immediately available. The land already belongs to the federal government. Making it the first unit of a Gateway National Recreational Area would pose few problems and there would be no acquisition costs.

While the initial work on Sandy Hook is progressing, matters concerning the final extent of the project could be determined with consideration of all the suggestions being made on that score, whether brought out in hearings on-site or in Washington.

[From the New York Daily News, May, 17, 1971]

GREEN LIGHT FOR GATEWAY

After two years in hibernation, the proposed Gateway National Recreation Area has come to life again.

A concrete plan is now before a Senate subcommittee and last week President Richard Nixon gave the project a personal shove by making a helicopter tour of the sprawling park area with various state and local officials.

Tailored to meet budget restrictions, the Gateway now consists of the Sandy Hook peninsula in New Jersey and the Breezy Point-Jamaica Bay-Floyd Bennett Field complex in New York.

Generally speaking, the park scheme has won the almost unanimous local support it deserves. The region desperately needs a major recreation facility, particularly one that is doorstep-handy to families unable to mount safaris in search of wholesome pleasure.

Gateway would lie within easy reach of 20 million persons (10% of all Americans). The estimated $141 million development cost would be one of the smartest investments the U.S. ever made.

If there is a hitch, it could be the status of Floyd Bennett, which the White House only recently tossed into the package. Both Albany and City Hall want that abandoned military airfield for purposes of their own.

The city and state may have a point, but it would be unforgivably shortsighted to endanger the whole plan.

A reasonable compromise seems possible with, let's say, an understanding that work on the field would be left until last. Meanwhile, the question of whether part of the land would be better used for housing, industry or private aviation could be worked out.

All energies now should be concentrated on winning Congressional approval so the park becomes a reality at something more than glacial speed.

PROTECTION OF AMERICA'S DOMESTIC FISHING INDUSTRY

Mr. HATFIELD. Mr. President, a few minutes ago, I testified at a hearing before the Consumer Subcommittee of the Commerce Committee on the subject of protecting our domestic fishing resource from ruination by foreign fishing fleets.

I am a member of this subcommittee, and we are reviewing several bills regarding fish inspection.

I ask unanimous consent that my statement be printed at this point in the RECORD.

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

STATEMENT OF SENATOR MARK HATFIELD

As our committee reviews various bills relating to fish inspection legislation, I think we should examine the more basic question of preserving the very industry that the bills would regulate. As a Senator from the Northwest, I know firsthand the decline our fishing industry has experienced, due in large part to the increased Russian fishing off the coast of Oregon, Washington, and Alaska.

I believe fish protection should be just as important as fish inspection. There will be no fish to inspect, if past trends continue. There will be nothing but fishing ghost towns left along our coasts unless the Federal government takes strong steps to preserve what is left of this once valuable industry.

Yesterday, I checked with my home state, Oregon, to ascertain the latest report. I call attention to these dramatic statistics: at one plant, production is down 80% from last year; at a second it is down 75%; at a third, 63%. At a fourth, production is only half of what it was last year at this time. The annual Oregon trawl landings of fish have decreased from 33 million pounds in 1965 to 18 million pounds in 1970. I also call attention to the attached statistics. While Oregon is known as a lumber state, our fishing industry has played a historic role in the life of our state's economy.

Unemployment in Oregon statewide was 7.6% in February, but was higher along our coast, where Russian fishing has cut into Oregon jobs as indicated above. In Clatsop County, at the mouth of the Columbia River, unemployment was 18% in January and 12.2% in February. It was over 9% in the other coastal counties. As another example, I have been advised that the Oregon catch of ocean perch was about 13 million pounds before the Russians moved in, and last year it had fallen to one million.

In my home town of Newport, I was told that if the trends of the past years continue, there will be no groundfish industry in two or three years. While I recognize that fish imports also contribute to this decline, I know from discussions with Oregonians just how much the Russians have eaten into the traditional catch.

As I speak today, I am advised that 50 Russian fishing vessels are operating just outside the twelve mile limit off the Northwest coast. I know that other states have experienced similar reductions in the catch by American boats.

The same interest shown toward establishing laws for Federal fish inspection must be shown to establish protection for the fish resource. If strong action is not taken soon by the Federal government, these inspectors we are talking about will not have anything to inspect, because foreign fishing boats will have effectively eliminated one of this country's oldest industries.

RECENT OREGON FISHING STATISTICS

Type of fish	1965	1966	1967	1968	1969	1970
Pacific Ocean perch (in millions of lbs.)	13.5	3.8	1.6	0.8	0.6	0.6
Catch per hour unit of effort	1,200	1,000	700	400	400	300
Other rock fish	4.0	4.8	4.0	3.6	4.6	3.1
Arrow tooth flounder	2.3	2.2	2.1	1.0	0.9	0.4
Total of all specimen, Otter Trawl Fisheries	32.5	24.2	20.3	18.2	19.8	18.7
Catch per unit of effort (in hours)	1,100	1,100	1,000	800	800	700
Total efforts in thousands of hours	28.5	22.6	19.6	22.4	24.2	25.9

Note.—Intensive Russian fishing began in April 1966, so 1965 serves as base year. Arrow tooth flounder used mainly as mink food—found in deeper water.

GENOCIDE CONVENTION DOES NOT CREATE NEW RISK OF EXTRADITION

Mr. PROXMIRE. Mr. President, one of the visions conjured up by those opposed to ratification of the Genocide Convention is that American citizens, up to and including top Government officials might be hauled before a kangaroo court composed of representatives of hostile powers intent on convicting them of some trumped-up charges of genocide. These fears are based on a misreading of the convention and have absolutely no basis in fact.

Article VI of the convention reads:

Persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

In order for any American citizens to be tried in a foreign court for any crime, whether defined by the Genocide Convention or anything else, one of three conditions must hold: He must be in the custody of a foreign power; he must be liable to extradition under a properly negotiated treaty; or we must have accepted the jurisdiction of the international tribunal mentioned in the convention if and when such a tribunal is formed.

In the case of an American in the custody of a foreign power, the Genocide Convention would in no way change the situation that now prevails. An American citizen being physically held by a foreign power can now be tried in any way before any court and for any crime from shoplifting to espionage, even to genocide, and there is nothing we can do about it.

As to extradition, an American citizen is liable for extradition only if he is charged with a crime covered by an extradition treaty signed by the President and approved by the Senate. The Genocide Convention is not an extradition treaty and contains nothing to compel extradition in any given case. At the present time, we have extradition treaties covering various crimes with over 80 nations. All of them protect the constitutional rights of Americans. None of these include genocide. Hence, even if we ratify the convention, Americans are not made liable to extradition for crimes committed in violation of it. We would have to renegotiate our extradition treaties to include genocide. This is exactly what we are doing at theh moment with air piracy. While we would probably want to negotiate such treaties with some of the signatory nations, we would not be compelled to do so with all.

With respect to an international tribunal, such a court with jurisdiction over crimes of genocide is not now in existence, nor is there any attempt under way to establish one. If one should ever be created the United States would have to accept its jurisdiction in the same way it accedes to any international agreement. The President and the Senate

would both have to accept it. We would hardly accept the jurisdiction of an international court if it jeopardized the national integrity of the United States or the individual rights of its citizens.

It is apparent, then, that the Genocide Convention will not put our citizens or elected officials at the mercy of trumped up charges brought by hostile powers.

Mr. President, I urge the Senate to act without further delay on the Genocide Convention.

THE RECENT VETERANS DEMONSTRATION IN WASHINGTON

Mr. FANNIN. Mr. President, we recently had demonstrations here in Washington by a small number of persons claiming to be Vietnam war veterans. Although the number was small, the demonstrators enjoyed television and newspaper coverage that gave their performance national impact. It has since been shown that several of those in the spotlight during the demonstrations were as phony as the slogans they employed.

Estimates as to the number of legitimate veterans protesting during the week in April vary. Perhaps there were as few as 500, or perhaps as many as 1,000. Given even the most generous of estimates, this turnout was minute when it is considered that about 2½ million American servicemen have been to Vietnam.

Many American veterans who fought in Vietnam and earlier conflicts resent the attempt to make it look as though there is widespread sentiment among veterans for surrender in Vietnam.

I believe that most of us are aware that the majority of veterans have a deep feeling for their country and want to strengthen democracy rather than destroy it. No doubt many of the veterans feel that the use of American ground troops in Vietnam has been a mistake. But most realize that we must correct the mistake, not compound it by an irresponsible reaction to the attempted intimidation by street mobs.

While some former servicemen have been bathing in the publicity that comes with condemning America, others have been quietly reaffirming their faith in the greatness of our Nation.

One such expression of faith came last week from a retired Air Force warrant officer, Howard N. Bossert, of Phoenix. Mr. Bossert sent back the income tax refund checks worth $270.36 he had received for 1968 and 1969. Mr. Bossert said that he was taking the action because of his "deep feelings for my country and for the democracy which we enjoy." And he also explained "it is my way of a demonstration, rather than the recent actions of other veterans in Washington, D.C."

Mr. President, I ask unanimous consent to include the text of the letter in the RECORD.

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

PHOENIX, ARIZ.,
May 20, 1971.

TREASURY DEPARTMENT,
Bureau of Accounts, Division of Disbursement, San Francisco, Calif.

GENTLEMEN: This letter may seem strange to you, but it conveys my deep feelings for my country and for the democracy which we enjoy.

I am retired from the United States Air Force, after 30 years honorable service. Following that period, I have been employed by the State of Arizona for over 14 years as the Air Personnel Officer for the Arizona Air National Guard.

After this many years of serving my government, I have carefully considered this action and feel fully justified in my decision to return the following Federal Income Tax refund checks for 1968 and 1969 to the Treasury of the United States.

Check #51,331,013. Amount: $69.23.
Check #70,840,432. Amount: $201.13.

I feel it is the only way I can show my appreciation, even though the amount is small, considering the size of the National debt.

However, it is my way of a Demonstration, rather than the recent actions of other veterans in Washington, D.C.

Sincerely,

HOWARD N. BOSSERT,
CWO, USAF, retired.

THE PRESIDENT'S REORGANIZATION PLAN NO. 1

Mr. WILLIAMS. Mr. President, on next Tuesday, May 25, the Senate Committee on Government Operations will vote on my resolution of disapproval to the President's Reorganization Plan No. 1, which would combine several different volunteer agencies having extremely diverse goals, methods and memberships into one supercolossal monolith called "Action."

I will not take this time now to comment upon the President's assumptions that the achievement of economy in government is possible through the combination of so many dissimilar programs, or discuss the assertion of his planners that such a large amorphous organization will inspire greater degrees of voluntary participation than the present single-purpose programs. I will only state that so far, there has been no evidence forthcoming from the administration that any economies of scale would be achieved or that any greater degree of voluntarism would be inspired. In fact, quite the contrary seems to be the case. The administration is asking for more money for the new agency than these programs would ordinarily require if their separate budgets were totaled. And, the volunteers of these programs have almost unanimously shown, through their testimony and through votes and statements of organizations representing them, that they are decidedly not enthusiastic about the ability of this new conglomerate to attract new and thoroughly dedicated volunteers.

Sargent Shriver, the former Director of both the Peace Corps and VISTA, has addressed himself specifically to this latter point in a statement to Senator RIBICOFF, a statement which I would like to call to the attention of all my colleagues. In addition, a lengthy article in the May 15 issue of the National Journal gives a good indication of the hasty and improvised planning which has gone into this proposed agency.

While, needless to say, I do not agree with this reporter's assessment of the prospects for the creation of this agency, I think that many of his findings are extremely interesting and indicative of the carelessness that has characterized most of the groundwork that has gone into this grandiose scheme.

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

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

STATEMENT OF SARGENT SHRIVER

No one has failed to volunteer for the Peace Corps, Vista, Foster Grandparents, the Teacher Corps, or any other governmental program because of bad government organization. No one additional person will volunteer in the future because of government bureaucratic reorganization. Probably nothing is of less interest to potential volunteers than the bureaucratic arrangements made by public administration experts in Washington. Volunteers will never rally around an organization chart.

The basic fault, therefore, with the total Nixon Administration program so far as volunteers is concerned, lies in the fact that the leadership of the Administration concentrates on the appearance of change, rather than the substance.

Americans who volunteer do so because they are interested in helping to solve a problem. Nearly always that problem is a human problem, because volunteers are people who want to work with and for other people. Thus, the Peace Corps came into existence because the compassion of millions of Americans was aroused by deprivation and poverty in the developing world, and their enthusiasm and idealism were stimulated by the energy and hopes of newly independent peoples.

Originally, they responded to a call for help issued by President Kennedy, even though he never uttered a word about the governmental structure, not even the name of the organization of which the volunteers would become the most essential part.

Originally, also, many adult Americans thought no one would volunteer for the Peace Corps except "beatniks," "Vassar girls in Bermuda shorts," and "draft dodgers." Those are quotations from the critics of 1961, among whom one of the most formidable then is President of the United States now. Similarly, when Vista was started the "experts" said that no man would volunteer for Vista, because the Peace Corps would have greater appeal, with its opportunities for foreign travel. People who think like that don't understand the spirit which moves Americans to volunteer.

Americans volunteer for Vista because they are interested in the problem which Vista was created to help solve: in wretched schools in rural America; hunger; isolation on Indian reservations; hatred and alienation in the ghettos; sickness in the cities within eyeshot of the greatest medical research centers in the world. In short, to combat injustice in American society. Americans volunteered for the Peace Corps to throw themselves into the attack against the same kinds of problems around the world.

Millions of teenagers "marched for development" on Sunday, May 9—Mother's Day—because they wanted to "vote with their feet." They wanted to put their bodies and their spirits where other people put their mouths. It should surprise no one who understands the spirit of American volunteers to learn that these teenage volunteers raised a sum of money in one day equal to 18 percent of the annual budget of Vista.

These volunteers were proving a truism we learned in the Peace Corps:

People will do for nothing what they will never do for money.

Because of considerations like these which the "hardnosed experts" will consider irrelevant, the proposed reorganization of the existing volunteer agencies of the U.S. Government will:

1. Stimulate exactly no one to volunteer for these agencies.

2. Will probably discourage a significant number of people from volunteering.

3. Will add to the cost of the existing organizations.

4. Will extinguish the few remaining sparks of enthusiasm for government volunteer programs in our country.

Instead of bureaucratic reorganizations created to satisfy paperwork specialists, America needs substantive revitalization of the volunteer spirit in this country.

How can this be done?

First of all, leadership in the White House and leadership from the Congress. Such leadership could be produced in a number of ways:

First of all, the Congress could make it the law of the land that an American citizen can gain credit for being a "good guy," just as he now incurs blame for being a "bad guy." Today, by law, the Attorney General of the United States is required to issue a list of all the organizations in the United States wherein membership is held against the American so unwise or imprudent or naive as to have joined. The Attorney General issues this list of proscribed organizations. Why shouldn't the Secretary of HEW be ordered to create a list of "good" organizations, where service would be credited to an American who volunteers and works, whether for a private organization or for public enterprises like Vista or Peace Corps? One simple guideline for the Secretary of HEW would be the Internal Revenue Service's list of Section 501(c)(3) organizations which have been already deemed to be in the public interest and granted exemptions from taxes. If this is too simple a solution, certainly the Congress is capable of finding a creative solution to the preparation of such a list.

If service in these private and public philanthropic enterprises were determined by the Congress to be not only in the national interest, but a substitute for military service, the United States would be presented with a deluge of hundreds of thousands of volunteers. Such an increase in the numbers of citizens who volunteer would enhance the possibility of creating an all-volunteer Army. It is certainly clear that just as thousands will volunteer for humanitarian work when the cause is just, no one will volunteer for an Army whose cause is unjust.

A second way in which the volunteer spirit could be revitalized would be for Congress to require all agencies of the Government to recruit and use full-time volunteers as "consumer representatives."

Why would this be beneficial?

1. Volunteers working as "consumer representatives" would make Government agencies more accessible and responsive to the complaints and needs of those whom they are supposed to serve.

2. "Consumer representatives" would be a source of independent thinking and new ideas coming from "employees" unafraid of being fired.

3. To those who fear that such a core of "consumer representatives" within each agency of government would create administrative confusion, I would suggest they consider why Chrysler Corp., Ford Motor Co., and other giant corporations have recently created vice presidents and whole divisions in Detroit solely to respond to customer complaints nationwide.

4. This proposal, moreover, would open dozens of new ways and places where Americans could serve their country and their fellow countrymen in specific areas of work most interesting to them—business school students and graduates working as volunteers in the Commerce Department or Treasury; future farmers with Agriculture; young architects and engineers in G.S.A. in a position to speak out on behalf of the public interest when government building plans affect the environment; etc.

A third way in which the spirit of volunteer-ism (of doing, not just talking) could be rejuvenated, would be for Congress to grant income tax deductions for personal contributions of time, not just money—in other words, a doer's deduction.

How could this be done? Simply by creating a new procedure similar to the existing W–2 employee withholding tax form. Every volunteer would be credited at the minimum wage for hours of service given to a recognized charitable institution. I.R.S. experts believe this could be accomplished with administrative ease. Fiscal experts suggest the costs could be controlled simply by limiting the maximum number of hours a person could deduct; and volunteer supervisors claim it would mean added stability and increased effectiveness for their programs, by giving them a combination carrot-and-stick. Of course, this would reduce tax revenues, just as the accelerated depreciation allowance to business reduces tax payments. But, in a democracy, as distinguished from an oligarchy, shouldn't the gift of one's self be at least equal to the gift of one's money?

These ideas are in keeping with the spirit of private voluntary initiative. They do not exhaust the range of possibilities. But, hopefully, they indicate that Congress should reject a mere administrative face-lifting given to established and successful programs and organizations, and concentrate instead on substantive changes likely to stimulate volunteers for all organizations—private as well as public.

It almost need not be said, but objectivity and candor require me to emphasize that the most essential changes to stimulate volunteers would be:

1. To stop the war.

2. To stop the moral scandal created by our country's miserly contributions to the world's poor people, which this year have sunk to the lowest point in 25 years. If the stock market had suffered an equal decline, the White House would declare a national emergency.

3. To stop the creation of more poor people within our own country, a recent tragic development reported by the Census Bureau. No increase in volunteers can possibly offset economic policies which cause unemployment and inflation, simultaneously.

4. To stop the war against our own youth, if for no better reason than the fact that they are the greatest source of potential volunteers.

Finally, let us never forget that the genuine experts on how volunteer programs should be run are volunteers and ex-volunteers, not bureaucrats. From your own hearings, it is clear that the vast majority of volunteers are strongly opposed to Reorganization Plan Number One of 1971. Typically, few, if any of them, were consulted in the creation of this plan. Few of them support the proposal as submitted to Congress. I have read the testimony of the Hon. Glenn Ferguson, first Director of VISTA and former Ambassador to Kenya, and the testimony of Mr. Thomas Scanlon, one of the first and best-known of the Peace Corps Volunteers. I am happy to associate myself with their views.

Congress should reject this plan and take the time to create a far more comprehensive plan to stimulate volunteer-ism in America.

[From the National Journal, May 15, 1971]

AGENCY REPORT/PLAN TO MERGE VISTA, PEACE CORPS, OTHER VOLUNTEER PROGRAMS NEARS APPROVAL

(By Jamie Heard)

Suppressing their misgivings, key Members of Congress appear ready to approve the first of President Nixon's 1971 government reorganization proposals—creation of a new volunteer agency called Action, which would include the Peace Corps and VISTA.

If their approval results in getting Action off the drawing boards and onto government organization charts, as seems likely, the new agency will have overcome its biggest hurdle—but by no means its only one:

It would begin operation on July 1 with a strong dose of disaffection in the ranks of its 53,000 volunteers, particularly among those serving in the Office of Economic Opportunity's Volunteers in Service to America program. VISTA volunteers are actively fighting the reorganization.

The agency's managers would be barred to a large degree from undertaking extensive innovation in the half-dozen volunteer programs they would inherit. Top Administration officials were asked for and gave a commitment against radical change during congressional hearings on the plan.

Action would begin operation without one of the big programs Mr. Nixon wants to include in the agency—the HEW Department's Teacher Corps. And Administration legislation to shift the corps to Action seems headed for trouble in Congress.

The President's reorganization plan has been approved by a subcommittee of the House Operations Committee and indications are that it will be approved in the full committee and in the House and Senate.

Mr. Nixon already has designated Peace Corps Director Joseph H. Blatchford as head of Action. Blatchford's new agency would have seven times as many volunteers and more than twice the budget of the Peace Corps alone. Its programs would attack a wide variety of problems. Volunteers would work to allay domestic poverty, to help develop backward nations, to improve the performance of small businesses, to provide adult guidance to needy children.

The very diversity of the programs has given rise to the objection that a broadly based voluntarism effort run by a single agency is functionally illogical. Critics have said that the idea behind Action contravenes the suggestions of the President's Advisory Council on Executive Organization, which recommended grouping programs according to function.

But the Administration argues that the reorganization is needed to consolidate and expand the federal government's role in managing voluntary service.

Mr. Nixon said on March 24 that "it is the essential first step toward the goal of a system of volunteer service which uses to the fullest advantages the power of all the American people to serve the purposes of the American nation."

The reorganization plan's submission to Congress on March 24 was preceded by months of private disagreements between the Peace Corps and VISTA over the shape and thrust of the new agency's programs—disagreements so fundamental that the plan was delayed for weeks while the two agencies tried to reconcile their differences.

Reconciliation was not attained, and so the plan and its justifications were vaguely worded and contained few detailed explanations of how the agency would work and what advantages could be expected from the consolidation.

Energetic lobbying by volunteer groups has sought to defeat the plan. Although that objective seems unattainable, the groups' fears were dispelled at least in part by Blatchford's commitment to order no sweeping change.

NEW AGENCY

President Nixon formally proposed the new agency in Reorganization Plan No. 1 of 1971.

Three steps: Under the plan, OEO's Volunteers in Service to America would be merged with a number of smaller volunteer programs—two from the HEW Department's

Administration on Aging and two from the Small Business Administration.

In this message accompanying the plan, Mr. Nixon said that if the plan took effect, he would transfer the Peace Corps and the HUD Department's Office of Voluntary Action to the new agency, using existing executive and legislative authority. The President said he would then submit legislation to Congress to transfer HEW's Teacher Corps to Action.

Mr. Nixon said he would propose that Congress authorize Action to spend $20 million over and above the consolidated fiscal 1972 budget level for the agencies that Action would absorb.

The extra money would be used to finance experiments with new ways to use volunteers.

In the event that all of the President's three-step plan is approved, Action would have an annual budget of about $180 million. It would have some 1,600 full-time employees directing about 56,000 volunteers.

Earlier announcement: Mr. Nixon first announced his intention to create a new volunteer agency in a Jan. 14 address at Lincoln, Nebr. The President told 9,000 University of Nebraska students and faculty members that the time had come "to forge an alliance of the generations."

The President told the group he would propose "a new volunteer service corps that will give young Americans an expanded opportunity for the service they want to give. . . ."

At the same time, the President announced that he would name Blatchford, 36, to head the new agency.

Decision: The decision to form a new agency had been made by Mr. Nixon late last fall during his review of fiscal 1972 budget proposals. Office of Management and Budget Director George P. Shultz appointed Blatchford; VISTA Director Carol M. Khosrovi; acting OEO Director Frank C. Carlucci (who became OEO director March 24); Dwight A. Ink and Richard P. Nathan, assistant OMB directors, to lay the groundwork for the new agency. The five officials, who came to be known as the policy group, met several times between mid-December and Jan. 14.

But before the group had time to work out details of the reorganization, the President decided to announce his decision and to name Blatchford to head the new agency.

PEACE CORPS-VISTA CONFLICTS

Two days after the President's Nebraska speech, another interagency task force was formed on the initiative of OMB to work in cooperation with the policy group in drafting plans for the new agency.

Members of the task force included Ann C. Macaluso and Bernard G. Martin, management analysts at OMB; Jerry Brady and Kevin Lowther of the Peace Corps; William Geimer, James Tanck and Joseph Cavanaugh Jr. of VISTA; John Martin, HEW's commissioner on aging; and William Smith and Russell Wood of the Teacher Corps.

Other representatives from these agencies attended task force meetings occasionally.

According to one task force member: "The idea was that the task force, together with the policy group, should work out in some detail what agencies should be included in the new volunteer agency, what the new agency should look like organizationally and what it should do, as well as start off some of the documents such as the reorganization message and drafts of proposed new legislation."

The task force and policy group originally had a March 1 deadline to complete their work. But because of serious disagreements—principally between Peace Corps and VISTA representatives—over what the new agency should do and how it should function, the task force failed to achieve most of its goals.

Policy group and task force meetings were unproductive and sometimes acrimonious. Participants are reluctant to discuss the meetings for the record. But in private, they paint a picture of meetings marked by endless arguments between the Peace Corps and VISTA officials backed by their OEO supervisors, over how Action should be organized and how it should function, and of meetings in which hidden agendas and personal animosities substituted for cooperative decision making.

"We didn't get very far," said one participant. "There were fundamental disagreements between the Peace Corps and VISTA. A lot of meetings ended in inconclusive debates."

Different approaches: VISTA proposed a more radical departure from current programs than the Peace Corps was willing to accept.

Said one official who attended the meetings: "VISTA came in with the conceptual 'big-think' approach. They wanted to start from scratch, discard the full-time volunteer approach, and expand on the concept of volunteerism centered at the local level.

"But the Peace Corps, relying on the Peace Corps experience, wanted to emphasize the full-time, skilled volunteer approach."

Another participant said: "The VISTA people philosophically believe that voluntarism is a local function, and that the federal government should ideally aim at putting itself out of business in the volunteer area. Peace Corps sees a need for a continued federal effort using full-time skilled volunteers organized into corps."

Proposals: The differences between the two agencies are evident in draft proposals that the Peace Corps and VISTA prepared for the task force meetings. Although the documents were working papers which did not represent final positions, they nonetheless give a clear indication of how each agency wanted to approach the new volunteer agency.

Peace Corps—A Peace Corps paper, prepared in early March, proposed that VISTA be "restructured," and that "its volunteers and resources be redirected toward solving specific poverty-related problems. . . . VISTA as presently constituted would evolve into a series of 'corps' and supporting services."

The Peace Corps proposed that these new corps—for ecology, public safety, health, economic development—"emphasize full-time professionals supporting and enlarging the role of local part-time volunteers."

The paper proposed that the activities of the Peace Corps remain unchanged.

VISTA—A paper prepared later in March by VISTA argued for "an essentially new, politically sound and effective program a locally centered system of deploying federal resources to support problem solving by the rich array of non-federal institutions commonly known as the independent sector."

VISTA proposed that the new agency—which would absorb the Peace Corps, VISTA and other volunteer agencies—establish 200 volunteer resource centers throughout the nation. These centers would not operate volunteer programs on their own, but would complement and supplement problem solving by local volunteer groups.

The ultimate goal of the plan was to "phase the operational control of voluntarism back to the state, local and private levels. . . ."

In another paper, addressed to the Peace Corps proposal, VISTA said:

"The Peace Corps proposal seems to consist essentially of aggregations of federally paid full-time volunteers. It can be inferred from this emphasis that Peace Corps has in mind an uncritical perpetuation of federal/non-federal relationships, or lack of them, which are presently embodied in VISTA and Peace Corps. Although it is debatable how much full-time, federally paid volunteers have damaged nonfederal initiative, it is clear that they have not much helped."

Other difficulties: Resolving these conceptual differences proved nearly impossible, due to additional complicating circumstances.

Blatchford's position—"There was an inevitable feeling in Peace Corps," said one official, "that Blatchford had been named by the President to head the new agency and that Peace Corps should lead the way, and that any other arrangement was a diminution of Peace Corps' legitimate role."

At the same time, another participant in the meetings said, "other agencies were somewhat hesitant to speak their minds. Clearly, Blatchford had the President's backing; the question on everybody's mind was, what did Blatchford want to do?"

Leadership—OMB, nominally the leader of both the task force and policy group, failed to assert its authority. Here, too, the designation of Blatchford as head of the new agency had an impact.

"It was never really quite clear who was in charge," said one participant. "The timing of the President's naming of Blatchford made it difficult for OMB to play the leadership role."

OMB's authority was further eroded because the OMB leadership—Ink, Nathan, and Associate Director Arnold R. Weber—was deeply involved in drafting the President's executive reorganization plan, a project which had higher priority than the volunteer-agency reorganization. (For a report on the executive reorganization plan, see No. 19 p. 977.)

Resentments—Several task force and policy group members who represented neither VISTA nor the Peace Corps told National Journal that VISTA officials resented the aggressive efforts by Blatchford and other Peace Corps officials to design programs for domestic problems when their experience was in foreign affairs.

"The VISTA people were not convinced that Blatchford had a very sound grasp of what needs to be done in the area of domestic poverty," one official said.

Peace Corps representatives, in turn, developed the attitude that VISTA was being deliberately uncooperative. One Peace Corps participant said: "There were resentments all the way around. It was very difficult for people to work under those circumstances."

Missed deadline: The inability of Peace Corps and VISTA to agree on even the most basic organizational and functional questions made it impossible to meet the March 1 deadline.

"We spent most of the time debating the concept of what the federal role in voluntarism ought to be," one participant said. "We never got down to the nuts and bolts of how you create and build a new agency."

The Reorganization Act (83 Stat 6) was to expire on April 1. Rather than take the chance that Congress might not renew it immediately (renewal is now pending), the White House leaned on OMB to come up with a proposal—no matter how skeletal—that could be forwarded to Congress prior to April 1.

In late March, therefore, OMB turned from the task force and asked the Peace Corps, alone, to prepare a draft of the reorganization proposal. The Peace Corps proposal merely listed the agencies to be consolidated into Action and requested additional funds to experiment with new program ideas.

Neither the Peace Corps draft not the final White House plan, which went to congress March 24, spelled out whether the component agencies would retain their separate names and identities. Neither plan specified how the functional relationships of the volunteer agencies to their current parent agencies would be affected by the merger, although Blatchford said in Capitol Hill testimony that the Peace Corps would remain responsive to the State Department's foreign policy goals. Nor did either plan set forth, except in very

general terms, what savings and efficiencies would be realized through the reorganization.

Some Members of Congress and supporters of the established volunteer programs regarded the plan as so vague that they became increasingly skeptical that there were any sound reasons for the reorganization.

TEACHER CORPS RESISTANCE

The White House originally intended to include the HEW Department's Teacher Corps in the reorganization scheme.

This plan was supported by Blatchford, but was strongly opposed by HEW Secretary Elliot L. Richardson and Education Commissioner Sidney P. Marland, Jr. The HEW Department's Office of Education (OE) now has direct jurisdiction over the Teacher Corps. Their protests, together with early indications of congressional opposition to the Teacher Corps' inclusion, resulted in a White House decision to offer separate legislation to shift the Teacher Corps into Action.

The White House decision reduced the chances that the reorganization plan will be vetoed by Congress.

Marland's opposition: Alarmed by reports that the policy group was discussing the possibility of moving the Teacher Corps from OE to the new volunteer agency, Marland wrote Richardson Jan. 8:

"During the past several days there have been conversations suggesting the possibility of a new arrangement for the organizational placement of the Teacher Corps. A merger with VISTA and the Peace Corps has been mentioned.

"The Teacher Corps is a vital and a most appropriate component of the Office of Education. . . . I expect to build vigorously on the Teacher Corps thrust in the years ahead, and I would be severely handicapped without it as a fundamental component of this office."

According to HEW Department and White House sources, who declined to be identified, a reference to the Teacher Corps as one of the agencies to be merged into the new volunteer agency was deleted from the President's Jan. 14 speech shortly before he delivered it. Richardson had pleaded Marland's case with OMB officials, who succeeded in obtaining the deletion.

Marland intensified his opposition in a Jan. 15 memo to Richardson. "The Teacher Corps," he wrote, "unlike VISTA and the Peace Corps, is not a volunteer agency. It is a resource for developing a new breed of teachers essential to the reform mandate now engaging this office."

The commissioner said that the Teacher Corps is an invaluable means for OE to help provide young dedicated teachers to inner-city schools, that it is "a resource for changing the institution of teacher education," and that it provides "a delivery system for installing new and more effective instructional programs in the schools."

In a Jan. 26 memo to the President, Richardson once again went to bat for Marland, repeating almost verbatim the arguments Marland had made in his Jan. 15 memo.

There followed a Feb. 10 White House meeting, attended by Marland, Richardson, Shultz, John D. Ehrlichman, executive director of the Domestic Council, and the President, during which Marland and Richardson pressed their point of view.

Graham dismissal: At the same time that Marland was arguing his case outside OE, he moved to consolidate his position within OE. On Jan. 14, he dismissed Richard Graham as head of the Teacher Corps, a position Graham had held since 1965.

A former Peace Corps official (1961–65), Graham was suspected by Marland and other OE officials of behind-the-scenes support for the transfer of the Teacher Corps into the new agency.

Graham was a principal figure in initiating last November a joint three-year Teacher Corps-Peace Corps program which allows volunteers to serve in both.

He was also a strong supporter for the Volunteer Teacher Corps, a program authorized by Congress last year which supports part-time volunteer teaching activities of college graduates, housewives and college, high school and junior high school students in 13 projects around the nation.

Graham ran the Teacher Corps in a highly independent fashion. One official, who asked not to be identified, said: "Dick didn't see himself as part of OE or HEW or even the Administration, but as head of the Teacher Corps, period, and he ran it as if it were an independent agency. Allen (James E. Allen, former education commissioner, 1969–70) and other commissioners put up with it, but Marland was definitely determined that he would be the man in education. He just wasn't going to sit still for anyone going around the commissioner of education."

Congressional opposition: Opposition to inclusion in Action of the Teacher Corps came also from Capitol Hill.

Magnuson—Sen. Warren G. Magnuson, D-Wash., chairman of the Senate Appropriations Subcommittee for the Labor and HEW Departments, wrote to Richardson in March, protesting the transfer.

Harley M. Dirks, a subcommittee staff member, told *National Journal:* "We view the Teacher Corps as a teacher-training program; we're not anxious to see it put into the new volunteer agency.

"Magnuson, of course, is chairman of the appropriations subcommittee for HEW, and his letter may have had some impact on the Administration's decision."

Quie—Rep. Albert H. Quie, R-Minn., ranking minority member of the House Education and Labor Committee, which has jurisdiction over the Teacher Corps program, also opposed the transfer.

"From HEW to the President," Quie told *National Journal,* "I let them all know that I was opposed to it—and not only strenuously opposed to it, but that I would fight it."

Quie said that he also considers the Teacher Corps a professional teacher-training program which does not belong in a volunteer agency, "but in an agency whose main concern is education."

ADMINISTRATION PLANS

The inability of the policy groups and the task force to develop anything more than very general recommendations for a consolidated volunteer agency led to the establishment of still another task force early this April. This group was given two jobs: to prepare sound arguments to present to Congress justifying the creation of Action, and to develop a new organizational and management system for Action.

The new task force, which is directly responsible to Blatchford, eventually will turn to developing options for fresh programs; the emphasis will be on experimental projects to find new ways to utilize part-time, nonprofessional volunteers.

New task force: The new task force, which began meeting April 5, is headed by Christopher Mould, director of the HUD Department's Office of Voluntary Action. Blatchford chose Mould in order to have a neutral figure—an official identified with neither the Peace Corps nor VISTA—capable of keeping harmony within the group.

Members—Members of the task force include: Kevin Lowther and John Donohue of the Peace Corps; Ann Mascaluso of OMB; Edward Dela Rosa and Ernest Russell of VISTA; John B. Keller of the HEW Department's Foster Grandparent program; Richard M. Sweeney of the Small Business Administration; and Eric H. Biddle Jr. of the OVA.

Activities—Mould told *National Journal* that the task force initially focused on preparing arguments for Administration witnesses to use in congressional testimony on the reorganization plan.

The task force developed three main arguments which Blatchford and other Administration witnesses used to defned the plan: the advantages of a combined recruiting and selection process for all volunteer programs; the savings that would be realized from a combined management, recuriting and selection procedure; and the increased visibility that all volunteer programs would experience in a single volunteer agency.

Early in April, the task force also began developing new management techniques for recruitment, volunteer selection and budget planning.

"Essentially, it's an effort to prepare Blatchford to administer the agencies that will be dumped in his lap come July 1," Mould said. "He's got to be put in a position to start managing on day one."

New programs: It will be weeks, if not several months, before the task force turns to the question of new programs, Mould said.

Blatchford himself has spoken only in very general terms about new programs. In an April 14 interview with *National Journal,* he spoke of the need for a single volunteer agency to give "a bigger, newer push to voluntarism."

"Our feeling is that to pull it off, you need one agency that can give each component greater visibility by being in one place," he said.

The new agency, Blatchford said, would provide a more visible recruitment program for voluntarism and highlight the role of voluntarism "in getting American citizens to work on the problems of the country and the world."

In an April 13 television interview on the Public Broadcasting Service's "Thirty Minutes With . . ." program, Blatchford discussed some of his ideas for change if the reorganization plan is adopted.

"We will tackle just about every human problem that exists," he said. "We'll build a base in the new agency as to what's already going on in the Peace Corps and in VISTA and the Teacher Corps and so forth; and we'll go from there and start programs where people in New Jersey who want to set up a migrant worker's day-care center, or adult education programs, those who want to get involved in counseling prisoners who are coming out on parole and having a tough time getting a job" will have an opportunity to volunteer their time.

Blatchford added: "We'd like to ask the Governors and the mayors and the colleges and universities in this country to start their own volunteer programs."

Program changes: Eventually, changes will be made in the programs to be consolidated into Action. But Blatchford and his associates say the changes have not yet been defined and will be slow in coming.

During the television interview, Blatchford said that VISTA's "concentration and its function on poverty will continue" and perhaps will be enlarged. But he also said that "each component part of the new agency will have to change in some way to fit into a new thing called Action."

Blatchford hinted that there would be more emphasis on providing services and less emphasis than in the past on community organization if VISTA were moved into Action.

OPPOSITION TO ACTION

Reorganization Plan No. 1 has stirred little concern in Congress.

But intensive opposition to the scheme has come from the National VISTA Alliance and from backers of the SBA and HEW programs that would be merged into Action.

The alliance, which believes that the Nixon Administration has little concern for the

poor, is suspicious of the Administration's motives. The other opponents are concerned about possible changes in the SBA and HEW programs—concerns that have grown with time due to the vague nature of the reorganization proposal.

The alliance: NVA, an organization of more than 2,000 dues-paying VISTA volunteers, regards the Administration's plan as a move to dismantle OEO and to deemphasize further VISTA's community organization efforts, already curtailed by the Nixon Administration.

Interviewed shortly after the reorganization plan was submitted to Congress, NVA director Stephen Regenstreif called the Administration's reorganization plan "another step in the dismantling of OEO."

"When they get finished," he said, "there won't be anything but research and development left in OEO.

"Blatchford wants skilled volunteers—architects, carpenters, lawyers, doctors—to provide services to communities," Regenstrief said. "We feel this is necessary, but it won't change institutions in the way that VISTA can, working with community people to make local government respond to the needs of the poor."

The NVA spelled out other objections in a March 29 statement mailed to Members of Congress:

"The emphasis of the new agency seems to be away from actively working in poverty communities.

"The Administration is more concerned about voluntarism and getting thousands of people to volunteer that about the functions the volunteers will perform.

"The merger itself makes little sense since the only similarity is that the workers involved are all volunteers . . . If all volunteers are together just because they are volunteers, then it would seem that all government employees should be placed into one superdepartment just because they are civil servants.

"For effectiveness, VISTA should be in the same agency where the primary emphasis is the war on poverty . . . not separated by an artificially created agency."

SCORE: Early opposition to the plan also came from volunteers in the Service Corps of Retired Executives (SCORE), one of two SBA programs that would transfer to Action. (The second SBA program is the Active Corps of Executives (ACE); volunteers in both programs provide counseling to small businesses.)

Julius Davidson, a member of SCORE's 10-member national planning committee, told *National Journal:* "There's no common denominator with the other agencies. We're economically oriented; we're intrinsically tied up with SBA. If we go in with that other group, there's no telling what our relationship with SBA would be.

"We are not employees of SBA or any other government organization. We are unpaid volunteers, and we are businessmen. We just want to do our own thing in our own way."

Davidson said that "quite a number of people in the program have expressed the view that they may not be interested" in remaining with the program if it becomes a part of Action.

Retired persons: Backers of the two HEW Department programs slated for transfer to Action also oppose the reorganization plan.

One, the Foster Grandparents Program, provides opportunity for retired persons to spend time with children deprived of normal adult relationships. The other, the Retired Senior Volunteer Program (RSVP), enlists retired people to perform a variety of volunteer tasks in their communities.

The National Retired Teachers Association-American Association of Retired Persons, a 2.7-million member organization, wants both programs to remain in the HEW Department's Administration on Aging.

"It took us a long time to get AOA—an agency for elderly people—and it's no sooner underway then they're breaking it up," said Cyril Brickfield, legislative counsel to the NRTA–AARP. The AOA was created in 1965.

Brickfield said he fears that the two programs "are going to be downgraded" in Action.

The NRTA–AARP has initiated a letter-writing campaign to Members of Congress, Brickfield said, "asking that they not let the Administration decimate the AOA and its programs."

ACTION IN CONGRESS

The Administration won a critical test May 5, when the House Government Operations Subcommittee on Legislation and Military Operations endorsed the President's volunteer reorganization plan by a 9–3 vote.

Subcommittee Chairman Holifield, every Republican member of the subcommittee and all but three Democrats voted in favor of the plan. The three who voted against it were Reps. Benjamin S. Rosenthal, N.Y.; Fernand J. St Germain, R.I.; and William S. Moorhead, Pa.

The full committee plans to vote on the plan May 18.

Holifield's decision to support the plan was crucial. Opponents were counting heavily on him to swing the subcommittee and the full committee against the proposal. During subcommittee hearings, held in late April and early May, Holifield, who also chairs the full committee, was very critical of some aspects of the plan.

Lobbying: Prior to the hearings, opponents lobbied for weeks against the plan, winning the support of several influential Members of Congress who are either concerned about the plan's vagueness or suspicious of the Administration's intentions.

The NVA, SCORE volunteers and the NRTA–AARP visited members of the House and Senate Government Operations Committees as well as key members of the legislative committees with jurisdiction over VISTA, SCORE, and the Foster Grandparents and RSVP programs.

House—The NVA and the NRTA–AARP concentrated their efforts in the House on winning over Rep. Carl D. Perkins, D-Ky. Perkins is chairman of the House Education and Labor Committee, which has jurisdiction over VISTA, RSVP and Foster Grandparents.

Perkins also was strongly urged to oppose the plan by Rep. Frank Thompson Jr., D–N.J., second-ranking Democrat on the Education and Labor Committee and a long-time VISTA supporter.

These efforts succeeded. During the week of April 19, Perkins decided to testify against the plan. And on April 28, he introduced a resolution (H. Res. 411) opposing the plan, The resolution was cosponsored by Thompson and 18 other House Members, all Democrats.

SCORE volunteers concentrated on Reps. Wright Patman, D-Tex., and Joe L. Evins, D-Tenn. Patman is chairman of the House Banking and Currency Committee; Evins is chairman of the House Select Committee on Small Business. Both men submitted letters to the House Government Operations Committee, opposing the plan as it affects the Small Business Administration's volunteer programs, SCORE and ACE.

"By placing these programs in Action," Patman wrote, "it does not seem that any additional benefits will be gained for small businessmen."

Evins' letter said that placing SCORE and ACE in an agency with other programs having dissimilar goals "can only end in disorganization and chaos."

Senate—The NVA worked for weeks to find a Senator who would agree to lead the fight against the reorganization plan. The alliance tried, but failed, to persuade Sen. Walter F. Mondale, D-Minn., to take the lead. Mondale opposes the reorganization, but felt he was too busy to assume the leadership role.

The NVA was able, however, to convince Sen. Harrison A. Williams Jr., D-N.J., chairman of the Senate Labor and Public Welfare Committee, to spearhead the opposition. On April 26, Williams introduced a resolution of disapproval (S. Res. 108), asking the Senate to reject the reorganization plan. The resolution is cosponsored by eight other Senate Democrats.

Hearings: Both the House and Senate Government Operations Committees held hearings in late April and early May on the Administration's reorganization plan.

Skepticism about the plan was more evident in the House committee than in its Senate counterpart, and the issues were fully explored in the three days of hearings held by the House Government Operations Subcommittee on Legislation and Military Operations.

Dissidents—Opponents of the plan—among them Perkins, Thompson, the NVA, SCORE volunteers, the NRTA-AARP and the National Urban Coalition—criticized not only the reorganization plan, but also the intentions of the Administration.

The opponents leveled a number of criticisms:

They said the plan is too vague. Pablo Eisenberg, associate director for national organizations of the National Urban Coalition, told the subcommittee May 4: "The plan's goals and objectives are sketchy and vague. There is little or no mention of the way the various components of Action will relate to one another."

Eisenberg said the plan provides no functional rationale for merging domestic and international volunteer programs, neglects to spell out how Action will combat domestic poverty, and gives no justification for presuming that administrative efficiency and effectiveness will be increased.

They said programs to be absorbed into Action do not have similar goals or similar functions; they are similar only in that they utilize volunteers.

"Voluntarism is neither a function nor a purpose," NVA chairman Thomas L. Newberry testified May 3. "It is a means and a resource. The efficient use of this resource depends primarily on its having a purpose and a direction in which to channel its energies. Action has no specific mission other than to mistake numbers of volunteers for specific purposes."

The reorganization, NVA and other critics emphasized, violates the recommendations of the President's Advisory Council on Executive Organization (the Ash Council). The Ash Council suggested generally that government be organized along functional lines. It recommended, for example, that VISTA be transferred to the proposed new Community Development Department, along with other community-oriented programs such as the HUD Department's model cities program. (*For a report on the model cities program, see Vol. 2, No. 51, p. 2755.*)

They said the reorganization would be substantial harm to existing programs and agencies.

Walter Channing, chairman of the national SCORE planning committee, told the subcommittee April 29 that SCORE, which would continue to work closely with the Small Business Administration as a part of Action, would be serving two masters, a situation that would cause confusion, delay action, and increase expenses.

Both Perkins and Bernard E. Nash, NRTA-AARP's executive director, said that the Administration on Aging's value as a special focal point for senior citizens within the federal bureaucracy would be hurt seriously by

moving the Foster Grandparents and RSVP programs to Action.

"I hate to see us turn our backs on the old people of this country," Perkins testified on April 29. "I'm afraid that's what we'd be doing." (Both men also said that Foster Grandparents and RSVP are employment opportunity programs, not volunteer programs.)

The plan, some opponents said, is a disguised effort to dismantle OEO and to scale down VISTA's work with the poor.

Thompson said he was "particularly disturbed" by the restructuring of VISTA "in an alarmingly undefined way." Perkins said he feared that the transfer of VISTA would be a step toward making OEO "a research organization only." That, he said, "was never the true intent of Congress in creating OEO."

Newberry said the Nixon Administration has treated VISTA with "an attitude of neglect."

Newberry introduced for the record two documents purporting to show that the Administration late last year was seriously considering abolishing VISTA.

One, an internal OEO memorandum dated Dec. 15 from John Wilson, director of OEO planning, research and evaluation, to Frank Carlucci, recommended that there be no funding for VISTA in fiscal 1972. The second was a galley proof of OEO's fiscal 1972 budget, dated Dec. 30, showing no money allocated for VISTA.

The Administration's request for VISTA funding, Newberry said, was inserted in the budget only after the documents had leaked to the press.

Administration defense—Administration witnesses sought to assure Congress that the Administration has no intention of downgrading efforts to help the poor and that there are good reasons for consolidating volunteer programs into one agency.

Arnold Weber of the OMB said on April 29:

"Bringing these programs together into a single agency offers no threat to their continuation and growth, as precedent has clearly shown. OEO has, over the past several years, developed a number of new programs which, upon reaching maturation, have been transferred into other agencies. In every instance where this has happened—Head Start, comprehensive health centers, job training—the programs have themselves survived and have had a marked and substantial impact on other programs in the host agency. This pattern of growth will continue with the programs proposed for transfer to Action."

Weber defended the reorganization from a management and administrative point of view, claiming it would give individual agencies greater visibility, increase the federal government's ability to evaluate the effectiveness of volunteer programs, improve recruitment, selection and training programs, and simplify program operations.

He emphasized that volunteer programs such as the Foster Grandparents Program would have a better chance at a larger chunk of the federal budget in Action than they now have in large agencies and departments.

Weber assured the subcommittee that Action would not interfere with the present SCORE-SBA relationship but would confine itself to providing "general planning, evaluation, broad national recruitment and publicity functions."

Blatchford testified that "Action's thrust will be predominantly domestic and poverty oriented." He said that where VISTA volunteers "are working effectively in programs consistent with local needs, they will continue to do so." But he said that increasingly VISTA will recruit volunteers with specific skills to work in their own communities.

The new agency, Blatchford said, would place greater emphasis on assisting local voluntary projects.

"A significant portion of Action's new monies will be devoted to the exploration of new and more effective ways in which to apply volunteers and allied resources to the solution of community problems," Blatchford said.

OEO Director Carlucci, SBA Administrator Thomas S. Kleppe and HEW Assistant Secretary for Legislation Stephen Kurzman defended the plan as administratively sound. All three said their programs would not be downgraded in Action.

Carlucci told the subcommittee that the proposals to cut the VISTA budget were only working papers. "The significant fact," he said, "is that funds are being requested."

(The Administration drew little support from private interest groups; among the few that testified in favor of the plan were the National Business League, a trade association representing 13,000 minority businessmen, and the United Way of America, a New York-based umbrella organization for more than 2,000 community service organizations throughout the nation.)

Committee reactions: The House subcommittee's hearings were well attended; every member spent some time listening to the witnesses, and several stayed throughout the sessions. Democratic and Republican members alike questioned witnesses closely.

House—Citing the Dec. 30 budget proposal for VISTA, Holifield told Carlucci May 3: "I am somewhat alarmed. . . . It does show an intent on the part of OMB, apparently, to cut this program back from the fiscal standpoint."

Holifield told Kleppe that the proposal to make SCORE and ACE responsible to both SBA and Action "seems to be against all the lines of responsible organizational structure."

The chairman expressed doubts that the reorganization plan would consolidate programs around functions, which, he said, is the most efficient and effective manner of organization. He also said he was not convinced that there are any benefits to be gained by a common training program for the diverse programs to be consolidated into Action.

Rep. Rosenthal challenged Weber's assurances that the Administration will continue to support VISTA. He told Weber that "what you say today may totally melt away six months from now."

Rosenthal questioned the rationale for consolidating programs on the basis of their volunteer nature; at one point, he labeled voluntarism as "a sexual symbol," not a function. At another point, Rosenthal said the Administration's claim that Action would be more efficient and more effective was "an insult to the intelligence of this committee."

Democrats St Germain and Morehead also criticized the plan.

But Republicans Frank Horton, N.Y., and Clarence J. Brown, Ohio, supported it. Horton said he was convinced that the Administration would not cut back the VISTA program. On the first day of the hearings, he read a letter from OMB Director Shultz, pledging continued Administration support for VISTA.

In his letter, dated April 29, Shultz said that the additional $20 million to be requested for Action would be used "entirely for new and innovative domestic programs, with the majority of the funds to be committed to antipoverty activities."

Senate—No members of the Senate Government Operations Subcommittee on Executive Reorganization expressed outright dissatisfaction with the plan, but they questioned Blatchford and Weber at length about the Administration's intentions.

"I want to make certain," Sen. Charles H. Percy, R-Ill., told Blatchford May 6, "that we allay the fears that there will be major changes."

In response to Percy's questions, Blatchford said that there will be "absolutely no change in the purpose and commitment" of VISTA's work with the poor; that VISTA's emphasis on the six broad areas of poverty-related work will continue; that VISTA will continue to work closely with local OEO community action agencies; that VISTA will continue to receive adequate funding; and that VISTA will continue to utilize generalists as well as skilled volunteers.

Subcommittee Chairman Abraham A. Ribicoff, D-Conn., and Sen. Lee Metcalf, D-Mont., took exception to some aspects of the plan, but their objections were marked by none of the acrimony which characterized the House hearings.

OUTLOOK

Opponents of the reorganization plan will carry their fight to the House and Senate floors, where the resolutions of disapproval will be voted upon before June 4. Perkins will head up the effort in the House; Williams will lead the opposition in the Senate.

The House will vote first; obstacles to defeating the plan there seem almost insurmountable in light of the Holifield subcommittee's favorable action.

None of the programs included in the reorganization plan has much of a constituency in the House. VISTA, in fact, is unpopular; in December 1969, the House narrowly rejected an amendment that would have converted VISTA into a block-grant program to the states. (See Vol. 2, No. 22, p. 1143.)

Little strong opposition has surfaced thus far in the Senate; that chamber probably will not vote much before the June 4 deadline for congressional action on the reorganization plan.

Continued lobbying: The volunteer organizations have approached larger groups for support, but with little success.

They approached the League of Women Voters, which is leading an effort by more than 60 social action groups to preserve OEO intact and to extend its authority for two years. But while the league favors keeping VISTA in OEO, it will not work against the transfer. "A lot of people care about VISTA," said Dorothy S. Stimpson, the league's legislative staff director, "but it's not a top priority."

The volunteer groups tried to line up organized labor in support of their position, and the American Federation of State, County and Municipal Employees, AFL-CIO, has agreed to lobby against the plan. But to date no other union is committed to assist.

Suspicions allayed: "The reason the volunteers are afraid," Blatchford acknowledged on May 6, "is because they don't trust the Administration."

But the suspicions raised among Members of Congress by the volunteer groups—specifically, the suspicion that VISTA might be dismantled—appear to have been allayed during cross-examination in the hearings.

Blatchford's emphatic statement that no drastic changes would be made in VISTA—and he said the same of the other volunteer programs—was made, he told Percy, with the full authority of the Nixon Administration.

Thus committed, Blatchford will find innovation difficult if, as seems likely, the reorganization takes effect July 1. But he will have the task of setting up common administrative machinery for the programs, of establishing a common recruitment program, and of designing experimental programs if Congress approves the additional $20 million.

Teacher Corps: The Administration does not expect to send its Teacher Corps legislation to Capitol Hill for at least another month.

Although they will not say so publicly, OMB officials and aides to Blatchford admit that the proposal's chances in Congress are not good.

Opposition—The legislation will face the opposition of Magnuson and Quie—and, in addition, that of Perkins, whose committee

will handle the measure. Perkins told the Holifield subcommittee April 29 that he considers the Teacher Corps a teacher-training program whose proper place is in OE.

Nelson's role—But chances for approval would increase significantly if Sen. Gaylord Nelson, D-Wis., decided to support the transfer. Nelson, an author of the original 1965 Teacher Corps legislation and an influential Member on the subject, is unhappy with what he considers low-priority treatment for the corps in OE.

During Marland's confirmation hearings last November, Nelson complained that while the Teacher Corps' budget has risen from $11.9 million to more than $30 million since fiscal 1967, its staff has been cut from 72 to 45 members.

"At the same time," Nelson told Marland during the hearings, "the Teacher Corps has been stuck administratively in the Bureau of Educational Personnel Development," while Congress, he said, had intended that the corps be assigned to operate independently within OE and to report directly to the education commissioner.

"On the organization chart for the Office of Education," Nelson observed, "there are about 30 or 40 boxes, but the Teacher Corps is not even one of the 40."

"Nelson is keeping an open mind on this," said William Spring, a Senate Labor and Public Welfare Committee aide who is close to the Senator. "He wants to see what Blatchford wants to do. He's in favor of putting (the corps) where it can do the most good. He's not in favor of leaving its fate to OE's tender mercy."

"But Nelson will insist that the professional nature of the Teacher Corps be maintained," Spring said. "The Teacher Corps is not based on solving intractable social problems on the cheap. It is based on young professionals affecting fundamental and long-lasting changes in education."

PRESIDENT NIXON AND VOLUNTARISM

President Nixon has been an outspoken supporter of expanded private, voluntary action in the cause of social betterment.

In an Oct. 6, 1968, campaign speech on voluntarism, Mr. Nixon pledged that if he were elected President, he would "establish a national clearinghouse for information on voluntary activities—on what's been tried, what the difficulties have been and what the solutions are."

Mr. Nixon returned to the theme of voluntary action in his inaugural address.

"We are approaching the limits of what government can do alone," he said. "Our greatest need now is to reach beyond government to enlist the legions of concerned and committed."

National center: In November 1969, the President created the clearinghouse he had promised. By executive order (ExecOrder 11470), he established the National Center for Voluntary Action to encourage voluntarism at the local level and to serve as the primary link between the federal government and people in the private sector interested in voluntarism.

The center is private and nonprofit; it depends entirely on grants from foundations and individuals.

Mr. Nixon named a member of his White House staff, Charles B. (Bud) Wilkinson, as NCVA president, and Detroit industrialist Max M. Fisher as board chairman. Henry Ford II replaced Fisher in May 1970 and still serves as board chairman. Wilkinson resigned in September 1970; his position remained vacant until March 23, 1971, when Edwin D. Etherington, 46, former president of Wesleyan University (1967–70), accepted the presidency.

Achievements—The NCVA's achievements so far have been modest.

The organization has compiled a file of more than 4,000 volunteer programs that have been tried throughout the country at the local level—information that is provided to local volunteer groups inquiring about solving local problems with voluntary resources. The NCVA also has started a newsletter on voluntarism and a national awards program, both intended to publicize part-time, nonprofessional voluntarism at the local level.

The NCVA played a catalytic role last summer in organizing a nationwide vaccination program against German measles. More than seven million volunteers participated; approximately 27 million vaccinations were administered.

"The principal thing we've been trying to wrestle with," NCVA Executive Vice President Thomas R. Donnelly told *National Journal*, "is how you take something nebulous like voluntarism and put it into concrete, pragmatic terms at the local level."

New plan—The NCVA board of directors, meeting in Washington, D.C., April 27 and 28, approved a 1972 "action plan" to expand the center's activities in encouraging local voluntary action.

The plan sets a target of establishing 20 model voluntary action centers by Sept. 15, with an additional 80 centers to be established by Dec. 31. The centers are intended to be self-supporting.

Each center would concentrate on defining local problems and developing voluntary programs to help solve them. The NCVA would assist the local centers by helping to target needs, to identify local agencies best equipped to meet the needs, to define staff needs and to give advice on how to raise funds.

The NCVA will expand its budget from approximately $1 million a year to $1.6 million in 1973. It plans to use the additional $600,000 for "special emphasis activities"—grants of $20,000 to $25,000 to local voluntary action centers for special pilot volunteer programs.

To finance the expanded programs, NCVA will try to attract contributions in the $10,000 to $20,000 range, instead of relying exclusively on larger foundation grants and individual contributions, as it has in the past. Corporations will be prime targets for solicitation of contributions, according to Donnelly.

HUD office: In May 1969, Mr. Nixon appointed a Cabinet committee on voluntary action, headed by HUD Secretary George W. Romney. At the direction of the President, Romney then established the Office of Voluntary Action within the HUD Department. The OVA has four major tasks.

It provides information on the availability of federal program assistance to private voluntary groups. More than 200 formal requests have been filed so far.

It reviews the policies and practices of the federal government as they affect voluntary activities, and it proposes changes where necessary. (The OVA now is reviewing ways to ease restrictions on use of federal property by private groups.)

It develops, on a selective basis, voluntary programs matching federal resources with the needs of private voluntary groups. The OVA has developed four or five of these programs. It does not administer the programs itself, but serves only as a link between private voluntary groups and other federal agencies.

It serves as a point of contact for voluntary groups that wish to make known how government at all levels could serve their special needs.

Each of the seven Cabinet members who serves on the Cabinet committee has appointed a representative to work with the OVA.

The OVA serves as a point of reference for the NCVA's dealings with the federal government. The two worked closely together, for example, to mobilize federal and voluntary resources for the German measles vaccination campaign. (*For additional background on OVA and NCVA, see Vol. 2, No. 5, p. 210*).

Action liaison: The OVA probably will cease to exist as an organizational entity once it is transferred to Action. But its essential functions will continue to be performed by a voluntary action liaison unit within the director's office. The liaison unit will be a point of contact for national and international organizations; it also will provide the staff support for Action's work with the NCVA.

The nature of the NCVA's relationship with Action remains uncertain. "Our discussions with Joe (Blatchford) indicate that there's going to be a strong mutually supportive relationship," Donnelly said.

PRESIDENT NIXON'S PLAN FOR ACTION

President Nixon's plan for establishing Action, if successful, would result in a new federal bureaucracy with an annual budget of about $180 million and 1,600 full-time employees.

At present levels, the agency would mobilize some 56,000 volunteers.

The plan for creating the agency involves three steps:

congressional acquiescence in Reorganization Plan No. 1 of 1971, consolidating a number of offices and programs from the Office of Economic Opportunity, the HEW Department and the Small Business Administration;

transfer to Action, under existing legislative authority, of the Peace Corps and of a small HUD Department office;

enactment of legislation transferring the Teacher Corps from HEW to the new agency.

The reorganization plan was submitted to Congress March 24 and will take effect July 1 unless the House or the Senate adopts by June 4 a resolution disapproving the proposal.

If a plan is disapproved, the President has the option of revising his reorganization proposal and resubmitting it or of submitting it as legislation.

Goals: Mr. Nixon listed six goals for the new volunteer agency:

to find new ways for more people to lead fulfilling lives by volunteering their time for national service;

to expand the opportunities for part-time volunteer work;

to consolidate in one agency volunteer programs that appeal both to younger and to older Americans, to encourage alliances between the generations;

to develop programs that would offer opportunities for volunteers to serve at home and abroad;

to permit a more extensive utilization of volunteers with specialized business and professional skills;

to provide a more effective recruitment, training and placement system for volunteer agencies scattered throughout the government.

Plan's components: Reorganization Plan No. 1 would formally establish the new agency, with components from OEO, HEW and SBA.

OEO—OEO would give up its Volunteers in Service to America (VISTA) program, which has a fiscal 1972 budget of $33.1 million. There now are 4,800 VISTA volunteers working with the poor in areas such as economic development, manpower, social service, law, housing and community planning. Volunteers receive six weeks of training; they serve full time for one year, receive a subsistence allowance ranging from $200 to $250 a month. They also receive $75 a month as personal allowance and $50 a month as severance allowance.

OEO also would give Action its small Auxiliary and Special Volunteers Programs, which provide funds for VISTA research-and-development projects and for technical assistance to university volunteer programs. No. research-and-development projects are being funded in fiscal 1971; the entire $250,000 budget is allocated for technical assistance to universities.

HEW Department—The HEW Department's Administration on Aging would contribute two of its programs to Action.

The larger of the two is the Foster Grandparents Program, which has a fiscal 1972 budget request of $10.5 million. The program would provide opportunities for about 4,200 senior citizens to work part time with children deprived of normal family relationships with parents or older persons. Foster grandparents normally work 20 hours a week; they are paid $1.60 an hour.

The Administration on Aging also would lose its new Retired Senior Volunteer Program, which is just getting under way this year. The program, budgeted at $5 million in fiscal 1972, would provide opportunities for older citizens to do part-time volunteer work of various kinds in their own communities. HEW is spending $500,000 in fiscal 1971 to fund 10 pilot projects; it has plans to fund 60 projects involving 30,000 volunteers in fiscal 1972. Volunteers receive a small stipend to cover their transportation and meals.

A CONSOLIDATION OF VOLUNTEER PROGRAMS

SBA—The Small Business Administration would relinquish two programs under which established businessmen provide advice to small firms. The two programs—Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE)—have a total budget request of $1.8 million in fiscal 1972.

SCORE volunteers, numbering 3,800 retired executives in 166 local chapters, have advised 140,000 small businessmen since 1964. The 1,800 volunteers in the ACE program are active businessmen who provide similar services. Volunteers in both programs are reimbursed only for their expenses.

Peace Corps, HUD: If the reorganization plan takes effect, the President then would transfer the Peace Corps and HUD's Office of Voluntary Action to the new agency. The transfers are possible under existing legislative and executive authority.

The Peace Corps, an independent agency budgeted at $71.2 million for fiscal 1972, is directly responsible to the Secretary of State, President Nixon has announced that he will nominate its director, Joseph H. Blatchford, as director of Action.

The Peace Corps provides opportunities for skilled volunteers and generalists to work with developing nations. Most volunteers serve for two years, after 12 to 14 weeks of training. They are paid from $69 to $160 a month, plus a severance allowance of $75 a month for each month's service. As of March 31, there were 7,456 Peace Corps volunteers and 529 trainees.

The Office of Voluntary Action serves as a referral service for private volunteer groups seeking information about federal program assistance. Its fiscal 1972 budget request is $295,000.

Teacher Corps: Mr. Nixon has said he will submit legislation to Congress this summer to transfer the Teacher Corps to Action if the new agency is established.

The Teacher Corps, now in HEW's Office of Education, is budgeted at $37.4 million for fiscal 1972. It is designed to give poor children a better education by assisting universities in training teachers and by helping local schools use teachers more effectively. The corps offers a two-year teacher-training and internship program.

Participants, numbering 3,000, are predominantly college graduates; they spend approximately 60 per cent of their time in the classroom, 20 per cent in special education projects in neighborhoods and 20 per cent studying for either a master's or a bachelor's degree.

Teacher-interns work in teams led by certified teachers. Team leaders are paid by local school systems; interns receive $90 a week, plus $15 a week for each dependent, with the Teacher Corps paying 90 per cent of costs and participating local school districts paying the remainder.

IN SUPPORT OF MILITARY PAY INCREASES

Mr. HATFIELD. Mr. President, I rise in support of the basic pay and allowances increases as stated in the Senator from Pennsylvania's modified amendment. Essentially, as I understand it, this is virtually the same pay package as the House of Representatives passed which combines the fiscal year 1972 and fiscal year 1973 proposals of the administration. More importantly, however, this pay increase would go a substantial way in rectifying a pay inequity for our military personnel, particularly those in the lower enlisted ranks.

Last year, legislation was introduced which would have implemented approximately the same pay schedule. That proposal was based on the recommendations of the President's Commission on an all-volunteer armed force—the Gates Commission—and drew the support of a large number of our colleagues. Unfortunately, it failed, but I believe that if the Senate fully considers the merits of the pay increase, it will help rectify the injustice done to our military personnel over the past 20 years.

In 1970, the average enlistee would earn approximately $5,200 in civilian life. In contrast, he was paid approximately $3,200 total military compensation including room and board and medical expenses. This puts many servicemen in the position of having to look for second and sometimes third jobs to supplement their incomes. And, while statistics are hard to come by, it is estimated that over 150,000 military families qualify for welfare. This means that the men who bear the primary brunt of a war, the first-term enlistee in some cases, is put in a state of poverty by the very government for which he is fighting to preserve. Irrespective of the fate of the draft, military compensation should be raised to an equitable level as soon as possible.

There are portions of the pay schedule with which I disagree, for instance increasing the quarters and the subsistence allowances and I disagree with not increasing the pay of first-term enlistees to as high a level as recommended by the Gates Commission. But these are minor differences. I would like to point out what I believe are some of the stronger aspects of the proposal now pending before us.

One of these is the breakdown (based on projected 2.505 million end strength for fiscal year 1972) of the House-Hughes-Schweiker pay proposal.

	In billions
Basic pay	$1.8254
Dependents Assistance Act	.1841
Quarters allowance (BAQ)	.6401
Subsistence allowance (BAS)	.0378
Reserve training (DAA)	.0200
Total	$2.7074

Fifty percent of the basic allowance for quarters goes to families of enlisted men of the rank of E–5 and lower, which is significant. Although the increase may look at first glance as disproportionately high for higher ranking officers when compared to enlisted men in the lower ranks, the figures belie this impression upon further examination. The compensation increases will bring our overall personnel average income into close comparability to other Federal employees.

The essential inequities of the present pay scale would be eliminated. Between 1948 and 1969, pay for men with more than 2 years of service increased 111 percent. During the same period of time, pay for men with less than 2 years of service increased only 60 percent. Since 1969 there have been across-the-board pay increases, but they have not erased the essential inequities between the lower and upper ranks and have only kept military pay in line with increasing inflation.

The essential questions critical of a pay raise of this magnitude have been two. The first usually made is that increasing military pay at the expense of the defense budget would jeopardize our national security. This assumes, first of all, that the pay increase would be taken out of the defense budget. I make no such assumption, although I have seen ample reason in the past for significant cuts in our military spending that in no way would jeopardize our national security. In supporting military pay increases, I do not assume spending cuts in the defense budget. If reductions in the budget are necessary in order to meet the pay increases, there are numerous other areas in which this can take place.

The second criticism usually raised opposing military pay increases is that there are more urgent needs in our priorities than compensation raises for Armed Forces personnel. I agree that poverty, education, and the like are very urgent problems in need of attention. However, the present pay system in the military creates poverty rather than alleviating it. We have voted what we consider equitable and justifiable pay raises for all other Federal employees, but we have left the lower enlisted ranks and their families behind. We have voted what I view as excessive pay raises for ourselves and other elected officials—and we have failed to meet the need of our military personnel.

Ostensibly, the Federal Government is helping to eliminate poverty, inequity, and injustice, but for the past 20 years it has been creating and perpetuating it in our Armed Forces. It is hypocritical to favor the abolition of poverty, increased opportunities in education and housing, and increased services and pay for elected or hired federal employees and then oppose a long overdue pay increase for our military personnel.

Support of the President, the Defense Department and the Joint Chiefs of Staff for the pay increase was indicated in correspondence to and testimony before the House Armed Services Committee. In fairness to them, it should be made clear that they supported the fiscal year 1972 and fiscal year 1973 increases to be implemented over the next 2 years—not

this year. But there is no reason why the two pay increases should not be combined and implemented for fiscal year 1972. The President, in submitting the administration's legislation to Congress stated:

In addition, I am directing the Secretary of Defense to recommend for the 1973 fiscal year such further additions to military compensation as may be necessary to make financial rewards of military life fully competitive with those in the civilian sector.

Assistant Secretary of Defense for Manpower and Reserve Affairs, Roger T. Kelley, and the Joint Chiefs of Staff further supported this proposal in testimony before the House Armed Services Committee.

Mr. President, I wish to reiterate and underscore the fact that the pay raises included in the Schweiker modified amendment have the support in principle of the administration, the Department of Defense and the Joint Chiefs of Staff. It defies any logic that a pay increase which will bring compensation up to an equitable level and one that is competitive with the civilian sectors could in any way jeopardize our national security, let alone not help alleviate poverty within our armed forces rather than create it.

THE MILITARY DRAFT

Mr. STENNIS. Mr. President, most of the arguments so far advanced in opposition to the extension of the draft, or in favor of reducing the extension to 1 year, have been based upon a very important mistake. They have assumed that the only problem which we need to solve in establishing all-professional Armed Forces is the problem of overall numbers. This is also the fundamental difficulty with the Gates Commission report. There seems to be a widespread feeling that one soldier, airman, seaman, or marine is just about like another. The implicit assumption is that if we can, with pay, attract enough men of any kind to fill our overall manpower requirements then we will have effective Armed Forces. It is this error I want to examine today, because it underlies the false assumption that we can quickly and easily move to an all-professional force.

Mr. President, because of the requirements for training time and for men of high ability, our strategic forces themselves could be placed in jeopardy by a precipitate end to the draft.

As modern weapons have become more and more complex, they have become increasingly difficult to maintain, repair, and operate. Two things are important if this job is to be done effectively: intelligence and training. I have pointed out earlier that about 47 percent of the men who volunteer for the Air Force are motivated to do so by the draft and that 42 percent of those that volunteer for the Navy are similarly motivated. I have also indicated that, as a result of this, a high proportion of those men who serve on our nuclear submarines, in our Minuteman ICBM squadrons, gunners in our strategic bomber wings, and our aircraft carriers are draft motivated. I would also like to point out that the draft motivated enlistees, as a rule, score higher on tests and have better aptitude for dealing with complex weapon systems than do the so-called true volunteers. For example, an Air Force study has shown that 60 percent of the draft-motivated volunteers had above-average test scores while only 36 percent of the true volunteers had above-average scores. In the Air Force 45 percent of the draft-motivated volunteers can meet the tough criteria for entering the complex weapon systems courses, while only 25 percent of the true volunteers are so qualified.

These are serious problems, Mr. President. But it is not only scores on tests that should be our guide in this matter. It is also extremely important that very long training times are necessary for the men who must man these complex weapons. I want to be very clear about this, Mr. President. What I am discussing here is the problem of the transition from one type of force to another. I would readily agree that, if we could ever establish an all-volunteer armed force, men would stay in the service longer and there might be some savings from a less rapid turnover of manpower. This point has been ably made by the distinguished Senator from Arizona (Mr. GOLDWATER). But the important issue for us to face now, in the summer of 1971, is how fast we are to try to make the transition to an entirely different type of manpower system for our Armed Forces. It is the speed advocated by those who wish to stop the draft now or to cut the President's induction authority to 1 year with which I disagree, not their objective.

Let me illustrate what ending the draft this summer or next summer would mean in terms of the difficulty we might have in obtaining the right type of man for our nuclear submarines and strategic bomber wings.

A sudden end to the draft would result in a shortage of men willing to volunteer for all of the armed services—including the Navy and the Air Force. There are really only two ways this shortage could be overcome: by offering shorter 2-year enlistments instead of the current 4-year enlistments, or by accepting men of lower caliber. Either of these changes would be most undesirable. Twenty percent of the enlisted men in a Minuteman missile wing require 11 to 13 months of highly skilled training before they can even begin to do their jobs. A quick end to the draft would create severe problems and make it much more difficult for us to obtain the right kind of men to do the vital job of keeping our ICBM's safe and reliable.

As I said here on May 17, the figures indicate that about 3,650 of the talented 8,600 first-term enlisted men who man Polaris submarines would not be serving if it were not for the draft. Over half of these men require 50 weeks or more of highly skilled training in order to be able to keep our nuclear submarines functioning properly and reliably. A year of training is a long time, and over half of these men require this much military training.

In the vital area of antisubmarine warfare, it takes 61 weeks to train an aviation electronics technician, 70 weeks to train an aviation machinist's mate, 73 weeks to train an avionics technician.

This all means that if the draft ends precipitately before the armed services are ready, before we have built up the flow of able and talented men to take over these jobs, these strategic units could be either severely undermanned or manned by men of less skill and lower reliability.

This important issue must be faced squarely by those who advocate a hasty end to the draft, Mr. President. To end the draft this summer through a filibuster would be a disaster for the military manpower requirements of our strategic forces. But to end the draft hastily, within a year, before effective new manpower policies are set up, would also be extremely unwise and—in my opinion—irresponsible. If we end the draft too quickly without the necessary leadtime for proper manpower planning—if we do not allow training time for these difficult and vital skills—our strategic forces will take too long to recover from the effects. In the meantime the effectiveness, the readiness, and the capabilities of our Armed Forces will be severely degraded. Let no Member of this body mistake my words, Mr. President. I am not speaking about manpower for the war in Vietnam. I am not speaking about troops to be stationed in some foreign country. I am speaking of the manpower necessary to maintain reliably the hard core of our deterrent against nuclear war. I am speaking of the fundamental requirements for the military strength necessary to maintain our national security.

This debate over a volunteer Army has focused for too long on side issues, on issues only indirectly related to the way we procure the manpower which we need for our Armed Forces. We have talked of the war in Vietnam. We have talked of the balance of payments. We have talked of the problems of the military dependents in Europe. But those who advocate a precipitate and hasty end to our entire system of procuring military manpower must accept the consequences. They must face the issue of how we are to obtain the men we need for the tasks most fundamental to our national security without a 2-year extension of the draft.

NEW JERSEY SCHOOLS TRY NEW APPROACH TO DISCIPLINE

Mr. WILLIAMS. Mr. President, for as long as civilized man has had schools to educate his children, he has faced the problem of how to maintain order and discipline among the students. Approaches ranging from the birch rod to total freedom have been tried at various times, and with varying degrees of success.

In Glassboro, N.J., several schools have adopted an innovative system of dispensing justice to errant youngsters, in which a student court determines

whether the accused is guilty, and specifies appropriate sentences. The idea, initiated by a police officer in charge of the community's school safety patrol, has been an apparent success. Recently it was given nationwide publicity through an article in Parade magazine, and I ask unanimous consent that the article be printed at this point in the RECORD.

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

LITTLE JULIE IS A TOUGH JUDGE

(By John G. Rogers)

GLASSBORO, N.J.—The judge in the courtroom is a long-haired blonde, only 11 years old. She slams the gavel down with staccato authority and tells the defendant in a no-nonsense voice: "The court accepts your plea of guilty. You will write 25 times, I must not throw things at cars and buses while walking to school.' And on Friday you'll make a five-minute speech to your class on safety rules."

The defendant, obviously uncomfortable and wishing he were elsewhere, is an 8-year-old third-grader. He mumbles assent and departs as the judge says, "And I don't want to see you in this courtroom again. Case dismissed."

The scene is the student courtroom in the Academy Street Elementary School in Glassboro. Two other public schools and one parochial school also use the student court system which was devised recently by an imaginative police sergeant, 37-year-old Robert Toughill, director of the community's safety patrol.

"We had a problem," says Toughill. "The student safety patrol officers had lost control of the kids and it wasn't doing much good to send a rule-breaker to the principal's office or write a letter to his parents. We had to figure out a way to give the safety patrol officers some authority with teeth in it."

Toughill remembered the Student Government Association from his high school days and out of that arose the courtroom idea. He proposed it to the principals, school officials and the American Automobile Association which helps sponsor the safety patrol.

They all liked it. So with a general outline from Toughill, each school set up its own legal system with lists of offenses and penalties.

"One of the first things we learned," says Robert Washburn, Academy's principal, "was that student judges were tougher on fellow students than adults would be. They really throw the book at the kids who plead guilty or are convicted by a jury. But, since it's coming from their peers, the defendants take it—but they don't like it."

Julie, the judge, calls another case. The defendant is Tony, a 9-year-old fourth-grader. The charge—disrespect on the play ground—is made by a safety patrol officer, Dave, 11, a fifth-grader.

"He kept tearing my cap off and throwing it on the ground," Dave tells the court.

HOW DO YOU PLEAD?

Says Julie: "How do you plead? If you plead guilty, you'll be sentenced immediately. If you plead not guilty, this court will hear the evidence, witnesses will be called and your case will be decided by a jury. Before you plead, you may consult your attorney."

Regular attorney for the defense is Washburn, the principal. Tony decides to consult him. Washburn tells him: "If you really did what they say, you should plead guilty. But if you feel that the accusation is unfair, then plead not guilty and have a trial."

Tony mutters that he guesses he was guilty all right. So he pleads guilty—with explanation.

"State your explanation," intones Julie.

"I was only having fun."

Julie says it is not a valid explanation and sentences Tony to make a five-minute speech to the courtroom full of students. It's a painful experience—in fact, the most disliked of sentences—but Tony goes through with it.

When the project started it was thoroughly explained to the youngsters and they were told that for the first few weeks there would be only warnings. But, after that, the safety patrol officers began issuing tickets. So far some 100 cases have been handled in the four schools. About 75 percent have pleaded guilty or been convicted by a jury.

There have been some interesting moments. One patrol officer touched off a storm by giving a fellow officer a ticket. Judge Julie once loudly denounced a jury for an irresponsible acquittal. And more than once both boys and girls have burst into tears when commanded into court. The most sensational case was at St. Bridget's parochial school. All eighth-grade boys were accused en masse of constantly invading the girls' part of the playground. Two of them, as symbols, were tried, found guilty and all were sentenced to stay in school during the lunch-time play period.

PARENTS APPROVE

What do parents think of the court system? Says Frank Johnson, Superintendent of Schools: "You worry anytime you try something new but we've had almost complete parental acceptance. One exception—a boy pleaded guilty to kicking a patrol officer but not guilty to chasing him. He was convicted on the chasing charge and his mother has asked for a re-hearing. So far it's pending."

Johnson notes that student involvement is a big trend in education these days and feels that the Glassboro system is one of the ways of bringing them in early.

Here are some sample offenses and penalties at Academy:

Jaywalking. Make a speech and write, "I must not jaywalk" 100 times.

Bicycle infraction. A 300-word essay on, "Why I should obey bicycle rules." Also learn all the rules and recite them.

Fighting. Run around the playground ten times.

Running on stairways. Run up and down 25 times.

Failure to obey officer. A 250-word essay on "Why I should obey safety rules."

Others. Tell the court why you should not have done what you did.

A new offense and penalty for raising heck on a school bus has just been added to the code. The punishment is a contrite essay and a formal letter of apology to the bus driver.

JUDGE LIKES HER WORK

Julie, who with other school judges, has visited the Glassboro Municipal Court to watch the handling of traffic cases, is asked whether presiding over her peers' peccadilloes puts her into an awkward spot.

"Not at all," says the judge. "Some kids might not like it but I enjoy handing out the justice. Afterward, guilty ones sometimes come at me and blow off steam but nobody has ever threatened me."

And how much good is the project doing? Toughill replies: "At one time one student court had 25 cases pending. Now it has three. We hope it isn't wishful thinking but we feel that our kids have begun taking care of some of their own problems pretty well."

A WALKATHON TO HELP OTHERS

Mr. PEARSON. Mr. President, last Saturday, May 15, I had the privilege of addressing a group of dedicated people who were about to set out on a 20-mile walk to raise money that would be set aside for research and financial aid to those who are faced with the unexpected, but enormously widespread, problem of birth defects. A total of 130 walkers took part in this, the first "walkathon" held in southeast Kansas. This group, under the leadership of Donald S. Brooks, chairman of the Crawford County March of Dimes, raised over $3,000 in pledges from Crawford County citizens who "paid by the mile" for each walker. The large majority of the walkers were young people under the age of 25, and the oldest was 65 years of age and, I am told, walked the full 20 miles through the city of Pittsburg and the adjoining town of Frontenac, Kans. The funds they raised will be sent in part to the National Research Center for Birth Defects, supported by the March of Dimes, at San Diego, Calif., and the remainder will stay in Crawford County and be available to families who meet financial problems in dealing with medical bills related to birth defects. Similar walkathons have taken place in the communities of Topeka, El Dorado, and Newton, Kans., and, as I said to the group in Pittsburg, it is most encouraging to see people marching for a good cause in a period when all too often the street is the scene of the politics of recrimination and violent confrontation. I am told that the mood of the marchers in this case was a happy one and that they were glad to be doing something for someone else. Blistered but happy, these individuals have gained a new breadth in their relationship with their fellow men, and their community and our State and the Nation are the better for what they have accomplished.

PRIVATE COLLEGES IN PERILOUS FINANCIAL STRAITS

Mr. MATHIAS. Mr. President, many of the Nation's private colleges are in perilous financial straits. Nearly half of them, in fact, are this year generating deficits that embarrass today and will immolate tomorrow. Many of the country's legislators, both on the Federal and State levels, are thus seeking new and viable means to rescue and, indeed, strengthen these institutions which, surely, rank as one of our most precious national resources.

We must all realize, however, that the provision of greater financial support cannot, by itself, completely turn the tide. What is equally important, Mr. President, is to have discerning college leadership—leadership which is at the same time innovative and prudent, leadership which makes the fullest possible use of all the college resources, including faculty and students as well as dollars and cents.

I, therefore, find it very encouraging, Mr. President, to see that Loyola College of Baltimore, for one, is displaying a large measure of both wisdom and imagination. Good evidence of this abounds in the Maryland Day remarks of Father Joseph A. Sellinger, president of Loyola College. Not only does the record of this institution argue strongly for preserving our dual system of public and

private higher education, it speaks and speaks well of the potential of private colleges to keep both their promises educationally and their heads financially.

Legislators and the many others concerned about the economic plight, as well as the academic potential, of private higher education may thus find inspiration in the remarks of Father Sellinger. For this reason, I ask unanimous consent that they be printed in the RECORD.

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

PRIVATE EDUCATION: PROMISES TO KEEP

(By Rev. Joseph A. Sellinger, S.J.)

This Maryland Day, on which we recall the origins of the Free State, seems to me especially appropriate to the thoughts I wish to share with you about the promises of private higher education. Father Andrew White, S.J., with whose medal we have honored our distinguished guests, stands at the beginning of Maryland's recorded history. A presence then of that ancient and universal Christian tradition which our College keeps alive today.

The roots from which Loyola springs go that deeply into Maryland and beyond. In all the time since, independent educational enterprises have found a special soil in the Free State, and have grown well here, getting and giving nourishment in happy symbiosis with all the other traditions which have grown and made Maryland strong. And now, in these very difficult days for all of higher education, Maryland is emphasizing once again the creative partnership between public and private interests which this day especially celebrates. Governor Mandel, speaking at Washington College a month ago, called on all Marylanders to "work together to preserve our dual system of public and private education, so that one system can complement the other. . . ." Our state legislators at this moment are debating a bill which would provide financial relief to independent colleges and universities throughout the State.

So this Maryland Day reminds us of the favored climate we in private higher education, and we at Loyola, enjoy in the land discovered by the Ark and the Dove. It should also remind us of the special promises a college like ours makes to the students who come to us, and our fellow citizens who support and encourage us. Maryland Day should remind us that we have, as we have always had, an integral but a unique place in the efforts within our state to provide higher education worthy of today and special for tomorrow. It should remind us that if we default, if we compromise or abandon our tradition in the pressures of the moment, there is no other to take our place, and Maryland will be the poorer. This Maryland Day should remind us that we have promises to keep.

What are these promises? Many of you could state them better than I, for you give them definition and substance in your day-to-day efforts, on this campus and off. But it seems to me that our very presence as a private, Jesuit, Liberal Arts College promises at least this much: That we will focus and manage our resources so as to provide a high quality, individualized education to those who seek something more than the standard, and that we will do this in a climate which nurtures a way of living inspired by our Judaeo-Christian heritage. We are promised so to dedicate ourselves and so to direct our efforts that Loyola remains a learning community and a caring community.

Let me say to you at once that I believe we are making impressive progress toward fulfilling these promises. A year ago, I came before you like this to share a vision of Loyola and what Loyola could become. Since that time, with your help, we have made great strides. Our merger with Mount Saint Agnes, which represents the blending of two strong and vibrant traditions and the consolidation of private educational resources in Baltimore, is passing from vision to new and most promising reality. Students, Faculty and Friends of both colleges have begun to work together, to build together a new college, stronger and better than anything we have been able to do separately.

Complex problems remain, but now we can all be certain that on July first, a new Loyola will be a reality, losing nothing that went before, but gaining the life, the dedication and the exceptional community feeling which have long been the special qualities of Mount Saint Agnes. As President of this new enterprise, I want to assure all of you from Mount Saint Agnes who have joined us today, and all the students, faculty and friends of your distinguished institution: We are happy to be one with you—we are happy to be your partner. What we build from this moment onward, we build together.

At the same time, I am pleased to report to you that we continue to make progress in another form of association with the College of Notre Dame. Next Wednesday, after seven years of planning, we shall begin construction of the joint Loyola-Notre Dame Library. Once again, we have not failed our vision. The impressive building which will arise as the hub of our two campuses will be the first truly joint library built by two independent colleges anywhere in this Country. It will provide students and faculty of both colleges with more and better library resources than either college could possible afford separately. I believe that it will be the cornerstone of new and even more impressive cooperative arrangements which will be beneficial to both colleges. I know that it will be a promise kept to all those who are concerned about the future of Catholic higher education in this State.

Last year I spoke to you at some length about Loyola's deteriorating financial position. I said that the College could not continue to run annual operating deficits in excess of one hundred thousand dollars without mortgaging its future. I asked your cooperation and pledged my administration to a vigorous and determined effort to find new sources of income and to control expenditures. This effort has been difficult and often painful, but already it is yielding results which are both encouraging and impressive.

During this current academic year, for the first time in more than five years, we have met or exceeded each income item projected in our budget. At the same time, three quarters of the way through our fiscal year, all the information available to us indicates that we will not exceed expense projections in any major area. This means that we can now predict that we will finish this year's operations on June thirtieth with no appreciable deficit. This accomplishment, in which you all have participated, becomes all the more dramatic when you recall that our deficit on last year's operations was one hundred and ninety two thousand dollars, and that the vast majority of colleges and universities across the country are projecting larger deficits this year than last.

Looking toward next year, our projections are heartening indeed. We have a balanced budget. As a result of our merger and a vigorous recruiting program in which both colleges have collaborated, we can expect a Day Division enrollment of just under eleven hundred full-time students. This should allow us both to make much better use of our physical facilities and also to support a greater variety of programs, elective courses and special projects. It is especially encouraging to hear from the Admissions Office that applications for next year show an increase in quality even more marked than the increase in quantity.

I have further good news. Our statistics on the current spring registration indicate that the evening undergraduate division has recorded its first rise in enrollments after some eight semesters of gradual decline. Both our Masters and our Masters in Education Programs also show increases. And our experimental Master of Business Administration Program in Columbia has opened with nearly three times the anticipated enrollment, suggesting a variety of very interesting possibilities there.

Finally on the fiscal side, there is Governor Mandel's very welcome and important initiative in Annapolis. If House Bill 971 becomes law, Loyola can expect assistance from the State approximating one hundred and seventy thousand dollars. I need not tell you how significant such assistance would be to us or how well we could translate these dollars into improved educational opportunities for the many students who seek our type of education.

I know that you will not misconstrue these impressive gains in our position over that of last April. We still have an accumulated deficit of just under four hundred and fifty thousand dollars. We can project no surpluses, and to avoid deficits, we have had to postpone programs and possibilities we would all like to undertake. Our situation remains marginal, but it has mightily improved.

All of this represents promises we are keeping, promises to our friends, our students and ourselves. Despite rising costs, we are not raising tuition. Neither are we allowing our college to drift more deeply into debt. We are meeting the current crisis, and can look forward to a steadily improving financial situation.

This stewardship of our resources, however, means nothing except in relation to our larger promises. This is worthwhile only so long as we continue to fulfill our promise to provide superior opportunities to the students who seek our type of education. We cannot remind ourselves too often: Private education promises something more.

Let me turn now to this promise we have to keep. Once again, I believe we can point to impressive gains over last year. Our experiment with the January term was surely a step toward a more creative and individualized learning community. Over five hundred students voluntarily took part, and the initiative displayed by so many of you ladies and gentlemen of the Faculty was encouraging indeed.

With the Deans, I have been reviewing your plans, department by department, to take advantage of the greater flexibility inherent in the four-one-four curriculum we will be instituting next Fall. In most departments, these plans are exciting indeed, further evidence of your constant and creative concern for your students. I have been particularly encouraged by the efforts of the Education, Psychology and Business Faculties to work out five-year Masters programs. I applaud these attempts to give individual students yet another way to proceed at an accelerated pace.

I think we have all been heartened by the progress made and the plans now under discussion in the area of Theology and the study of religion. Our students have been fortunate indeed to have the chance for a seminar with a theologian of the international distinction of Father Felix Malmberg. We are now moving toward a major program in Catholic Theology which will be the first such program at the undergraduate level in the metropolitan area. With proper planning and development, I know that this program will be an important contribution to our City and State, especially when accompanied

by the Center for Religious Studies which is also in the planning stage.

All of these things and many more I could mention are important new steps toward fulfilling our promise to offer programs we do exceptionally well and which often no other institution in our area can offer at all. Large numbers of our students are becoming accustomed to computers, familiarizing themselves with the problems of ecology, hazarding predictions on congressional elections, and doing countless other things they never had an opportunity to do before. We can be heartened by all this. But we cannot be satisfied. Our promises extend to our students' needs, and these are always changing, always expanding. Our impressive accomplishments of this year will not be enough for next year, much less the year after.

Let me, then, invite you to a new effort, one that will tax the enthusiasm, the experience and the ability of all of us. I would like to see the entire College, Faculty, Students and Administrators, begin immediately to think about 1972–1973. The problem I would propose to you is this: What new ways can we devise together to give still more individualized attention to each of our students?

I would like you to challenge all of the canons we are too prone to accept in higher education: That everything worthwhile has to be taught in a formal course; that the primary input always has to come from the professor; that introductory material is best presented to individual sections of twenty or twenty-five; that the best approach to the vast majority of courses is lectures accompanied by some classroom discussion.

I ask faculty members in particular to question the uses of their own time. How much of what each of you does every day could be better done by other, specially trained personnel? How much help could you and your students be getting from team-teaching? Student-to-student teaching? Audio-visual aids? Our television center? Our language laboratory?

I realize that these questions are neither new nor easy to answer. I assure you that I am not hoping for facile answers which compromise the difficult and very demanding business of a high quality education. But I would like a review of everything we do in our classrooms here at Loyola, based on the principle that what we attempt to teach is not nearly so important as what our students actually learn.

Such a review could get at the heart of our efforts to deliver a superior education to those who come here to seek it. We have revised our curriculum, but no curriculum is any better than the partnership of students and faculty within it. I believe that together we can find ways to help our students learn more.

There is an obvious economic implication to all this. So long as we accept the patterns of ideal section sizes, teaching loads and the like which presently prevail throughout higher education, there are very definite and inescapable limits to how much we can offer our students for a tuition they can afford to pay; to how much we can increase faculty compensation and, in general, to how much we can accomplish with the resources available to us. I want to examine those patterns, to see if we cannot together find ways to expand those limits. I am directing the Academic Vice President to form a special committee of Faculty and Students to look into these questions for each of our divisions. I have asked him and the Deans to meet with each of our departments to explore new and better ways of helping our students learn. With the expansion, we can now expect in the Day Division enrollment over the next two years, we have a unique opportunity to consider whether we want to do some things differently.

I turn now to the second of the promises we have to keep. It is our task to create and to maintain an authentically Christian atmosphere here at Loyola. It is our task to build a caring community.

Once again, I think we should recognize substantial progress during the last twelve months. Campus ministry, under Father James Salmon, S.J., and his team, has made appreciable strides toward fostering the kind of religious atmosphere this College promises. We now have a variety of regular religious observances on campus, and some of them are beginning to overflow. A number of faculty, Jesuit and lay, have responded to Father Salmon's invitation to join him in ministering to the religious concerns of our students. We can now count on the assistance and the creative ideas of our colleagues at Mount Saint Agnes and, in particular of the Sisters of Mercy, who have had remarkable successes in working with their own students in this area.

I believe that these accomplishments and these plans are central to the promise we have to keep of encouraging an atmosphere in which the religious concerns of our students are honestly and creatively met. There are those who say that church-related colleges such as ours would move away from their traditions and de-emphasize their religious concerns in hopes of thereby becoming more attractive to larger numbers of students and of qualifying more easily for desperately needed state aid.

I realize that these suggestions are serious and well-motivated, but I do not agree with them. I think that all of us in a college like Loyola have a special obligation to the preservation of a genuine pluralism in American higher education. I believe we make our most important contribution to our society by emphasizing the strengths of our special tradition, not by hiding or ignoring them so as to be like everyone else. Loyola is different. It should be different, or it has no right to exist.

I become all the more convinced of this when I talk to students, on our campus and on others. It seems to me that there is an extraordinary revival in deep and genuine religious interest on the part of more and more students. I think it is part of our promise to respond to that interest and to meet the needs which accompany it. And, as I said last year, I think this is the responsibility not only of those directly involved in campus ministry, not only of our Jesuit colleagues, not only of faculty members who are Catholics, but of all of us, students, faculty and administrators alike. This college was built and is maintained by people who believe that religion is the most important dimension of human living. We do not keep our promises if we do not translate that concern into effective action.

I would go further. It is fashionable today to think of colleges like ours as Christian, or Judaeo-Christian. There is so much that is attractive in this approach, for it underlines the fact that we do not think of our religious commitments in narrow, divisive, sectarian terms. Yet, I think there is a danger here, a temptation to forego the full contribution we could be making to our students and our society. This is a Catholic college, heir to a great tradition and linked in a special way to millions of Catholics all over the world. We have no monopoly on trust, much less on goodness. We have much to learn from, and much to emulate in our Protestant Brothers, our Jewish Brothers, our brothers and sisters of all religions and of none. But we also have much to contribute and they rightly count upon us for this contribution.

I believe that we should consciously and deliberately emphasize our Catholic character and heritage. Surely the day is long past when these efforts would cause any difficulties to our many colleagues of other faiths or the very significant numbers of our students who are of other faiths. Our aim is not to proselytize, never to confuse religious indoctrination with academic instruction. In all my years here, I have never had one single student or faculty member complain to me that we were infringing upon his or her religious freedom or attempting to influence him or her unfairly on the basis of the Catholic character of the College. But I cannot count the number of students and faculty who have asked us to do even more to make available and vital on our campus the richness of wisdom and inspiration which they expect a Catholic college to provide.

And so I appeal to you once again to witness to your religious convictions in all your dealings with your students and with each other. Other colleges and universities can perhaps remain indifferent to the religious needs of their students. Loyola cannot. We are pledged to respond to our students, whatever their religious communion. And whether they currently see themselves as members of any religious communion at all. This should be a very high priority with us, and a promise we have to keep.

A vital religious atmosphere is the basis for the caring community we are striving to create, but it is not the whole of it. We exist to serve students, and you know that students are not merely learners, but people with the whole range of human aspirations, feelings, hopes and needs. I applaud once again the way so many of you give of yourselves unstintingly in your work with these young men and women. I assure you that your many efforts to guide, encourage and inspire your students in ways which go far beyond the requirements of your discipline are neither unnoticed nor unappreciated by your students or the College generally. I encourage you always to see each of your students, however average or gifted, as the single purpose for everything we do here. Have a care for each of your students, not only as a student but as a human being. Loyola was founded on such a care. Talk to our students, and you will find that most of them chose this college over others because they had hopes of such personal relationships with faculty members like yourselves. Surely there is no greater promise we have to keep.

These are the thoughts I wish to put before you on this occasion and before these distinguished guests and friends of Loyola. But I realize that thoughts and presidential rhetoric are poor things and often forgotten. And so, before I close, I would like to propose to you something better and more lasting than I am able to achieve with words. I would like to put before you someone whose work among us is an example of what I have been trying to say.

This afternoon, I am delighted to announce that through the generosity of Harry W. Rodgers the Third, an alumnus of the Class of nineteen hundred and fifty, we are able to announce the creation of a faculty award. Henceforth, each year we shall recognize that faculty member whose teaching during the preceding year has been judged most distinguished.

In order to inaugurate this award this year, I went, some weeks ago, to a special committee of our best students in Alpha Sigma Nu, the National Jesuit Honor Society, and asked their help. I talked to them and to my staff, and we agreed on the one faculty member here at Loyola whose teaching this year most merits the title *distinguished*.

It is with extreme pleasure that I announce to this assembly that the first recipient of the Harry W. Rodgers, Third, Distinguished Teacher Award at Loyola College is Dr. James D. Rozics, of the Department of Physics/Engineering. We are honored to present Dr. Rozics with this award, and a check for one thousand dollars.

Ladies and Gentlemen, I thank you for be-

ing with us today, and for joining us in honoring Dr. McElroy, Mrs. Mitchell, Mr. Yardley and Professor Rozics. As a private, Catholic college, Loyola has promises to keep—to ourselves, to our friends, to Maryland. With your help, I believe we can keep them. Let us consider and rededicate ourselves to what we do at Loyola. Let us work together to make Loyola excel as a community of learning, of caring.

DR. JESS DAVIS RETIRES

Mr. WILLIAMS. Mr. President, recently one of New Jersey's most outstanding educators announced his decision to retire in September 1972. He is Dr. Jess H. Davis, president of Stevens Institute of Technology in Hoboken.

It was with deep regret that I learned of Dr. Davis' impending retirement, because when he steps down New Jersey and the Nation will lose the leadership of a determined and dynamic educator. I think a recent editorial in the Hudson Dispatch, of Union City, N.J., summed up very well Dr. Davis' contributions to Stevens Institute, and I ask unanimous consent that it be printed at this point in the RECORD.

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

AN ERA IS ENDING AT STEVENS

In the 20 years since that October day in 1951 when Dr. Jess H. Davis assumed the presidency of Stevens Tech in Hoboken, the engineering college, which ranks with the first rate in the nation, has made gigantic strides.

Hence, it is with genuine regret that one reads of the decision of Dr. Davis to retire in September, 1972. Not that it comes as a surprise—we had heard reports of this during recent months—but that one knew that it had to eventually come .

Dr. Davis, who will be 65 in July, is the fourth president of the institute, having succeeded Dr. Harvey N. Davis, who was no relation. But, although their names are the same there was a world of difference in their outlook and approach to the college.

Harvey Davis worked within the confines of the school in building it. Jess Davis has worked in expanding the institute, in making it known throughout the business world through his many associations on boards of directors and in government.

There have been some who thought that Dr. Davis paid too much attention over the past two decades to outside activities. But, this is the way the college was able to get the money to grow. Public relations is one of the essential aspects of being a president these days.

Dr. Davis is not a flamboyant type, not at all. He is a very soft-spoken individual and when he says something you can measure the words and their meaning. They are precise and to the point. He does not go in for 20 words and their meaning. They are precise one of his strong points.

His counsel has been sought by many, for his credentials have been of the best. And, as an educator he has led Stevens on the road upward, with growth in educational and research programs, although this year the money pinch is being felt at "the stute," a point which has dimmed its outlook somewhat.

Stevens is fortunate to have Dr. Davis for these 20 years and New Jersey has also been lucky, for he has also served his state in various roles. The search for a man of his caliber to succeed him won't be easy, but we're sure Stevens will do it. It usually does.

OGDEN NASH

Mr. MATHIAS. Mr. President, all too infrequently there arrives on the American scene an observer who is capable of offering unique perspectives of man and his activities. Rarer yet is the spectator who is able to express such insights in sensitive verse which is warmly received by a wide cross-section of the population.

Ogden Nash was one of those remarkable men who possessed these characteristics. His droll and gentle poems, which have touched not only residents of Maryland who are proud to claim Mr. Nash as one of our own, but all Americans, made him one of the most popular humorists for decades.

In a time when too often we forget our own ability to laugh, to lose the broader perspective amidst our own personal endeavors, Ogden Nash continued to express this gift of joy. The sense of humor, he would remind us, should be as integral a part of our lives as are the other five senses.

Ogden Nash will be missed—by young and old alike. But he has left behind him a wealth of wit and understanding that will no doubt continue to withstand the test of time. His rhythmical lyrics will be appreciated by still more generations in years to come.

Mr. President, I ask unanimous consent that an obituary and editorial concerning Mr. Nash which appeared in today's Baltimore Sun be included in the RECORD.

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

OGDEN NASH, THE DROLL DEFLATOR, DIES AT 68

Ogden Nash, who for four decades drolly deflated the pompous and, chortling to himself, kidded the silly in bumpy, wildly rhyming and hard-to-forget verse, died yesterday at the age of 68.

Mr. Nash underwent abdominal surgery in March at Union Memorial Hospital and was readmitted a short time later. He was transferred to the Johns Hopkins Hospital April 19 with severe pneumonia and kidney failure, a Hopkins spokesman said yesterday.

"He did reasonably well the first two weeks while undergoing treatment with an artificial kidney," the spokesman said but added that "about 10 days ago, he suffered a stroke."

Mr. Nash's wife and two daughters were present when he died about 2:30 P.M. yesterday. "The ultimate cause of death was heart failure," the hospital spokesman said.

A Baltimorean by adoption, Mr. Nash was a member of a select little band of mid-century wits that included James Thurber, Dorothy Parker, S. J. Perelman, E. B. White and Robert Benchley.

"POT IS NOT"

Mr. Nash was the man who wrote in 1931, the waning days of Prohibition, that "candy- Is dandy- But liquor- Is quicker." In the 1960's, he added: "Pot is not."

He left no epitaph, but a lot memorable satiric verses. "The Billboards" was one of his most famous and, he said, "not too bad of an albatross to keep through life"; it runs:

I think that I shall never see
A billboard lovely as a tree.
Perhaps unless the billboards fall
I'll never see a tree at all.

Mr. Nash's brand of kindly satire was never bitter, if possibly a little sharp around the edges. A wealth of insights rather than one philosophy made up its wisdom.

As subject matter, he chose to find cheerful and flippant fault with such items as women's hats and other people's children. But the Nash irony was alloyed with a mixture of tenderness and joie de vivre that quickly won him friends.

It all started on a spring afternoon in 1930 when Mr. Nash, then 27 years old and an advertising copy writer for Doubleday & Co., the publishing house, was daydreaming about an Adirondack trout stream, a New Jersey coastal resort or a Canadian golf course—he never could recall which.

As his thoughts wandered, he idly wrote some nonsensical lines of poetry, which he promptly threw in a wastebasket. Later, he rescued the paper, titled the lines "Spring Comes to Murray Hill" and sent the poem off to *The New Yorker*.

The editors there liked the broken-line style and asked for more. Soon Mr. Nash was earning more writing his verses than advertising copy.

After his first book, "Hard Lines," was published in 1931, he decided to devote full time to making free verse freer. "I often wonder," he said, more than 35 years and a dozen books later, "whether I will get tired of writing my verses before the public gets tired of reading them, or whether it will happen the other way."

Among his other books were "Free Wheeling" (1931), "Happy Days" (1933) "The Primrose Path" (1935), "I'm a Stranger Here Myself" (1938), "The Face Is Familiar" (1940), "Good Intentions" (1942), "Many Long Years Ago" (1945), "Versus" (1949), "You Can't Get There From Here" (1957), "Everyone But Thee and Me" (1962), "Marriage Lines—Notes of a Student Husband" (1964) and "There's Always Another Windmill" (1968).

"I don't deal in great social issues. The minor idiocies of humanity are my field. At least they're comments by a minor idiot, or maybe a major idiot."

Mr. Nash also helped write three Broadway musical comedies, but only one—"One Touch of Venus,' which he wrote with Kurt Weill and S. J. Perelman—was a hit.

For many years he toured the country lecturing. He always traveled by train and bus. "I haven't ridden an airplane since 1937. It's not that I'm afraid to fly," he said in 1968, "but I just don't want to miss the scenery.

"My experiences on the lecture circuit have been extremely pleasant. I found none of this yokelism you sometimes hear complaints about. People are very sincere, and there are few who try to overwhelm you."

Mr. Nash often wondered aloud about what was going to happen to his kind of verse and brand of humor.

"Today's coming writers seem to neglect humor—except for the artificial, situation-comedy variety," he said. "They all seem to go off on long serious dissertations on the world's problems.

"I don't understand it. In these trying times we need humor to get our minds off our troubles.

"Too much of today's humor is machine-made," he said in a 1968 interview. "It's inventing ridiculous situations, as if someone sat down and said, 'Wouldn't it be funny if a beautiful millionaire lady inherited a prize fighter,' and patterned the humor to fit.

"To me, that's unnatural. Humor always goes back to the human race and its everlasting foibles."

Although critics failed to bracket him with any specific class of poet, many admirers hailed him as a great emancipator of English verse.

"I once nominated Mr. Nash for the Pulitzer Prize, but the judges weren't listening," recalled Clifton Fadiman, the critic. "I not

only thought Mr. Nash the best writer of light verse of his time, but sort of a poet laureate of our age of small frictions.

"He writes, in a suitably bumpy manner, about these troubles we all share, such as the common cold and Monday mornings."

Phyllis McGinley, one of America's most highly regarded practitioners of light poetry, once said that "Ogden Nash did more to shape my outlook on the writing and subject matter of poetry than any other poet I can think of. . . . When he says he is only a versifier, he is far too modest."

But Mr. Nash's critical reception was not always so warm. When his first book of verse was published, the august Times Literary Supplement of London sniffed: "Neat ideas marred by careless rhyming."

Mr. Nash maintained that careless rhyming was one of the things he was trying to do, and preposterous rhymes such as "pianist" with "neonist" with "coeur de lionest" became a trademark.

The titles of his poems were often as much of a delight as the poems themselves:

"All Good Americans Go to Larousse, or I Don't Pretend to be Moliere Than Thou"; Who Put That Spokesman in My Wheel"; "Ill-Met by Flourence. or Everybody's Doing It Who'd Rather Be Eschewing It"; "The Quack Frown Sox Lumps Over the—or, Farewell, Phi Beta Kafka" and "Very Nice, Rembrandt, but How About a Little More Color."

Some of his verses were couplets and quatrains that, once heard, ran through the mind over and over and at the oddest moments. One went:

Celery, raw
Develops the jaw.
But celery, stewed,
Is more quietly chewed.

Others of his verses had little messages hidden in them. One such was "If a Boder Meet a Boder, Need a Boder Cry? Yes":

I haven't much faith in bodings; I think all bodings are daft bodings.
Forebodings are bad enough, but deliver me from aftbodings.
Aftbodings are what too many of us suffer from subsequent to making decisions of the most inconsequential and niggling.
Aftbodings prevent people in restaurants from enjoying their haunch of venison, because they keep wondering if they shouldn't have ordered the roast crackling suckling pig. . .
I myself am more and more inclined to agree with Omar and with Satchel Paige as I grow older:
Don't try to rewrite what the moving finger has writ, and don't ever look over your shoulder.

Mr. Nash was round of face and generous of girth. His black-rimmed spectacles and ruddy complexion gave him the look of H. L. Mencken in a jolly mood. His eyes were blue and his hair light (and in later years disappearing).

He described his voice as "clam chowder on the East Coast—New England with a little Savannah at odd moments"

Mr. Nash was born in Rye, N.Y., on August 19, 1902, as Frederick Ogden Nash of Southern parentage and leanings. He grew up at various places along the Atlantic seaboard as his father, Edmund Strudwick Nash, carried on an export business.

He attended St. George's School, in Newport, R.I., for three years and Harvard College for a year, when he returned to St. George's to teach for a year. "I lost my entire nervous system carving lamb for a table of 14-year-olds."

His next venture was as a bond salesman in New York. In two years, he recalled, he sold one bond—"to my godmother." Next came a spell of writing street-car advertising and then six years with Doubleday & Co. as an advertising copy writer.

After his big splash in the field of rambling verse, he became managing editor of *The New Yorker* for six months under Harold Ross. He twice went to Hollywood as a scriptwriter, but he said later he never knew what became of the few things he produced out there.

In 1931, shortly after his first book of verse was published, he married a Baltimore girl, Frances Rider Leonard. They moved to Baltimore three years later.

Their first home here was in Roland Park—a multi-winged stone house of English design surrounded by a large lawn and garden and shade trees.

For a time he lived in New York—an experience which produced the observation: "I Could Not Love New York Had I Not Loved Bahi-More." But "the expense and congestion" of New York got to him and he returned to live in Baltimore in 1965 in a pleasant townhouse in the Village of Cross Keys.

He became a devoted Baltimorean, memorializing the Orioles as Marianne Moore had the Brooklyn Dodgers and confessing once that he shared the fanaticism of other fans of the Baltimore Colts.

He immortalized a number of Colt greats—and especially their sudden-death win over the Giants in 1958—with a pre-Super Bowl verse in Life magazine in 1968.

He also had a summer home in North Hampton, N.H., where he used to say he was a registered member of the Mugwump party.

The Nashes had two daughters, Mrs. John Marshall Smith, of Sparks, Md., and Mrs. Frederick Eberstadt, of New York.

Mr. Nash also is survived by a brother, Aubrey Nash, of Santa Monica, Calif. His sister, Mrs. Nash McWilliam, who was known as Eleanor Arnett Nash in public life as columnist for The Evening Sun and author and lecturer, died in 1969.

Funeral services for Mr. Nash will be held at the Church of the Redeemer, but arrangements were incomplete yesterday. He will be buried in North Hampton, N.H.

Mr. Nash took in stride his popularity, which brought forth a raft of imitators through the years, and, in "The Sunset Years of Samuel Shy," he noted with a certain wistful gaiety the critical acclaim he eventually received:

Master may I be,
But not of my fate,
Now comes the kisses, too many too late.
Tell me, O Parcae,
For fain would I know,
Where were these kisses three decades ago?

OGDEN NASH

The publication of Ogden Nash's first poem in 1930 was a national event. Not only does it seem so in retrospect: it seemed so then. There, in a small bright flash under the encroaching cloud of the Great Depression, was something new and fresh and gay and altogether delightful. Any first notion that, nevertheless, Nash had merely hit upon a cute little transitory trick with language was swiftly dissipated. He did have that trick, but it was much more than a trick. It was a fine sense of the nature and meaning of words.

Literary skill alone would not have done it. Behind the skill, and the entrancing quirkiness of expression, lay a mind of genuine, steady wit, a gentle wit but boned with irony. And behind that was a man of extraordinary sensitivity and warmth and charm. Nash once said of someone that he was "sui generis to a fault." Take off the last three words of that, knock them away, obliterate them, and let the rest stand as what Ogden Nash was to all those, near and unknown, whose lives were pleasanter because of him.

SCALPING THE FIRST AMENDMENT

Mr. MOSS. Mr. President, I think it is not immodest of me to observe that I rank high among those most unloved by the broadcast media.

My role in the painful and abrupt excision of $200,000,000 in cigarette advertising revenues, my hearing revelation that cereal advertising directed at children produces distorted perceptions of nutritional value, my questioning of the role of advertising themes and techniques in producing drug abuse and alienation among the young, have each served to secure for me a permanent place in broadcasting's hall of infamy.

But, I was not, and am not, impressed by the broadcasters plea for more time to sell cancer, nor their self-righteous pose as victims of discriminatory regulation, nor their flag waving of first amendment freedom to justify the broadcast peddling of a lethal commodity.

However, Mr. President, I rise today as an unabashed advocate of the true first amendment rights of broadcasting: The right to develop, shape, and disseminate news and public affairs programing free of the yoke of bureaucratic harassment, free of the chilling threat of congressional overview, and free of the surge toward thought control by an administration exhibiting fear, suspicion, and disapproval of a free and undomesticated press.

This passion for straitjacketing the press is by no means a partisan virus. It appears to afflict equally, occupants of seats of power without regard to party. The apologists in my own party who sought to blame the 1968 Chicago Democratic Convention disaster on the seeing eye and alert ear of the broadcast media provided no gloss of honor to the history of respect for first amendment liberties.

There are certain fundamental verities that ought to be set straight. The first amendment guards the integrity of a broadcast journalist with precisely the same fierce jealousy as it guards Bill Buckley, Nick Von Hoffman, and Jack Anderson.

But is not the broadcaster's freedom limited by the conditions of his license to utilize the public airways? Is not this the theory upon which the ban on broadcast cigarette advertising was grounded?

The answer to both questions is an unequivocal no.

The marketing of a product—advertising—has nothing to do with the free dissemination of social and political discourse which is the heart of the first amendment. The expert draftsmen of the bill of rights were not preoccupied with the techniques by which Paul Revere sold copperware.

As the distinguished Chief Judge of the District of Columbia Circuit Court of Appeals, Judge Bazelon put it:

Promoting the sale of a product is not ordinarily associated with any of the interest which the First Amendment seeks to protect.

As a rule, it does not affect the political process, does not contribute to the exchange of ideas, does not provide information on matters of public importance, and is not, except perhaps for the Ad-men, a form of individual self-expression. It is rather a form of merchandising subject to limitation for public purposes like other business practices.

But those programs which are the object of administration and congressional ire fall well within the boundaries of the very forms of speech which the first amendment was designed to guard.

The calculated effort launched by the Vice President in Des Moines in November 1969, to inhibit analysis and criticism of presidential proclamations struck right at the core of press freedom. Mao Tse-tung in his country can command and enforce press silence. Spiro T. Agnew in his country cannot.

And what of the latest episode of media intimidation—the assault on the CBS program "The Selling of the Pentagon." The fairness doctrine afforded the program's critics ample opportunity to rebut and counter its message. But the current administration's inquisition into the journalistic process represents a bold abuse of governmental power which cannot be tolerated. As a member of the Communications Subcommittee, I want to commend its chairman, (Mr. PASTORE) for taking no part in the congressional vendetta against CBS, its bitter reward for elevating the sights of journalistic responsibility. I trust that the U.S. Senate will never abuse its process in so mischievous an enterprise.

My distinguished colleague from Wyoming (Mr. HANSEN) recently challenged network reporting of the administration's Laotian adventure. I have had the good fortune to view a substantial segment of the news programing during that period. To the extent that the Senator from Wyoming perceived that its reporting shed no benevolent light on the administration's Laotian operation, I cannot disagree.

The networks reported that eight U.S. helicopters were obliterated in a matter of hours—that was not favorable to the administration.

The networks reported that the segment of pipe ostensibly seized in the current Laotian incursion, had in fact been secured some months previously. That did not shed a favorable light on the administration.

An interview with Vice President Ky, criticizing the tactical design of the operation did not reflect favorably on the administration. Plainly, the interests of the administration in avoiding criticism would have been best served by the suppression of these items, but would the overriding interests of a free society have been equally well served?

And would the interest of a free society have been served by a suppression or deletion of the bitter and impassioned commentary of Harry Reasoner of ABC? A commentary which so moved me that I asked for the text:

An embargo—a modification of the censorship which prevailed in World War II and Korea—is a legitimate means of protecting American military activity from enemy knowledge.

But this particular embargo has a smell about it, a smell of being designed instead to protect American military activity from Americans.

And in a case where Alexei Kosygin, Japanese newsmen, the daily Communist newspaper of Hanoi, the Viet Cong radio and Senator George Aiken—who is incapable of being embargoed—all seem to know what is going on, and when every news service and network has capable reporters on the scene in the northwest corner of South Vietnam—in a case like this the situation has the distinct odor of a managed public relations trick in the guise of security.

I suppose we would all be so much happier if we did not have to confront the horror, the meaninglessness, the perversion of our principles, the death of 45,000 young Americans. We would be happy, that is, until it was too late to comprehend the meaning of our errors and alter our course of conduct. Would the interest of a free society be served by that?

Congress has no right to subpena working papers of a television documentary, no right to question nor to dictate, editorial decisions. It has no right to force the disclosure of news sources. If we cannot stand the heat generated by free press, then we cannot stand the responsibilities of a free society.

The first amendment, battered and assaulted throughout its history has stood us well. Its message to politicians who have tampered with it remains essentially simple. Hands off.

I ask unanimous consent that additional materials on this critical matter be printed in the RECORD.

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

OWING MORE THAN BAD NEWS

(By Art Buchwald)

No matter how hard we try, the press can't do anything right as far as the Nixon administration is concerned.

I am happy to report that the attacks of President Nixon, Spiro Agnew, and John Mitchell have not fallen on deaf ears. A sincere group of journalists and TV commentators has formed an "Ad Hoc Committee to Make the News More Palatable to the Administration."

The first meeting was held last week in the Georgetown basement of a famous cartoonist.

"Gentlemen," a syndicated columnist said, "the administration is fed up with the way the nation's media are reporting the news. It is our duty as Americans to change our ways."

"Huzzah, huzzah," everyone shouted.

"Are there any suggestions?"

"How about coming out for Judge Carswell?" someone asked.

"It's too late unless there is a new opening on the Supreme Court," an editorial writer replied.

"What about refusing to report the unemployment figures in the United States?"

"That would please the administration," a White House correspondent said.

"How about pulling *all* our correspondents out of Indochina and accepting only the word of the Pentagon briefers?"

"It's a step in the right direction," a TV correspondent agreed.

"It isn't enough," a columnist said. "This administration deserves more than a few bones."

"I've got it," suggested a reporter. "Suppose we agree every week to turn over all our notebooks and films and radio tapes to the Justice Department?"

An editor said, "John Mitchell would like that."

"And suppose we make an agreement not to report any news from Red China without first clearing it with Spiro Agnew?"

"Huzzah huzzah," everyone shouted.

A woman reporter said, "What about putting an embargo on all news about anti-Vietnam war demonstrations?"

"Or demonstrations of any kind?" someone else said.

"We could do it if we put our hearts in it," the cartoonist said.

"These are all good suggestions," the editorial writer said. "But we owe this administration more than just suppressing bad news. We have to print the good news about what President Nixon is doing."

"Huzzah, huzzah," everyone cried.

"Let's hear a few suggestions."

There was dead silence in the room.

The woman reporter finally said, "Nixon's marrying off his daughter to a very nice young man."

"He kept Henry Kissinger from being kidnapped," someone else added.

"He got Congress to vote on the SST."

"He made Spiro Agnew into a household word."

"He brought Martha Mitchell to Washington."

"He made everything perfectly clear."

"That's enough to start with," the syndicated columnist said. "We're all agreed then, that we're going to lay off the Nixon administration until after the election."

"Huzzah, huzzah," everyone cried.

Unfortunately, at that moment 100 federal marshals, who had been tipped off by an FBI informer, crashed into the basement and arrested everyone for conspiring to overthrow the United States government.

"That does it," said an editor as he was put into a paddy wagon. "No more mister good guy."

HOW THE WHITE HOUSE KEEPS ITS EYE ON THE NETWORK NEWS SHOWS

(By Edwin Diamond)

In the two years he has been President, Richard Nixon has averaged at least one national television appearance a month, regularly summoning, at will, the three commercial networks with their potential audience of 60 million homes. Some of these appearances couldn't miss, box-office-wise: the conversation with the first astronauts standing on the moon; the post-game telephone call to the locker room when Texas won the national college football "championship"; the bit part on a Bob Hope Special; the report on Cambodia featuring the first use of film clips to illustrate a Presidential speech; and his surprise appearance on camera in the White House pressroom to build up the audience for a speech the following night—the first Presidential tease in TV history. Contemplating the President's careful cultivation of the medium, Nicholas Johnson, the maverick member of the Federal Communications Commission, summed it all up as "government by television."

But while the Nixon Administration relies on national television, it has no confidence in it. It is no secret that the men around Nixon are convinced down to their black wingtipped shoes that a band of hot-eyed New York radical-liberals slants the news on the network programs, abetted by young Nixon-haters in the Washington bureaus. (This conviction has some basis in fact; many young reporters just don't like Richard Nixon and refer to him as "The Trick" in conversation.) It is also widely recognized that within the White House there is enormous naïveté about what journalism is all about. Key advisers like Presidential Counselor H. R. (Bob) Haldeman, for example, prepped in the Los Angeles office of J. Walter Thompson, handling the advertising account of French's

mustard. (Press Secretary Ron Ziegler is a J. Walter Thompson man, too, but he is regarded strictly as a conduit who says what he's told and has no policy influence.) This inexperience serves to feed a kind of paranoia about the forces of darkness in New York. "The men around Nixon don't know anything about the news," a network news vice president says. "They think we're all supposed to throw our hats up in the air and shout 'Hooray' every day. They want a PR job, not serious coverage."

Curiously, though, Richard Nixon, the preeminent television President, rarely watches TV at all, except for sports events. Moreover, Spiro Agnew, who has taken over the role as chief media critic for the Administration, also is a non-viewer except for the sports. (Mrs. Agnew, who *did* watch CBS's recent *sixty Minutes* biography of her husband's rise from the Baltimore Board of Zoning Appeals to the second highest office in the land, says she is glad that the Vice President didn't see the program.) His unfamiliarity with what appears on the screen, however, does not prevent the President from having opinions about television's performance. The job of monitoring the networks—and reporting to Mr. Nixon on what they are saying and doing—has been assigned to a staff of young White House aides headed by Patrick Buchanan, a 33-year-old special assistant to the President.

A graduate of Georgetown University and the Columbia Graduate School of Journalism, Buchanan has contributed ideas and phrases to the speeches of both Nixon and Agnew. His major influence at present, however, is as "editor and publisher" of *The President's Daily Briefing Book,* a 4,000- to 10,000-word compendium of what television, newspapers and magazines are saying about the world, the nation, and the Nixon Administration. The *Briefing Book,* which comes out six days a week, consists of five segments. The first section—"the news top," Buchanan calls it—gives a feeling of the main stories of the day before in some 500 words. Buchanan writes it around 7 a.m. in order to get it on the President's desk at 8.

Buchanan can only watch as much TV as his other chores permit, but his staff assistant, a personable University of Wisconsin graduate named Lyndon K. (Mort) Allin, is the closest thing to a media freak the White House has. Allin often monitors the TV news programs, the talk shows, and other public affairs programming from 7 a.m. until after midnight. In one two-day period, he personally monitored no fewer than ten of thirteen programs of interest to the Administration. Together, Buchanan and Allin—and their assistants and assorted electronic gear—serve as the eyes of Richard Nixon.

Naturally enough, the networks brood a lot about what the President's TV analysts are thinking, and saying, as they watch the TV news shows. One not uncommon opinion among Washington TV people is that the *Briefing Book* is like the Vatican's *Index,* recording the sins of putative heretics like NBC's David Brinkley and CBS's Dan Rather (and, as well, the more saintly performances of ABC's Howard K. Smith and others thought to rank high in the Administrations hagiography). In this view, a correspondent whose name gets on the *Index* eventually may suffer excommunication. One current story holds that Frank Reynolds, who was recently banished from the *ABC Evening News* (because, it was thought, of his gloomy attitude toward the news), had been the subject of a White House "dossier" for his alleged anti-Nixon attitudes. The Nixon media monitors, a New York network executive declares, "are more Catholic than the Pope—they imagine slights and slanting in material that a more experienced man like Nixon himself would ignore . . ."

Administration spokesmen scoff at stories of an *Index* and of dossiers. The President's *Briefing Book,* Ron Ziegler has said, is "very objective." Unfortunately, his claims of objectivity cannot be directly verified; the President's staff jealously guards copies of the book. The book is stamped "For the Eyes of the President Only" and originally that was the case. Now some 50 copies are distributed to White House staff people, but few if any of them are willing to share their copy with outsiders.

The President's TV monitors bristle if their product is challenged. Not too long ago, when I publicly observed that Buchanan and the White House staff who put together the daily *Briefing Book* were young and relatively inexperienced about the news business—and, therefore, perhaps quicker to see slights in media coverage—a young White House man shot back at me with anger, "What do you mean, 'inexperienced'? Pat's a graduate of the Columbia Graduate School of Journalism!"

Of the chief TV watchers in the White House, only Pat Buchanan has in fact been a working journalist. After taking his M.S. degree at Columbia in 1962, Buchanan went to work for the *St. Louis Globe-Democrat* as an editorial writer. He was assistant editor of the editorial page when he left to join the Nixon shadow campaign in 1966. Mort Allin, who has just turned 30, earned his B.A. and did graduate work at Wisconsin in political science. During 1966–67, he was a high school teacher of government in Janesville, Wisconsin, leaving to become national director of Youth for Nixon. In January, 1969, at the same time that President Nixon was moving into the White House, Allin moved into the suite used by Buchanan in the Executive Office Building across the alley.

Buchanan and Allin alternate their TV monitoring schedules, sometimes beginning with NBC's *Today* show or the *CBS Morning News* and ending their work day watching on the three sets in the EOB suite. After dinner, Buchanan can watch more TV in his bachelor apartment on Connecticut Avenue. Allin, who is married and has a one-year-old daughter, often watches Frost, Carson, Griffin, or Cavett, especially when a political guest is on.

Any programs that they have to miss may be assigned to Miss Leslye Arsht, a native of Houston, Texas, who once worked for Harry Flemming, a Presidential staff assistant now working on the Nixon re-election campaign. In addition to Miss Arsht, two young aides—one still in college, the other a recent graduate—clip the wire service copy and go through some 50 newspapers and some 35 magazines each week.

Should the Buchanan staff miss any program, the Army Signal Corps detail assigned to the White House Communications Branch remains vigilant. The corpsmen record on videotape the regular news programs as well as such news shows as *Sixty Minutes* and NBC's *First Tuesday.* The Buchanan staff inherited the videotape equipment from the Johnson Administration. According to a White House aide, LBJ had the corpsmen tape his own performances and certain entertainment favorites, like *Bonanza.*

The network tapes and the daily reports are saved, and every three weeks or so Buchanan does a "media trend analysis" for the President. These trend pieces can be organized topically—coverage of the Haynsworth Supreme Court nomination, say, or the resignation of Walter Hickel from the Cabinet—or by news medium. A few weeks ago, during the Laotian invasion, Buchanan went back and did an analysis of the Cambodian coverage of April, 1970.

The Buchanan staff's defense of the "objectivity" of their daily TV report is somewhat ambivalent. Buchanan has referred to the other parts of the *Briefing Book* as a "news digest" or "news summary," but when he speaks of the TV section, he calls his work an "analysis." The TV section, he has said, "covers what's the lead in the news, how it's played, how the Administration has come off."

Buchanan is likely to have a special view of how the Administration is treated. Around the White House he is considered much more conservative than his boss, who likes to think of himself as occupying a "centrist" position. "Pat Buchanan," says one White House reporter only half-kiddingly, "is to the right of Attila the Hun."

For his part, Allin declares that the *Briefing Book* "gives it straight." But he adds: "We watch so much that we can't help having opinions. There are some times when you can't resist making a comment . . ." Pressed for examples of the kind of editorial comment contained in the TV section, aides cite phrases like "Brinkley really zapped us on that one," or "We thought that outfit was with us on this issue . . ."

Interestingly, the wider circulation the *Briefing Book* now gets has forced the staff to cut down on their opinionating. The 50 people in the White House who now read the report, Allin says, represent a wide spread of Republican political philosophy—conservative, moderate and liberal—and the monitors do not wish to offend any point of view. Even within the White House family, it seems, there are dangers to instant analysis.

Despite denials, the strong impression persists that the TV monitors conduct continuous "ratings" of the networks. A year ago Buchanan told Earl Mazo, the former *Herald Tribune* correspondent, now a commentator for WTOP–TV in Washington, that in his opinion one network was "consistently not fair and objective with regard to Administration reports." Mazo could not get Buchanan to name the network, but the impression at the time was that the *Huntley-Brinkley Report* had caused NBC to fall in the Administration's esteem. In the year since, the morning line is that NBC has traced an erratic pattern in the White House ratings. The *Today* show get good marks, but NBC's *Evening News* stands accused of going along with the Democrats' game in the 1970 elections by "playing the nation's economic woes all out of proportion . . ."

But while NBC was falling, it seems, CBS was plummeting in the White House's book. Even before the *CBS Reports* documentary "The Selling of the Pentagon" made the White House unhappy, CBS's Dan Rather had been a target of highly unfavorable reviews there. Rather's commentary after the President's last State of the Union address brought such comments as "snide," "schizophrenic" and "unbelievable."

ABC, by all accounts, is at the top of the ratings. Howard K. Smith is a favorite for his on-air support of the President's Vietnam policies. The *ABC Evening News* wins points because it clearly labels commentary. By contrast, NBC News, in one monitor's words, "allows correspondents to go on for a minute of editorializing in the guise of a news report . . ." Finally, James C. Hagerty, an ABC vice president and a former political associate of Mr. Nixon's, keeps things cool at the network. Just a few weeks ago, when the commercial networks had reason to feel beleaguered because of White House and Republican Congressional concern about the bad news being reported out of Laos (why do they talk about the four ARVN battalions that ran away rather than the eighteen battalions that fought well? Mr. Nixon complained in a television interview with Smith), ABC pointedly left the rebuttal to CBS and NBC. Just as pointedly, CBS News president Richard Salant lamented the "tragic" silence on ABC's part.

The possibility that the White House ratings men put down this network or that correspondent for alleged sins hardly shakes the republic's foundations. But if the media re-

ports prepared for him give the President a myopic view of events—and if the President passes these misapprehensions along to the public—then it is another matter entirely. On March 22, the President, on the basis of his own staff's Cambodia media analysis, told a national television audience that the media had distorted his Indochina policies by incomplete or unfair coverage:

"Let's look at Cambodia for just a minute. I just saw a summary of two weeks' coverage by the television networks and by the newspapers. . . . For two weeks the overwhelming majority of the nation's press and television, after Cambodia, carried these themes: one, the Chinese might intervene; two, casualties would soar, the war would be expanded, and third, there was a danger that American withdrawal might be jeopardized."

The President then went on to say that the media had been wrong in these analyses, and he suggested that the same would prove to be true about the Laotian coverage. His logic was sound, but were the data upon which he based his statement? A disinterested media student who carefully listened to what was going on in the United States at the time of Cambodia would have heard at least three other major themes—that the U.S. was inflicting a frightful toll in civilian casualties, that many Americans were questioning the announced U.S. goal of saving the Thieu-Ky government, and that the war was tearing U.S. society apart. Certainly these themes were sounded more often than fear of Chinese intervention.

In theory, the TV monitorings, the *Briefing Books*, the media trend analyses, are all good ideas to help inform a busy and isolated chief executive. In practice, measuring "how the Administration comes off" is an uncertain art. It seems to substitute political judgments for journalistic judgments, or at least raise the question, are the monitors so concerned with "objectivity" at all "objective" themselves? At times they seem like true believers, capable of seeing things only in absolute terms. A White House man recently spoke of one network as "screwing us" while another was "a house outfit."

There is no middle ground. A top network man was talking to Henry Kissinger when the phone rang. The President was coming on the line. Give him my regards, said the network man. "Oh, no," came the reply, "he hears you don't like us any more." The visitor had not seen the President since the campaign. "When did he get the crazy idea that I was an enemy?" the man asked.

Where indeed?

How To Put Pressure on a Television Network, Quietly

While Pat Buchanan and his team talk about how the networks are covering the news, other members of the Nixon team actually do something about it. At the center of the action is Herb Klein, White House director of communications. His people are on the phone daily with the networks, booking Administration talent on interview programs, network news specials and, of course, the talk shows. The recent flap over Dick Cavett's handling of the supersonic transport debate—the White House, in effect, held a stopwatch in deciding that Cavett was "unbalanced" in his lineup of guests for and against the SST—was exceptional only in the fact that it became well known.

No network admits to keeping a log of the calls it gets from the White House (as it does for calls from private citizens). But the telephone isn't the only way the White House delivers a message. A veteran producer at CBS explains the process this way:

"This Administration has two techniques for manipulating the networks. One is the 'early warning letter' addressed to Frank Stanton, say, from Herb Klein. It says something like, 'We understand you are planning a program or feature on nuclear carriers' or some such topic. 'We trust you will be checking with so-and-so at the Pentagon to get all the facts you need . . .'

"Dr. Stanton sends the letter on to Dick Jencks, who sends it over to Dick Salant, who sends it down the hall to the vice president for news or specials, who sends it to the executive producer, who sends it to the producer . . . Each executive scribbles on the buck slip 'What's up?' or 'What's this about?'—and promptly puts the matter out of his mind. After all, he's asked someone else to look into it. The guy at the end of the line is naturally all shook up. He's the lowest man on the totem pole and knows if he goes ahead with the project and there's a complaint, he is the one in trouble since everyone else has, in effect, called it to his attention. So you damn well call so-and-so at the Pentagon and wrap your item in a lot of bland cotton . . .

"The second technique is the 'eleventh-hour telegram.' Again, it goes right to Stanton. It may come from a Cabinet officer and it warns of 'the great danger in putting out a biased account' unless an interview with so-and-so is included. This last-minute appeal is intended to shake them up so much that the project doesn't get on the air . . . I've seen it happen."

Sometimes White House telephone power need only be used once, like a deep-cutting scalpel, to make its point. According to the *Washington Post*, Herb Klein and Ron Ziegler made at least twenty calls to TV stations around the country the night of the President's major Vietnam address of November 3, 1969, inquiring if the stations were planning to make any editorial comment on the speech. The same night, Dean Burch, who had just been named chairman of the FCC, personally called Stanton, NBC President Julian Goodman and ABC President James Duffy to request transcripts of their commentators' remarks about the speech.

The Administration's techniques for manipulating the media employ the carrot as well as the stick. Like a rich uncle, the White House has several kinds of largesse to dispense. During the Presidential campaign, the Nixon press people took a liking to one reporter and decided, in their avuncular way, that they wanted her to get the job as her organization's White House correspondent. As a Washington editor recalls it, "Klein fed her a series of news leaks and also boosted her to the home office in New York, while undercutting the man picked out for the job by the Washington bureau chief." In this particular case, however, the bureau chief proved to be a stubborn infighter. After considerable dueling on the staircase between the bureau and New York, his choice got the job. (It took the new man almost a year before he could come in from the cold as far as the White House was concerned.)

Not every news executive is so principled. Nancy Dickenson, the former NBC correspondent, appeared last January on a televised "Conversation" with the President, along with ABC's Smith, CBS's Eric Sevareid and NBC's John Chancellor. Miss Dickerson represented the public television network—a job she had found through Herb Klein just a few days before air time. There are several versions of how it happened—the Rashomon Effect is quite common in Washington—but this account offered by a young Washington producer accords with what is known:

"Klein called John Macy, head of the Corporation for Public Broadcasting, and asked him if he'd like to have a public television correspondent on. PTV had been pushing for that kind of exposure to Klein's office. Macy's main job, of course, is to raise funds for PTV For Klein to go to him was like talking to General Sarnoff at RCA about David Brinkley. Worse, it turned out that Klein had someone in mind for this newly-created empty chair. Apparently, the White House had a commitment to Dickerson; Nixon or Klein had promised her an interview with The Man himself . . ." It seemed that Dickerson had been preparing a show for syndication and wanted to use the Presidential interview as premiere bait. Outsiders are uncertain whether Klein put Dickerson forward for the "Conversation" because she was considered "friendly" to the Administration or because she had been so persistent.

If it is any consolation to PTV, the White House had previously worked over the three commercial networks in similar fashion. Last summer before the first of the television "Conversations" with the President, Klein suggested to ABC, CBS and NBC that they designate network anchormen for the assignment. The networks went along with the request. The result was not unlike Gil Hodges naming the opposing pitchers the Mets will face. Instead of being interviewed by younger, possibly more aggressive reporters, the President faced older men of stature and good manners. Once, when talking of his interviews with the President, Howard K. Smith observed, "The Chief of State is like the flag. You have to be deferential . . ."

Turning on the Vice President

(Remarks by Commissioner Nicholas Johnson, Federal Communications Commission, prepared for delivery to a retraining program symposium for Foreign Service Officers of the United States Information Agency; Panel Discussion on "Rock Music: Underground Radio and Television," Thursday, September 17, 1970, United States Information Agency, Washington, D.C.)

This is an appropriate time for you and I to be giving a listen to America's newest musical idiom, "rock." Earlier this week Vice President Agnew revealed that even he has been listening to rock music. I don't think this should be cause for panic—even though he does. I think it holds out some promise. The Administration may just find out what's happening in the country.

Now it's true that the Vice President has kind of missed the point in his Las Vegas speech of September 14. But then perhaps he hasn't listened to much of the music yet, or taken enough time to think about it. I'm sure he'll come around.

Mr. Agnew now seems to think that music is the cause of (rather than the relief from) the pressures that lead people to use hard drugs. Perhaps we can understand and excuse this rather fundamental error as he came down from his first trip, but I think we can fairly hold him to a higher standard in the future.

The Vice President has asked us to "Consider . . . the influence of the drug culture in the field of music. . . . [I]n too many of the lyrics the message of the drug culture is purveyed." That's where he makes his mistake. No song writer I know of is urging as a utopia a society in which the junkie's life is a rational option. Most would agree with his suggestion that dependence on hard drugs is "a depressing lifestyle of conformity that has neither life nor style."

Listen to the music:

Your mind might think it's flying
On those little pills
But you ought to know it's dying
Because . . . Speed kills!

That's Canned Heat in "Amphetamine Annie." Here's Steppenwolf, singing about "The Pusher":

You know I've seen a lot of people walkin' around
With tombstones in their eyes
But the pusher don't care
If you live or if you die

If I were the President of this land
I'd declare total war on the Pusher Man
God Damn the Pusher.

Or listen to the Rolling Stones' "Mother's Little Helper," because they're really trying to help you understand what your generation's problem is, as well as giving the kids some good advice.

Mother needs something today to calm her down
And though she's not really ill
There's a little yellow pill
She goes running for the shelter
Of her "Mother's Little Helper"
And it helps her on her way
Gets her through her busy day

And if you take more of those
You will get an overdose
No more running for the shelter
Of a "Mother's Little Helper"
They just help you on your way
Through your busy *dying* day.

There is comparable advice in Love's "Signed, D.C.," "Crystal Blues" by Country Joe and the Fish, and The Who's "Tommy."

No, the real issue, Mr. Vice President, is not the desirability of hard drugs. The issue is whether you, and the rest of the Administration, are—to borrow Eldridge Cleaver's (and VISTA's) phrase—part of the solution, or part of the problem. The question is whether you have done anything to alter the repressive, absurd and unjust forces in our society that drive people to drugs. Since you've suggested that "we should listen more carefully to popular music," and quoted from "With a Little Help from My Friends," I'd like to lay a few more lyrics on you.

Listen to Steppenwolf's "Monster," written by Jerry Edmonton, John Day, and Nick St. Nicholas (no relation):

Once the religious, the haunted and weary
Chasing the promise of freedom of freedom and hope
Came to this country to build a new vision
Far from the reaches of kingdom and Pope

The spirit it was freedom and justice
Its keepers seemed generous and kind
Its leaders were supposed to serve the country
But now they don't pay it no mind

Cause the people grew fat and got lazy
And now their vote is a meaningless joke
They babble about law and order
But it's all just an echo they've been told
The cities have turned into jungles
And corruption is strangling the land
The police force is watching the people
And the people just can't understand.

Copyright 1969 by Trousdale Music Publishers, Inc.

Or how about Edwin Starr's recording of "War," by Norman Whitfield and Barrett Strong?

Peace, love and understanding
Tell me, is there no place for them today?
They say we must fight to keep our freedom
But Lord knows it's got to be a better way
I say, war . . . ,
What is it good for?
Absolutely nothing
Say it again
War . . . ,
What is it good for?
Absolutely nothing
Say it again
War is nothing but a heartbreaker
What is it good for?
Only to the undertaker."

Copyright 1970 by Jobete Music Co., Inc.

Or Hal David and Burt Bacharach's "Paper Mache" for Dionne Warwick:

Twenty houses in a row
Eighty people watch a TV show
Paper people, cardboard dreams
How unreal the whole thing seems.
Can we be living in a world made of papier mache?
Ev'rything is clean and so neat
Anything that's wrong can be just swept away
Spray it with cologne and the whole world smells sweet

There's a sale on happiness
You buy two and it costs less.

Copyright 1969, 1970 by Blue Seas Music, Inc. and Jac Music, Inc.

Here's some musical commentary about what the major campaign contributors (Democrats and Republicans alike) have done to America: Joni Mitchell's "Big Yellow Taxi."

They took all the trees
And put them in a tree museum
And they charged all the people
A dollar and a half just to see 'em
Don't it always seem to go
That you don't know what you've got
Until it's gone
They paved paradise
And put up a parking lot.

Copyright 1969, 1970 by Siquomb Publishing Corp.

I can understand why some wouldn't like lyrics like those.

You see, Mr. Vice President, somebody's trying to tell you something—"And you don't know what it is . . . do you, Mr. Jones?" These music people aren't really urging death through drugs; they are urging life through democracy. They believe that governments are instituted among men to promote "life, liberty and the pursuit of happiness." And many don't think yours is doing it.

As the Chairman of the Bank of America, Louis Lundborg, said recently:

What [young people] . . . say they want doesn't sound so different, you know, from what our Founding Fathers said they wanted—the men who wrote our Declaration of Independence, our Mayflower Compact, the Bill of Rights, the other early documents that laid the foundation for the American Dream. They said they wanted the freedom to be their own man, the freedom for self-realization. We have lost sight of that a bit in this century—but the young people are prodding us and saying, "Look, Dad—this is what it's all about."

But this is not all. It's not just that corporate, governmental and other institutions have turned away from our original goals, and that they have created conditions that stimulate the desire to escape. They are actually encouraging the drug life and profiting from it.

Senator Frank Moss has observed that—

"The drug culture finds its fullest flowering in the portrait of American society which can be pieced together out of the hundreds of thousands of advertisements and commercials. It is advertising which mounts so graphically the message that pills turn rain to sunshine, gloom to joy, depression to euphoria, solve problems and dispell doubt."

And the former Chairman of this Administration's Federal Trade Commission, Caspar W. Weinberger, has noted that, "Advertisements for over-the-counter medicines may be a contributing factor in drug abuse problems in the United States." (TV ran almost $20 million worth of ads for sleeping aids alone in 1969.)

Our entire consumer-manipulating economy is based on a dishonest, destructive exploitation of human emotions and motivations. Television teaches—with continuous, air hammer effectiveness—the dangerous and debilitative lie that the solution to all life's problems and nagging anxieties can be found in a product, preferably one that is applied to the skin or taken into the body. It has so distorted and demeaned the role of women as to make it almost impossible for either men or women to relate to each other in other than a sex-object, manipulative way. It has educated our children to go for the quick solution, to grow impatient and disinterested in developing the skills and solutions requiring discipline and training. And it has urged us all to seek "better living through chemistry."

The Vice President is going after the song writers. One cannot help but wonder how he overlooked Ford's urging, "blow your mind," TWA's taking us "up, up and away," the honey company that suggests we "get high on honey," the motor bike company that advertises "a trip on this one is legal," "or the Washington, D.C. television station that promotes its programming as great "turn-on's." Perhaps the critical point is that young song writers and performers don't make political compaign contritions, but that Ford, TWA, and other drug-image merchandisers do.

The Vice President might better turn his attention to the corporate campaign contributors (of both parties) who finance their fat campaign donations with the profits they make from worthless or harmful drugs, and from cigarettes and alcohol that first "addict" and then kill hundreds of thousands of Americans a year.

The Vice President has urged each of us to do our own part, to "set an example" within our own families. How about the "political families" of the major political parties? To what extent is the Vice President's own party prepared to refuse to accept contributions from (or do special favors for) those politically influential corporate interests that feed, and feed upon, the artificially-induced thirst for drugs, pep pills, tranquilizers, alcohol, cigarettes, and other contemporary commercial "panaceas"?

The Vice President has pointed with pride to what the Administration has done to crack down on "drugs." But what has it done to deal with our number one drug problem, alcoholism? It is, perhaps, symbolic of the basic hypocrisy in government today that he chose Las Vegas as the battlefield to attack drugs. For the only thing that flows faster than the gamblers' money in Las Vegas is alcohol. There are estimated to be at least five million alcoholics in this country. There are more alcoholics in San Francisco alone than there are narcotics addicts in the entire country. If you're interested in "law and order," one-third to one-half of all arrested by police in the United States are for chronic drunkenness. More Americans are killed by drunk drivers every year than are killed by murderers and the war in Southeast Asia combined. And, of course, the economic loss through absenteeism, the physical damage to the body (cirrhosis is the sixth leading cause of death; phychosis due to alcoholic brain damage is irreversible), and the impact upon family and friends, are far more severe from alcoholism than from all other hard drugs combined.

Or how about nicotine addiction? There are 30,000 deaths a year related to cigarette smoking. What is the Vice President doing to cut down these pushers? One recent survey found that of *seventh graders* only 30 percent of the boys and 40 percent of the girls had never tried tobacco. There are a lot more kids who are being exposed to drugs because of the deliberate efforts of greedy, immoral television and tobacco company executives to hook 'em on nicotine—executives who are revered as the pillars of our society, and whose activities are sanctioned by the federal government—than there are those who get pot "with a little help from their friends."

So who's kidding whom? If we're really serious about doing something to alter the drug culture in America, let's get on with the work and stop worrying about the music. Let's not indulge the hypocrisy of going after the drug users who are poor, black and

young with a vengeance, as if they were criminals, without even providing them adequate treatment centers, and ignore the far more serious problem of the hard drug pushers (of alcohol and cigarettes) who are respectable, rich and middle-aged. Let's stop accepting the campaign contributions of the "respectable" liquor manufacturers with one hand while we're imprisoning some of our finest young people with the other.

Above all, let us stop going for help to advertising executives who sit around, after their three-martini lunches, coming up with ad campaigns that preach the get-away-from-it-all qualities of caffeine, nicotine, aspirin and other pain killers, alcohol, stomach settlers, pep pills, tranquilizers and sleeping pills (plus the whole range of mouthwash, deodorant, cosmetics, etc.). How, in the midst of the chemical life they've glamorized, can they absolve their consciences by telling our kids that a 16th or 17th chemical will bring the downfall of their lives and the Republic? They can run it up your flag pole, Mr. Vice President, but nobody's going to salute it.

The forces of censorship are subtle. This Administration repeats and repeats that it is not censoring—just as the Russians did when they rolled their tanks into Czechoslovakia in August 1968. But when the Vice President starts criticizing television, pretty soon the "analysis" of the President's speeches is watered down or disappears, and President Nixon builds up a record of (free) prime time television usage that exceeds every other prior President. The President shows up on a Bob Hope special; the Vice President opens the Red Skelton show. Now they are moving in on radio. FCC Chairman Burch says he's interested in "obscenity" in lyrics; the Vice President is concerned about mentions of drugs. That's the way you do it. You don't come right out and say, "Cut the controversial stuff, guys. We don't like the people getting that social criticism set to music." Of course not. You talk about obscenity and drugs. But the radio station owners get the message: the Administration's listening to them, just like it's watching their big, wealthy brothers, the TV stations.

If we really want to do something about drugs, let's do something about life. Because if we make an effort to strike at the real causes of addiction to alcohol and other less prevalent and dangerous drugs, we will find that we have also made a big dent in mental illness, divorce, suicide rates, and the other statistical indicia of social disintegration. Let's get on with the job of giving people the physical, mental and spiritual environment they need in order to grow closer to their full potential. That means more money (not vetoes of appropriations) for rebuilding our cities, education, food programs, urban transportation, welfare, job training, and health care. It means more meaningful job opportunity for all Americans—white and black; a meaningful attack on the problems of underemployment and meaningless employment as well as unemployment. It means appropriations for the Corporation for Public Broadcasting, parks, libraries, and beautification programs.

The song writers are trying to help us understand our plight and deal with it. It's about the only leadership we're getting. They're not really urging you adopt a heroin distribution program, Mr. Vice President. In fact they don't think that you can "spray it with cologne and the whole world smells sweet" either. It stinks. They want us to help them clean it up.

The song you quoted, "With a Little Help from My Friends" is not a joyful pitch for drugs. It contains the lines:

Do you need anybody
I need somebody to love.
Could it be anybody
I want somebody to love.

How many Americans seek in drugs the solace from a vicious cruel world they did not create, but cannot escape? What are you doing to change that world?

Some song writers are hopeful. Mama Cass sings:

Yes a new world's coming
The one we've had visions of
And it's growing stronger with each day that passes by
Coming in peace, coming in joy, coming in love.

[By Barry Mann and Cynthia Weil. © Copyright 1970 by Screen Gems-Columbia Music, Inc.] She's holding out optimism. She's giving you a little more time, Mr. Vice President. But we can't wait much longer if history is not to record your presiding over the decline and fall of the American empire—complete with words, music, and a drug culture sold to the American people by large contributors to Presidential campaigns.

[From Communications, May 8, 1971]

THE RIGHT TO PROTECT A NEWS SOURCE

At the recent annual meeting in Washington of the American Society of Newspaper Editors, everyone was talking about the urgent need for a national law to protect reporters from court procedures that try to force them to disclose their sources of news. While laws designed to shield newsmen against court action are nothing new, the ASNE's Freedom of Information Committee has worked overtime in the past few months to prepare a report supporting the necessity of a federal law to protect reporters from fines, imprisonment, and suppressive subpoenas. This report was the highlight of the 1971 assembly.

The editor's committee finds that the subpoena is the most frequently used weapon against press freedom. Its use in recent months has reached epidemic proportions, culminating in the blackout of reportage of the U.S. military excursion into and out of Laos. The ASNE report goes on: "Lazy law-enforcement types used the subpoena this past year to try to force the press to do their investigating. Embittered legal types used subpoenas to harass the press. Some cynical government officials used the subpoena in trying to force the press to act as lawmen."

Seventeen states now have laws to shield newsmen against court action involving disclosure of news sources. The ASNE gives Attorney General John Mitchell credit for "issuing guidelines to curb the use of subpoenas by the federal authorities," and all agree with him that only a national law combined with expanding state safeguards will provide the ultimate protection newsmen must have in order to do their job adequately. Everyone in Washington also agreed, however, with the committee's statement that "never has the subpoena been used as viciously, as irresponsibly, and as often against freedom of the press as it has this past year."

Newspaper reporters and editors have had their troubles getting information and maintaining the privacy of their news sources, but they are in nowhere near as difficult a position as reporters and editors in radio and television these days, and not just because of the rampant subpoena. Scotty Reston commented in *The New York Times* the other day: "While the newspapers usually have the protection of the freedom of the press amendment to the Constitution in the courts, the networks and their affiliated stations are licensed by the government, which has the power to impose its notion of 'fair reporting' by threatening to withdraw a station's license." The Columbia Broadcasting System's splendid recent program on the Defense Department's propaganda apparatus (*The Selling of the Pentagon*) is a case in point. The investigations subcommittee of the House Interstate and Foreign Commerce Committee has subpoenaed CBS to produce all of its notes, records of disbursements of money, and the unused film on the Pentagon program for open public inquiry. If this happened to a big American newspaper anywhere anytime, the howls and screams would be heard to heaven and back.

As every newspaperman knows but won't always admit out loud, protection of a source of news can be used as an excuse or a crutch or, worse, to rationalize a point neither necessarily true nor useful to the general public. Many a newspaper publisher has picked up a telephone and called his city desk with instructions to look into this or that, which, translated through tone of voice, usually means get the story no matter what the hard facts are. This isn't done as much as it used to be back in the days when newspapers had competition only from themselves. William Randolph Hearst was by no means averse to taking a stand on something, then rationalizing it in print and devil take the hindmost. The Chicago Tribune used this method for years. Mr. Hearst and the Tribune couldn't get away with it today because the facts would immediately be checked not only by print competitors but by radio and television, which are, according to the latest survey, the public's most believable news mass media, with the daily paper a poor second. The mere fact that literally scores of radio stations in this country broadcast nothing but news programs from morning to night tells us how far the newspaper has receded from its once preeminent position as basic communicator.

All the same, despite an occasional racket, such as the hiding behind the shield of news source immunity by an amoral journalist, the ASNE's drive for a federal law to protect reporters from court procedures trying to force them to disclose their sources of news does make some sense professionally. For if every legitimate source of information knew that he or his journalist friend might be hauled into court for questioning, or even jailing, not many headlines would be written or broadcast except for cut and dried events covered in routine fashion, and the traditional investigative role of the press would fade forever.

REALITY, NOT RHETORIC

"I do not believe in the abolition of free inquiry, or that the ideas represented by 'freedom of thought,' 'freedom of speech,' 'freedom of press,' and 'free assembly' are just rhetorical myths. I believe rather that they are among the most valuable realities that men have gained, and that if they are destroyed men will again fight to have them."—Thomas Wolfe.

LETTERS TO THE COMMUNICATIONS EDITOR

PROVIDING READERS WITH A CHOICE

John Tebbel's attack on "The Old New Journalism" [SR, Mar. 13] sets up a false dichotomy between objectivity and subjectivity. As a historian, Tebbel should give credit to Paine, Sam Adams, and other "propagandists," not call them "irresponsible." The partisan press days, instead of being "dark ages," provided Americans with a choice. Today's journalism is not a repeat of those days, but a fight by activist journalists against business-oriented publishers. That's why frustrated Chicago journalists started the *Chicago Journalism Review*—to print stories they couldn't get in their newspapers. That's why the "Young Turk" rebellion is now taking place on the San Francisco *Chronicle*. The real dichotomy today is between the underground and the Establishment press. If objectivity is at the barricades, it's because publishers and editors won't allow interpretative reporting—such as that taught by

Curtis MacDougall at Northwestern for thirty years. Depth and insight in newspapers (as exhibited currently by the *Bay Guardian* and *Pacific Sun* in the San Francisco area) would woo back readers and respect.

Dr. JERROLD L. WERTHIMER,
Professor of Journalism, San Francisco State College, San Francisco, Calif.

I found Mr. Tebbel's concerns to be well founded. While a good newspaper should have a social conscience and should lead and goad to a certain extent, its leaders and employees dare not put that goal ahead of reporting the news fairly, factually, accurately, and with balance. In other words, the mirror function is more vital than the "Big Daddy" function. I am calling this article to the attention of several of my colleagues.

HARRY HEATH,
Director, School of Journalism and Broadcasting, Oklahoma State University, Stillwater, Okla.

As a college journalist dedicated to the "old journalism," I feel compelled to reply to the letters from my fellow college journalists in *SR*'s last Communications section.

First, it should be noted that there exists another type of college journalism in addition to the "new" journalism and the amateurish, extracurricular-activity, bulletin-board type of journalism, a point neglected in both Mr. Tebbel's article and the letters you have published. There do exist college newspapers and college journalists dedicated to writing the news "fearlessly and favor" and who approach their work without significant political bias.

Jeffrey M. Laderman is totally off base when he asserts that "there cannot be any objectivity." Such a categorical statement misses the point entirely. It is true that there cannot exist perfect objectivity, and that no reporter can deal with any subject from a perfectly objective point of view, but it is mandatory that the newsman be, as he says, fair to all parties and accurate in his facts. Perhaps objectivity is a bad word, for it is an unattainable ideal, but there is no excuse for a newsman's not being as truthful as is humanly possible, or for using the news columns of a newspaper for partisan political purposes. In its news columns a newspaper is a medium of information, with a duty to present the facts as accurately and completely as possible, allowing the reader to make his own decisions about the event reported on. Mr. Laderman is right in charging the Establishment press with inherent biases, but that merely indicates that the failure of the Establishment press has been as great as that of portions of the college press.

Perhaps mine is an extreme point of view as well, but it seems to me that the cynic makes the best journalist. Perhaps only by distrusting everything and believing in nothing can anything approaching the truth be arrived at.

TODD ENGDAHL,
Publisher, Claremont Collegian, Claremont University Center, Claremont, Calif.

LINUM USITATISSIMUM NEWSWEEKIAE

Botanically inclined readers undoubtedly noticed the flowers on *Newsweek's* marijuana plant [*SR*'s Nineteen Annual Advertising Awards, *SR*, Apr. 10]. The flowering branch to the right belongs to *Linum usitatissiumum* (flax), not to *Cannabis sativa* (marijuana), as the ad implies. If a policeman arrests you for growing flax in your backyard, you can thank *Newsweek*!

DAVID MALLOCH, Ph. D.,
University of Toronto, Toronto, Canada.

IMPORTANT STATEMENT

R.L.T.'s statement on "Cigarette Advertising and Federal Law" [*SR*, Mar. 13] is very important. The First Amendment is more important than the health hazard of cigarette smoking. Yes, there is a case for the proposition that the government should not be able to censor cigarette advertising, but there may be a compromise. There is no reason why the government should subsidize cigarette advertising. (Or subsidize the drinking of liquor, either.) The government, through its post office, provides special mailing rates for periodicals. What could be easier than to deny special postal privileges to periodicals that carry cigarette or liquor advertisements?

ALBERT P. BLAUSTEIN,
Professor of Law, Rutgers University, Camden, N.J.

[From the Washington Star, Apr. 15, 1971]

WHY NOT TEA FOR TWO ON TOP OF OLD SMOKEY?

(By James J. Kilpatrick)

The road to hell, as a number of philosophers have observed, is paved with good intentions. For a splendid example of the maxim in action, consider a formal notice promulgated last month by the Federal Communications Commission.

The commission had received a number of complaints dealing with the lyrics of records played on the air. Clearly, or so the FCC concluded, the lyrics dealt with illicit drugs and the effects of using them. Many of the questionable words might appear innocent—such words as tea, snow, grass, puff, high, horse, and smoke—but they carry unmistakable meanings within the argot of the drug cult.

So reasoning, the FCC on March 5 issued a notice directing all licensees to be on the alert for lyrics containing "language tending to promote or glorify the use of illegal drugs." Suspected records must not be played, said the notice, "without someone in a responsible position (i.e., a management level executive at the station) knowing the content of the lyrics." Failure to exercise adequate control in this field will raise "serious questions as to whether continued operation of the station is in the public interest."

In the face of that ominous warning, disc jockeys and station managers throughout the country have been having a miserable time. They do not want to "promote or glorify" illicit drugs; neither do they want to risk losing their licenses. They face a threshold problem in simply obtaining the lyrics in the first place. And they are called upon to make judgments not merely on hundreds of current titles but on thousands of old songs also.

This is the trouble with bureaucracy when it sets out, unthinkingly, to do good. Power ought to be restrained by judgment, and authority ought to be exercised with care. But the FCC, in this remarkably foolish notice, never paused to think twice.

Ironically, one consequence has been the banning by a number of stations of "Snow Blind Friend," a powerful anti-drug song. In this same genre is "One Toke Over the Line," which tells of a boy who has destroyed himself in the eyes of his family through marijuana. Stations in Buffalo, Miami, Houston, Washington, Chicago, Dallas and New York have banned "One Toke" on the grounds that the lyrics may somehow "glorify" grass.

Other station managers are struggling with changed meanings and unsuspected connotations. It would be hard to imagine a title more innocent than the song that begins, "On top of Old Smokey, all covered with snow." But in the drug cult, "snow" is understood to mean cocaine. It is immaterial what the words meant when the composer put them down. What do the words mean now?

Now, presumably the FCC would not really suspend the license of a station because a disc jockey played "Tea for Two," or "I've Got You Under My Skin," or "You Go to My Head," or "Puff, the Magic Dragon." In any rational view, the risk of revocation is small.

Yet the dilemma of the station managers is real, and the consequences of misjudgment could be disastrous. Meanwhile, the chilling effect of the commission's notice could be equally grave upon the creativity of composers, and upon the whole range of First Amendment freedoms.

From the days of blind Homer, one function of the poet and balladeer has been to see the world around him, and to sing of it—good or ill. Here in America, in the domain of rock and folk music, the drug culture most emphatically is part of the real world. Songs are bound to emerge from this milieu. If a particular song truly does "promote or glorify" drug addiction, surely the common sense and informed judgment of station personnel will produce a natural and voluntary censorship. As for the rest, no porcupine "notice" from the FCC is required.

Last week the Recording Industry Association of America filed a petition with the FCC begging suspension of the unfortunate decree. The petition raises some excellent points of statutory and constitutional law, but legalistic arguments shouldn't be needed. The lamentable truth is that in this notice, the FCC abused its power. Perhaps Chairman Dean Burch, on reflection, will want to soft-pedal the whole thing.

ABC NEWS CORRESPONDENTS' ROUNDTABLE ON THE LAOTIAN INCURSION

The following is the full text of a special report telecast on the "ABC Evening News with Howard K. Smith and Harry Reasoner" on Thursday, April 1, 1971. The report deals with the problems faced by news correspondents when they attempted to provide coverage of the recent South Vietnamese incursion into Laos. Discussing the problems were ABC News Correspondents Jim Giggans, Howard Tuckner, Steve Bell and Don Farmer.

HARRY REASONER. This broadcast in general goes along with the theory that people are interested in the news, not in the problems reporters have in finding it. But the reporting of the invasion of Laos has become an issue in itself to many people, and it seems to be one of the cases where an understanding of how the reporters there felt about their job may help in the understanding of the story.

We asked four ABC News correspondents who were on the scene to talk informally about the coverage of the Laos operation, and tonight we present at some length their report on reporting. In this first segment you will hear from Jim Giggans and Howard Tuckner.

JIM GIGGANS. Every day in Quang Tri which was the Press Center for the Laotian operation, there would be a briefing—one in the evening and one in the morning. In the morning we would be given mimeographed sheets but in the evening there would be South Vietnamese briefers and American briefers. Usually the Americans would cover only the American side of the operation, the South Vietnamese, the South Vietnamese side. When there was a conflict—when there was a difference, there was no way to verify one bit of information with the other. The Americans would continually say "go to the South Vietnamese to find out"—if it had anything to do with the American operation, the South Vietnamese would say to "check with the Americans". However, when there was a difference, there was no way of finding out just what the truth was. No side was infringing—as they called it—upon the other.

HOWARD TUCKNER. Because we were lucky enough to have some South Vietnamese officer friends, we got some favored treatment. I was very close during the Laos operation to the executive officer of one of the

crack divisions involved in the Laos campaign. He told me about the faulty intelligence, faulty reconnaissance, that what they found in Laos was nothing compared to what they were led to believe they would find. He said, 'I wish I could tell you on camera what's really happening, but I don't have that kind of courage.' He sent me into Laos to see a Lieutenant Colonel, the head of the task force—the armored task force—whose job it was to spearhead the drive to Tchepone. That was the original objective; his orders were to take it in three days. I went into Laos and spent two nights with this man. We talked privately for three hours the first night and he told me that, number one, he found that the entire route—route nine—up above, was mined. He said intelligence didn't indicate that. He told me that he was seriously out-gunned in fire power. They found that the North Vietnamese had about 60 tank battalions in the Laos operation area. That's about 600 tanks. And since that time, military sources confirm that they had no idea that the North Vietnamese had anywhere near that many tanks in Laos. The South Vietnamese also found that they were seriously out-gunned. Their artillery pieces—they had 155's and 105 millimeter—the enemy had 152 and 130's. They shoot farther and hit harder. I asked this man if he would go on camera with me and do this publicly. He said he'd like to think about it overnight. He did this. We had an interview. The reaction from Washington and Saigon was that he didn't have the big picture; that he was merely a local commander. He was a local commander—with the biggest responsibility of the first week of the drive to take Tchepone. He never did because he found out he was seriously outgunned. His name, as I said, Lt. Col. Dung, advised General Lam, (Lt. Gen. Hoang Xuan Lam) the head of the operation, not to go ahead, to stop the tanks right where they are, to get out. He told me privately we should say—publicly we should say he said that we searched the area, that we found a lot, that the operation is over, that we should leave. Of course, they couldn't do that because the operation was so well publicized in advance that it would look like a complete, ridiculous move if that happened. But it turned out that Lt. Col. Dung was right. Because when his 220 some-odd armored units got ready to leave Laos and go back to Vietnam, they couldn't make it. Half of them were left in there. Fifty per cent at least.

STEVE BELL. Don, I think the most significant thing about coverage of the Laos operation was the lack of our ability to get to the story and the reason is because the military denied us the space available priviliges that have always been part of coverage here in Indo China. That means that anytime a helicopter or a truck is going where the action is you can ride if they have room. The decision is yours, it's individual. In this case first they denied us any access to Laos, with American helicopters or planes, invoking an old diplomatic rule against carrying people across borders in military flights—something that had been ignored in Cambodia, then when they did have a chopper that was dedicated to taking newsmen across the border, it was under the control of the South Vietnamese commander, who on most days said it was too dangerous to fly and the helicopter went nowhere. Or when he did allow it to go somewhere it only went to a firebase where nothing was happening and you couldn't get a picture of the war one way or the other.

DON FARMER. And that rule was only changed after four newsmen died flying in a Vietnamese helicopter. You know, I think a lot of the truth in Vietnam comes from correspondents who have been here for a long time. And many of them have told me that this was easily the most frustrating operation they have ever covered in Vietnam.

STEVE BELL. One perfect example of the problem between what they report and what we know to be fact is in tank losses on both sides. The South Vietnamese each day, and the Americans, would have a very firm total of enemy tanks destroyed in Laos. And I don't doubt for a second but what the enemy lost a great number of tanks—that was one of his worst areas of setback—at the same time, we never had a South Vietnamese tank or armored vehicle reported lost, yet we know that about 200 of them went in and I was on Highway nine the day they fought their way back into South Vietnam and American armor supported them—we were ambushed three times and there were less than a hundred vehicles that came out—tanks, APC's and trucks. Get back to the briefer and he would swear that South Vietnamese tank losses were very light, giving no figures. At the same time we had it confirmed from a number of U.S. sources that American pilots had to fly special missions into Laos to destroy South Vietnamese tanks and APC's that had been left behind and abandoned by their crews.

DON FARMER. You know, in a more general term also, they talk about this operation being a success and the President was quoted as saying "that, we now know that the South Vietnamese can hack it." Well, in some ways, that's very true but, you know, they could not have hacked it at all had it not been for U.S. air support.

STEVE BELL. You know, this brings up a point that has really bothered me, in the way that the American military and the government in Washington has tried to knock down our stories of Vietnamese reverses in Laos. Most of our information came, one, from South Vietnamese troops that we personally talked to as they came out of Laos to Ham Nghi, many of them wounded, demoralized, near hysteria, or the U.S. helicopter pilots who had pulled them out, and who told the stories—the most vivid stories of all of South Vietnamese grasping for the struts and total disorganization and sometimes panic, at these evacuation points. When we filmed these reports, when we broadcast them, then we were told by the military and the U.S. government that these were unreliable people—the same young men that you're asking to fly your helicopters into Laos, to fight and die as the spearhead of the American support effort in Laos now suddenly, they're unreliable. And they're afflicted by tunnel vision because they're telling us stories, of a negative nature about South Vietnamese operations. I recall in Cambodia, in the months that we were over there covering, travelling with the South Vietnamese . . .

DON FARMER. Last spring.

STEVE BELL. . . . Right . . . and even into the summer, that they never missed an opportunity to set up little displays even at the most remote outpost, of captured weapons, captured documents, take you out and show you enemy dead where they'd had a firefight the night before, they made these tremendous victory claims in Laos and never once were they able to take newsmen to show them what they were talking about.

DON FARMER. One day they told us that they were going to take us out, into Laos, to see one of the biggest arms caches that they had uncovered and captured of the operation and we were very happy about that, and so we went out to Ham Nghi again, and we got there and we were put off and put off, and finally the South Vietnamese commanders came out and said, gentlemen "we're very sorry, but our regiment commander who uncovered the cache has inadvertently destroyed it." Which means it didn't exist anymore, if it in fact ever existed in the first place.

STEVE BELL. It seems to me that there are a number of examples where we are dealing with things that turned out to be something other than what we were told and we had an opportunity to actually verify the fact that we were being mislead. The most blatent example is the reporting of U.S. helicopter losses. The American helicopters were reported as lost *only* when they were destroyed and could not be retrieved from the battlefield. This leaves out completely all the literally hundreds of helicopters that were unable to return from a mission because they were downed by enemy fire.

DON FARMER. You know I remember talking to a helicopter pilot about two weeks ago and I think that at that time the figure they were giving us in Saigon and here officially, American helicopters shot down and destroyed was somewhere around 50 at that time. And this helicopter pilot told me straightforwardly, that they had lost 119 in the first week of the operation, and that was, that was a good week, a good month into the operation. Another helicopter pilot told me the figure was actually more like 250, and they did not report those which were recovered, even if there were people killed and wounded, they didn't report them. I think there is one other really significant fact, in trying to report this operation, and that is as it came to a close—at least the Laotian part of Lam Son—we were told by the Americans and the Vietnamese—the South Vietnamese, of course—that this was a great success, a great victory.

Well, in fact, it may have been in some aspects, the ARVN proved themselves to be good fighting men. The Marines did very well for a time. The Rangers certainly took it on the chin, and, their high losses are certainly not proof of poor performance. But, when they say things like we now have cut the Ho Chin Minh Trail, you and I know that that's absurd. And that's the kind of statements we're getting and they're so unbelievable that I think sometimes we're getting slightly paranoid, you know, we start looking for lies where maybe they don't exist. And I think it's a natural human failing that, partly our fault, but there's a reason for it. And that is we've been lied to so many times that you begin to suspect that no one ever tells you the truth.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I intend to suggest the absence of a quorum, and do so on the basis of the request, which the joint leadership has announced, that it be a live quorum.

The PRESIDING OFFICER. Does the majority leader desire to close morning business?

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that morning business be concluded, and I will later ask that the unfinished business be laid aside temporarily for the purpose of taking up the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, morning business is temporarily concluded.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR SENATE TO CONVENE AT 10 O'CLOCK A.M. ON TUESDAY, WEDNESDAY, AND THURSDAY OF NEXT WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on every day the Senate is in session next week, in addition to Monday, for which a 10 a.m. convening order has already been granted by the Senate, the Senate convene at 10 o'clock on Tuesday, Wednesday, and Thursday of next week.

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

(Subsequently, this order was changed to provide for the Senate to convene at 11 a.m. on Monday and at 9:30 a.m. on Tuesday and Wednesday of next week.)

SECOND SUPPLEMENTAL APPROPRIATIONS, 1971, CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that morning business be closed temporarily, and that, pursuant to the order of the Senate of yesterday, the conference report on the second supplemental appropriation bill be laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the Senate will proceed to the consideration of the conference report.

(For conference report, see House proceedings of May 20, 1971, CONGRESSIONAL RECORD, pp. 16188–16190.)

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, the joint leadership suggests the absence of a quorum. It will be a live quorum.

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

The assistant legislative clerk called the roll.

[No. 70 Leg.]

Aiken	Gravel	Stennis
Byrd, W. Va.	Hruska	Symington
Cotton	Mansfield	Thurmond
Ellender	Proxmire	Young
Gambrell	Scott	

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY), are necessarily absent.

I also announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. LONG), and the Senator from Montana (Mr. METCALF) are absent on official business.

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Maryland (Mr. BEALL) is absent by leave of the Senate because of illness.

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

The Senator from Utah (Mr. BENNETT) is absent on official business.

The Senator from New York (Mr. JAVITS) is absent by leave of the Senate.

The ACTING PRESIDENT pro tempore. A quorum is not present.

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

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

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

Allen	Fulbright	Pearson
Allott	Griffin	Prouty
Bentsen	Hart	Randolph
Bible	Hartke	Ribicoff
Byrd, Va.	Hatfield	Roth
Case	Hughes	Saxbe
Chiles	Jordan, N.C.	Schweiker
Church	Jordan, Idaho	Smith
Cook	Kennedy	Sparkman
Cooper	McClellan	Spong
Cranston	McIntyre	Stevens
Dominick	Moss	Talmadge
Ervin	Nelson	Williams
Fannin	Packwood	

The PRESIDING OFFICER. A quorum is present.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1971—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I am delighted that a quorum is present, and I am very hopeful that the Senate will agree to the conference report. In my long tenure here I do not know of any conference we have ever had in which we got all we desired or the House got all it desired.

This bill was received in the Senate on May 13, and because we had the various subcommittees hold hearings in advance of the receipt of the bill from the House we were able to report the bill to the Senate on the day it was received.

Then, on May 19 this bill was passed by the Senate and a conference requested with the House of Representatives. Yesterday I went to the Speaker of the House and the majority leader of the House and begged of them to have the House sit and consider this conference report. Quite a few of them were vexed about it, but the House remained in session. The House completed action on the conference report around 8:30 p.m. yesterday.

Mr. President, as I indicated when I presented the bill to the Senate, quite a few departments are in need of funds, particularly to meet their payrolls. The Post Office Department is without money, and unless this conference report is agreed to, some of the employees may go without pay. In addition to the Post Office Department, other agencies are involved.

I am very hopeful that the Senate will act favorably on the conference report today.

As I have just indicated, the bill was in conference for only one day. I do not know that we would have done any better if we had stayed in conference for a month. The House was adamant with respect to some of the items we had in the bill and would not agree with the Senate amendments. Personally, I believe we did a fairly good job, considering the fact that all of these items that have been refused by the House will be considered within the next 6 weeks in the regular appropriation bills. They offered argument to indicate that that was the procedure to follow and that nothing would be lost by postponing action on some of these items.

I believe the rapidity with which this bill was handled establishes a record for a major supplemental appropriation bill. There was a total of 84 separate amendments in this bill, which we discussed in conference. The amount of the budget estimates considered was $7,879,740,077; as it passed the House, $6,889,152,545; as it passed the Senate, $7,285,468,973; and the final amount agreed to in conference was $7,086,695,973.

The final agreement on the SST was $155.8 million, which included $58.5 million for refunds of amounts contributed by airlines toward the civil supersonic aircraft program for research and development. On the floor of the House of Representatives Thursday night, on a rollcall vote of 116 to 157, the entire sum of $155.8 million was rejected. Thereupon, on a motion by the chairman of the House Committee on Appropriations, the House agreed on a voice vote to include in the bill $97.3 million for termination costs which, of course, does not include the $58.5 million for refunds. This action reduces the final amount in the bill to $7,028,195,973.

Mr. President, nearly all of us in the Senate voted for this $58.5 million. We were advised, and that is going to be our hope, that between now and June 30 this amount will be included in the regular bill.

The House has indicated that some

Members were uninformed as to the terms of the contract and that they preferred to wait to have hearings on this item to make a decision.

I will advise the Senate of a few of the other important amendments in the conference report and the disposition thereof, and will be available to answer any questions with respect to any matter in the bill.

You will recall that the Senate included $65 million in the bill, which was submitted directly to the Senate in a request from the administration, for the Emergency Credit Revolving Fund of the Farmers Home Administration. I am glad to report to the Senate that the conferees on the part of the House agreed with us and have included the full $65 million in the conference report.

With respect to the subway for the District of Columbia, the Senate receded with the understanding that this matter will receive the careful consideration of the House and Senate Subcommittees on Appropriations in connection with the regular District of Columbia appropriation bill, which will be before the two bodies in the near future. The conferees on the part of the Senate were advised that favorable developments are expected with respect to this matter.

Incidentally, Mr. President, a memorandum was presented and a verbal statement was made by Mr. Natcher, House chairman on the District of Columbia bill indicating that the prospects are very good, that when the next regular bill is considered, the funds will be made available.

One of the most difficult subjects before the Conference Committee was the matter of the manpower training activities. The House had included $100 million in the bill and the Senate, in a close vote Wednesday night, increased the sum to $116,600,000. The conferees utilized more time on this matter than on any other amendment and the House conferees were adamant. However, we were able to secure an increase of $5 million over the House bill to allow this summer training program to operate with an appropriation of $105 million.

We discussed this particular item for quite some time. Of course, the Senate conferees did all they could to get the House to include the $16.6 million. My good friend, the senior Senator from New Hampshire (Mr. COTTON), made a valiant fight to retain the full $16.6 million that was added by the Senate. We worked hard to do it. I regret that we could not prevail upon the House to agree to the Senate amount.

The amendment of the Senator from New York (Mr. JAVITS) proposed a larger sum than the amount voted by the Senate. It was through an amendment to the Javits amendment by the Senator from New Hampshire (Mr. COTTON) that the amount was reduced to $16.6 million. After the vote, the Senator from New York (Mr. JAVITS) came to see me, talked with me, and I told him we would do our best to retain that amount. We did our best. He finally concluded by saying, "Do your best. That is all we expect." We have done our best as I see it. These matters will come before us again soon, probably next month.

I feel that many of the programs added in the supplemental bill will be considered in the regular appropriation bills. As chairman of the Appropriations Committee, I have been doing all I can to try to get the Senate to enact most of these regular bills before June 30, if that is possible. Surely, during July we would be able to clear the decks on practically all of the appropriations. So, with respect to the few items that were not agreed to, there is no doubt in my own mind that within the next 6 or 7 weeks we will be able to include those items in the regular bills. That was what some of the House Members contended.

As I said, if we do not adopt the conference report today, I doubt that we will be able to go along with the special items we put in the bill until the regular bills are considered. I do hope the Members of the Senate will stand by the chairman of the committee, who has been doing all he can to bring these bills to the Senate. I want to make a pledge that I will do all I can to get as many bills passed by June 30 as possible.

I have been working in close cooperation with Mr. MAHON, my counterpart in the House, and I have been advised by him that next month we are going to have quite a few regular appropriation bills come from the House of Representatives.

I want to say that, insofar as the Senate subcommittees are concerned, we have virtually completed our hearings on the Defense bill except for outside witnesses. We have completed hearings on our public works bill except for a few outside witnesses. The Interior bill and the District of Columbia are ready for action as soon as we receive the bills from the House. The legislative bill will soon be here. The agricultural bill hearings have been practically completed, and the education bill, I understand, is going to be here probably next week. Hearing on the Treasury-Post Office bill and the HUD-space science are well underway.

I think we are making good progress and if the Senate would stand by me, I am very hopeful that come the middle of July or a little later in July, we ought to have practically all of our appropriation bills on the desk of the President. That is something that has not been done in a long time.

It requires a good deal of work to do that, and I want to take this occasion to say that I am getting full cooperation from the members of the committee, particularly my good friend from North Dakota (Mr. YOUNG). We have been working hand in hand in order to get the subcommittees moving so that when we get the House bills we will be able to act.

As an example of it, we have right here before us this supplemental bill. We anticipated that the House would act on a certain date, which was the 13th day of May, and when the bill was sent to us, the same day we reported it to the Senate. We were prepared to act. I hope that the Appropriations Committee will be in a position to handle other bills in a similar manner; that is, to act upon them as soon as we receive them from the House. I think that is in the cards. I am very hopeful that I will receive full cooperation from the Senate, because it is a hard matter to get all of these bills enacted.

We have had a lot of trouble in the past. We have had trouble getting many of the items authorized. I am doing what I can to make the people at 1600 Pennsylvania Avenue do what they can to get the authorization bills enacted as soon as possible so that we can have all of these appropriation bills acted upon at an early date.

With respect to mental health, the Senate amendment in the amount of $20 million was deleted by the conference committee. This was an unbudgeted item. The House conferees were adamant on striking that out, not merely because it was an unbudgeted item, but because of the fact that this appropriation, as well as many others dealing with health, will be taken care of in the regular bill sometime next month or in July. The House conferees insisted that this amount of money, as well as other amounts of money that had been requested of the conference committee but which were not put in this bill, will be added to the general bill.

I pledge to do all I can to see that these amounts are properly considered and voted on in the regular appropriation bill. The Senate conferees regret very much that this had to be done; however, we were faced with the fact that the House managers insisted there will be an appropriation bill sent to the Senate within 30 days containing full-year funds for all health activities, and at that time this matter can be considered further.

The language included in the bill by the Senate to pay overtime pay to the Capitol Police since March 1 was deleted without prejudice. In the near future, the House will be considering a resolution to pay overtime pay, retroactive to March 1, and this entire matter will be resolved shortly in the legislative branch appropriation bill.

Mr. President, I wish to say that I was given to understand that a resolution will be before the House of Representatives soon which deals with overtime pay for the police. I think a very good point was made that in that resolution there is a formula as to the conditions under which police officers will be paid additional money for overtime. I understand it will contain a provision that for additional work over and above 8 hours, they will probably be paid time and a half.

We considered all of that, and in the light of that proposal being before the House of Representatives, the conferees decided not to force the issue, because, as I have stated, the matter could be settled come next month.

Mr. President, returning to the SST, we tried in every way we could to maintain the Senate version. I know that several Senators present, I think particularly the Senator from Illinois, were very anxious to obtain the $58.5 million

to make refunds to the airline companies.

However, there seems to be a difference of opinion as to the liability, and for that reason, I am sure, although the House conferees agreed to the amount, there were some doubts when the matter was considered on the House floor. The House Members evidently hope to get enough evidence when the matter is presented in the regular bill to consider this issue fully. I had to agree with them that the evidence we had was rather slender.

I understand some evidence will be adduced to indicate that these sums were used on research and development. Of course, if that is true, all of the facts will come out, and I believe it was best to do as we did, end the contract and let the amount of $58.5 million come later in the regular bill, after we have received the full facts on the matter.

Mr. President, unless Senators have questions, I yield the floor.

Mr. HUGHES. Mr. President, I ask for the yeas and nays on the adoption of the conference report.

The yeas and nays were ordered.

Mr. COTTON. Mr. President, may I say first that I cannot find words adequate to express my respect and admiration for the distinguished chairman of our Appropriations Committee, the Senator from Louisiana (Mr. ELLENDER), not only for the constant and general leadership that he has exercised and given us, which it has been a privilege to follow, but for his performance in the matter of this very difficult and, in some respects, perplexing conference on this wide-ranging supplemental appropriation bill.

He fought manfully for the Senate position. He did everything in his power to sustain it; and everything he has stated here this morning is well said and logical, and has strong and compelling reasoning behind it. I want to thank him personally for his help when we were battling on this matter of summer jobs.

But, Mr. President, there are several differences on the matter of amendment 31 in disagreement, with reference to the summer jobs for young people throughout the country this summer.

In the first place, if the mistake has been made that it has not been adequately dealt with, that is something that cannot be taken care of in the regular bill, because it has to be done now. These jobs have to be taken care of immediately, if they are going to be effective this summer.

Mr. President, the appropriating committees of Congress have not been, in my opinion, at all penurious or small in dealing with this proposal. In the regular appropriation, out of the $1.5 billion for manpower training and kindred activities, a sum sufficient was set aside for the summer jobs, so that some 414,200 summer jobs would have been available, and this was going to be, as I recall, on a 8-week basis. The administration felt that more was necessary, because this is a very delicate and important matter—a matter of avoiding mischief for idle hands to do.

If we are to hope to stem the tide of youthful discontent and youthful demonstrations and youthful—in some cases, not the majority of cases—violence, one of the necessary things is to provide the summer jobs for the young people of this country this summer, and it has to be done now. It cannot be done in the regular appropriation.

When the Bureau of the Budget recommended some $64 million more, in addition to that part of the regular appropriation that was devoted to this, which in a period of 9 weeks' employment would have brought the summer jobs up from 414,000 to $14,000, it meant 100,000 more.

When it got to the Senate, there was very strong sentiment, and the Senator from New Yorkk (Mr. JAVITS) and several other Senators offered an amendment which would have added $57.4 million more and would have provided 40,000 additional jobs on a 10-week basis. They were bound and determined—and I think a large number of Senators were behind them—to get this amendment adopted.

Mr. President, the members of the subcommittee dealing with this—at least, I am quite sure the majority of them—felt that that was too much; and, frankly, this Senator would have been content to leave the bill as it was. But it became very evident—I think I can say with justification and not fear contradiction—that unless we made some concessions, that amendment, the so-called Javits amendment, would be adopted.

Let me say this: The House added to the administration's recommendation of roughly $64 million. They brought it up to $100 million, and we give them credit for that. But $57 million more would have been added under the Javits amendment to add 40,000 jobs, and that would have brought the summer jobs up to the number that the association of mayors had proposed as their minimum request to try to deal with the situation in the coming summer.

The Senator from New York and his associates wanted a 10-week program. The Senator from New Hampshire and other Senators felt that we could have the 40,000 jobs on the 9-week program and that the 9-week program would adequately take care of the situation. We could get the entire 40,000 additional jobs asked for by the mayors and supported by the distinguished Senator from New York and his associates at the comparatively small cost of $16,600,000.

So the Senator from New Hampshire offered an amendment to the Javits amendment that reduced the amendment calling for $57,400,000 to a mere $16,600,000 without reducing a single job. The money we originally appropriated only had an 8-week basis. Senator JAVITS and his associates wanted 10 weeks. It would be a 9-week basis, and it would provide the 40,000 additional jobs that the Senator from New York and his associates were asking.

The Senate will recall that under the situation in which we found ourselves, while we had explained our amendments previously, we had no opportunity to explain or debate this; and the Senator from New Hampshire caused to be placed on the desk of each Member of the Senate a very brief, three-paragraph—less than half a page—memorandum explaining his amendment and explaining that it would provide the 40,000 additional jobs. The last paragraph of the memorandum furnished by the Senator from New Hampshire to each Member of the Senate read:

> My amendment would constitute an effective program at an amount I believe we can hold when we go into conference with the House.

Mr. President, I ask unanimous consent that this memorandum, which the Senator from New Hampshire placed in the hands of each Senator in lieu of debate, be printed at this point in the RECORD.

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

MAY 19, 1971.

MEMORANDUM OF COTTON AMENDMENT TO JAVITS AMENDMENT

This is a brief explanation of my amendment regarding summer jobs for youth to the Second Supplemental Appropriations Bill, since there will be no further debate on the amendment.

As reported by the Committee, the bill would provide $100,000,000 for 187,200 more summer jobs. The Committee also approved nine weeks' employment instead of the eight weeks allowed last year. Senator Javits and others have proposed adding $57,428,359 to provide ten weeks' employment and 40,000 additional jobs. My amendment adds only $16,600,000 to the bill to find the additional 40,000 jobs but maintains the employment period at nine weeks as recommended by the Committee.

My amendment would constitute an effective program at an amount I believe we can hold when we go into conference with the House.

NORRIS COTTON.

Mr. COTTON. The rollcall vote came on the amendment of the Senator from New Hampshire to the amendment of the Senator from New York, and the amendment of the Senator from New Hampshire was adopted by just 3 votes. As I recall, the vote—I think it will be shown—was 49 to 46.

The Senator from New Hampshire finds himself in a most embarrassing situation. Whatever may be his sins, he has been wrong many times in this body, and he has undoubtedly taken positions that were illogical, and he has been guilty of many sins throughout the 18 years he has been serving in the Senate.

But I think the Senator from New Hampshire can say that he never once betrayed his word to any Senator or to the Senate. To be sure, the Senator from New Hampshire did not guarantee that the House would accept this amount; but he said:

> My amendment would constitute an effective program at an amount I believe we can hold when we go into conference with the House.

I can state as a fact that I conferred with certain Senators who wanted to vote for the Javits amendment and obtained their votes for my amendment to the Javits amendment on the logical ground that if the Javits amendment would be adopted it would not stand up in con-

ference, but if the Cotton amendment to the Javits amendment were adopted, we could go to conference and it would stand up. We would have the requisite number of jobs now, including the 40,000 extra to satisfy the insistent demands of the mayors, and people all over the country, in order to try to cope with this extremely delicate and important situation that we are facing this summer in the matter of what happens to our youth and what they do. So this amendment was adopted on that representation by the scant margin of 3 votes.

When we got to conference, the Senator from New Hampshire was utterly amazed—I repeat, utterly amazed—and I have been sitting in on conferences, particularly on appropriation bills that had to do with HEW for the past 10 years—because never have I seen a position so adamant as the one that was taken by the House.

I do not want to characterize my friends, whom I respect, or violate the rules and criticize the other body, but if I were free to say so, I would say that I never saw such arrogance as we had to face in the matter of asking for this comparatively insignificant sum of $16 million, which is necessary now—not when the regular bill comes up, but necessary now—in order to do this job.

I sat there in shame, thinking of what I would say to Senators on this floor, to those who were backing the Javits bill, having to come back here and say that we could not get that $16 million to keep our pledge to them.

I want to express my appreciation to the distinguished Chairman of the Committee, the Senator from Louisiana (Mr. ELLENDER) who backed me up in every possible way, in pleading and urging the House conferees to accept that small sum. I also want to express my appreciation to the distinguished Senator from Colorado (Mr. ALLOTT) who pleaded with the House conferees not to hold out on this sum when it had such significance.

I will never cease to be grateful to them, and to other members of the Senate conferees, all of whom not only urged, not only insisted, but also pleaded and begged for consideration.

Frankly, I do not know that I recall when conferees representing the Senate felt it necessary to humiliate themselves, almost to get down on their knees, to ask for this paltry sum. We reminded them that this sum prevailed in the Senate by only 3 votes on a rollcall vote, and if we came back and a rollcall were taken on it again, in light of what happened, undoubtedly the Senate would have voted the much larger sum.

In spite of that, at the behest of the distinguished chairman of the House Appropriations Committee, they said that they would go $5 million, which does not give these jobs.

I recognize the force of everything my able chairman has said about the need to get the bill taken care of. There are other things in the bill that will be objected to, I think, strenuously on the floor of the Senate, but most of them will be taken care of in the regular bill. This one cannot.

Mr. President, because of the sense of obligation I feel to the Senators I prevailed upon to vote not to attempt to spend the $57 million extra on this, when we could get the same number of jobs on a 9-week basis for a mere $16 million, when I think of all those Senators who heeded my pleas that I made personally all over this Chamber who would have voted otherwise but who accepted the lower figure, and then to come back and say that we cannot have it, I am going to be compelled, reluctantly, to hope—and to vote accordingly—that this conference report will be rejected. Then, if it is, to offer a motion that the Senate conferees be instructed to insist upon the sum of $16,000,000 to make this program whole.

It is the only way we can keep faith with the Senators who voted with me to reject the $57 million that was being supported by the Senator from New York and his colleagues.

Accordingly, Mr. President, I will, at the proper time, have to take that action. I urge and I beseech Senators to take this action with me, because it is not going to delay it very long. We can have another meeting. We need the votes. We need the rollcall vote, the vote that has already been asked for. We need the rollcall vote not only on rejection of the conference report but also another rollcall vote—if we have the opportunity—on the $16 million appropriation.

Mr. YOUNG. Mr. President, it is not an easy decision for me to oppose the distinguished Senator from New Hampshire (Mr. COTTON), who is asking that the conference report be rejected.

The Senator from New Hampshire put up a valiant fight, a hard fight—as hard a fight as anyone possibly could—to get the additional funds which he sought in in the Senate bill. He was successful in getting $5 million additional.

If I thought there was any possible chance whatever of the House receding, if we went back to conference on this item, I would vote with him.

I think that the distinguished chairman of the committee, the Senator from Louisiana (Mr. ELLENDER) did all he possibly could. Every Member of the Senate conferees did, also. But the House was absolutely adamant on this and two other amendments.

Mr. President, there are three other provisions in the bill about which I am deeply concerned, one offered by the distinguished Senator from Iowa (Mr. HUGHES) with references to mental health for $20 million—a very important item—on which again the House was adamant and wanted to consider it in the regular bill.

Then there was the question of adequate funds for the Inter-American Bank. The U.S. Government is placed in the position of reneging on the commitments it has made to the Latin American countries if these funds are not provided. This is a program that I am not a great supporter of, but when the U.S. Government has made a commitment, I believe it should abide by it. Not to do so gives the Latin American countries the opportunity, rightfully, to criticize our Government.

But, again, the House was adamant and wanted to handle these items in the regular bill.

The other item was $58 million to repay the airlines who had contributed money to the funding of the SST.

I think that everyone agrees there is an obligation on the part of the U.S. Government to repay the airlines. There was no budget estimate for it. Most, if not all, the House conferees agreed to this item. There was no opposition. But when it went back to the House and they took a separate vote on it, the funds were denied, the main argument being, they wanted to handle it in the regular bill.

Mr. President, looking at the votes of the House conferees, the leadership on both sides of the aisle did not support it and apparently wanted to handle it in the regular bill.

Sending it back to conference now would weaken the position of the airlines. Those of us who believe they are entitled to a refund of their money, believe it would be a better position to have it handled in the regular bill.

Therefore, Mr. President, most reluctantly, I am going to support the chairman of the committee and vote for adoption of the conference report.

Mr. ALLOTT. Mr. President, in both respects, I join my ranking minority member on the Appropriations Committee, but not on all of the thoughts he has expressed.

I would like to address myself to two matters contained in this particular measure. I would like to address myself first to the matter of the summer jobs. I think the Senator from New Hampshire, my very good friend, exercised the greatest restraint in expressing himself about the atmosphere in which this was cast.

I know how bitterly he feels about this, and I know how deeply those feelings go within him, because I am sure that they penetrated all the rest of those in the conference yesterday afternoon.

This is not one of the things I am saying just to pat someone on the back. I think that Senator COTTON in this manner has shown one of the highest senses and the highest type of senatorial responsibility I have ever seen. Convinced that the amendment offered by the Senator from New York was excessive and that a lesser sum, the sum offered in his explanation, $16 million, would do the job and take care of it effectively, he offered his amendment and did one of the things which we see done far too seldom in this or in the other body—he had the courage to order some priorities and designate them and fight for them.

Mr. President, if we would only do a lot more of that in the Congress of the United States, believe me this country would be a lot better off. It is not easy when one is on the Appropriations Committee to stand out on that cold, bleak peak by one's self and say, "I believe that out of the money we have available, if we are going to put so much here, we should put so much here also." He did it. The easier thing would have been to go for the larger sum and run home with his thumb sticking in his chest and say, "Look what I have done for you." He assumed his position, and I say it again,

in all sincerity and with the highest type of dedication I have ever seen in the Senate on a merited case.

I say this to the Senator, first I was pleased and happy to scrap and fight with the Senator from New Hampshire and with the chairman, the ranking member, and the other Senator, because the members of the Senate conference committee did fight all the way through for this particular amendment. I know it has been often felt here on the floor after a conference when certain items of the Senate had not been adopted, and I have even heard Senators accuse other Senators of literally dragging their feet and not fighting hard for a particular amendment. Believe me, in this instance the reverse was true. I think it can be said that every member of the Senate conference committee fought to try to sustain the position of the Senate and the position of the distinguished Senator from New Hampshire.

Mr. President, there is another matter in here that I feel particularly strong about, as the Senator from New Hampshire feels about the summer job amendment. In 1961, in the appropriations bill for fiscal year 1962, as the ranking member of the Independent Offices Committee, together with the Senator from Washington (Mr. MAGNUSON), who was then chairman, we started the long, great project, the supersonic transport prototype project of the United States.

For anyone who has been vitally interested in this area all of these years, it is like any other defeat, it comes bitterly. And those of us who were for it have to accept the fact that the majority of the Senate and the House voted that way. So, this being a republic, we accept the will of the majority, even though I must say, in all frankness, that if anyone would refer to the article in the Saturday Review of about 3 months ago concerning the chicanery of the organization who undertook to lobby against the SST, it would cause any serious man who had voted against it to take a serious look as to whether he had not voted incorrectly. Now we have in this bill, or we had in this bill when we left conference yesterday afternoon, $155 million for the termination of the SST contract; $58.5 million of that was money paid in by the airlines for positions for these planes. That money was used by the Government as a setoff. In other words, it was used in research and development of phase 3 by Boeing, and the Government used it as a setoff and did not put that money—the $58.5 million—into the research program.

This was done in 1967. The Government has gotten the benefit of the $58.5 million which the airlines paid in for airplanes which have been terminated unilaterally by the Government of the United States, to wit, the U.S. Congress.

To me, there is the highest moral responsibility for the payment of this that one can imagine. I feel as a practicing lawyer for more than just a few years, that I would be very happy if I were in the practice of the law to represent the airlines, in this case in court. But we do have the deepest kind of a moral obligation in this matter.

I think it is a shame. Last night in the other body, by a vote of 117 to 157, the other body removed the repayment to the airlines of this $58.5 million.

I agree that at this point and at this time, even if a motion to reject the conference report carried, that it would probably be ineffectual to try to instruct the conferees with respect to this item.

Mr. President, some of the remarks made in the other body last night by those opposed to it indicate not only that they are ill informed on this issue, but also, in my opinion there was shown a crass disregard for the principles of honor and decency for which this Government has to stand if we are going to remain intact.

I conclude by stating that I have had the opportunity to talk with my good friend, the junior Senator from Kentucky, who proposes to address himself to this matter in a few minutes. I cannot be in the Chamber at that time but I do want to say that I have read his remarks and I am happy he is going to express himself so forcefully on this particular item.

Mr. KENNEDY. Mr. President, I share the disappointment that has been expressed by a number of my colleagues with the results of the Conference Committee. I say at the outset that I have the greatest admiration for the chairman of the Committee on Appropriations, the Senator from Louisiana (Mr. ELLENDER), and many of the other Members who have been extremely sensitive to a number of different programs many of us have been interested in.

Nonetheless, as we reach Friday noon and consider what action to take, I cannot help but rise and point out some of the areas in which I think the Committee on Appropriations has shown a very serious disregard, in spite of a strong record that has been made in the committees of the Senate and on the floor of the Senate.

One of these areas which I intend to discuss this afternoon is the cutting out of moneys which had been included in the Senate bill on lead-based paint poisoning. This is a problem which affects many hundreds of thousands of children in many different parts of the country. As chairman of the Health Subcommittee of the Senate, I have had the opportunity to listen to some of the most effective witnesses on this question. I have listened to mothers talk about how their children have suffered from lead poisoning, how they would then go to a hospital with other sick children, and the hospital was unable to provide the necessary services for the children who are lead sick. Hospitals simply have no program to test other children. There is a very serious need for this program. The Senate committee had put in the sum of $5 million and that amount was struck out in the conference report.

Another area that I wish to address is alcoholism. The distinguished Senator from Iowa has provided outstanding leadership for programs in this area. I share his frustrations about cutting out very important funds in that area.

I am also deeply distressed about cutting back on the funds for hot meal programs for the aged. The aging of this country are really the lost minority. I am reminded that in the Older Americans Act, for example, we appropriated $30 million last year. In spite of the increased authorization this year the original budget requests were $2.5 million less than a year ago. Only recently they indicated they were going to ask for another $2 million, in spite of the fact that the total moneys that are requested for the Older Americans Act will not be the amount of money spent by the Pentagon on public relations. We ask ourselves which is more important, public relations for the Department of Defense or the nutritional adequacy of our senior citizens?

Mr. President, time and time again we find that the programs which affect our aged population are being cut back, and here is one of the most effective programs. It is warmly endorsed by the distinguished Senator from Illinois (Mr. PERCY). Mr. President, 14,000 hot meals a week are provided for elderly people in 15 States and the District of Columbia. There are 18 existing nutritional projects, and this money will have a drastic effect on them.

In addition to cutbacks in the programs already noted, I am equally disturbed by the cutback in section 235 and 236 housing programs. That is an area of extreme importance. There are tens of million of dollars of backlogs in programs that have been approved and not funded, yet tremendous need for construction of new housing is documented in countless volumes of testimony before congressional committees.

All of these issues—lead-based paint poisoning, alcoholism, hot meals for the aged, and housing projects affect the health and life of our country, and yet these are programs that have been cut back. This is a matter of considerable concern to me and I know how important it is to other Members of this body.

Because of efforts of the very able chairman of the Appropriations Subcommittee for Labor, Health, Education, and Welfare, the Senate approved funds authorized by the Lead Based Paint Poisoning Prevention Act—Public Law 91–695.

That law was enacted in response to the critical demand for ending the hazard of lead paint poisoning in children.

Based on estimates by the Department of Health, Education, and Welfare, 400,000 children each year are afflicted with this tragic disease and at least 200 deaths occur due to lead poisoning. Expressions of concern for the need to combat lead poisoning have come from many authorities concerned with health care.

In October, 1970, the Surgeon General of the United States, Dr. Jesse Steinfeld, issued a statement of policy on the need to fight the disease in his report on "The Medical Aspects of Childhood Lead Poisoning."

I might mention that when this legislation came before this Senate, in December 1970, it passed overwhelmingly and it also passed in the House. There was strong bipartisan support from both sides of the aisle.

Dr. Jonathan Fine, Deputy Commis-

sioner of the Department of Health and Hospitals for the city of Boston, in testimony before the Senate Health Subcommittee last year, reported that screening programs aimed at detecting lead-sick youngsters usually identify substantial numbers of children with high lead levels. Without treatment some children become violently ill; others die.

Lead poisoning is one of our modern environmental hazards that affects poor children in numbers greatly disproportionate to their distribution in the total population. Little children get lead-sick from chewing bits of fallen plaster and peeling paint. While today most homes use lead-free paints on interior surfaces, the old paint still exists on the walls of more than 30 million housing units. Many of those homes were constructed over 30 years ago. Today they comprise our big city slums.

Not long ago I was in Lincoln Hospital in the Bronx, N.Y., I learned that they had a number of children coming there with lead poisoning, and the longer the children stayed in the hospital the sicker they became, even in the pediatrics division. Eventually they discovered the hospital had peeling chips of lead-based paint on its walls, so even when the children were in the hospital they were exposed to this tragic disease.

Shamefully, we have not mobilized available resources in our society to bring an end to this problem. Yet, it is clear that with modern medical techniques we are fully able to cure all lead-sick children, and to protect others from this affliction.

With the knowledge that lead poisoning is completely curable and preventable we cannot allow it to continue to affect our Nation's children.

For that reason, Mr. President, it is important to begin immediately to win the battle against this disease. We can do that with adequate funds that will seek out and treat those youngsters who are victims of this tragic disease.

Health authorities report high incidences of lead poisoning in children in at least 26 States. We should begin programs authorized under Public Law 91–695 in at least 10 of the cities that report the highest incidences of lead poisoning.

I know that the urgency of this problem has been fully understood by many in the administration. On January 13, 1971, after the President signed this act into law, the Department of Health, Education, and Welfare, having been assigned the major portion of the Federal responsibility, delegated full responsibility for implementation of the act to the Bureau of Community Environmental Management.

The Department began developing an implementation plan in accordance with the Bureau's responsibility to obtain management's review, comments, concurrence, support, and funding required to carry out efficient and effective Federal and local lead poisoning control programs.

Inaction on this problem would be an economic and human disaster. An estimated 16,000 little children are treated for severe lead poisoning each year at a cost of $1,800 each—a total of $28,800,000 annually. It is believed that many additional children are affected but are not detected or treated because the symptoms are not specific and the effects are very subtle in developing. One-fourth of the infants treated continue to suffer from permanent damage such as visual disorders, impaired digestive and kidney functions, convulsive seizures, decrease in learning ability, and mental retardation. Each moderate case of brain damage requires approximately 10 years of special instructions, and other care averaging $1,750 per year—a total of $560,000 for the 3,200 children stricken each year. Cases of severe and permanent mental retardation—800 children each year—require lifetime institutionalization at a cost of $4,000 per year each or $3,200,000 annually. The economic cost to the Nation for 1 year's damage for this group of young children is $32,560,000. Who among us can price the human misery and suffering involved? The costs of treatment falls on that segment of our population least able to bear the expense. The result is an incredible demand for tax dollars.

That is why, Mr. President, we must move to return the $5 million approved by the Senate for this measure.

The problem of lead poisoning is completely controllable with existing technology. Techniques for the control of the problem are developed and tested. Program activities have generated a widespread awareness of the problem and an eagerness to initiate or expand local lead control efforts with minimum seed money from Federal sources.

The Public Health Service, through the Bureau of Community Environmental Management, has done much to define the problem; bring the problem to professional and public attention, and to facilitate and encourage local control programs. An intradepartmental committee prepared a HEW policy statement defining levels of lead poisoning and recommending treatment and control techniques. On October 12, 1970, the Surgeon General issued this policy statement on "The Control of Lead Poisoning in Children." Procedural guidelines for assisting communities in carrying out lead control programs have been developed by BCEM and distributed widely. The application and effectiveness of these guidelines have been demonstrated in Norfolk, Va. Simple inexpensive and rapid methodologies for the determination of blood-lead levels have been developed and are being tested by BCEM in the cities of New Orleans and New York.

There are scores of applications, and preliminary and pilot work has already been initiated. All that is really needed now is the kind of seed money that was included in the legislation by the Senate, but was stricken out by the conference committee.

It is now practical and economically feasible for communities to carry out the massive screening programs recommended by the Surgeon General. There is a minimal need for further research.

The necessary information to eliminate the problem is known. The time for action is now and now is the time for effective action programs at the community level.

Prior to the hearings on and passage of Public Law 91–695, the Bureau of Community Environmental Management had received requests from 38 communities for technical and financial assistance in conducting local lead control programs. The dollar volume of these requests was over $33 million. Since that time BCEM has received a restatement of need from 14 communities and requests from 15 additional communities.

The Bureau has begun the development of the necessary regulations and guidelines required to implement titles I and II of Public Law 91–695 and is providing limited technical assistance to communities in defining the lead problem in preparation for a control program. Based on the extent of the valid need evidenced to date—based on pilot screening programs already undertaken—I am convinced that the Department of Health, Education, and Welfare can effectively utilize in the current fiscal year the $5 million to carry out the types of community programs outlined above.

Mr. President, this is really a tragic situation. The Committee on Labor and Public Welfare has spent hours of hearings on this question. As I mentioned, we passed that legislation last year overwhelmingly, worked out what I think was a worthwhile compromise with the House of Representatives in the final hours of the session, and it was signed by the President. There is a tremendous need for it.

Just recently, in our health hearings in New York City, we had a statement from Judith Schaffer, a member of the Citizens Committee To End Lead Poisoning. Here is what she points out:

Mrs. SCHAFFER. My name is Judith Schaffer, and I am speaking here today as a member of the Citizen's Committee to End Lead Poisoning. Our Committee, which is entirely voluntary, was formed three years ago to alert parents and community groups to the "silent epidemic" of lead poisoning, which was threatening death or permanent injury to tens of thousands of children in our city, most of them residents of dilapidated housing in ghetto areas.

I would like to include in the RECORD her statement, which mentions Mrs. Franklin:

Mrs. Franklin brought her children to the Harlem District Health Office several times each year for medical check-ups. Never, at any time, was she asked whether Gregory or the other children ate paint. Never, as the result of the calculated decision to ignore lead poisoning, was Gregory tested for lead poisoning. There was no information available to either Mr. and Mrs. Franklin or to medical personnel they came in contact with about lead poisoning—how widespread it was, its causes and symptoms, or as in Gregory's case, its lack of symptoms.

At 4:00 a.m. on September 10, 1969, Mrs. Franklin was awakened by Gregory who seemed to be choking. He was in a coma. The Franklins rushed him to Metropolitan Hospital where he remained in coma, hovering on the brink of death, for five days. After many attempts at diagnosis the verdict was severe lead encephalopathy. In lead encephalopathy the walls of the blood vessels are somehow affected so that the capillaries become too permeable. They leak, causing swelling of the brain tissue. Since the brain is enclosed in a rigid container, the skull, severe swelling destroys brain tissue. Certain brain cells are also directly injured by the lead.

Many of the tests made on Gregory in order to diagnose the cause of his coma in fact increased damage to his brain.

It is clear that had the interns at Metropolitan been more experienced, had they been aware of what lead poisoning was, what its symptoms were and, most important, how widespread a disease it was, they might have known enough to dispense with the more harmful diagnostic tests and to begin treatment immediately.

But a calculated decision was made not to screen children. A calculated decision to be cost effective. A calculated decision that Gregory Franklin would lay in a hospital bed screaming in agony, unable to see or hear or recognize even his own parents.

Gregory remained blind, deaf and unable to walk for some time. Gradually he began to walk. Three months later he seemed at times to be able to see. Somewhat later than that his hearing and more of his sight came back.

Gregory is severely brain damaged. He must take three different medications several times each day, including phenobarbitol and dilantin, to prevent what appears to be epileptic seizures, the result of the damage to his brain and a common result of lead poisoning. Sometimes the drugs work and more often they don't. He can't talk very much and was only recently again toilet trained. He is difficult to control because he has trouble understanding things now and because if he becomes upset as when he is chastized he usually has a seizure.

Since the treatment for lead poisoning can only remove the lead in the blood at the time of the procedure and can't make a dent in the lead stored in the bones, aorta and various other organs, each time Gregory gets a common childhood infection, such as a cold, a sore throat or the chickenpox, he again becomes "lead poisoned" as the stored lead re-enters his blood. He has been rehospitalized three times since December 1969.

Gregory has a sister, Lisa, who is three years older than he is. The hospital never volunteered to test her for lead poisoning although she lived in the same lead infested apartment. We finally forced them to test her and she was found to have a blood lead level of 60 micrograms for every milliliter of blood (New York City recognizes this level as critical while the U.S. Surgeon General recognizes a lower level of 40 micrograms per milliliter of blood as the level at which a child is considered to be poisoned.)

Senator KENNEDY. This was after they had diagnosed—

Mrs. SCHAFFER. Gregory, and after he had been in the hospital for a while.

Senator KENNEDY. And did they test his sister?

Mrs. SCHAFFER. They wouldn't test her until we forced them to.

The hospital refused to admit Lisa. We obtained statements from various physicians to the effect that even if she wasn't deleaded Lisa must be removed from the lead trap in which she was living as a public health measure. After a great deal of pressure and the threat of press publicity and even legal action the hospital relented and admitted Lisa and treated her three weeks after her positive test result was known.

Two questions must be asked, why was it necessary to force the hospital to test Lisa and why did they have to be forced to treat her? One must assume for these and other reasons that the lives of black children are considered to be expendable by our health establishment.

Gregory has been in the care of a private pediatrician and neurologist for the past year. This was possible because of Medicaid, which allowed working people like the Franklins to receive Medicaid if their incomes fell below a certain level and if they had large medical expenses.

There are stories we could read for hours of this kind of human tragedy. It is unfortunate that the hospital never tested the children in the family I just mentioned. It is unfortunate that the interns did not properly diagnose the suffering of the child when he was first examined. It is unfortunate that we did not have a program to be able to alert a community. This kind of story is happening every day in many different cities and communities across the country, and it was to meet just that kind of situation that the $5 million included in the bill by the Senate was to direct itself against.

Mr. President, besides the housing provisions of 235 and 236, the lead poisoning provisions which have been struck out, there is a third area which I know will be developed at some length by the Senator from Iowa, and that is the deletion by the conferees of the $20 million which was added by the Senate to implement the formula and project grant program to combat alcoholism.

The authorizing legislation for the alcoholism program came out of the Senate Labor Committee last year and was signed into law by the President. My distinguished colleague, the chairman of the Subcommittee on Alcoholism and Narcotics, Senator HUGHES, has been the leader in the effort to make significant strikes against the ravages of alcoholism. The $20 million to implement this innovative program is but a modest beginning. From my point of view it was unconscionable to fail to implement legislation which has been enacted. Too many times the expectations of Americans have been raised only to be frustrated by subsequent shortsighted actions. The American people cannot be expected to understand or sympathize with precipitate acts of this sort.

Mr. President, I recall the very extensive debates which took place in the Senate last year and the leadership which was provided by the distinguished Senator from Iowa (Mr. HUGHES) on the whole development of a program to meet the problems of drug abuse and alcoholism. There was a recognition that he brought to this question that not only did we need to have some stricter law enforcement, but also, we need an education program, a rehabilitation program, and programs of aid and assistance to these sick people. These matters were discussed time and again. He was able to effectuate amendments on the floor to include the kinds of provisions which would have been funded with this appropriation His committee has had lengthy hearings on this question. The record is full and it is compelling, and there is a very desperate need in this country for these kinds of programs and for this very modest beginning.

In my own State there is a great interest locally and throughout the State in trying to get some kind of seed money which can be provided by the Federal Government to develop effective programs. The action that was taken in the conference of striking out this amount of money was extremely unfortunate and irresponsible.

Mr. President, I also would invite the attention of Senators to the deletion of $1.7 million for the Administration on Aging. These funds would have permitted the continuation of 18 existing nutrition projects. These pilot programs currently serve over 14,000 meals a week to elderly poor in 15 States and the District of Columbia.

This program is providing a hot meal a day to elderly persons who depend on this program for the basic nutritional needs in their diet.

To cut off these programs and deny this minimal assistance to the elderly persons now being served would be cruel and unnecessary.

It would be cruel because they have no one to defend their interests and explain their needs. It would be unnecessary, because the amount of money requested is almost negligible when compared to the total appropriations in this bill.

The success of these programs has prompted me to join with Representative PEPPER to introduce a permanent nutrition for the elderly program. Hearings on that bill S. 1163 will be held next month. But while passage of that measure is pending the existing pilot programs should be sustained. All that is being asked is to permit these programs to continue for 1 additional year so that there can be an orderly transition to a permanent program.

These programs also have been endorsed by virtually every senior citizen group as well as by the December 1969 report of the White House Conference on Food, Nutrition, and Health.

I strongly urge that the conference report be rejected and sent back, in order to put these vital appropriations back into the bill.

I ask unanimous consent to have printed in the RECORD the summary data for the pilot program and the White House conference report.

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

SUMMARY DATA FOR 17 GROUP MEAL DEMONSTRATION PROJECTS

Participants

Age (Mean) 72.

Income: less than $3,000, 92%; $3,000–$4,999, 6%; more than $5,000, 2%.

Meals

Total number of meals served (per month): 40,125.

PER MEAL COSTS

	Prepared in project facility	Catered meals
Food per meal	$0.48	$1.19
Preparation per meal	.75	1.06

Average payment by participant, $.48.

Number of projects providing other services

Home delivered meals, 6.
Take home meals, 1.
Food and nutrition information and education, 17.
Friendly visitors, 7.
Locating and reaching elderly, 16.
Transportation, 12.
Recreation activities, 17.
Information and referral services, 17.
Social services, 3.

CALIFORNIA

Grantee: Senior Citizens Association of Los Angeles County.

Grant: 1st year, $51,807; 2nd year, $70,302; 3rd year, $75,224.

Project Title: "Hot Meals for the Elderly."

Project Period: 6–1–68 to 5–31–71.

Purpose: To demonstrate the feasibility and acceptability of using public schools as a center for a food and nutrition program and operating such an activity in conjunction with the adult education program.

Project Director: Peggy M. Best, Senior Citizens Association of Los Angeles County, 427 West 5th Street, Los Angeles, California 90013.

Participants

Age (Mean), 72.5.

Income: 87% less than $3,000; 12%, $3,000–$4,999; 1% more than $5,000.

Meals in a group setting

Sites: 3—(Secondary schools).

Average number of meals served per month: 820.

Meals: Preparation—Prepared meals purchased from the host facility—Board of Education—School Lunch Program.

Average cost of food per meal, $1.20.

Average payment by participant per meal, $.50.

Other services provided

Food and nutrition information and education.

Locating and reaching elderly.

Transportation.

Recreational activities.

Information and referral services.

COLORADO

Grantee: Curtis Park Community Center, Inc.

Grant: 1st year, $69,638; 2nd year, $62,459; 3rd year, $76,399.

Project Title: "Serve A Meal to Seniors"—SAMS.

Project Period: 5/1/68 to 4/30/71.

Purpose: To develop a model for a nutrition program which can be used to enhance health, recreation and social services for the elderly. Older people are employed on a part-time basis in all capacities. The prepared entree for the meal is purchased from a caterer, the rest of the meal is prepared at each of the five sites.

Project Director: Mrs. Lucille H. Reid, 2025 East 18th Avenue, Denver, Colorado 80206.

Participants

Age (Mean), 76.

Income: 66% less than $3,000; 11% $3,000—$4,999; 22% more than $5,000.

Meals in a group setting

Sites: 5 (3 church facilities; 1 community center; 1 public facility in urban redevelopment.

Average number of meals served per month 3,000.

Meals: Preparation—prepared entree for the meal is purchased from a caterer, the remainder of the meal is prepared at each of the five sites.

Average cost of food per meal, $.53.

Cost of preparation and service per meal, $.79.

Average payment by participant per meal, $.60.

Other services provided

Food and nutrition information and edution.

Locating and reaching elderly.

Recreational activities.

Information and referral services.

DISTRICT OF COLUMBIA

Grantee: Washington Urban League, Inc.

Grant: 1st year, $123,971; 2nd year, $131,099.

Project Title: "Senior Neighbors and Companions Program."

Project Period: 6–2–69 to 6–1–71.

Purpose: To demonstrate a program to provide low and fixed income for elderly citizens with: (1) nutritionally adequate meals in settings which promote companionship; (2) recreational and leisure time activities; (3) consumer and nutrition information programs; (4) social and health related services; and (5) opportunities for involvement of the elderly in program management.

Project Director: Mrs. San Juan Barnes, Washington Urban League, 1424 16th Street, N.W., Washington, D.C. 20001.

Participants

Age (mean), 69. Income: 100% less than $3,000.

Meals in a group setting

Sites: 4—(2—public housing; 1 recreation center; 1—church facility).

Average number of meals served per month: 3,000.

Meals: Preparation—Catered meals—prepackaged in insulated individual trays.

Average cost of food per meal, $1.90.

Average payment by participant per meal, $.25.

Other services provided

Food and nutrition information and education.

Locating and reaching elderly.

Transportation.

Recreational activities.

Information and referral services.

IDAHO

Grantee: Western Idaho Community Action Program, Inc.

Grant: 1st year, $32,744; 2nd year, $54,048; Supplement, $16,154; 3rd year, $41,288.

Project Title: "Senior Services."

Project Period: 5/1/68 to 4/30/71.

Purpose: To develop and test a program which will improve the food habits of the rural elderly as well as involving them with others in a range of activities. *Supplement:* Research survey for assessment of Senior Citizen "Volunteer" involvement in various older Americans programs to combat hunger, malnutrition and loneliness. Secondary objectives are volunteer training sessions and evaluations. Sub-contract to Boise State College, Boise, Idaho.

Project Director: Mr. Ivan Simonset, WICAP Inc., Box 37, Emmett, Idaho 83617.

Participants

Age (Mean), 77.

Income: 94% less than $3,000; 4% $3,000–$4,999; 2% more than $5,000.

Meals in a group setting

Sites: 4—in 4 different counties located in Centers.

Average Number of meals served per month: 1,480.

Meals: Preparation—by project personnel at each site.

Average cost of food per meal, $0.42.

Cost of preparation and service per meal, $0.86.

Average payment by participant per meal, $0.30.

Other services provided

Food and nutrition information and education.

Locating and reaching elderly.

Transportation.

Recreational activities.

Information and referral services.

ILLINOIS

Grantee: Chicago Commission for Senior Citizens.

Grant: 1st year, $162,302; 2nd year, $172,305; 3rd year, $144,505.

Project Title: "Chicago Nutrition Program for Older Adults."

Project Period: 6/28/68 to 6/27/71.

Purpose: To demonstrate and test different techniques of delivery systems for a citywide distribution of meals and services. The city will be divided into districts with three types of food distribution as follows: (1) a single catering film for the district; (2) distribution by a variety of catering firms capable of meeting special needs; and (3) a flexible series of individual solutions to special group needs such as food delivery from local hospitals or homes for the aged.

Project Directors: Ken Rosenberg, Acting Director, Division for Senior Citizens, Department of Human Resources, City of Chicago, 203 North Wabash Avenue, Chicago, Illinois 60601.

Participants

Age (Mean), 74.

Income: 94% less than $3,000; 4% $3,000–$4,999; 1% more than $5,000.

Meals in a group setting

Sites: 31—available in facilities such as senior centers, public housing and churches.

Average number of meals served per month: 12,000.

Meals: Preparation—Prepared meals purchased from caterer and delivered in bulk to each site.

Average cost of food per meal, $.75.

Cost of preparation and service per meal, $.76.

Average payment by participant per meal, $.55.

Other services provided

Food and nutrition information and education.

Locating and reaching elderly.

Recreational activities.

Information and referral services.

KENTUCKY

Grantee: Northeast Kentucky Development Council, Inc.

Grant: 1st year, $45,107; 2nd year, $51,079; 3rd year, $43,148.

Project Title: "Country Gathering."

Project Period: 6/25/68 to 6/24/71.

Purpose: To test and demonstrate contributions to the well-being of older people derived from a planned weekly old-time country gathering with a group meal for senior citizens.

Project Director: Mrs. Regina R. Fannin, Northeast Kentucky Area Development Council, Inc., P. O. Box 11, Olive Hill, Kentucky 41164.

Participants

Age (Mean), 67.

Income: 100% less than $3,000.

Meals in a group setting

Sites 7: schools, 1 fraternal organization facility, 4 community facilities.

Average number of meals served per month: 700.

Meals: Preparation—Meals prepared at each site.

Average cost of food per meal, $.38.

Cost of preparation and serving per meal, $1.38.

Average payment by participant per meal, $.15.

Other services provided

None.

MISSISSIPPI

Grantee: Star, Inc., Jackson, Mississippi.

Grant: 1st year, $73,661; 2nd year, $74,534; 3rd year, $78,573.

Project Title: "Food and Nutrition for the Aged."

Project Period: 6/25/68 to 6/24/71.

Purpose: To demonstrate how a program which provides meals, nutrition, education and health services can reduce the incidence of poor nutrition and lack of socialization among the older rural poor.

Project Director: Mrs. Leola G. Williams, P. O. Box 891, Greenwood, Mississippi 38930.

Participants

Age (Mean), 73.

Income: 100% less than $3,000.

Meals in a group setting

Sites: 3–2 schools and 1 public housing facility.

Average number of meals served per month: 2,800.

Meals: Preparation—in each site by program staff.

Average cost of food per meal, $.52.

Cost of preparation and service per meal, $.49.

Average payment by participant per meal, $.10.

Other services provided

Food and nutrition information and education.

Friendly visitors.

Locating and reaching elderly.

Transportation.

Recreational activities.

Information and referral services.

Social services.

MICHIGAN

Grantee: Detroit Department of Parks and Recreation.

Grant: 1st year, $83,030; 2nd year, $77,688; 3rd year, $78,692.

Project Title: "Nutrition and Senior Citizens Services."

Project Period: 6/28/68 to 6/27/71.

Purpose: To develop a food, nutrition, and social services program in an inner-city area, testing different methods (meal services and activities, mobile transportation service, and friendly neighbor service to the homebound) for providing these services.

Project Director: Mrs. Mildred V. Muthleb, Nutrition and Senior Citizen Services, 3619 Mt. Elliot, Detroit, Michigan 48201.

Participants

Age (Mean), 69.

Income: 89% less than $3,000; 11% $3,000–$4,999.

Meals in a group setting

Sites: 4 (1-public housing; 1 church facility; 1 senior center; 1 recreation center).

Average number of meals served per month: 500.

Meals: Preparation—"Ready-Meals"—use of frozen foods, frozen meals, and other convenience foods.

Average cost of food per meal, $.56.

Cost of preparation and service per meal, $1.43.

Average payment by participant per meal, $.50.

Other services provided

Food and nutrition information and education.

Friendly visitors.

Locating and reaching elderly.

Transportation.

Recreation activities.

Information and referral services.

MONTANA

Grantee: Rocky Mountain Development Council, Inc.

Grant: 1st year, $55,644; 2nd year, $56,512; 3rd year, $38,254.

Project Title: "Senior Citizen Dinner Clubs of Helena".

Project Period: 6/1/68 to 5/31/71.

Purpose: To develop a pilot program of low-cost meals with opportunities for sociability and part-time employment in the project.

Project Director: Mrs. Wilma Joe Slaughter, Rocky Mountain Daily Dinner Club, Rocky Mountain Development Council, Inc., 324 Fuller Avenue, P.O. Box 721, Helena, Montana 59601.

Participants

Age (Mean), 72.

Income: 80% less than $3,000; 20% $3,000–$4,999.

Meals in a group setting

Sites: 2—1 community facility; 1 fraternal organization facility.

Meals: Preparation—purchased from caterer—bulk delivery.

Average cost of food per meal, $1.70.

Average payment by participant per meal, $.85.

Other services provided

Home delivered meals.

Food and nutrition information and education.

Friendly visitors.

Locating and reaching elderly.

Transportation.

Recreational activities.

Information and referral services.

NEW YORK

Grantee: Council of Churches of Buffalo and Food and Nutrition Services, Inc.

Grant: 1st year, $79,093; 2nd year, $65,698.

Project Title: "Food Service and Nutrition Program for the Elderly."

Project Period: 6/28/68 to 6/27/70.

Purpose: To demonstrate how a coordinated effort can maximize existing community resources to provide a comprehensive food and nutrition program. Homes for the aged are being used to prepare meals which are served in the homes and delivered to the homebound.

Project Director: Miss Mary F. Champlin, Food and Nutrition Services, Inc., Suite 109, 361 Delaware Avenue, Buffalo, New York 14202.

Participants

Age (Mean), 73.

Income: 85% less than $3,000; 10% $3,000–$4,999; 5% more than $5,000.

Meals in a group setting

Sites: 3—(Home for the Aged).

Average number of meals served per month: 1,000.

Meals: Preparation—Purchased from host facility—home for the aged.

Average cost of food per meal, $1.37.

Average payment by participant per meal, $1.37.

Other services provided

Food and nutrition information and education.

Locating and reaching elderly.

Transportation.

Recreational activities.

Information and referral services.

Grantee: Henry Street Settlement.

Grant: 1st year, $82,000; 2nd year, $77,021; 3rd year, $89,066.

Project Title: "Good Companion Food Supplementation Program."

Project Period: 5/1/68 to 4/30/71.

Purpose: To study the acceptance of food and nutrition services which cater to cultural and language differences of poor elderly persons living in public housing. The demonstration will deal with food, health, and social problems.

Project Director: Mr. Edward J. Kramer, Henry Street Settlement, 265 Henry Street, New York, New York 10002.

Participants

Age (Mean), 72.

Income: 96% less than $3,000; 4% $3,000–$4,999.

Meals in a Group Setting

Sites: One—senior center in public housing.

Average number of meals served per month: 2,400.

Meals: Preparation—in site facility by program staff.

Average cost of food per meal, $.48.

Cost of preparation and service per meal, $.70.

Average payment by participant per meal, $.50.

Other services provided

Home delivered meals.

Take home meals.

Food and nutrition information and education.

Friendly visitors.

Locating and reaching elderly.

Recreational activities.

Information and referral services.

Social services.

Grantee: Hudson Guild-Fulton Senior Association.

Grant: 1st year, $64,795; 2nd year, $77,197; 3rd year, $72,585.

Project Title: "Cooperative Approach to Food for the Elderly"—CAFE.

Project Period: 6/25/68 to 6/24/71.

Purpose: To design and demonstrate a cooperative approach to a food and nutrition program developed and operated by the elderly, for elderly persons.

Project director: Mrs. Gertrude W. Wagner, Hudson Guild-Fulton Senior Association, 119 Ninth Avenue, New York, New York 10001.

Participants

Age (Mean) 74.

Income: 88% less than $3,000; 13%, $3,000–$4,999. Percent more than $5,000.

Meals in a group setting

Sites: 1 (one) senior center in public housing.

Average number of meals served per month: 2,300.

Meals: Preparation—in site facility by program staff.

Average cost of food per meal, $.39.

Cost of preparation and service per meal, $.72.

Average payment by participant per meal, $.50.

Other services provided

Home delivered meals.

Food and nutrition information and education.

Locating and reaching elderly.

Recreational activities.

Information and referral services.

NEBRASKA

Grantee: Goldenrad Hills Community Action Council.

Grant: 1st year, $110,521; 2nd year, $80,941; 3rd year, $86,754.

Project Title: "Operation Rural Alive."

Project Period: 6/25/68 to 6/24/71.

Purpose: To demonstrate the effect of good nutrition on the aged, rural Omaha and Winnebago Indians with programs of group meals, cooperative food purchasing, individual home instruction around meal planning and preparation, and educational counseling in health practices.

Project Director: Bernard Q. Stinger, Executive Director, Goldenrad Hills Community Action Council, P.O. Box 205, Walthill, Nebraska 68067.

Participants

Age (Mean), 73.

Income: 91% less than $3,000, 7% $3,000–$4,999; 2% more than $5,000.

Meals in a group setting

Sites: 3—(2 church facilities; 1 fraternal organization facility).

Average number of meals served per month: 1,900.

Meals: Preparation—in each site by program staff.

Average cost of food per meal, $.51.

Cost of preparation and service per meal, $.59.

Average payment by participant per meal, no charge.

Other services provided

Food and nutrition information and education.
Transportation.
Recreational activities.
Information and referral services.

OHIO

Grantee: HUB Services, Inc.
Grant: 1st year, $59,468; 2nd year, $60,671; 3rd year, $56,853.
Project Title: "Food and Nutrition Program for the Elderly."
Project Period: 6/25/68 to 6/24/71.
Purpose: To explore the capacity of a food, nutrition, and service program to increase participation in established centers in a model city model neighborhood.
Project Director: Mrs. Lucik S. Costello, 21 West 13th Street, Cincinnati, Ohio 45210.

Participants

Age (Mean), 72.
Income: 88% less than $3,000; 10% $3,000–$4,999; 2% more than $5,000.

Meals in a Group Setting

Sites: 4—(1 senior center; 1 public housing facility; 1 church facility; 1 community facility).
Average number of meals served per month: 3,000.
Meals: Preparation—in central kitchen and delivered to satellite sites.
Average cost of food per meal, $.53.
Cost of preparation of service per meal, $.61.
Average payment by participant per meal, $.50.

Other Service Provided

Home delivered meals.
Food and nutrition information and education.
Friendly visitors.
Locating and reaching elderly.
Transportation.
Recreational activities.
Information and referral services.
Social services.
Health services.

UTAH

Grantee: Community Service Council, Salt Lake City.
Grant: 1st year, $38,041; 2nd year, $56,829; 3rd year, $10,942.
Project Title: "Adult Nutrition Activity Program."
Project Period: 6/25/68 to 8/31/71.
Purpose: To develop guidelines for the use of school facilities as a meal and activity center for elderly people and to demonstrate such a program.
Project Director: Mr. Frederick E. Keefer, Community Services Council, Salt Lake City, Area 2025 Council Way, Salt Lake City, Utah 84115.

Participants

Age (Mean), 69.5.
Income: 72% less than $3,000; 14% $3,000–$4,999; 14% more than $5,000.

Meals in a group setting

Sites: 3 (2 community schools; 1 secondary schools.)
Average number of meals served per month: 425.
Meals: Preparation—purchased from host facility—school system.
Average cost of preparation and service per meal, $.61.
Average payment by participant per meal, $.60.

Other services provided

Food and nutrition information and education.
Friendly visitors.
Locating and reaching elderly.
Transportation.
Recreational activities.
Information and referral services.

WASHINGTON

Grantee: First Methodist Church, Seattle.
Grant: 1st year, $40,960; 2nd year, $56,150; Supplement, $29,274.
Project Title: "Columbia Club."
Project Period: 6/25/68 to 12/24/70.
Purpose: To mount an effective non-sectarian attack on the problem of loneliness and poor health among low-income elderly single persons in the social facility of an inner-city church.
Project Director: Mr. Frank Robinson, First United Methodist Church, 423 Marion Street, Seattle, Washington 98104.

Participants

Age (Mean), 68.
Income: 100% less than $3,000.

Meals in a group setting

Sites: 1—(church facility).
Average number of meals served per month: 2,600.
Meals: Preparation—Commercial vendor prepares and serves meals at project site.
Average cost of food per meal, $.69.
Cost of preparation and service per meal, $.45.
Average payment by participant per meal, $.30.

Other services provided

Food and nutrition information and education.
Locating and reaching elderly.
Recreational activities.
Information and referral services.

WHITE HOUSE CONFERENCE ON FOOD, NUTRITION AND HEALTH—FINAL REPORT

PANEL H–4, THE AGING

* *Chairman:* Edward L. Bortz, M.D., Senior Consultant in Medicine, Lankenau Hospital Philadelphia, Pa., former President, American Medical Association.

Vice Chairman: Donald M. Watkin, M.D., Staff Physician, Veterans Administration Hospital, West Roxbury, Mass., former Program Chief, Research in Nutrition and Clinical Research in Gerontology, Veterans Administration.

Panel members:

Rev. Richard Cartwright Austin, Director, West Virginia Mountain Project, The United Presbyterian Church, Whitesville, W. Va.

James E. Birren, Ph. D., Director, Gerontology Center, University of Southern California, Los Angeles, Calif.

W. E. Cornatzer, M.D., Ph. D., Professor and Chairman, Department of Biochemistry, and Director, Ireland Research Laboratory, School of Medicine, University of North Dakota, Grand Forks, N. Dak.

Nyhia Gemple (Mrs. Herbert Gemple), Nutritionist, Bureau of Adult Health and Disease Control, Department of Public Health, City and County of San Francisco, Calif.

William Hutton, Executive Director, National Council of Senior Citizens, Washington, D.C.

Juanita M. Kreps (Mrs. Clifton H. Kreps, Jr.), Ph. D., Dean of the Woman's College, Duke University, Durham, N.C.

Alfred H. Lawton, M.D., Ph. D., Associate Dean of Academic Affairs, University of South Florida, Tampa, Fla.

George Mann, Ph. D., Associate Professor of Biochemistry and Medicine, Vanderbilt University School of Medicine, Nashville, Tenn.

Father Anthony Rocha, Chaplain, Catholic Memorial Home, Fall River, Mass.

Russell B. Roth, M.D., Urologist, Erie, Pa. Also Speaker, House of Delegates, American Medical Association.

Sylvia Sherwood (Mrs. Clarence Sherwood), Ph. D., Director of Social Gerontological Research, Hebrew Rehabilitation Center for Aged, Roslindale, Mass.

Leola G. Williams (Mrs. Wilburn Williams), Director, Greenwood Center, Star, Inc., Greenwood, Miss.

Consultants:

Ruebin Andres, M.D., Assistant Chief, Gerontology Research Center, National Institutes of Health, U.S. Department of Health, Education, and Welfare, Baltimore, Md.

William L. Holmes, Ph. D., Director, Division of Research, Lankenau Hospital, Philadelphia, Pa.

Caro E. Luhrs, M.D., Medical Advisor to the Secretary, U.S. Department of Agriculture, Washington, D.C.

Constance McCarthy, Chief, Public Health Nutrition Services, Rhode Island State Department of Health, Providence, R.I.

Marie C. McGuire, Assistant for Problems of the Elderly and Handicapped, Renewal and Housing Assistant, U.S. Department of Housing and Urban Development, Washington, D.C.

John B. Martin, U.S. Commissioner, Administration on Aging, U.S. Department of Health, Education, and Welfare, Washington, D.C. Also Special Assistant to the President for the Aging and Director, 1971 White House Conference on Aging.

Gladys H. Matthewson, Nutrition Consultant, Community Health Service, Medical Care Administration, Region 6, U.S. Public Health Service, Kansas City, Mo.

Charles E. Odell, Director, Office of Systems Support, U.S. Training and Employment Service, Manpower Administration, U.S. Department of Labor, Washington, D.C.

Mollie Orshansky, Economist, Office of Research and Statistics, Social Security Administration, U.S. Department of Health, Education, and Welfare, Washington, D.C.

Nathan W. Shock, M.D., Chief, Gerontology Residences Center, National Institutes of Health, U.S. Department of Health, Education, and Welfare, Baltimore, Md.

Marvin J. Taves, Ph. D., Director, Research and Development Grants, Administration on Aging, U.S. Department of Health, Education, and Welfare, Washington, D.C.

REPORT OF PANEL H–4

Preamble

The present crisis among the aged demands immediate national action to relieve poverty, hunger, malnutrition and poor health. Furthermore, positive measures are required throughout life to retard the premature debilitating aspects of aging.

Certain priorities exist:

1. Provision of adequate income to the aging.

2. Provision of adequate nutrition to the aging.

3. Provision of adequate health services to the aging.

4. Federal, State and local funding to insure immediate implementation of the above.

5. Prompt provision of substantial increases in Federal funding for support of education, research and development in nutrition and gerontology.

Recommendation No. 1: Meal delivery

The U.S. Government, having acknowledged the right of every resident to adequate health and nutrition, must now accept its obligation to provide the opportunity for adequate nutrition to every aged resident. Immediate attention must be given to developing a new system of food delivery based on modern technical capability by which meals supplying a substantial proportion of nutrient requirements can be distributed to the aged through restaurants, institutions and private homes when this is necessary. Re-

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* All those associated with the Conference noted with sorrow the death of the Chairman of the Panel on Aging, Dr. Edward L. Bortz, on February 24, 1970. The recommendations of the Panel reflect his knowledge and dedication to alleviating the problems of the aging.

gional, urban and cultural differences in the United States will require that a variety of systems may be necessary to accomplish this goal.

The Administration on Aging within the Department of Health, Education, and Welfare and the Department of Agriculture should begin at once to implement a variety of meal delivery systems in the following ways:

1. Assemble a working party of scientists, industrialists and representative aged persons with experience in nutrition science, food preparation, food habits, and meal service who will review existing experience with low cost meals and meal delivery service.

2. Undertake permanent funding programs of daily meal delivery service, initially consisting of at least one meal for all the aged needing this service and desiring it, in both urban and rural locations emphasizing the importance of the values of eating in group settings where possible. This service may be provided in restaurants, institutions or other suitable sites for the well aged or at home for the homebound.

3. Develop a system of reimbursement with either food stamps or coupons, as outlined in Recommendation No. 3 of this Panel, or credit cards which will be acceptable to the recipients and efficient for the system, and which will retain freedom of choice for the user.

4. Develop surveillance systems that will insure both the nutritional quality and the acceptability of the meals. The single daily meal will furnish at least one-half of the daily Recommended Dietary Allowance of the Food and Nutrition Board of the National Research Council. It may include foods to be eaten at other times during the day. The remaining allowance, especially of calories, may be obtained by the individual's initiative facilitated by income supplements and the revised food stamp program when necessary. The meal delivery system should extend to all areas as feasible systems are developed.

Recommendation No. 2: Increased Income

Because diet quality and income are related, and because many older people do not have the income to provide adequate nutritious diets, immediate increases in the incomes of elderly people are a vital first step in freeing the aged from hunger and malnutrition.

Therefore it is recommended:

1. That social security benefits be increased by 50 percent and the minimum benefit raised from $55 to $120 monthly within the next 2 years, taking an additional 5 million people out of poverty and hunger.

2. That the public welfare system be completely revised to provide a Federal welfare program with adequate payments based solely on need of the consumer and with Federal financing and administration of welfare costs.

3. That the Federal Government assure all Americans the economic means for procuring the elements of optimum nutrition and health, and assure the distribution, availability and utilization of adequate information, facilities, and services.

4. That the Federal Government eliminate all barriers to adequate nutrition and health for all segments of the population, particularly those groups with special needs, e.g., the aged, the poor, the handicapped and minority groups, including those using languages other than English.

5. While the Panel on Aging joins other panels in endorsing a guaranteed annual income, we are concerned that older individuals, having contributed to and living within their social security benefits, may find their standard of living reduced. Therefore, we recommend that social security beneficiaries receive income in an amount at least of a level on parity with any implemented system of guaranteed annual income.

Recommendation No. 3: Food Stamp Program Revisions

Supporting the position of Panel V–3, and supporting the policy position of the President that urges revision of the food stamp program as an interim mechanism for implementing the procurement of food by the poor; and supporting the immediate enactment by Congress of S. 2014 and urging the entire White House Conference to press for its enactment,

The Panel on Aging makes the following additional recommendations:

1. The food stamp program must be revised so that any individual or family receiving food stamps may purchase prepared meals with stamps. Restrictions in current legislation limiting eligibility for food stamps to those having adequate cooking facilities must be eliminated.

2. Eligibility for food stamps must be established on the basis of self-declaration under clear, simple, uniform, and widely published Federal standards.

3. Such standards must permit very low income persons and families to obtain stamps without cost. Those who purchase stamps must be permitted to purchase portions of their allotment at various times throughout the month.

4. The U.S. Department of Health, Education, and Welfare should initiate ongoing impact research to monitor and evaluate the effectiveness of the food stamp program in placing the resources for sound nutrition into the hands of all low-income Americans.

Recommendation No. 4: Education, Research, and Development

It is recommended:

1. That the U.S. Government develop guidelines for a nutrition education program aimed at the elderly. This program should include an emphasis on physical activity and social interaction. These guidelines should give direction to mass media, voluntary and official agencies, advertising agencies and industry. To avoid preventable nutritional and health disabilities of aging, these guidelines should emphasize adequate nutrition education and practice throughout life.

2. That educational programs for the elderly be developed by competent, qualified health and social service personnel including those specializing in diet counseling, utilizing a variety of media. These programs should recognize educational reading levels, common language usage, and ethnic or cultural backgrounds, to provide a means of effective education and communication on all aspects of food supply, nutrition and health. These programs should include direct handout material, media programing and the training of indigenous senior citizens where possible as community workers in all service areas.

3. That Government funds be provided to augment training programs for preparation of professional and subprofessional workers in nutrition and gerontology.

4. That surveys of institutionalized and non-institutionalized aged be carried out with respect to their nutrition and health status and that these data be used to eliminate faculty diagnoses based on dietary deficiencies.

5. That because of the mental health problems associated with the problems of social isolation and inadequate nutrition, a National Commission for Mental Health of the Aged be established.

6. That substantial funds be devoted to the support of basic and applied research as an investment for the future health and nutrition of the Nation. Since effective action programs are based on research findings, immediate action must be based on the best information currently available. However, it must be recognized that continued research on the basic nature of aging and its relation to nutrition is essential for progress in the future.

Recommendation No. 5: National Code of Standards

It is recommended: That persons and agencies providing residential care or home health care for any number of the aged be required to supply adequate nutrition and health services for their clientele and that to help insure this, the Federal Government establish a national code of health, nutrition, and personnel standards and use its power to encourage each State to adopt and enforce this code.

Recommendation No. 6: Housing and Dining Facilities

An effective meal delivery service for the older citizen, accompanied by opportunity for sociability, can be extended effectively on a workable neighborhood basis through the use of various facilities including particularly centers in housing developments located in strategic neighborhood areas.

It is recommended:

1. That all housing programs for the elderly, no matter how financed or by whom sponsored, include meal service with proper nutrition, this recommendation to include those developments for the well elderly which also provide individual cooking facilities within their dwellings. Community spaces provided for such meal service be designed by or in cooperation with persons knowledgeable in food preparation and dining arrangements.

2. That in order to reach older people in the surrounding neighborhood, this service be extended to older people in the neighborhood and the planning and funding for this outreach service be reflected in all future plans for possible extension or modernization of existing facilities.

3. That the U.S. Department of Housing and Urban Development include in its programs for Senior Citizens one that responds to the needs of the more frail elderly, those who cannot shop and prepare meals, but who are not ill and do not need more costly and less socially desirable medical facilities.

4. That the Federal Government fund construction of neighborhood centers for the elderly which can provide services peculiar to the needs of older persons.

5. That research and demonstration programs jointly funded by the Department of Housing and Urban Development and the Administration on Aging be undertaken to bring about a closer relationship between housing design and construction and the services needed to round out a rewarding environment.

Recommendation No. 7: Transportation for the Aged

The older population in large part must depend on accessible and economic public transportation to reach services, including food services. Therefore, to overcome the effects of limited mobility, to assure continued access to the general community, to provide opportunity for a role in society befitting their years and physical condition—

It is recommended: That the U.S. Department of Transportation, in conjunction with the Department of Health, Education, and Welfare, its Administration on Aging, and the Department of Housing and Urban Development, seek ways of providing necessary transportation for the elderly and other disadvantaged groups who are not within reach of, or able to use normal public transportation (if it exists) in order to take advantage of nutrition, health and other services.

Recommendation No. 8: Packaging and Labeling

It is recommended:

1. That the U.S. Government establish a mechanism in collaboration with private industry for the development of economical, nutritious, easily prepared, attractive and readily stored new lines of food products. While these would satisfy certain packaging requirements of the elderly, they should be available to all residents regardless of age.

2. That promotion of these new food products be accompanied by an education program geared to the needs of those seeking economical high quality nutrition.

3. That all packaged food products be labeled in clearly visible print with their nutrient contents translated into proportions of daily allowances of the four basic food groups.

4. That this labeling system not replace present ingredient labeling.

5. That the Federal Government launch a concentrated educational campaign against food faddism utilizing the new food lines, the education program and the proposed labeling system.

Recommendation No. 9: Soil Bank Utilization for Home Gardens

Many rural, landless families, suffering from malnutrition, live near farmland held in the Federal Soil Bank.

It is recommended: That the Federal Soil Bank legislation be amended to entitle persons to raise foods for personal consumption on soil bank land.

Recommendation No. 10: Funding

It is recommended:

1. That as a sincere expression of the national commitment to solving the problems of nutrition and poor health among the elderly, the President vigorously support Federal action to provide adequate funds for immediate and realistic implementation of all the aforementioned recommendations.

2. That evaluation designed to insure the efficient, effective utilization of these funds be incorporated into every program derived from these recommendations.

Recommendation No. 11: Implementation

It is recommended:

1. That action to implement each of the Panel's recommendations be initiated immediately.

2. That the President immediately establish a mechanism to give leadership to their effective development and to the continued monitoring of progress on each recommendation. Responsibility for implementation of these recommendations should be turned over to existing agencies and the coordination and communication among these agencies guaranteed by authority exercised through the Office of the President of the United States.

3. That the forthcoming White House Conference on Aging (November 1971) include a review and evaluation of progress on each of these recommendations as part of the responsibilities of a Panel on Nutrition with the objective of providing recommendations for further action.

COMMENTS OF COMMUNITY ORGANIZATION TASK FORCE

Panel I—4: The aging

The task force felt that residency and citizenship requirements for old age assistance should be done away with. The task force also felt social security benefits should be fully retroactive back to the time of first eligibility for those belatedly applying for benefits. Both of these suggestions were ignored by the Panel on Aging.

Mr. KENNEDY. I suppose, Mr. President, we should realize that the committee has to make some balanced judgments in terms of what it will include in the programs and what it will exclude.

The last item is only $1.7 million for the administration of the aging program, yet the conferees approved $2.8 million to send people to the U.S. International Aeronautical Exposition. We strike $1.7 million for hot meals for the elderly, yet we appropriate $2.8 million to send people to the U.S. International Aeronautical Exposition.

That is the kind of situation which must be extremely frustrating to tens of thousands of senior citizens in this country when they see this expression of priorities on the part of this body.

On every one of the items mentioned here, Mr. President, a strong case has been made, and well documented, as the result of hours and days of hearings—especially on programs for the aging, I happen to be a member on that committee, and I know when we passed the Older Americans Act impressive testimony was presented that fully justifies the need for this program. I am greatly interested in the problems of nutrition for the aging, as well as problems of alcoholism. I think the record there has been most extensive.

On the lead-based paint poisoning problem, I had the honor to introduce the legislation and to see it passed by the conference and I know of the commanding and compelling case which was made for it.

In our visits back to our home States, all of us must have received the comments of many citizens about sections 235 and 236 housing projects, when we realize the extraordinary backlog in those programs, for single families under the 235 program, an $85 million backlog, and for multifamily units in the 236 program of $300 million; yet we are cutting back on these programs—for housing, for the elderly, for children, and on alcoholism. That is where significant cuts have been made.

For that reason, Mr. President, I intend to vote against the conference report.

Mr. COOK. Mr. President, I wish to commend the Senator from Massachusetts (Mr. KENNEDY) on his remarks and to say that as a member of the Special Committee on Nutrition and Human Needs, it seems to me that many Members of Congress are almost oblivious to the problems and then when Congress seeks to solve them, we find that we are subject to a system whereby a conference summarily cuts the figures and we are asked to vote for them.

Mr. President, I wish to talk on another subject and that is the subject not of the moral responsibility of the Congress, or of the United States itself, but the integrity of Congress in what it asks of its people and what it asks of its system, and then denies it.

I want to get into the RECORD, to begin with, the fact that I voted not to continue the SST program the other day; that I voted not to continue the funds in the budget for its on-going program.

I further want to say, before I get into this matter of what the responsibilities of the Federal Government are, and what it owes to America in this particular instance, that I have not been lobbied by the first individual from an airline. I would not know any of them if I saw them. I do not possess one single share of airline stock in any way, shape, or form.

But, Mr. President, I do want to put into the RECORD that in 1967, at the request of the President of the United States and at the request of Alan Boyd, who was the Secretary of the Department of Transportation, agreements were entered into, and contracts were entered into, whereby American airlines companies paid a sum on the order of $58.5 million.

Braniff Airlines, $2 million. Continental Airlines paid in $3 million. Delta Airlines paid in $3 million. Eastern Airlines paid in $2 million. Northwest Airlines paid in $4 million. Pan American paid in $15 million, TWA $10 million, and United Airlines $6 million.

After that, Eastern Airlines put in another $3 million; Northwest Airlines another $2 million; Transworld Airlines, another $2 million; and KLM—Dutch Airlines—$3 million—for a total of $58.5 million.

ENTITLEMENT OF AIRLINES TO AMOUNTS ADVANCED IN SUPPORT OF THE SST PHASE III PROGRAM: SUMMARY OF ISSUES AND CONCLUSIONS

Now, Mr. President, the general issue is whether certain airlines are entitled to obtain repayment from the United States of amounts advanced, for the benefit of and on behalf of the United States, as financing participation in the SST phase III research and development program. Underlying this overall issue are such questions as: First, what was the nature of the agreements and understandings—both explicit and implicit—between the United States and the airlines, under which the airlines advanced $58.5 million toward the development of the SST? Second, what was the consideration given in return for this substantial advance of funds? Third, what risks were assumed by the airlines in agreeing to provide those funds? Or, specifically, did the airlines assume the risk that the United States, as a joint venturer in this financing, would take action which would defeat the purpose of the joint venture and accomplishment of the joint objective?

Now, in this Senator's opinion, that the airlines are entitled to recover the amounts advanced there is no doubt at all. This opinion is premised on the following conclusions which relate to the questions I have just posed.

First. The airline funds were advanced pursuant to a joint venture agreement with the United States, not defined by the agreements between the airframe manufacturer and the airlines, but rather implied in fact from the discussions and circumstances affecting the transaction between the airlines and the United States.

Second. The consideration for the advance of these airline funds was continued U.S. support of this program and a right to the first royalties payable, said right to royalties having previously been exclusively owned by the United States.

The nature of the consideration given for the airline financing confirms the existence of a joint venture between the United States and the airlines. Furthermore, it follows from the airlines' right to royalties upon successful production that, in the event of program failure or abortion—whatever the cause—they have a corresponding right to hardware, tooling, materials, drawings, data, inventions, or other property developed prior to termination.

Third. The airlines did not assume the risk that the United States would repudiate the joint venture which it had induced the airlines to join. The assumption of such a risk would be unreasonable on its face, is not clearly manifested by any of the pertinent documents—indeed is contrary to the joint venturers' dealings—and cannot be imputed under established principles of contract interpretation.

In addition, it is this Senator's opinion that the U.S. use of the airline financing first and prior to investment of its own funds—with the result that the airline funds have been completely obligated, whereas the U.S. share has not, but was terminated, finally, on the vote which I cast for its termination the other day—is inconsistent with the joint venture undertakings and provides an independent basis for reimbursement.

Now, let us take a look at some history.

A critical point in the SST project was reached in early 1967. For almost 5 years research and engineering studies had been underway with respect to the supersonic airplane, and at that time it appeared that in order to continue this effort effectively it would be necessary actually to begin the funding and construction of the prototype aircraft. Since it would be expected that larger appropriations would be required, and since the commitment of the Government to the program would be even more firm than it had been in the past, it was decided that the ultimate purchasers of the aircraft should clearly indicate their support of the program.

Based on this, the executive branch of the Government apparently decided that before requesting Congress for an appropriation under these circumstances, the airlines should be requested to invest in the program. The then Secretary of Transportation, Mr. Alan Boyd, called the chief executives of the airlines which held such delivery positions to a meeting on February 6, 1967. They were told that congressional appropriation of funds for phase III of the SST program—development of two prototypes—was heavily dependent upon the willingness of the airlines to make substantial investments in the program. The Department requested that each U.S. airline which had reserved positions for the SST invest $1 million per aircraft position. This requirement was not made of the foreign-flag airlines which had delivery positions.

The proposal was presented to the airlines on a "take it or leave it" basis. It was the understanding of all those present at the meeting that I have been able to contact or get any information from that if this commitment by the airlines was successful in obtaining the additional congressional appropriations, phase III of the project would be completed. It was further understood that if this evidence of good faith by the airline industry failed to obtain the required congressional support, the airlines would not be required to make the investment.

In response to these Department of Transportation urgings, nine airlines—eight domestic and one foreign—agreed to participate in the SST program financing and risks. The Department drafted "Research and Development Finance Participation Agreements" dated March 8, 1967, to be executed by the Boeing Co. and the airlines holding delivery positions assigned by the United States. I have read those agreements. Those agreements, as well as the superseding May 1, 1967 "Airline Contribution Agreements," also drafted by the Department set forth the procedural arrangements whereby the domestic airlines would pay to Boeing, for the account of the United States, $1 million per reserved aircraft delivery position.

I want to point out that I said they were to be executed by Boeing and the airlines. I did not say the U.S. Government. I think this is very important, because the Government called them in; the Government wrote the contract; and the Government put the language in those contracts which I read. But the Government was no party to the contract.

The airlines were given virtually no opportunity to negotiate any changes in these agreements prepared by the Department of Transportation. In the Secretary's letter of February 28, 1967, transmitting copies of the contract to the airlines, the airlines were advised that—

> Further negotiations would not result in any substantive change in the terms of the agreement.

Under the terms of the airline finance participation agreements, the airlines were to receive the first royalties, from the production aircraft royalties payable by Boeing to the United States up to a maximum of $1.5 million for each $1 million invested on behalf of the United States. Under the terms of the finance participation agreements, the airlines were investing in the SST phase III research and development program "pursuant to which Boeing will design, develop, fabricate and test two SST prototype aircraft and perform other SST research and development work."

Let me read some interesting language from those agreements. I found this most interesting, that the U.S. Government would: First, tell the airlines that wanted to participate on their volition, the Government's volition; second, that they would prepare the instruments; and third, that they would take no part in it.

The agreements contained this language:

> Neither Boeing nor the Government shall have any obligation pursuant to this Agreement to:
>
> (a) Complete the design, development, fabrication or test of any SST prototype aircraft;
>
> (b) manufacture, sell, or offer to sell any SST aircraft; or
>
> (c) return or refund, under any circumstances whatsoever, any money contributed pursuant to this Agreement.
>
> However, in the event that Boeing does undertake to manufacture and sell to the commercial airlines any SST aircraft and, as a result, Boeing becomes obligated to pay royalties to the Government pursuant to the terms of Exhibit G to the Phase III Contract (including any amendment thereto or other agreement between Boeing and the Government which supersedes such Exhibit G), Boeing shall pay to the Airline, and other Participating Airlines pro rata based on the total contributions of each, the first royalties payable under Exhibit G, up to a maximum of $1,500,000 for each $1,000,000 contributed by the Airline. Boeing and the Government shall have the right to amend or waive any provisions of Exhibit G without the consent of the Airline, provided that no change shall be made in the obligation of Boeing to pay to the Participating Airlines the first royalties payable under Exhibit G, up to a maximum of $1,500,000 for each $1,000,000 contributed, without the written consent of all of the Participating Airlines.

The $500,000 was to be interest on the money over a long period of time, from 1967 to probably the production date, as late as the late 1970's or even the 1980's.

At the time the United States induced the airlines to participate in the SST phase III program, all parties recognized that the airlines were participating in the normal research and development risks that the SST program might fail for technological reasons. This risk was specifically discussed at the February 1967 meeting with Secretary Boyd, and the disclaimer of obligations, quoted in the preceding paragraph, referred to the fact that this operation, once it got to the point of testing, might, in fact, be a failure.

I would not, and I could not concede that no parties, including the Department of Transportation representatives, understood that the airlines' investment, on behalf of the United States, was to be subject to the risk of repudiation of the phase III program by the United States for nontechnological reasons.

DISCUSSION

A. THE AIRLINE FINANCING WAS ADVANCED ON THE BASIS OF A JOINT VENTURE AGREEMENT BETWEEN THE AIRLINES AND THE UNITED STATES, A BASIC CONDITION OF WHICH WAS THAT NEITHER PARTY WOULD ACT SO AS TO FRUSTRATE ACCOMPLISHMENT OF THE JOINT OBJECTIVE

The United States induced the airlines to join with it in financing the phase III program to "design, develop, fabricate, and test two SST prototype aircraft." Under the terms of the United States-Boeing contract, Boeing was to credit airline investments toward U.S. obligations to Boeing. Under the terms of the memorandum "agreements" executed by Boeing and the airlines, the airlines were to receive the first production royalties payable by Boeing to the United States. In short, the airlines were to participate in U.S. financial obligations to Boeing and in U.S. royalty rights against Boeing.

This is very interesting. The United States entered into contractual obligations with the airlines, which the Government was not even a party to. That

is rather remarkable in the field of contract law.

While there is no single contractual instrument fully defining the terms and conditions of this joint venture arrangement between the the United States and the airlines, the basic premise of the agreement was that both parties would invest their designated shares in the Phase III research and development program to determine the technological feasibility of the SST aircraft. By its voluntary withdrawal from the Phase III program—prior to any meaningful feasibility determination and without the investment of its designated share of the research and development program—the United States breached its implied joint venture agreement with the airlines and frustrated the entire purpose of the airlines' contribution. The United States breached the basic constructive condition of all joint venture arrangements: that neither party will take any action which would defeat the purpose of the joint venture and accomplishment of the joint objective.

B. THE BOEING-AIRLINES MEMORANDA OF FINANCE PARTICIPATION DO NOT DEFINE THE TERMS OF THE JOINT VENTURE

Although drafted by the United States, the documents executed by the airlines and Boeing are not agreements defining the terms and conditions of the joint venture arrangements between the United States and the airlines. First, the United States did not even execute and is, therefore, not a party to these documents. Second, under the limited terms of these documents, Boeing did not commit itself to pay any consideration which it had the power or authority to convey; nor did the airlines promise to pay anything for the credit of Boeing.

The airlines merely acknowledged that they would invest, on behalf of the United States, stated amounts and Boeing stated that it would pay over to the airlines—if the United States, pursuant to its joint venture arrangement with the airlines, authorized it to do so—a portion of the royalties due to the United States. The only termination short of the completion of the Phase III program goal contemplated by these payment procedure memoranda was a termination for technological causes.

Since Boeing promised no consideration on its own behalf and gained no entitlement to any amounts it was not otherwise entitled to receive from the United States, the Boeing-airlines finance participation agreements were merely memoranda recording how Boeing would credit the airlines' investments for the account of the United States and, if directed by the United States, pay a portion of the United States' production royalties to the airlines. These finance participation agreements do not constitute valid, binding contractual documents defining the joint venture relationship between the United States and the airlines.

C. THE AIRLINES DID NOT ASSUME THE RISK THAT THE UNITED STATES WOULD REPUDIATE THE JOINT VENTURE

Denial of the airlines' right to reimbursement must rest on the theory that the airlines assumed the risk that its joint venturer, the United States, might back out of the venture after the airlines' money had been expended.

The basic conditions prerequisite to the assumption of a risk—particularly in Government contracts—are as follows, and I think these are basic in laws:

First. That the assumption of risk is reasonable under the circumstances;

Second. That the assumption of risk is based upon reasonable and adequate consideration; and

Third. That the assumption of risk is willfully and knowingly taken. The theory that the airlines assumed the risk of voluntary Government withdrawal fails each of these tests.

Such a theory is unreasonable and unacceptable on its face, since it would have one party to a contract assuming the risk that the other party will not perform its part of the bargain. It is established contract law that such risks are not assumed, and contracts are not construed so as to be illusory or to fail of consideration. Such a theory is also unreasonable because it would arbitrarily have the airlines assume a risk not imposed by the United States on the air frame or engine developers—a distinction without any fair or reasonable basis.

The United States gave no consideration whatsoever for the assumption of such a risk by the airlines.

Moreover, the airlines represent that they did not willfully and knowingly assume such a risk. While the risk of technological failure was discussed in the crucial meeting with Secretary Boyd, assumption of the risk of voluntary Government withdrawal was not. Indeed the premise was that airline participation would bring continued participation by the United States. The disclaimer-of-obligation language in the Boeing-airline financing agreements, even if they are valid and applicable, does not clearly thrust the risk of Government withdrawal from the joint venture on the airlines. Moreover, it should be emphasized that these documents were drafted by the United States and specifically not subject to negotiation. This circumstance brings into play the established rule of Government contract interpretation that contract provisions, where ambiguous, will be construed against the draftsman—in this case, the United States.

In short, both the facts and established principles of contract law refute the notion that the airlines assumed the risk that the United States would voluntarily withdraw from the joint venture.

D. CONTRARY TO THE JOINT VENTURE AGREEMENT, THE UNITED STATES HAS USED THE AIRLINE FINANCING AS THE FIRST INVESTMENT FUNDS, WITH A RESULTING SAVING AND UNJUST ENRICHMENT

Review of the modifications to the Boeing-U.S. phase III contract shows that the United States took it upon itself to have Boeing credit the United States with the amounts of the airlines' investments, plus accumulated interest, almost as soon as the airlines made their payments.

They used the airlines' money to make a payment on phase III that was due by the Government, and the Government took full credit for the $58.5 million plus interest. Thus, as the current accounting stands between Boeing and the United States, the United States has taken credit for 100 percent of the airlines' phase III designated investment share while it has not invested its designated share, and that designated share was stopped by an action of Congress.

Under no condition—expressed, implied, or constructive—did the airlines agree that their phase III joint venture investment would constitute the first money expended for phase III costs. It would be more logical to regard the completely paid-up airline investments, plus accumulated interest, as the last funds to be invested in the research and development program, since the United States had not and still has not funded its designated share of the phase III program.

Mr. President, you will recall that one of the agreements was that "if we do not receive these funds you will receive your money back."

The United States cannot justify its "first in" treatment of the airlines' investment; nor can it justify the enrichment it would gain through this misapplication. Presumably, this accounting approach was adopted on the premise that complete U.S. investment would be forthcoming which it never was.

Since the premise is no longer valid, the accounting approach unilaterally adopted by the United States should be changed. Under the circumstances of U.S. withdrawal from the program without its investment of its designated joint venture share, the airlines' share investment should be considered "last in" rather than "first in" and should be refunded to the airlines. The accounting under the joint venture agreement should be adjusted so as to be consistent with the parties' understandings, so as to produce a fair and reasonable result, and so as to provide for a reimbursement to the airlines.

E. UNDER NO CIRCUMSTANCES OTHER THAN COMPLETE REIMBURSEMENT OF THE AIRLINES DOES THE BOEING-GENERATED SST DATA AND INVENTORY BELONG TO THE UNITED STATES

Under the "first in" application of the total airline investment presently adopted by the United States, the "first out" terms of the royalty payment provisions in the Boeing-airlines memoranda, and the subsequent "first out" royalty payment terms of the United States-Boeing contract, the airlines have first priority upon any assets remaining from the frustrated research and development program. Under the terms of their detailed, explicit agreements with the United States, both Boeing and General Electric were to be paid their entire Phase I, II, and III contributions in the event of a termination for convenience; and, under such convenience termination procedures, they would have no claim upon contract-generated data or termination inventory.

As the parties with the first priority for investment return and as the only parties with 100 percent of their investment totally committed to the Phase III program, the airlines are entitled to first priority to any assets resulting from the abbreviated program up to a value equivalent to their investment. This priority would exist even if the program

failed due to technological reasons, not breach of the joint venture agreement. The United States can clear the title to the SST inventory and data only by reimbursing the airlines.

I think if a lawsuit were filed in a federal district court on this issue we would find that point is very clear.

CONCLUSION

Mr. President, from my consideration of the reasons I have outlined, the airlines have very substantial legal rights arising from the termination of the Phase III SST program:

First. Even if the program had failed due to causes other than voluntary withdrawal by the United States, the airlines would have—and do now have—an ownership interest in the existing SST inventory and data. This ownership interest has priority over claims of the United States, and the assets must first be used to satisfy it.

Second. The airlines have a legal right to reimbursement on the ground that the United States, unilaterally and contrary to the joint venture agreement, invested airline funds prior to committing its own funds. Now that the Phase III program has been ended by act of the United States itself before the United States has committed its full share, the joint venture funds must be accounted for in a way that does not penalize the airlines and unjustly enrich the United States.

Third. Because the Phase III program was aborted by actions of the United States constituting a repudiation of its joint venture with the airlines, the airlines have the right to restitution on the legal ground of breach of contract.

Now this is the real case; this is not a foolish argument on the floor of the House as to whether there is a moral obligation. I think that the reputation of the Congress is at stake. I think the reputation of the Congress is at stake, whether we do believe and understand what the law of the land is. The law of the land is that we do not take the money of someone else and misappropriate it and feel that we are not responsible for it.

So I would say to those who said that said, "There is a moral obligation—poppycock."

It may be an easy term, but we used the money of someone else. We used it for a program so that we could get credit for our money. There is no other way to look at it. We now find ourselves in a position where the conferees completely agree that that should be paid. We are asked now to agree with a section of the House when they disagree with their conferees.

One hundred sixty Members were not even present in the House last night when they voted on that matter. There was a difference between winning and losing of 40 votes, and 160 were not there.

We do not know whether this is the feeling of the House. We only assume that it is, and until such an assumption can be made and can be determined, may I implore the Congress of the United States to understand what its legal obligations are under contract; what its legal obligations are in the use, in a fiduciary capacity, of the money of someone else to the extent of $58.5 million, and assume the responsibility of paying it back.

I reiterate I have not got the first share of airline stock, and in the sick shape they are in right now, I doubt very seriously that this would constitute a very good investment on my part.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

(The following proceedings, which occurred during the delivery of Mr. KENNEDY'S address, are printed here by unanimous consent.)

Mr. BYRD of West Virginia. Mr. President, I have been asked by the distinguished majority leader to propound the following unanimous-consent request. For the convenience of Senators, so that they may have a better understanding of the request, I shall first identify the following amendments:

The Nelson amendment, which, in laymen's language, as I understand it, would be with reference to no draftees in Vietnam after December 31;

The amendment to be offered by the Senator from Massachusetts (Mr. KENNEDY), which, if I understand it correctly, will be with respect to striking the pay bonus for combat infantrymen;

The amendment by the Senator from Colorado (Mr. DOMINICK), which would extend the draft for 18 months;

The amendment by the Senator from Iowa (Mr. HUGHES), which is the so-called pay increase amendment;

The amendment by the Senator from Oregon (Mr. HATFIELD), which is known as the zero draft amendment;

The amendment by the Senator from Pennsylvania (Mr. SCHWEIKER), which would extend the draft for 1 year.

And the proposed unanimous-consent agreement is as follows:

Ordered, that the Senate proceed to a vote on the Nelson amendment at 1 p.m. on next Tuesday, May 25, with the time for debate thereon beginning at 10 a.m. on Tuesday next, the time to be equally divided between and controlled by the Senator from Wisconsin (Mr. NELSON) and the Senator from Mississippi (Mr. STENNIS).

Ordered further, that the Senate proceed to vote on the Kennedy amendment at 4 p.m. on Tuesday next, May 25, with the time for debate beginning immediately following the vote on the Nelson amendment, the time to be equally divided between and controlled by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Mississippi (Mr. STENNIS).

Ordered further, that the Senate proceed to vote on the Dominick amendment at 1 p.m. on Wednesday next, May 26, with the time for debate beginning at 10 a.m. on Wednesday next, May 26, the time to be equally divided between and controlled by the Senator from Colorado (Mr. DOMINICK) and the Senator from Mississippi (Mr. STENNIS).

Ordered further, that the Senate proceed to vote on the Hughes amendment not later than 6:30 p.m. on Wednesday next, May 26, the time for debate to begin immediately following the vote on the Dominick amendment, and the time to be equally divided between and controlled by the Senator from Iowa (Mr. HUGHES) and the Senator from Mississippi (Mr. STENNIS).

Ordered further, that the Senate proceed to vote on the Hatfield amendment at 1 p.m. on Friday, June 4, with the time for debate beginning at 10 a.m. on Wednesday, June 2, the time to be equally divided between and controlled by the Senator from Oregon (Mr. HATFIELD) and the Senator from Mississippi (Mr. STENNIS).

Ordered further, that the Senate proceed to vote on the Schweiker amendment not later than 4 p.m. on Friday, June 4, with the time for debate thereon beginning immediately following the vote on the Hatfield amendment on Friday, June 4, the time to be equally divided between and controlled by the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from Mississippi (Mr. STENNIS).

Provided further, that the time on any other amendment be limited to 1 hour within the periods allotted above, the time to be equally divided between the mover of the amendment and the Senator from Mississippi.

Ordered further, that no amendments not germane, be received, except those enumerated above.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. STENNIS. Mr. President, reserving the right to object, and I shall not object, I wish to make this statement to the Senate:

We had a very good conference, indeed, between the Senators most vitally concerned with these amendments, the leadership, minority and majority, the assistant majority leader, and the Senator from Alaska (Mr. GRAVEL).

I can say to the Senate that, everything considered, I think this is a satisfactory arrangement, as nearly so as can be arranged on a voluntary basis, and fairly well absorbs the time. It does give adequate time for debate and, with the disposition of these amendments, while that will by no means complete all the amendments, it will put us far enough into the bill to have disposed of a major part of the bill, in my opinion, and there will certainly be strong indication then about what would probably be the fate of some of the other amendments. It might thin them out, or it might increase the number, but we will know a whole lot more about the bill.

For that reason, I agree to this arrangement. There is one point that I must mention: The amendment referred to by the Senator from West Virginia as the Hatfield amendment is not printed and is not really before the Senate. It is very unusual to have an agreement on such an amendment. But I am familiar with Senator HATFIELD'S position. It is around the point that he does not want the draft extended for any time. As I understand, it is not the Hatfield amendment that would repeal all the machinery of Selective Service. But if it is either one of those, I will agree to the request with respect to it just the same, but I would want my agreement limited to the area proposed.

The PRESIDING OFFICER. Is there

objection to the request of the Senator from West Virginia?

Mr. GRAVEL. Mr. President, reserving the right to object, I would merely like to add my comment, to thank the distinguished Senator from Mississippi for his conciliatory attitude and desire to effect an accommodation and compromise of all the varying views, and also to congratulate the majority whip and the leadership in its entirety for their contribution respecting what I think it is a very sound and effective plan for disposing of these amendments.

Mr. CRANSTON. Mr. President, I simply want to verify the impression of the Senator from Mississippi that the Hatfield amendment is the amendment that will simply end inductions after June 30 of this year. It will contain no other features. The Senator from Oregon has other amendments which have other features.

Mr. KENNEDY. Mr. President, reserving the right to object—and I shall not object—as correctly stated by the Senator from Mississippi, there are other amendments. I have submitted amendment No. 75, which reaches the question of the limitation on the number of draftees that can be inducted, and it reaches the escape clause which has been in the current law. Also, there are procedural amendments and educational amendments, and I would expect that they would come up after this period of time; and I would certainly hope that we might be able to get a time agreement on that. I think the amendments that are before the Senate now are of considerable consequence and importance. If there is going to be a filibuster, I would just as soon not have it on one of my amendments, as I am sure other Senators do not want it on their amendments.

I shall not object, but I would hope that the same sort of comity which is so evident here now would also reach some of the remaining amendments, which I think are of some significance and importance.

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

Mr. KENNEDY. I yield.

Mr. GRAVEL. I should like to state for the RECORD that I shall not ride piggyback on any Senator's amendment without his permission.

The PRESIDING OFFICER. Is there objection or further reservation?

Mr. STENNIS. Mr. President, if I may respond to the Senator from Massachusetts, I think it is highly probable that we can work out agreed time on his other amendments. We have discussed them before.

The PRESIDING OFFICER. The Chair hears no objection to the unanimous-consent agreement, and it is so ordered.

The unanimous-consent agreement reads as follows:

Ordered, That, the Senate proceed to vote at 1:00 p.m. on Tuesday, May 25, 1971, on an amendment to be offered by the Senator from Wisconsin (Mr. Nelson) with reference to no draftees in Viet-Nam after after December 31, 1971 (Amendment Numbered 105) to the bill H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, the amendment of the Senator from Pennsylvania (Mr. Schweiker) being temporarily laid aside for that purpose, with the time for debate thereon beginning at 10:00 a.m. on Tuesday next, to be equally divided and controlled by the Senator from Wisconsin (Mr. Nelson) and the Senator from Mississippi (Mr. Stennis).

Ordered further, That, the Senate proceed to vote on an amendment to be offered by the Senator from Massachusetts (Mr. Kennedy) to the bill with respect to striking the pay bonus for combat infantrymen, at 4:00 p.m. on Tuesday, May 25, 1971, with the time for debate beginning imediately following the vote on the Nelson amendment, to be equally divided and controlled by the Senator from Massachusetts (Mr. Kennedy) and the Senator from Mississippi (Mr. Stennis).

Ordered further, That the Senate proceed to vote on the Dominick amendment to Title V of the amendment by the Senator from Pennsylvania (Mr. Schweiker) Numbered 76 as modified, at 1:00 p.m. on Wednesday, May 26, 1971, with the time for debate beginning at 10:00 a.m. on that day, with the time to be equally divided and controlled by the Senator from Colorado (Mr. Dominick) and the Senator from Mississippi (Mr. Stennis).

Ordered further, That the Senate proceed to vote on Title IV of the amendment offered by the Senator from Pennsylvania (Mr. Schweiker), the so called pay increase provision, Numbered 76, as modified, (the so called Hughes amendment) not later than 6:30 p.m. on Wednesday, May 26, 1971, with the time for debate to begin imediately following the vote on the Dominick amendment to be equally divided and controlled by the Senator from Iowa (Mr. Hughes) and the Senator from Mississippi (Mr. Stennis).

Ordered, further, That, the Senate proceed to vote on the Hatfield amendment, known as the zero draft amendment to Title V of the amendment proposed by the Senator from Pennsylvania (Mr. Schweiker) Numbered 76, as modified, at 1:00 p.m. os Friday, June 4, 1971, with the time for debate beginning at 10:00 a.m. on Wednesday, June 2, 1971, to be equally divided and controlled by the Senator from Oregon (Mr. HATFIELD) and the Senator from Mississippi (Mr. Stennis).

Ordered further, That the Senate proceed to vote on Title V of the Schweiker amendment, as amended, if amended, not later than 4:00 p.m. on Friday, June 4, 1971, with time for debate thereon to begin immediately after the vote on the Hatfield amendment, to be equally divided and controlled by the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from Mississippi (Mr. Stennis).

Provided that, the time on any other amendments to the amendments enumerated above be limited to 1 hour coming within the period allotted above, and that time be equally divided between the mover of the amendment and the Senator from Mississippi (Mr. Stennis).

Ordered further, That no amendment not germane except those enumerated above be received.

ORDER FOR ADJOURNMENT UNTIL 11 A.M., MONDAY, MAY 24, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday next.

Mr. SCOTT. Mr. President, reserving the right to object—and I shall not object—I wish to express my great satisfaction that we have been able to work out an extremely difficult matter, which has taken hours of discussion, to be sure that everybody is fairly treated. I am sure that the same spirit of comity will exist in June as existed in May.

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

ORDER FOR ADJOURNMENT FROM MONDAY, MAY 24, UNTIL 9:30 A.M. TUESDAY, MAY 25, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in adjournment until 9:30 a.m. on Tuesday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY, MAY, 25, UNTIL 9:30 A.M. WEDNESDAY, MAY, 26, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next, it stand in adjournment until 9:30 a.m. on Wednesday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I have requested these convening hours because under the unanimous-consent agreement there is an amendment by the Senator from Wisconsin (Mr. NELSON) on which time will begin running at 10 a.m. on Tuesday next, and time will begin running on the Dominick amendment at 10 a.m. on Wednesday next. So by coming in at 9:30 on those mornings, it will afford a little time for the transaction of routine morning business on each of those days.

Mr. President, on behalf of the distinguished majority leader, I wish to thank the distinguished minority leader, the distinguished manager of the bill, and all Senators whose amendments have been specified in the agreement.

May I say, in closing, that the agreement assures an up-or-down vote on each of the amendments enumerated. There can be no tabling motion on any of those amendments, but all rights have been reserved to Senators with regard to tabling any amendments to the amendments enumerated.

I thank the distinguished senior Senator from Massachusetts for accommodating us and for his courtesy in yielding at this time.

THE MILITARY POVERTY SITUATION

Mr. STENNIS. Mr. President, there has been much discussion and many figures with regard to the military men whose income is below the so-called poverty level. I would like to make a number of comments on this matter.

PRESIDENTIAL FOVERTY LEVELS

First, I think we should know exactly what dollar incomes we are speaking of when we speak of the so-called poverty level. The information I have received is

that the executive branch has two different standards. The first is known as the President's family assistance plan and this amount varies per family depending upon the number of dependents. Under this standard a family of two must have an income of $2,720 per year; of three, $3,320; four, $3,920; five, $4,520; and six, $5,210.

There is also another Federal standard of the Office of Economic Opportunity which is lower by several hundred dollars for each family size.

NUMBER OF MILITARY FAMILIES INVOLVED

All sorts of figures have been cited as to the number of military families who are below the poverty line. The figure 43,000 has been used; another is 12,000. The fact of the matter is that even using the higher level of the President's family assistance plan under the pay rates recommended by the committee there would only be 778 military families who would fall under these lines. I wish to add, under existing pay rates, there are approximately 4,275 families below the level as compared to the 778 which would remain under the committee bill. Despite all these past high figures, it is obvious there has been an enormous reduction in this figure.

REGULAR MILITARY COMPENSATION

Mr. President, in analyzing the incomes of the 778 military families left, no recognition is given to various fringe benefits including medical benefits which, of course, are extended without charge in military facilities, the commissary rights, which, under present rules, must sell goods at least on the average at 20 percent less cost than comparable civilian stores and certain other activities. Moreover, in some cases some of these men might be receiving special pays which are not included for this purpose.

What we do include, Mr. President, is the so-called regular military compensation which consists of basic pay, subsistence, quarters allowance, and the Federal tax benefit which results from the nontaxability of the allowances. This standard is what is used for determining increases from time to time under the automatic pay increase system.

PAY GRADE AND SIZE OF FAMILIES

Mr. President, in order for a military family to be below the poverty lines I have outlined above, he must be one of the following:

An E–3 (private first class) with five or more dependents or a total family number of six persons.

An E–2 (private)—same as an E–3.

An E–1 (recruit) with four or more dependents or a total family number of five persons.

Let us put this in perspective. There are a total of approximately 1,595,000 military families. This figure of 778 amounts to about five out of 10,000.

TYPE OF PERSONNEL INVOLVED

Let me further analyze who these 778 military families are. First, about 70 individuals or 10 percent have over 2 years of service. This group are those who have either been broken in rank or who fail to progress through the normal career pattern or, in some cases, may represent desertion situations or disciplinary problems. Generally speaking, Mr. President, this group should not be in the service in the first place. The remaining number, Mr. President, represent men in these lower grades with under 2 years of service.

There are several factors we should understand with regard to those with under 2 years of service. First, keeping in mind we are speaking of men with large families. This group would have severe difficulty even if they were in civilian life under any normal circumstances. They are young, ranging in age from 18 years to the early twenties, mainly high school graduates who have acquired large families for a variety of reasons. Let me emphasize, Mr. President, that this group has the advantage of the medical and commissary privileges which we have omitted in our calculations. For people in these particular circumstances, these are significant factors. More important, Mr. President, these are abnormal family situations for the age and grade of the men involved.

Further, for the men with under 2 years of service, let me mention the rapid promotion policies. These are not pay grades that a typical military man must serve in for any number of years. For the Army, on the average a man reaches E–2 in 3 months; he reaches E–3 in about 6 months; he reaches E–4 in a year and 3 months. The Navy and the Marine Corps have similar policies with slightly longer periods.

Under a typical promotion plan and under the pay scales recommended by the committee, a man entering service, an E–1 recruit, will receive regular military compensation of $3,978 if he is a single man and $4,576 if he is married. These, of course, are not within the poverty guidelines. Within 1 year the military man normally would expect to attain the rank of E–3 and earn $5,097 in regular compensation. Again, this does not count the medical and other benefits.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a chart showing regular compensation for all military grades for comparison purposes. These represent those with typical years of service and are set forth on pages 31–32 of the committee report.

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

COMPARISON OF PRESENT LEVELS OF REGULAR MILITARY COMPENSATION [1] WITH SENATE COMMITTEE PROPOSALS AND HOUSE VERSION (SAME AS AMENDMENT)

Pay grade and title	Years of service [1]	Monthly regular compensation [2]	Annual regular compensation [2]
O–10, General-admiral:			
Present	30	$3,402.66	$40,831.92
Senate committee		3,402.66	40,831.92
House version		3,661.94	43,943.26
Percent difference		(7.60)	(7.60)
O–9, Lieutenant general-vice admiral:			
Present	30	3,030.01	36,360.12
Senate committee		3,030.10	36,360.12
House version		3,268.15	39,297.78
Percent difference		(7.90)	(7.90)
O–8, Major general-rear admiral (upper half):			
Present	30	2,753.56	33,042.82
Senate committee		2,753.56	33,042.72
House version		2,979.98	35,759.80
Percent difference		(8.20)	(8.20)
O–7, Brigadier general-rear admiral (lower half):			
Present		$2,423.41	$29,080.92
Senate committee	28	2,423.41	29,080.92
House version		2,639.22	31,670,85
Percent difference		(8.90)	(8.90)
O–6, Colonel-captain:			
Present		1,964.83	23,577.96
Senate committee	24	1,964.83	23,577.96
House version		2,159.22	25,910.59
Percent difference		(9.90)	(9.90)
O–5, Lieutenant colonel-commander:			
Present		1,695.77	20,349.24
Senate committee	21	1,695.77	20,349.24
House version		1,867.60	22,411.25
Percent difference		(10.10)	(10.10)
O–4, Major-lieutenant commander:			
Present		1,483.09	17,797.08
Senate committee	19	1,483.09	17,797.08
House version		1,627.85	19,534.14
Percent difference		(9.80)	(9.80)
O–3, Captain-lieutenant:			
Present		1,163.41	13,960.92
Senate committee	8	1,163.41	13,960.92
House version		1,291.84	15,502.04
Percent difference		(11.00)	(11.00)
O–2, 1st lieutenant-lieutenant (junior grade):			
Present		977.48	11,729.76
Senate committee	4	977.48	11,729.76
House version		1,088.79	13,065.49
Percent difference		(11.40)	(11.40)
O–1, 2d lieutenant-ensign:			
Present		641.11	7,693.32
Senate committee	Under 1	684.66	8,215.92
House version		752.37	9,028.42
Percent difference		(17.40)	(17.40)
W–4, Chief warrant-commissioned warrant:			
Present		1,303.34	15,640.08
Senate committee	24	1,303.34	15,640.08
House version		1,434.57	17,214.88
Percent difference		(10.10)	(10.10)
W–3, Chief warrant-commissioned warrant:			
Present		1,119.75	13,437.00
Senate committee	21	1,119.75	13,437.00
House version		1,242.49	14,908.99
Percent difference		(11.00)	(11.00)
W–2, Chief warrant-commissioned warrant:			
Present		982.96	11,795.52
Senate committee	18	982.96	11,795.52
House version		1,090.22	13,082.58
Percent difference		(10.90)	(10.90)
W–1, Warrant officer-warrant officer:			
Present		862.47	10,349.59
Senate committee	14	862.47	10,349.59
House version		957.49	11,489.92
Percent difference		(11.00)	(11.00)
E–9, Sergeant major-master chief petty officer:			
Present		1,046.97	12,563.64
Senate committee	20	1,046.97	12,653.64
House version		1,173.47	14,081.59
Percent difference		(12.10)	(12.10)
E–8, Master sergeant-senior chief petty officer:			
Present		921.25	11,055.04
Senate committee	19	921.25	11,055.04
House version		1,024.66	12,295.95
Percent difference		(11.20)	(11.20)
E–7, Sergeant, 1st class-chief petty officer:			
Present		837.14	10,045.72
Senate committee	18	837.14	10,045.72
House version		929.11	11,149.35
Percent difference		(11.0)	(11.0)
E–6, Staff sergeant-petty officer, 1st class:			
Present		733.64	8,803.68
Senate committee	14	733.64	8,803.68
House version		815.19	9,782.24
Percent difference		(11.10)	(11.10)
E–5, Sergeant-petty officer, 2d class:			
Present		641.81	7,701.67
Senate committee	10	641.81	7,701.67
House version		713.65	8,563.77
Percent difference		(11.20)	(11.20)

Footnotes at end of table.

COMPARISON OF PRESENT LEVELS OF REGULAR MILITARY COMPENSATION [1] WITH SENATE COMMITTEE PROPOSALS AND HOUSE VERSION (SAME AS AMENDMENT)—Con.

Pay grade and title	Years of service [1]	Monthly regular compensation [2]	Annual regular compensation [2]
E–4, Corporal-petty officer, 3d class:			
Present		$539.99	$6,479.88
Senate committee	5	550.72	6,608.60
House version		620.24	7,442.84
Percent difference		(14.90)	(14.99)
E–3, Private 1st class-seaman:			
Present		309.44	3,713.30
Senate committee	1	375.80	4,509.63
House version		478.82	5,745.79
Percent difference		(54.70)	(54.70)
E–2, Private-seaman apprentice:			
Present		276.10	3,313.20
Senate committee	1	353.65	4,243.77
House version		453.36	5,440.37
Percent difference		(64.20)	(64.20)
E–1, Recruit-seaman recruit:			
Present		270.49	3,245.87
Senate committee	Under 1	331.56	3,978.78
House version		415.96	4,991.48
Percent difference		(53.80)	(53.80)

[1] These are typical years of service for the pay grades shown.
[2] Regular military compensation (RMC) equals basic pay plus allowances for quarters and subsistence and the tax advantage that accrues because allowances are nontaxable.

Mr. STENNIS. Mr. President, the poverty situation for these 778 families adds up to the following points:

They are much fewer in numbers than the public has been led to believe;

They are really not as bad off as the figures would indicate due to the fact they have free medical and other benefits not in the calculations.

All of them involve large families which should not be typical of men at these grades in these young ages;

Some of them are unfortunate young men who have either been broken in rank and represent disciplinary problems and others who probably should not be retained in the service in the first place;

Those with under 2 years of service, if they progress normally, even with the large families, will go to a higher grade. In many cases these people with under 2 years of service are in a training situation.

This is not to say the situation is ideal. We all acknowledge that the under-2-years bracket may not have been increased as rapidly as other elements of the pay system. We anticipate another increase next January 1. The committee bill, itself has $850 million in it for basic pay for personnel with under 2 years of service, practically all of which will go to those in the lower grades.

In summary, Mr. President, let us get the poverty argument in perspective.

FURTHER COMMENTS

Mr. President, from time to time it has been stated that a survey in 1969 indicated that 12,000 military families were on public welfare. This was based on a survey of 34 States and the District of Columbia.

This, of course, is a large figure and is certainly not a desirable state of affairs. I have been informed however that the Department of Defense went into this matter very carefully and the following might be stated as a result of their investigation of this matter. These findings are startling to say the least. It might be stated, Mr. President, that much of these cases were abnormal situations. They involve divorced and separated spouses, desertion, illegitimate children whose fathers were alleged to be military members but in many cases never proven to be so—there were 5,000 in this category—AWOL problems and situations where the service member overseas did not send back money to support his family in the States.

Many of these situations relate directly to pay or to military service. They were not necessarily men in the lower grades—they could have been in any rank. I do not mean to imply that there were not some legitimate welfare cases but obviously these figures greatly exaggerated a typical military situation. Moreover, under the bill as reported by the committee there would only be 778 families conceivably that would fall below this line.

FINAL COMMENT

Mr. President, this poverty discussion has raised another important issue which bears on military pay scales. This is the point that we do not base military pay primarily on the number of dependents of military personnel. It is true that we provide greater allowances if a person is married but we do not and should not make greater compensation directly related to the number of dependents but should pay each member based on what he is worth to the service—otherwise people who are single or with a smaller number of dependents will have a legitimate complaint. We should not attempt to adapt the military pay scale to any welfare state. The entire 778 families in a sense are not typical military families for the grade concerned—and should not be used as an argument for maintaining that the military pay system is inadequate. Mr. President, the military pay system is a vast and complex matter. We should always keep in mind that there is not only the problem of attraction but the matter of retention. Throughout all this debate on the draft the argument has been not only to get men in but also we must keep them in. Money must be provided for retention through bonuses and other elements for retaining these people on a career basis.

LEAVE OF ABSENCE

Mr. SCOTT. Mr. President, I believe I have missed only two days this year when there were votes. I ask unanimous consent that I may be given official leave of absence for a part of the day on June 4, as I will receive an honorary degree in the morning, but I will be back in time for the amendment of the junior Senator from Pennsylvania (Mr. SCHWEIKER).

The PRESIDING OFFICER (Mr. ALLEN). I am sure there will be much sorrow because of the absence of the senior Senator from Pennsylvania. But, without objection, it is so ordered.

(This marks the end of the proceedings which occurred during the delivery of the address by Mr. KENNEDY and which by unanimous consent were ordered to be printed immediately preceding this point in the RECORD.)

SECOND SUPPLEMENTAL APPROPRIATIONS, 1971—CONFERENCE REPORT

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

Mr. HUGHES. Mr. President, I rise on the floor to speak on something that was previously mentioned by the Senator from Massachusetts (Mr. KENNEDY)—the fact that the conference committee was unable to get the House of Representatives to accept any of the funding recommended by the Senate committee and the Senate to implement the new Federal legislation in the field of alcoholism.

This cause usually holds no glamour, but will, I believe, have an important bearing on both our national security and our survival as a strong Nation.

There are no wealthy lobbies that ever take up the cause of alcoholism, and the headlines that it draws are usually, if there are any, back on page 14 or page 24 of any newspaper one reads. But I think it is important that we call attention to the fact that the Congress of the United States last year passed—unanimously in this body, the Senate—a bill that led the American people to believe we were making a massive and firm commitment to begin an assault in this country on the killing and crippling disease of alcoholism; that the same bill passed the House of Representatives, with no significant opposition; and that it was signed by the President of the United States on New Year's Eve. In the funding processes, there were absolutely no funds recommended by the administration for the implementation of the bill, either for supplemental appropriations or for the fiscal year 1972.

The Senate Appropriations Committee, before which I testified in the Subcommittee on Supplementals, and asked for $30 million, was good enough to place in it $20 million, which I believe was unanimously approved by the Appropriations Committee in full.

I know the distinguished chairman of the Appropriations Committee supports this proposal. He has already, on the floor of the Senate today, committed himself to fight for general appropriations to see that the bill is implemented in funding, and I am grateful to the distinguished Chairman for that commitment, for his support in the past, the present, and for what it will be in the future.

I might add to the Members of the Senate that he has also attended hearings, personally, of my subcommittee in relation to the problems of narcotics addiction and alcoholism in America, and has been very concerned—vitally concerned—about these troubling and difficult matters, which are really destroying certain segments of our society today.

Yesterday, like all Americans, I was elated by the President's announcement of a breakthrough in the stalemate of the SALT talks. It was a great victory, I think, for our country, for its leaders, and for the hopes of mankind.

But tempering my elation in this welcome news is my dismay at the rejection by the House of an item in the measure now before us—an item that is small by contrast to the other towering allotments in this bill, but great in its substantive and symbolic importance to this society.

Implementation of the programs for alcoholism in the new law was authorized at $70 million for fiscal 1971.

The amount recommended by the Senate Appropriations Committee was $20 million.

As it now stands, even this has been denied, and I believe it is not only my right, but my duty, to object.

It seems a tragic irony that at the time we have new hopes for nuclear weapon control among nations, we have slammed the door on hopes to gain effective control over a growing plague that has been termed our country's No. 1 health problem.

It was the Government's No. 1 doctor who termed alcoholism and alcoholic dependence our No. 1 health problem. It is by no means as uncertain an area as negotiations with foreign powers. We know the problem. We know that alcoholism is eminently treatable and controllable. We know what needs to be done. We simply need the means with which to do it.

We all know that millions of Americans live in mortal fear of the growing drug epidemic in this country. There are no parents in America who send their children to school who are not alarmed at it. I point out to this body that alcoholic abuse causes more deaths, more human misery, more economic loss than any other drug or narcotic or the combination of all those drugs and narcotics. It causes several times more deaths on our highways annually than were suffered in Vietnam at the peak of the war. As an illness it ranks as one of the three leading killing diseases.

Mr. President, 28 million Americans died on our highways last year in alcohol-related accidents; almost three times the number killed in the highest incidence in Vietnam in the war in Southeast Asia. Another 11 million Americans died as the result of alcoholism last year in the United States.

Mr. President, it is a fact, too, that 40 percent of the beds in the mental hospitals of this country are filled with alcoholic patients; that between 40 to 50 percent of the men and women in the prisons of this country are there because of an alcoholic relationship to the crimes they committed. There is a $7 billion a year drain on the economy of this country through loss of work and absenteeism as a result of alcoholism in this country. It is the greatest destroyer among the American Indians of this country as a disease.

I think that if we could measure the number of children on welfare, who have become emotionally disturbed, suffering from mental illness, because of alcoholism we could see the picture more clearly.

I have been corrected by the Senator from Alaska; 28,000 is the number killed on our highways—not 28 million. I am so staggered by the problem that I have given the figure a geometric progression, but even at 28,000, it is a shocking figure in relation to the causes of death in America. I think, as we see the price we are paying for the disease of alcoholism and understand that the Department of HEW has estimated that there are 9 million alcoholics in this country, and that in all probability there are another 9 million problem drinkers in the country, each of these affecting tragically two or three other people in their immediate circle of friends and family, so that we have 50 to 60 million Americans on whom this plague has a tragic and destructive impact. This is overwhelming evidence to show that expenditure by the Government in sound alcoholism control and prevention programs is an investment that will return dividends to society many times over the amount expended.

A recent GAO study indicated that with a comparatively small investment, the establishment of alcoholism programs for our civilian Federal employees alone, would result in savings to the Federal Government of up to $280 million each year.

Yet, here we refuse to put in $20 million to gear up a program unanimously passed by Congress and signed by the President.

Ironically enough, this politically unglamorous problem has more than a little bearing on our national security. We have been talking a lot in the last 2 weeks about our national security, about the matter of troop reductions overseas, and about the draft law that is presently the pending business before this body. Our national security is involved in the decision on alcoholism also—directly with reference to our armed services as well as indirectly with reference to our civilian society.

An intoxicated society does not function or produce well; an intoxicated military does not defend well.

We have only recently become aware of the extent of drug abuse in our armed services. In the military, as well as civilian society, alcohol is the most extensively abused drug.

In the hearings of our Senate subcommittee, we heard testimony of individuals formerly in positions of highest security clearance with our Defense Establishment overseas. Notwithstanding their sensitive assignments, these men now realize that they were acutely suffering from alcoholism and alcohol dependence through those years—a manifest peril to our national security. And no one really knows how many men and women in those sensitive positions, right at this moment, are victims of this crippling disease.

Mr. President, I am keenly aware of the vast and important workload that confronts the Congress. I would not presume to propose anything that would delay our procedures except for reasons I consider vital to the Nation's well being and security. Believe me, this is such an issue.

I therefore am forced to ask Senators to vote down the supplemental appropriations bill before us and instruct the Senate conferees to insist on the restoration of the $20 million minimal allotment for the implementation of the new alcoholism control law.

It seems incongruous to be pleading for such a comparatively small sum in a bill that aggregates approximately $7 billion.

The sum of $20 million is what we are talking about, in a bill of almost $7 billion.

Compare this with the $70 billion we spend anually on our Defense Establishment.

Compare it with the average of $20 billion we have spent annually on the war in Vietnam.

Having enacted, virtually without opposition, as I have stated, what has been hailed universally in this country as the most progressive, hopeful, and forward-looking legislation in our Nation's history for the control of this deadly, costly disease, can we refuse to give it even seed money to begin to gear up? Can we refuse, Mr. President, and say, "Please wait another 30 or 40 days; in another 2 or 3 months we will get the money"?

For years—it seems like 5,000 years—we have been waiting for at least a sign, for a beginning, for hope. Congress said to the American people last December, "We are providing a way; here is the hope." Hundreds of applications have been received, not only by our committee but by HEW. Hundreds of thousands of people, over a period of time, are begging for survival, and we have not one dime to show them that we are willing to put up funding for our commitment.

In my opinion this is really a tragic situation, in which we held out a false hope to millions of Americans, and now we come out with nothing to back up our words.

Recent news reports have indicated that the Soviet Union is recognizing a serious alcoholism problem in their country and are taking substantial measures to counter it.

It appears that, in addition to the arms race, we should have a contest—in the interests of the national security and welfare—to see which nation can first put the clamps of effective control on debilitating drug abuse and alcoholism.

Can we afford to accept defeat in this race?

Mr. President, I sincerely ask the Members of the Senate who, without exception, have shown unanimous support for this legislation and expressed unanimous belief of the need for it, have held out hope to the Nation that this would be accomplished, and have showed their good-faith response to the public need by enacting this historic law, to restore to the supplemental appropriations bill the $20 million seed money essential to get the implementation of the new law underway.

Mr. President, I think it is absolutely essential that, though this is a small amount of money in comparison to the total of this bill, appropriate action be taken to correct the conference report.

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

Mr. HUGHES. I am happy to yield to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I commend the Senator from Iowa and the Senator from Kentucky for their statements today, and concur in both statements.

I think we recognize the excellent leadership of the chairman of the Appropriations Committee and those who have fought to sustain the position of the Senate on this bill. I am particularly impressed by the comment made by my colleague who is now serving as presiding officer (Mr. GRAVEL) on the incidence of alcoholism among the relatively small population of our State of Alaska.

This amount of money is very small indeed in comparison to the obligations to which we committed ourselves last year, and I would say to the Senator from Iowa that, while I happen to support many of the things that he compares this small amount to, and perhaps we differ on those things to a certain extent, for example, the military programs, he has certainly made a tremendous contribution, I think, to the understanding of alcoholism and the testimony that has been brought out concerning the incidence of alcoholism among those who have security positions and among those who are serving in the Federal Government and in fact the State and local governments and the business world of this great country of ours.

I would hope we would be firm in our resolve, not only in regard to the commitment for this $20 million, but also in our commitment to keep faith with those who sought to continue the policy of the SST program. Those who relied upon actions in this body and the other body over a period of years, believing that we would continue the SST program, will now find that they are to be the losers because the Nation has changed its mind. I think those of us who supported the SST program realize that the decision has been made, and that there will be no further action on that program. But to require the industry itself to suffer this loss appears to me to be a great wrong.

I think that the Senate bill that was taken to conference was a fair one. It was not a generous one as far as the program we have envisioned for the alcoholism field is concerned. But it was a fair one insofar as the SST repayment was concerned.

I, for one, hope we can find the strength in the Senate to take the action the Senator from Iowa has recommended today. Again, I want the Senate to know that I feel strongly that he has outlined a program in the alcoholism field that has great merit.

When we go to the university campuses and the young people compare the use of drugs to the use of alcohol and we are forced to say that we are actually committing more of our resources to fighting drug abuse—and I support that program—than to combating alcoholism, I think we are holding up an inconsistency to the young people who are becoming disenchanted with government because of these inconsistencies.

I would hope that we would have the resolve to tell the House that we insist upon the $20 million and that we insist upon the repayment to those who placed their faith in the program as it was outlined previously by Congress in the SST.

I appreciate the Senator's yielding to me, and I want him to know that I and others on this side of the aisle admire his courage in this field and his dedication to this program, and I hope we will all support him in this matter.

Mr. HUGHES. I thank the distinguished Senator from Alaska.

I know that in the creation of this legislation, and in the hearings, there was total bipartisan support—assistance from the other side of the aisle in the committee and on the floor of the Senate. That support is deeply appreciated.

I think the Senator well makes the point about the young people of America being disenchanted by the fact that we really have not faced this problem as we face the others.

Certainly, I would not want to place any color on this which would reduce the effort to meet the needs of narcotics addiction and drug dependence in other areas, because we are doing only a pittance in that field, also, and funding for this area needs to be increased rapidly and desperately as well.

When we talk about the amount of crime, the flooding of the courts, and the filling of the jails, even the concept of law and order in this country is frustrated totally. We have almost universal bipartisan agreement on the need to do something about this. This could be a beginning.

What is so frustrating to the Senator from Iowa is that I believe every Member of the Senate believes in what I am saying here today. Yet, we were forced, in a conference with the House, because the House rejected it, to have not one dime until some future day—at this point unknown—even with the dedication of the distinguished chairman of the Appropriations Committee, the President pro tempore of the Senate.

I must, as a matter of my own conviction, and in the belief that this body will support it, ask that this matter be delayed until we have a chance to get a reconsideration.

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

Mr. HUGHES. I yield.

Mr. GRAVEL. Mr. President (Mr. STENNIS), among the greatest social problems facing the United States today is the problem of alcoholism.

That statement has been made so often it sounds almost like a cliche. But as often as we state the problem, we still have not, as a nation, come to grips with a solution.

Thirty-six million Americans are afflicted with alcoholism. Ninety-five per cent of those afflicted are people with families—men and women who would otherwise lead productive lives.

Nearly 2 million arrests are made each year for public drunkenness.

About 50,000 people, age 15 and older, are killed each year on the highways, more than half of whom have alcohol in their blood at the time of the accident, and another 500,000 receive disabling injuries each year.

These are just a sampling of the statistics that continue to shock our Nation. The case for greater action on the part of the Federal Government is so persuading, so unassailable that it is a wonder that this subject is so controversial.

In my own State of Alaska the problem is the most acute in the Nation.

In the city of Fairbanks, for example, there is a drunkenness arrest rate of 7,335 per 100,000 population, compared with an average of 922 in other American cities.

Stated another way, more than 68 per cent of all persons arrested in the city of Fairbanks in 1969 were charged with alcohol-related offenses.

Fairbanks is just one of many Alaskan communities that each year pays a devastating social and economic toll for the excess of alcoholism.

There is a cost of detaining individuals, processing them through the courts, and property damage that occurs. The social and economic losses are incalcuable.

Particularly afflicted in Alaska are our native peoples. The Indian and Eskimo cultures, coming in conflict with the Western culture, are struggling to reach an accommodation and survive. Part of the price of this confrontation is social distress documented by virtually every Federal and State agency in the field. Because of the widespread use of alcohol in the villages the families have suffered and children left neglected and homeless.

Village councils recognize the problem and are petitioning for help. The communities of Alaska are petitioning for help. Fairbanks, Anchorage, and other communities have applied for rehabilitation programs that could be funded with the appropriations we are now considering.

My files are filled with appeals for help—from village councils, community leaders, mental health associations and police departments. This money must be restored. We must have assistance. We must attack a problem we all recognize as one of the most costly and disruptive social problems of our time.

Mr. President, I urge that the Senate stand firm in its resolve to fully fund this program and that it not concur with the House.

I realize that the chairman of the committee has tried his best in this regard, and his credentials are impeccable in this regard; but I think we can go a long way toward strengthening his hands for additional negotiations.

I can only add that when we talk about priorities, it seems somewhat senseless to me that we can spend $19 million for the Cannikin test on Amchitka Island to do experimentation which is already obsolete, and we cannot spend $20 million on this great national problem.

Mr. HART. Mr. President, in the debate on the supplemental appropriations bill, we have heard about the Government's moral commitment to pay back private industries who invested in the development of the SST.

That concern leads me to ask what happened to our moral commitments:

To provide $116 million for summer jobs for disadvantaged youths?

To provide $20 million for prevention and treatment of alcoholism?

To provide $5 million to implement the Lead-Based Paint Poisoning Prevention Act?

To provide $50 million to help increase the supply of low- and moderate-income housing?

These are just some of the items on which the Senate, if it approves the conference report, will recede, in whole or in part.

This list pictures clearly what people mean when they question the priorities of the Federal Government.

I shall vote "no" on the conference report.

The PRESIDING OFFICER. What is the will of the Senate?

The question is on the adoption of the conference report.

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. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senators from Rhode Island (Mr. PASTORE and Mr. PELL), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. LONG), and the Senator from Montana (Mr. METCALF) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

I further announce that, if present and voting, the Senator from California (Mr. TUNNEY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Illinois (Mr. STEVENSON), and the Senator from Indiana (Mr. BAYH) would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from Hawaii (Mr. FONG), the the Senator from Florida (Mr. GURNEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Maryland (Mr. BEALL) is absent by leave of the Senate because of illness.

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

The Senator from Utah (Mr. BENNETT) is absent on official business.

The Senator from New York (Mr. JAVITS) is absent by leave of the Senate.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Ohio would vote "yea," and the Senator from Massachusetts would vote "nay."

Several Senators inquired of the Chair how they had been recorded; and several Senators asked for the regular order.

The PRESIDING OFFICER. The regular order is called for.

The result was announced—yeas 27, nays 25, as follows:

[No. 71 Leg.]

YEAS—27

Allen	Fannin	Roth
Allott	Gambrell	Saxbe
Bible	Hartke	Smith
Byrd, Va.	Jordan, N.C.	Sparkman
Byrd, W. Va.	Jordan, Idaho	Stennis
Church	McClellan	Symington
Dominick	Packwood	Talmadge
Ellender	Pearson	Thurmond
Ervin	Ribicoff	Young

NAYS—25

Aiken	Griffin	Proxmire
Bentsen	Hart	Randolph
Case	Hatfield	Schweiker
Cook	Hruska	Scott
Cooper	Hughes	Spong
Cotton	McIntyre	Stevens
Cranston	Moss	Williams
Fulbright	Nelson	
Gravel	Prouty	

NOT VOTING—48

Anderson	Eastland	McGee
Baker	Fong	McGovern
Bayh	Goldwater	Metcalf
Beall	Gurney	Miller
Bellmon	Hansen	Mondale
Bennett	Harris	Montoya
Boggs	Hollings	Mundt
Brock	Humphrey	Muskie
Brooke	Inouye	Pastore
Buckley	Jackson	Pell
Burdick	Javits	Percy
Cannon	Kennedy	Stevenson
Chiles	Long	Taft
Curtis	Magnuson	Tower
Dole	Mansfield	Tunney
Eagleton	Mathias	Weicker

So the conference report was agreed to.

Mr. HUGHES. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ALLOTT. I move to lay that motion on the table.

SEVERAL SENATORS. The yeas and nays.

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

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Mr. President, the Senator cannot move to reconsider, not having been on the prevailing side.

Mr. ALLOTT and Mr. HUGHES addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I would like to know the ruling of the Chair on the parliamentary inquiry.

The PRESIDING OFFICER. A Senator must be on the prevailing side to move to reconsider.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DOMINICK. I move to lay that motion on the table.

Mr. COTTON. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the conference report was agreed to. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, is a parliamentary inquiry in order at this time?

The PRESIDING OFFICER (Mr. ROTH). A parliamentary inquiry is not in order during a rollcall.

Mr. COTTON. Will it be immediately after the announcement of the rollcall?

The PRESIDING OFFICER. After the vote is announced, it will be in order.

The rollcall was concluded.

The vote was recapitulated.

Mr. BYRD of West Virginia. Mr. President, I ask for order, and I ask that Senators be requested to take our seats.

The PRESIDING OFFICER. The Senate will be in order. Senators will proceed to take their seats.

Mr. BYRD of West Virginia. And Mr. President, I ask that when the 20 minutes are up, the vote be announced.

I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senators from Rhode Island (Mr. PASTORE and Mr. PELL), the Senator from Illinois (Mr. STEVENSON), the Senator

from Georgia (Mr. TALMADGE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. LONG), and the Senator from Montana (Mr. METCALF) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

I further announce that, if present and voting, the Senator from California (Mr. TUNNEY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Illinois (Mr. STEVENSON), and the Senator from Indiana (Mr. BAYH) would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Maryland (Mr. BEALL) is absent by leave of the Senate because of illness.

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

The Senator from Utah (Mr. BENNETT) is absent on official business.

The Senator from New York (Mr. JAVITS) is absent by leave of the Senate.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

In this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Ohio would vote "yea," and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 24, nays 28, as follows:

[No. 72 Leg.]

YEAS—24

Allen	Fannin	Roth
Allott	Gambrell	Saxbe
Bible	Jordan, N.C.	Smith
Byrd, Va.	Jordan, Idaho	Sparkman
Byrd, W. Va.	McClellan	Stennis
Dominick	Packwood	Symington
Ellender	Pearson	Thurmond
Ervin	Ribicoff	Young

NAYS—28

Aiken	Hart	Prouty
Case	Hartke	Proxmire
Church	Hatfield	Randolph
Cook	Hruska	Schweiker
Cooper	Hughes	Scott
Cotton	Kennedy	Spong
Cranston	Mathias	Stevens
Fulbright	McIntyre	Williams
Gravel	Moss	
Griffin	Nelson	

NOT VOTING—48

Anderson	Eagleton	McGovern
Baker	Eastland	Metcalf
Bayh	Fong	Miller
Beall	Goldwater	Mondale
Bellmon	Gurney	Montoya
Bennett	Hansen	Mundt
Bentsen	Harris	Muskie
Boggs	Hollings	Pastore
Brock	Humphrey	Pell
Brooke	Inouye	Percy
Buckley	Jackson	Stevenson
Burdick	Javits	Taft
Cannon	Long	Talmadge
Chiles	Magnuson	Tower
Curtis	Mansfield	Tunney
Dole	McGee	Weicker

So the motion to lay on the table the motion to reconsider was rejected.

Mr. COTTON. Mr. President, is a parliamentary inquiry in order at this point?

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. COTTON. My inquiry is this: What is the effect under the rules of a request for the regular order?

The PRESIDING OFFICER. The request for the regular order means that the Senate must proceed with the roll-call vote. But in this case, the final tabulation——

Mr. COTTON. I cannot hear what the Chair is saying.

The PRESIDING OFFICER. The call for the regular order requires the clerk to proceed with the call of the roll in a regular fashion. But in this particular case the clerks had not completed their tabulation because so many Senators had changed their votes.

Mr. COTTON. Yes. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. After the regular order is requested, does that not also mean that Senators shall be requested to clear the well, and if they choose to change their votes, that they make that change by addressing the Chair from their seats?

The PRESIDING OFFICER. That would be proper order.

Mr. COTTON. That is included in the regular order, is it not?

The PRESIDING OFFICER. That would be proper order.

Mr. COTTON. Mr. President, I am not complaining, nor am I displeased about the outcome, but I merely want to call to the attention of the Senate, for future reference and in the interests of future orderly procedure, that the Senator from Iowa (Mr. HUGHES), on the first vote, after a considerable length of time, requested the regular order. At that time, I counted 11 Senators down in the well. At that time, the tabulation as carefully made showed a certain result. There were enough changes in votes made down at the well, where the Senate could not hear them, to affect the outcome of the vote.

I have no objection, nor has any other Senator, I am sure, to having the leaders down in the well, where they can keep track of matters and confer, but I do not believe even this body is thrice-blessed with 11 leaders; and when the regular order is called for, I think if Senators want to tally up the result and check up the vote, they should do it from their seats, and stand up and vote audibly so we can hear their votes cast.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. What is the pending business?

The PRESIDING OFFICER. The question now recurs on agreeing to the motion to reconsider the vote by which the conference report was agreed to.

Mr. DOMINICK. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Is that motion subject to debate?

The PRESIDING OFFICER. The motion is debatable.

Mr. DOMINICK. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. AIKEN. I ask the Chair if the regular order would not require changes in votes to be made audibly, so that the RECORD would show what votes were changed; and the next question is, how many changes of votes on a single matter could be permitted on one roll call? I do not mean the total number, but I mean how many times could I, for example, change my vote quietly, after having voted audibly one way?

The PRESIDING OFFICER. Until the announcement of the tabulation is made, a Senator can change his vote. If there is another vote the Chair will require that Senators make such changes from their seats.

Mr. AIKEN. I can vote audibly one way, and then quietly change it by going up to the desk to change it; is that correct?

The PRESIDING OFFICER. The Chair will require that any change of vote will be done from the seat in the next vote.

Mr. AIKEN. It can be changed quietly, even though it has once been voted audibly.

Mr. BYRD of West Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of West Virginia. Mr. President, by what rule may the Chair require that a Senator vote while standing at his seat?

The PRESIDING OFFICER. There is no specific requirement that the Senator vote from his seat, but there is a requirement of order and decorum in the regular order.

Mr. BYRD of West Virginia. But, Mr. President, by what rule does a requirement for order and decorum by necessity make a Senator have to go to his particular seat?

The PRESIDING OFFICER. He is not required to go to his own seat.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCOTT. As I understand, the Chair's ruling is that, no matter how many Senators may be stricken with a sense of error, the reversal of prior position shall nevertheless be made audibly and in an orderly fashion so that the Senate may be apprised of these 180-degree turns. Is that correct?

The PRESIDING OFFICER. That was the intent of the Chair.

Mr. COTTON. Mr. President, one more parliamentary inquiry because of the inquiry of the Senator from West Virginia.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. I understand perfectly that a Senator does not necessarily have to cast his vote from his own seat. But did I correctly understand that the original reply to my original parliamentary inquiry was that after a call for the regular order, it cannot be done down in the well, leaning over the clerk's desk, so that the rest of us do not know the changes that are being made or what kind of negotiations are going on? Is that correct?

The PRESIDING OFFICER. The Chair did not specifically rule on that point, but the Chair has said that it will require that it be done in an audible manner that can be heard by the Senate.

Mr. COTTON. But it can be done by leaning over the desk? Is that right or wrong.

The PRESIDING OFFICER. If no Senator requests that the well be cleared, it can be done in that fashion, and it has been done in that fashion in the past.

Mr. COTTON. My original inquiry was this: When the regular order is called for, does that not include clearing the well of everyone, except possibly the majority and minority leaders?

Mr. BYRD of West Virginia. Mr. President, will the Senator yield, before the Chair responds?

Mr. President, is there any rule which requires that any Senator stand at his desk while he is speaking or while he is voting?

The PRESIDING OFFICER. No, there is not.

Mr. BYRD of West Virginia. Mr. President—if the Senator will yield further—the rule requires that a Senator declare his assent or his dissent. The rule does not say that he cannot declare that assent or dissent at the bar of the Senate.

The PRESIDING OFFICER. The Senator is correct, and the clerk will read rule 12, paragraph 1.

The assistant legislative clerk read as follows:

When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

Mr. BYRD of West Virginia. So, Mr. President—if the Senator will yield—does it not follow that there is no rule or precedent which requires, merely upon the demand for the regular order, that the well be cleared, but that such a request for clearing the well must be made from the floor or by the Chair?

The PRESIDING OFFICER. That is correct.

Mr. COTTON. Mr. President, the Senator from New Hampshire never contended that a Senator had to leave his own desk to speak. But it was the understanding—always has been the understanding—of the Senator from New Hampshire that when the regular order is called for, regular order means order in the Senate, and that part of that precluded—with the number present today—more than a third of the Senators milling around, conferring with each other, and then voting across the desk. The Senator from West Virginia called it the bar. I resent that. It is a desk. We do not vote at the bar. But, as a matter of fact, none of us knew what was going on, which Senators were changing their votes, until a new tally appeared.

I now stand corrected. May any Senator ask that the well be cleared at any time? And if he does so, that stops the horse trading done where the Senate cannot hear it. Is that correct?

Mr. BYRD of West Virginia. Mr. President, the Senator is correct.

Mr. President, is it not correct that a Senator must answer to his name as his name is called, in alphabetical order?

The PRESIDING OFFICER. That is supposed to be done, under the rule.

Mr. BYRD of West Virginia. But once the alphabet has been called, a Senator, of course, can vote or change his vote as long as the vote has not been announced.

The PRESIDING OFFICER. That is correct.

Mr. BYRD of West Virginia. Is it not also true that a Senator can fulfill the requirement of declaring his assent or his dissent, if he wishes, by so indicating to the clerk privately at the desk—which in times past has been occasionally referred to as the bar of the Senate.

The PRESIDING OFFICER. This has been the practice for a long time.

Mr. BYRD of West Virginia. Is it not also correct, Mr. President, that while the demand for the regular order would automatically require order in the Senate—because the Presiding Officer under the rules has a duty to maintain order in the Senate on his own initiative without the request having been made from the floor—it does not necessarily mean that order in the Senate cannot be maintained with Senators in the well?

The PRESIDING OFFICER. That is possible.

Mr. BYRD of West Virginia. Mr. President, I think that the concerns that have been expressed by the able senior Senator from New Hampshire and others are legitimate ones and are justified. My comments and inquiries have been made only in an attempt to seek a clarification of the points raised.

I think, further, that in the future it should be incumbent upon the leadership or the Chair—when a situation has developed such as obtained here a little while ago—to ask that the well be cleared and that Senators take seats. This would have the effect of minimizing the voting at the desk after the roll has been called and the clerks are tabulating.

I would further state that I would hope that the impression would not be abroad that the delay at the desk in this instance was dilatory. As the Chair has stated, the delay was caused, following the demand for the regular order, by the clerks' having to tabulate the very close vote; and as long as that was the case, any Senator had the right to change his vote once or twice or three times, so long as the vote had not been announced by the Chair.

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

Mr. BYRD of West Virginia. I yield to the distinguished Senator.

Mr. COTTON. I agree with everything the Senator has said, except one point that either I misunderstood or is a new suggestion. Did the distinguished assistant majority leader indicate that if a Senator votes audibly from some place in the Senate, either his own seat or somewhere else, he then can advance to the well and whisper a change of his vote?

Mr. BYRD of West Virginia. Mr. President, I see nothing in the rules or precedents that would prohibit him from doing so. The rule does require him to assign his reasons for not having voted, and the Senate will decide whether to excuse him.

Mr. COTTON. That was not my question.

Mr. BYRD of West Virginia. I am sorry.

Mr. COTTON. My question is this: Is it in accord with the rules and practice and procedure in the Senate, after a Senator has voted and decides he made a mistake—I have always understood that he needed to address the Chair again, that he did not have to withdraw his vote but simply register his vote as he wanted to register it correctly. I did not understand that he could vote one way and then walk up to the desk and whisper another way.

Mr. BYRD of West Virginia. Mr. President, I do not believe that, technically, he would be in violation of any rule if he chose to do that. It should not, however, be done, and I do not advocate it.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. ROTH). The Senator from Pennsylvania will state it.

Mr. SCOTT. The Chair has already stated that the occupant of the chair would require votes to be cast audibly. I would like to make the point that this is a public Chamber and that when votes are cast it is for the purpose of apprising not only the Chair but also Senators of how their votes are being cast.

If it is permitted to whisper one's change of vote and if that is ruled, finally, to be the case by the Parliamentarian, I intend to offer an amendment to the rules as soon as I am permitted to do so under the rules, to require that votes be cast audibly in the Nation's interest so that those who are here at least may know what is going on and so that we can put an end to this "whispering gallery" or the whispering of changed votes.

It seems to me—and I hope the Chair will again clarify it—that Senators are going to the well too often. [Laughter.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries and in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCOTT. I would hope, then, that the Chair would reaffirm the intention of the present occupant of the Chair to require that votes be cast audibly in the interest of orderly procedure and certainly if any Senator has demanded the regular order and that the well be cleared, because after the well has been cleared then the Senator has to be far enough back so that the rest of us can determine whether he is engaging in business or in monkey business.

The PRESIDING OFFICER (Mr. ROTH). The Chair would like to state that he has not ruled that it is proper to whisper the vote, but it often has been so done in the past.

Mr. BYRD of West Virginia. Mr. President, rule XII states that a Senator shall "declare his assent or dissent." It does not say that he has to declare his assent or dissent audibly. It says only that he shall declare his dissent or his assent. Conceivably, if he is unable to speak, he may have to resort to writing down his vote or indicating in some other way which might not be audible. Moreover, Senators sometimes are not audible when speaking from their desks, especially if the galleries or the Senate is not in order.

Mr. STEVENS. Mr. President, will the Senator from West Virginia yield right there?

Mr. BYRD of West Virginia. Mr. President, the clerk will state, and the RECORD will show, how each Senator voted. A Senator has a right to change his vote if he wishes to do so before the vote is announced.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. STEVENS. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield to the able Senator.

Mr. STEVENS. I hesitate to prolong this colloquy, but I must disagree with the Senator. Rule XII explicitly says that each Senator shall declare his assent or dissent.

Mr. President, I hold in my hand a dictionary, and it gives the meaning of "declare" as : "To make clear; to make known formally or explicitly."

I do not know how one can go up and whisper his vote across the bar. That is not proclaiming it to the public. I do not see how one can change his vote except audibly under the rules existing today.

Mr. BYRD of West Virginia. If I may respond to the Senator from Alaska, I think that by the dictionary definition, when a Senator goes to the bar and indicates his assent or dissent he makes known his position. The clerk then reads the roll of Senators and how they voted. There is nothing in such a procedure that keeps the public from knowing how a Senator has voted. I recall nothing in the present rules which precludes a Senator from standing in the well or at the clerk's desk and voting.

Mr. STEVENS. If the Senator from West Virginia will yield further, these changes were made after the rollcall had been completed. As a matter of fact, I was trying to find out whether the rollcall vote would be called again so that we would know how we voted. These changes were made after the rollcall by the clerk.

Mr. BYRD of West Virginia. But the votes were changed by Senators before the vote was announced by the Chair.

Mr. STEVENS. They are changing them after the rollcall vote was read.

Mr. BYRD of West Virginia. Any Senator can change his vote up until such time as the vote is announced by the Chair.

SEVERAL SENATORS. Vote! Vote!

Mr. SCOTT. And loudly. [Laughter.]

Mr. ELLENDER. Mr. President, I have been sitting here now since 10 o'clock this morning. I missed my plane to go to my hometown to attend the graduation of one of my grandsons. Of course I can go tonight or tomorrow morning. But last night, as I said before, I was instrumental in getting the House of Representatives to sit until 8:30 or 9 o'clock in the evening in order to consider the report. They had no other business to transact. I appealed to the Speaker to hold the House in session so that we could present the conference report to the White House today.

I am, therefore, very much disappointed at the vote taken. I am not questioning the right of Senators to vote this way or that way, of course, but as I stated to my good friend from Iowa just now, I do not think there is a ghost of a chance for us to convince the House to accept the Senate amendment for $20 million of unbudgeted funds. I stated to him that I would do all I could to put this amount in the regular bill which will be considered by the Congress, I hope, before June 30.

The same thing applies to the $58.5 million on the SST. The conferees on the part of the House agreed to the amount placed in the bill by the Senate day before yesterday, but when the conference report was brought back to the House yesterday, the House turned down its own conferees and voted out the $58.5 million that the Senate and the House conferees had agreed to.

Then, later, after that was done, the chairman of the House committee was able to have the House of Representatives restore all the funds except the $58.5 million that was to be reimbursed to the airlines for the advances the airlines had made.

That is the way the matter was submitted to the House. There is a legal question as to whether the $58.5 million is due to be paid by the Government. It is my belief that that is why the House refused to consider the $58.5 million. I believe that if this amount is placed in the regular bill, we can have hearings to determine whether the Government is really and truly indebted to these airline companies. I do not believe there will be any trouble having this amount incorporated in the regular bill.

Mr. President, I stated on several occasions in response to questions from the distinguished Senator from Massachusetts (Mr. KENNEDY) and others that all of the items the Senate put into the bill pertaining to health were unbudgeted with the exception of one item, as to which we increased the amount from $6 million—which was the budget amount—to $10 million. The House would not go along with $10 million; so we accepted the $6 million compromise.

I want to assure Senators I am hopeful that the regular business can be completed. Authorizations will be taken up by Congress before July. I am very hopeful that by June 30 we will be in a position to enact seven or eight of the 13 regular appropriation bills. I have no doubt that if the Congress passes on all authorization bills, we can have all of the appropriation bills considered by July 1.

Mr. President, I have devoted a lot of time to the work of the committee. As a matter of fact, I have not been on the floor very much because I was busy holding hearings in order to make the bills move on.

I never dreamed, to be frank with the Senate, that the Senate would vote me down today on this report, as hard as I have worked on it.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield very briefly?

Mr. ELLENDER. I yield.

Mr. BYRD of West Virginia. Mr. President, I do not think that those Senators whose votes differed from the chairman were voting him down. They were voting the House down. They were expressing their disagreement with the House, not with the chairman.

Mr. ELLENDER. Mr. President, I understand that. But the chairman stated to the Senate very clearly, he thought, that we did all we could. I am saying now that I do not think there is a possibility of getting the House to change its views on the $20 million that my good friend, the Senator from Iowa, is asking for. We tried, but to no avail.

As was stated by my good friend, the Senator from New Hampshire, the conferees did all they could to retain the $16.6 million that was added in an amendment by the distinguished Senator from New Hampshire.

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

Mr. ELLENDER. I yield.

Mr. COTTON. Mr. President, indeed the chairman did. The Senator from New Hampshire testifies to that and he is extremely grateful. I know, however, that my chairman will concede that on this one appropriation, the regular bill will be too late. The 40,000 summer jobs to keep the young people away from the demonstrations and the dope will be gone.

Mr. ELLENDER. Not if we pass the bills as I am proposing. If the Senators stay here and work and if the Members of the House stay here and work, we can get this done by the 30th of June. We ought to be able to get all of the authorization bills passed if we stay here and work. We should be able to do it by June 30. If we do that, we can then obtain the money that the Senators are asking for and increase the ante in this program.

Mr. COTTON. Mr. President, if we wait until June 30, it will be far too late to use the money in the summer jobs.

Mr. ERVIN. Mr. President, will the Senator yield so that I may make an observation?

Mr. ELLENDER. The Senator knows that the money we are now appropriating will take care of 9 weeks, with the Senator's amendment. Is that correct?

Mr. COTTON. The Senator is correct.

Mr. ELLENDER. Now, the work will start probably in mid-June. It will run into September. If the Congress desired, there is no doubt that we could add enough to make it 9 weeks, as the Senator proposes.

I point out to the Senate what has happened under this appropriation. During 1970 we provided for the entire year $182,600,000, which provided 425,000 jobs for 10 weeks.

For 1971 the regular amount was $165,700,000, and that was to take care of 414,200 jobs in the summer program.

We had an additional item for 1971 which was budgeted for $64,300,000. The House in this bill added to that $64,300,000 a sum sufficient to make it $100 million. That amount was $35,700,000 over the approved budget estimate.

In conference we added $5 million to the $100 million, which was $11.6 million short of the amount that was asked for by the Senator from New Hampshire.

As the Senator knows, we tried all we could to obtain the additional $11.6 million. We could not do it. There will be nothing gained delaying this conference report, because I feel certain that the House of Representatives will not agree to increase the amount to the $116,600,000 that was advocated by the distinguished Senator from New Hampshire.

Mr. President, I ask unanimous consent to include in the RECORD a tabulation on this program citing dollars and jobs for 1970 and 1971.

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

1971 NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM

The Neighborhood Youth Corps Summer Program provides economically and educationally handicapped high school students with compensated employment during the customary school vacation period. Jobs are established by public school districts, municipal governments, community action agencies, and private non-profit organizations. To be eligible for enrollment in the Summer Program, youths must be at least 14 years of age and attending the ninth through twelfth grades, or must be an age equivalent to students in those grades. The basic objectives of the program are to provide needy youth with work experience and a source of income to enable them to complete or continue their education. The program, as now constituted, will provide 26 hours of paid work-experience per week for 9 weeks at a minimum of $1.60 an hour. $12.8 million of this total amount provided will fund the summer recreation program for disadvantaged youth 8–13 years old who are too young for employment and who have lacked the opportunity to engage in sports and other recreational activities. This will provide such opportunities for 1.9 million young children in the Nation's 100 largest cities. The program (summer jobs) is a 90 to 10 matching program (Federal share—90).

	Total amount	Total jobs	Number of weeks	Change supplemental	Change committee
1970 summer program	$182,600,000	425,000	10		
1971 appropriation (presently available)	165,700,000	414,200	8		
Supplemental request	+64,300,000	+100,000	9		
Total	230,000,000	514,200	9		
Committee recommendation	+100,000,000	+187,200	9	+$35,700,000	
Total	265,700,000	601,400	9	+87,200	
Amendment proposed by Senator Javits	+157,428,000	+227,439	10	+$93,128,000	+$57,428,000
Total	323,128,000	641,639	10	[1] +127,439	[1] +40,239
Amernment proposed by Senator Cotton	+116,600,000	+227,200	9	+$52,300,000	+$16,600,000
Total	282,300,000	641,400	9	[1] +127,200	[1] +40,000
Compromise suggested by Senator Javits	+138,000,000	+187,200	10	+$73,700,000	+$38,000,000
Total	303,700,000	601,400	10	[1] +87,200	None
Proposed 1972 budget for 1972 summer program	165,700,000	414,200	8		

[1] Jobs.

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

Mr. ELLENDER. I yield.

Mr. FULBRIGHT. Mr. President, if I understand the situation correctly, if the motion to reconsider does not prevail, then the point of the motion, the approval of the report, stands.

Mr. ELLENDER. The Senator is correct.

Mr. FULBRIGHT. Mr. President, I was one of those who voted. I was very interested in the amendment of the Senator from Iowa, as well as that of the Senator from New Hampshire.

I was told that they considered that the House was very arbitrary. However, in view of the explanation of the Senator from Louisiana and his assurance that he believes we can get in the regular appropriation the money for the Senator from Iowa, and also what he said about the amendment of the Senator from New Hampshire, I am personally willing to change my vote and vote not to reconsider.

That is at least one vote. I do not know how many it will take.

I particularly understand the Senator's attitude toward the $20 million.

Mr. ELLENDER. Mr. President, I may say that the distinguished Senator from Iowa knows I am for the $20 million. We put it in the bill, unbudgeted. We tried to retain it before the House conferees.

Mr. FULBRIGHT. Mr. President, I know how arbitrary they can be, and I sympathize with the chairman.

Mr. ELLENDER. Mr. President, I was very anxious to get this bill completed today.

Mr. FULBRIGHT. I will be perfectly willing to vote against reconsideration.

Mr. ELLENDER. Mr. President, as I said, there are many items involved. For instance, there will be no money to pay the postal workers. They should have been paid yesterday. That is why I am so anxious to get the bill through and on the President's desk tonight if possible.

Mr. FULBRIGHT. I was in a meeting all morning. We had an Executive meeting with a report on the war in Laos and I could not be here because we went over until after 1 p.m. I imagine a number of other Senators could not be in the Chamber because they had other engagements.

Mr. ELLENDER. I wish to say to my fellow Senators that I was instrumental in holding on to quite a few Senators this afternoon. There was a plane waiting for them to go to Austin, Tex., to attend the LBJ Library dedication. I was able to get them to stay here in the hope we could get this matter acted on favorably, so that I, as chairman of the Committee on Appropriations, could carry out the promise I made to the White House to get this bill on the President's desk. I am very much disappointed. I am not blaming anyone. Every Senator has the right to vote as he chooses. But as we know, many of us have been blamed for dragging our feet in respect of these appropriation bills.

Ever since I assumed the chairmanship of this committee I believe I have made myself obnoxious with a few members of the committee, as I urged them to hold these early hearings. As I have pointed out, we changed our rules in respect of the consideration of supplemental and deficiencies appropriations. Instead of having a special committee to hold hearings on supplemental and deficiencies requests the committee authorized me to permit the various subcommittees to handle the respective amounts asked for under their jurisdiction. That is why we were able to act upon this bill in a matter of hours after it came from the House.

The record shows that the House sent this bill to the Senate on May 13 and we reported it from committee the same day. That is very seldom done, particularly with a bill of this size.

Now, we have gone to conference and obtained practically a great many of the things we asked for, except on two or three little items. I believe the Senate conferees did a good job. I hope we can

have favorable consideration so the bill may go to the President's desk.

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

Mr. ELLENDER. I yield.

Mr. YOUNG. Mr. President, I want to say again that the Senate conferees did all they possibly could to get the House to recede, particularly on the amendment offered by the Senator from New Hampshire. Every Senate conferee argued for him. We did all we possibly could. Differences with the House are not uncommon. Many times they are determined not to yield on certain items. On this one issue we probably could have gone on for another month without agreement.

The Senate will recall that for many years in the past in connection with civil functions appropriations we would be in conference for 5 or 6 weeks. Differences with the House are not uncommon. They have just as much right to their position as we have to ours.

I think they are unreasonable about this amendment, but they were never more determined.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, I wish to say that I was not a member of the conference. Perhaps I could have been. I asked to be passed, as I recall.

I speak with great deference to my friend, the Senator from New Hampshire, but it has gotten to be the habit on these appropriation bills that the Senate overrules the committee or rejects the conference report because it does not conform in some particular, and we send it back and fight it out with the House. That has become so much a habit that Members who have not been here for more than a few years have lost sight of how hard it is to deal with these extensive bills in conference.

Members of the House make up their minds sometimes. I remember the Senator from Arizona gave about as good an explanation as any I have heard. He was sharply challenged by someone as to why he did not get an item agreed to in conference. He said, "The House membership did not agree to it." He was asked why. He said, "They did not say why." He summed up the attitude in the conference.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will please suspend. The Senate will be in order.

Mr. STENNIS. There is a time when we have to close ranks. There is not a more determined man in a conference than the chairman of our committee, and no man is more knowledgeable than he is. The Senate does not have a more effective man.

I hope we can close ranks and vote for the conference report.

Mr. ELLENDER. Mr. President, I wish to say that we have in this bill $250 million to continue the food stamp program. That money is tied up. That is one reason why I was so anxious to get the bill to the President's desk.

Then, we have retired pay for defense which amounts to $166 million. That is due under the law. They are waiting for it.

Then, we have the postal workers. The time to pay them was yesterday. I felt that by passing this conference report today they could be paid immediately.

Then, there are grants to States for public assistance. That is a necessary item in here and it amounts to $1,047,587,000. If that matter is delayed, there is going to be difficulty in supplying to the States what the law says the Federal Government should supply them.

Mr. President, all of this is going to be delayed. That is why I was so anxious to get this bill through, so that we could proceed orderly and with the knowledge that within 4 to 6 weeks we could put in the regular bill the amounts that we have been discussing today, which include the $20 million that was suggested by my good friend from Iowa. As I told him awhile ago I pledged I would put that in the regular bill if I could get support, and I know I can.

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

Mr. ELLENDER. I yield.

Mr. McCLELLAN. Mr. President, I echo the sentiments that have been expressed by the distinguished junior Senator from Mississippi. I, too, was unable to come to the Chamber sooner. I knew that under the able leadership of our distinguished chairman and other members of the committee who served as conferees, they would undertake to uphold the position of the Senate.

I am sure that, as in the past, because I have served on many conferences, every reasonable effort was made and every persuasion was advanced to the House to persuade them to go along. I support, I favor, some of the appropriations that are in the bill that are now in controversy, although I voted to approve the conference report, and I shall do so on the next rollcall.

If this action is taken, as a result of those programs that will suffer because of not approving the conference report today, that will tip the scales very much in favor of approving it today, rather than letting it go along and having many people suffer.

This is not the final determination of the issues here. They will come along. There will be enough money in the program with respect to the amount involved in the issue raised in the amendment of the Senator from New Hampshire that was adopted. That money is there. It can carry on the program until the regular bill comes along.

The item of the distinguished Senator from Iowa may be a new one, one that I am sure practically every Member of this body favors; but if we cannot get it today—and we cannot—then why not proceed to adopt the conference report and let us work together to bring about appropriations in these fields in the regular appropriation bills.

I commend the Senator from Louisiana, chairman of our committee. I support him. I know he did his best. Certainly in this instance, when no permanent injury is going to result, I certainly recommend and hope that the Senate will go along with him and let us have the conference report adopted this afternoon. Let us vote.

Mr. ELLENDER. Mr. President, many Senators have been released; that is, they asked me whether or not they could make their planes. I told them that as far as I was concerned I had done all I could. We were supposed to get through this matter at 2 o'clock. I told them it would be about 2 or 2:20.

I was supposed to get a plane to go to my own hometown for the graduation of my fifth grandson. I will have to go late tonight or tomorrow morning, which I can do. But there are so many Senators who have already left that I hesitate to ask for a quorum call, because, as far as I can see, we do not have a quorum present. It will probably be necessary for this matter to go over until Monday.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. If we attempt to vote and there proves not to be a quorum present, the matter will go over until Monday, but the vote will have to be taken then with no opportunity for debate at all. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. COTTON. If, on the other hand, we ascertain that there is a quorum, we will start Monday ab initio, and if some of us have other thoughts, we can take care of these matters without being forced into a vote. I stayed here until 8:30 last night. I was back here. I thought we were going to vote last night.

I do not want to prolong matters now. My name has been mentioned a couple of times, and I want to protect myself, but I will not do it and take time. I do not think it should go over until Monday, and, once again, I am sick and tired of having to vote with no explanation and no debate, and therefore—Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator has the floor for a parliamentary inquiry.

Mr. COTTON. I addressed the Chair——

Mr. ELLENDER. I thought I had the floor.

Mr. COTTON. Mr. President, I no longer have the floor?

The PRESIDING OFFICER. The Senator has the floor.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

Mr. COTTON. Mr. President, I do not have the floor for any other purpose than a parliamentary inquiry. Is that correct?

Mr. ELLENDER. That is what the Senator asked for.

Mr. COTTON. No; I addressed the Chair.

Mr. ELLENDER. Mr. President, I have

not released the floor. However, if the Senator desires——

Mr. COTTON. I am going to suggest the absence of a quorum. Unless the Senator wants to yield to me for that purpose; do not yield.

Mr. ELLENDER. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for the purpose of making a motion to adjourn?

Mr. ELLENDER. Yes.

Mr. COTTON. Mr. President, will the Senator withhold that motion for a moment?

Mr. BYRD of West Virginia. Yes; I withhold the motion for a moment.

Mr. COTTON. Let the record show that the Senator from New Hampshire understood that the Senator from Louisiana had completed his remarks. He addressed the Chair. He had propounded a parliamentary inquiry. It was his intention to suggest the absence of a quorum because, unless that is done, we are compelled to vote on Monday with our lips sealed. We have been compelled to do that all this week, leaving notes on Senators' desks because we could not talk. Now it is the purpose of the acting majority leader to move to adjourn so that our lips are sealed on Monday and we cannot speak.

The PRESIDING OFFICER. The Chair would like to state that he did recognize the Senator from New Hampshire in his own right.

Mr. COTTON. Then I had the floor. That is all I have been asking.

Mr. ALLEN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. ALLEN. The Senator from New Hampshire is concerned that he will not have an opportunity to debate this question on Monday, and he proposes to put in a request for a live quorum. If we adjourn now rather than have a live quorum, this matter will be subject to debate on Monday. He does not need a live quorum, because the call will disclose the absence of a quorum. If we adjourn until Monday, it will be subject to debate.

Mr. COTTON. Mr. President, I understood the Chair to say that I have the right to the floor and I obtained the floor. Is that right?

Mr. ELLENDER. Mr. President, I did not give up the floor, but I will.

Mr. COTTON. Then, Mr. President, I suggest the absence of a quorum.

Mr. BYRD of West Virginia and Mr. STEVENS addressed the Chair.

Mr. SCOTT. Mr. President, regular order. It is not debatable.

The PRESIDING OFFICER. Regular order has been called for. The Senator from New Hampshire requested a quorum call. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, there has been no response yet to the call.

I ask the Senator to withhold his request. There has been no response to the call as yet.

The PRESIDING OFFICER. Does the Senator from New Hampshire withhold his request?

Mr. BYRD of West Virginia. Mr. President, I ask the Senator if he will withdraw his request. It was my intention to move that we adjourn. If we adjourned, it would preserve the rights of any and all Senators.

Mr. COTTON. Mr. President, the distinguished acting majority leader knows the Senator from New Hampshire will be extended every possible courtesy, but it is my understanding——

The PRESIDING OFFICER. Does the Senator——

Mr. COTTON. Wait a minute. It is my understanding——

The PRESIDING OFFICER. Debate is not in order. Does the Senator withhold his request for calling for a quorum?

Mr. COTTON. Debate is not in order?

The PRESIDING OFFICER. Once a request for a quorum call is made——

Mr. COTTON. Mr. President, I am willing to withdraw the request with unanimous consent that I do not lose my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. COTTON. Then I withdraw my request, and then, may I say, still having the floor that, of course, it is the prerogative of the acting majority leader to move for adjournment, and it is only in rare instances that anyone on either side of the Senate who believes in orderly procedure would throw any roadblocks in the way; but it is my understanding, from the ruling of the Chair, that if the distinguished acting majority leader adjourns the Senate, what happens when we assemble Monday is a vote on the motion to reconsider, without debate.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield, if the Senate now adjourns, the Senate on Monday will resume where it left off, and the matter will be in the same status as it was when we adjourned, and debate would still be in order.

Mr. COTTON. Mr. President, not that I question the distinguished acting majority leader, who is well versed in these matters, but I ask for a ruling. If we adjourn now, will this matter reopen Monday with the right to debate before we vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, if the Senator will yield without losing his right to the floor, I am worried about the postal workers. I know the distinguished chairman of the Appropriations Committee mentioned this matter. It is my understanding that there is a continuing resolution on the calendar which would permit the postal workers to be paid in the event we get into prolonged debate on this matter next week. It is my understanding that, by adopting the resolution reported by the Senator's committee, the postal workers could start being paid today.

Am I correct or incorrect? I would like to know, and I think the record ought to be clear as to what we think here with regard to the postal workers. I think there are other members of the Post Office and Civil Service Committee present in the Chamber. I am informed that we could get these people paid just by passing this resolution. If I am incorrect, I would like to be so informed.

Mr. ELLENDER. Mr. President, the Senator is correct, there is a continuing resolution here, but if we pass the continuing resolution, this bill will never be considered by the House of Representatives.

Mr. STEVENS. I was not aware of that.

Mr. ELLENDER. Well, that is correct.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COTTON. Mr. President, the Senator from New Hampshire surrenders the floor to the assistant majority leader.

Mr. BYRD of West Virginia. Mr. President, I move, in accordance with the previous order, that the Senate stand adjourned.

Several Senators addressed the Chair.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The motion is not debatable. The question is on agreeing to the motion of the Senator from West Virginia that the Senate adjourn.

Mr. HATFIELD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BYRD of West Virginia. Mr. President, if Senators will permit me, I withdraw my request, but I ask for recognition.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. Mr. President, I ask that staff members be requested to remain seated in the rear of the Chamber, and that the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. I yield, retaining my right to the floor, to the Senator from Wisconsin (Mr. NELSON).

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

Mr. BYRD of West Virginia. I yield to the Senator from Massachusetts for the purpose of making a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. I, for one, would like to find out if that happens to be the case before we go into an adjournment situation which will, as a result of the postponement of action, have the result that there will be thousands of postal employees who will not be paid.

The PRESIDING OFFICER. The Chair will not interpret what is in the con-

tinuing resolution, but there is such a resolution on the calendar.

Mr. KENNEDY. Do I correctly understand further that that can be called up off the calendar and acted upon this afternoon, if such request were made?

The PRESIDING OFFICER. The Senator is correct, it could be taken up by unanimous consent or by motion, but it would then displace the unfinished business.

Mr. KENNEDY. It would displace the unfinished business?

The PRESIDING OFFICER. That is correct.

Mr. DOMINICK. Mr. President, will the assistant majority leader yield?

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. Mr. President, we have had a quorum on two votes this afternoon; what is the matter with just going ahead and voting?

Mr. BYRD of West Virginia. Mr. President, the realities of the situation are these: There is a determination on the part of some Senators, I say with all due respect, to have a little more time in which to voice their opinions with regard to the conference report; and there is no possibility, as I view it now, of retaining a quorum if those Senators wish to speak. They are determined to exercise their right to do so if the Senate continues in session.

Being confronted with that situation, it is better to adjourn now rather than to be forced into adjournment because of the lack of a quorum. If a live quorum develops now, the Senate will be forced to adjourn anyhow.

Mr. DOMINICK. Will the Senator yield further?

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. We have had 52 Senators present on two votes. This is Friday afternoon, and I am here. I cannot be here on Monday, so I do not see why we should adjourn now to accommodate those Senators, and we do not do something about those who cannot be here on Monday.

Mr. SCOTT. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. BYRD of West Virginia. I yield to the Senator for such request.

Mr. SCOTT. I ask unanimous consent that, without otherwise affecting the status of the conference report, the continuing resolution be placed before the Senate for a vote at this time, so that the postal workers may be paid.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. ELLENDER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I repeat, some Senators wish to express opposition to the conference report, and they have a right, if they can obtain recognition, to do so.

They can speak through the remainder of the afternoon. At the same time, any Senator who receives recognition may ask for a quorum; but the realities of the situation are such that the Senate would be forced to adjourn because of lack of a quorum.

So I think, rather than taking all that time, it would be better to adjourn now.

Mr. HATFIELD. Mr. President, will the assistant majority leader yield for a question?

Mr. BYRD of West Virginia. I yield.

Mr. HATFIELD. Is it not possible to have a voice vote on this question?

Mr. BYRD of West Virginia. I seriously doubt that. It is all right with me if Senators want to have a voice vote on it. The yeas and nays have been ordered on the motion to reconsider.

Mr. DOMINICK. If it will help, I am glad to ask unanimous consent to withdraw the yeas and nays.

Mr. BYRD of West Virginia. The Senator can do that, and I will yield for that purpose.

Several Senators addressed the Chair.

Mr. ELLENDER. Mr. President, if the Senator desires to have a voice vote on the conference report, I have no objection to that, if the idea is to facilitate the adoption of the conference report. If that can be arranged with the distinguished Senator from New Hampshire and the distinguished Senator from Iowa, we could get rid of the conference report this afternoon. I certainly would have no objection. I think it ought to be done. That is what I was pleading for awhile ago. If there is a way by which that can be done without having a quorum call, I would be glad to have that done.

Mr. COTTON. Mr. President, I object to withdrawing the yeas and nays on the motion to reconsider the conference report.

Mr. BYRD of West Virginia. Mr. President, if any other Senators wish me to yield, I shall be glad to do so now before I move to adjourn.

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

Mr. BYRD of West Virginia. I yield.

Mr. YOUNG. If we had a live quorum call now, and a quorum was not present, and we went over until Monday, the first order of business would have to be a vote, without debate; is that correct?

Mr. BYRD of West Virginia. The first order of business would be an automatic quorum call.

Mr. YOUNG. And no debate?

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Those Senators who are conferring will please withdraw from the Chamber.

Mr. BYRD of West Virginia. Mr. President, in response to the question by the Senator from North Dakota, if the Senate were at this time to be forced to adjourn because of no quorum on a request for a quorum call, the first thing on Monday next would be an automatic quorum call. There would then be an opportunity to debate, as Senators are debating now, on the motion to reconsider.

But if the Senate should adjourn now because of lack of a quorum in response to a rollcall vote on the motion to reconsider, then on Monday next the first order of business would be an automatic quorum call, and following the attainment of a quorum, there would—immediately, and without debate—be an automatic rollcall vote on the motion to reconsider.

Mr. President, does any Senator wish me to yield further before I move to adjourn?

Mr. DOMINICK. I ask again, would it be possible to have any of these votes on Tuesday instead of Monday?

Mr. BYRD of West Virginia. I beg the Senator's pardon?

Mr. DOMINICK. Would it be possible to have any of these on Tuesday instead of Monday? I do not want to miss these votes, either, but I have a longstanding commitment on Monday. We have been trying to work out on the draft situation what we are going to do; a lot of us have been staying around for this supplemental, and a lot of people have not been staying around. Why should we penalize those who have been, so that they cannot get on a rollcall the following legislative day?

Mr. BYRD of West Virginia. Mr. President, I invite the able Senator's attention to the fact that the Senate has already entered into a unanimous-consent agreement with respect to certain votes on the unfinished business—votes which will occur on next Tuesday—with the time controlled. Once we reach Tuesday, we are automatically locked in by that unanimous-consent agreement, which has previously been entered into.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 11 a.m. The two leaders will be recognized under the standing order, at which time a unanimous-consent request will be made by the leadership to have a brief period—not to exceed 30 minutes—for the transaction of routine morning business, with statements therein limited to 3 minutes.

When morning business is concluded, the Senate will resume its consideration of the conference report on the second supplemental appropriations bill. The pending question will be on the motion to reconsider the vote by which the conference report was agreed to; the yeas and nays have been ordered on the motion to reconsider. Debate on the motion to reconsider will be in order. Therefore, one or more rollcalls can be expected on Monday.

When the Senate completes its business on Monday next, it will stand in adjournment under the order previously entered, until 9:30 a.m. Tuesday next.

ADJOURNMENT UNTIL 11 A.M. MONDAY, MAY 24, 1971

Mr. BYRD of West Virginia. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. on Monday next.

The motion was agreed to; and (at 3 o'clock and 50 minutes p.m.) the Senate adjourned until Monday, May 24, 1971, at 11 a.m.