moting Pacific trade with Japan, Taiwan, and India.

Now Gov. Daniel J. Evans, in an interview during the Western Governors' Conference here, discloses he is discussing with Soviet representatives possibilities of a trade pact between Siberian territories and the State of Washington. Governor Evans says officials in Leningrad—where he recently spent 15 days—were "very interested" in Washington timber, aircraft, apples, and other agricultural products.

The Washington State executive says that he made "preliminary inquiries" into a trade potential with Communist China "even previous to ping-pong diplomacy." He has not received any formal response from Chinese officials as yet.

Whether or not China might be more willing to buy U.S. goods as a result of the U.S.-China summit talks remains to be seen. State officials hope so.

However, Gov. Evans says he knows China will need to import some aircraft manufacturing to develop its new commercial-aviation systems. Seattle's gigantic Boeing facility has been hard hit by federal aerospace cutbacks, "and we would assist Boeing's interest [in selling to China]," the Governor says.

Mr. Evans sees economic dividends for his state as well as diplomatic advantages for the nation as a whole if such new trade routes should be established. He is eager to develop these agreements strictly on a state—or regional—level. "We might be able to do some things the federal government can't because of their diplomatic problems," he says.

The Governor adds he is not now aware of federal restrictions or waivers which might be needed to institute trade with these Communist nations.

"Much of our job will be to encourage private firms in Washington to deal with Russia and Red China," he says, "and our first move is to establish a specific market."

The Governor adds, however, that federal permission would likely be needed "if we get into the area of strategic materials."

[In Washington, D.C., sources at the State and Commerce departments and at the White House say that states are free to send promotional teams abroad and try to drum up trade for its own industries and products.

[But states cannot make trade agreements; private companies must apply for licenses to trade with the Soviet bloc and Peking through the Commerce Department. U.S. Code, Title 18, Chapter 45, bars states or individuals from entering into any agreement with a foreign government without sanction of the federal government.]

The Governor has informally discussed his Communist trade plans with fellow Pacific Coast chief executive Tom McCall of Oregon and William A. Egan of Alaska. "Both are enthusiastic," he says. He now expects to further explore the potential of Western regional agreements with Communist-bloc nations with California Gov. Ronald Reagan and Gov. John A. Burns of Hawaii.

SENATE—*Saturday, July 24, 1971*

The Senate met at 11 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Almighty God, Creator of the universe, Ruler of men and nations, as we pause at this shrine of the patriots' devotion, speak to our waiting spirits the word we need for this time. Look not upon our feeble expressions but upon the deep yearnings and hidden aspirations of our souls. Renew Thy servants, who, by the voice of the people serve in this Chamber. Give them strength and wisdom to bring deliverance from the ancient evils of tyranny, poverty, injustice, war, the toil which is unrewarded, and the dreams that are unfulfilled.

O Lord, give Thy servants a greater understanding of Thy ways, a higher insight into Thy wisdom, and a clearer vision of Thy majesty to sustain them in the days ahead. Help them to find Thee near in work well done and duty faithfully performed.

When the day is spent and evening comes, bring us at length to a Sabbath of quiet, rest, and worship. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 24, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, July 23, 1971, be dispensed with.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar under New Report.

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

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar, under New Report, will be stated.

MISSISSIPPI RIVER COMMISSION

The legislative clerk read the nomination of Maj. Gen. Charles Carmin Noble, Army of the United States (brigadier general, U.S. Army), to be a member and president of the Mississippi River Commission.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the configuration of this nomination.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, this is undoubtedly superfluous, but 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 that the Senate proceed to the consideration of the Calendar, including Calendar No. 270, and then going over to Calendar No. 279 and in sequence from then on.

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

Mr. TOWER. Mr. President, if the distinguished majority leader will yield for a question, he proposes to take up Calendar No. 270 and then skip to Calendar No. 279; is that correct?

Mr. MANSFIELD. That is correct.

YEAR OF WORLD MINORITY LANGUAGE GROUPS

The joint resolution (S.J. Res. 105) authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups", was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 105

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) there are more than two thousand minority language groups of one hundred and sixty million people, most of whom live in remote areas of the world in cultural isolation without books or even an alphabet;

(2) it has been shown that these people are gifted individuals whose human resources the world is denied;

(3) the translation of literacy materials and teachings of moral and spiritual significance into minority languages, which re-

quires that an alphabet be produced and a thorough grammatical analysis of the languages be undertaken, results in an expansion of literacy and an improvement of the cultural bases of the language groups affected;

(4) such organizations as the Summer Institute of Linguistics composed of linguistic scholars trained at the Universities of Oklahoma, North Dakota, Washington, Michigan, Indiana, California, Pennsylvania, Texas, and elsewhere have undertaken the task of bringing literacy to such groups;

(5) The Summer Institute of Linguistics has more than two thousand five hundred members now working in more than five hundred minority language groups in twenty-three foreign countries with the cooperation of the governments and institutions of higher learning in these countries;

(6) the cultural, economic, social, and political, and educational significance of these efforts has brought commendations from many foreign governments;

(7) the Summer Institute of Linguistics and other concerned organizations have called for the beginning of work in the remaining over two thousand minority language groups yet without even an alphabet; and

(8) these organizations, through modern science and technology, are continuing the task of freeing all the various minority groups from linguistic isolation, and they deserve our encouragement.

SEC. 2. In recognition of the international effort to provide written languages for minority language groups, the President is authorized and requested to issue a proclamation designating 1971 as the "Year of World Minority Language Groups", and inviting foreign governments, the governments of our States and communities, and all peoples to observe the year with appropriate scientific and educational activities.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–275), 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 to issue a proclamation designating 1971 as the "Year of World Minority Language Groups."

STATEMENT

There are more than 2,000 minority language groups of 160 million people, most of whom live in remote areas of the world in cultural isolation without books or even an alphabet.

Some 30 or 40 years ago Dr. W. Cameron Townsend organized the Wycliffe Bible Translators. He was concerned for these many thousands of tribes who were not only without the Gospel in which he believed but were outside all of civilization. Many of the tribes were still living in the Stone Age, because not even their leaders possessed the tools by which they could be educated. The Wycliffe Translators have undertaken to translate the Bible in every tongue on the globe in this century. This is possible because computers, automatic typesetting machines, radios, and other scientific aids can be mobilized for this translation task.

For this gigantic undertaking and realizing that individuals working alone would have to spend years and years to bring learning to only one tribe to meet this need, there was organized the Summer Institute of Linguistics. This is an organization composed of linguistic scholars trained at the Universities of Oklahoma, North Dakota, Washington, Michigan, Indiana, California, Pennsylvania, Texas, and elsewhere. These language scholars, through their work at the universities, are making it possible to bring written language to these tribes.

The Summer Institute of Linguistics is not organized as a religious organization. As a matter of fact, some of the Federal aids that have come to other types of education have helped them. The institute now has more than 2,500 members working in more than 500 minority language groups in 23 foreign countries. They are working with the cooperation of the governments and institutions of higher learning in those countries.

The issuance of a proclamation by the President designating 1971 as the "Year of World Minority Language Groups" would not only honor the thousands of dedicated individuals who are working on this task, but it would call attention to the important undertaking, both at home and abroad. Favorable consideration of this resolution and the issuance of the proclamation would do much to further this work and will in turn accomplish wonders in creating friendship and goodwill toward the United States.

For these reasons, the committee is of the opinion that this resolution has a meritorious purpose and accordingly recommends favorable consideration of Senate Joint Resolution 105 without amendment.

STEPHEN C. YEDNOCK

The bill (H.R. 1892) for the relief of Stephen C. Yednock, 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. 92–285), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to pay Stephen C. Yednock the sum to which he would be entitled under section 5724 of title 5 of the United States Code (or under the provisions of previous section 73b–1 of that title) and the regulations issued thereunder without regard to the time limitations of section 1.3d of Bureau of the Budget circular No. A–56, for the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking his household goods and personal effects incident to his transfer in October 1965, to Bethesda, Md., as an employee of the Naval Ships System Command, Department of the Navy.

STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

"In its report to the committee, the Department of the Navy stated it had no objection to enactment in view of the unusual circumstances involved.

"As was outlined above in stating the purpose of the bill, H.R. 1892 would authorize the Secretary of the Treasury to pay Stephen C. Yednock the sum to which he would be entitled under section 5724 of title 5 of the United States Code for the expenses of transporting, packing, crating, temporarily storing, draying and unpacking his household goods and personal effects incident to his transfer in October 1965, to Bethesda, Md. The bill authorizes this payment even though Mr. Yednock did not move within the allowable time period to qualify for the payment."

Mr. Yednock was transferred to the Bureau of Ships, now the Naval Ship Systems Command, Washington, D.C., on October 10, 1965, from Camp Hill, Pa. He would have been entitled to reimbursement for the travel expenses for himself and his family and for the expenses of shipping household goods and personal effects under the provisions of Bureau of the Budget Circular No. A–56. However section 1.3D of that circular provides that the maximum time for beginning allowable travel and transportation shall not exceed 2 years from the effective date of an employee's transfer or appointment. Mr. Yednock was not entitled to reimbursement because he moved his family and household goods in July 1970, which was approximately 5 years after his transfer and 3 years after his entitlement expiration.

As stated in the Navy report, Mr. Yednock's delay in moving was attributable to three factors. First, he was unable to find a buyer for his home in Pennsylvania and therefore could not afford to move his wife and six children to Washington. Second, Mr. Yednock did not know where his office would be located. As of October 1967, it was known that the Ship Systems Command office would have to move from the Main Navy Building in Washington, D.C., but it was not definite whether the staff would be moved to Bethesda, Md., as had been previously announced. Third, Mr. Yednock was given erroneous advice by personnel officials of the Bureau of Ships.

During the first week in October 1967, shortly before the 2-year time period was to expire, Mr. Yednock consulted with personnel officials of the Bureau of Ships and requested an extension of time. An extension was granted orally, but subsequently on June 27, 1969, it was determined that there was no authority to grant extension.

In indicating it had no objection to the bill, the Department of the Navy stated:

"Although the Department of the Navy is generally reluctant to support legislation which would have the effect of waiving regulations for the benefit of an individual employee, the Department would not object if Congress enacted this bill because of the unusual circumstances involved."

The committee agrees that relief is merited in the light of the unusual circumstances of this case. It is, therefore, recommended that the bill be considered favorably.

The committee believes the bill is meritorious and recommends it favorably.

ARNOLD D. SMITH

The bill (H.R. 1907) for the relief of Arnold D. Smith, 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. 92–286), 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 relieve Arnold D. Smith of San Jose, Calif., of liability of $174.10, representing overpayments paid him while a member of the U.S. Navy as a result of administrative error made in his leave record without any fault on his part.

STATEMENT

The Department of the Navy in its report to the committee indicated it had no objection to the bill's enactment. The Comptroller General in a similar report questioned relief.

Arnold David Smith served as a Machinery Repairman, Third Class, in the Navy. He first enlisted on April 29, 1959, and on January 30, 1961, was discharged for the purpose of immediate reenlistment. He reenlisted in the Navy January 31, 1961 for 6 years. This date is important because at the

time of the reenlistment, his leave balance from his previous period of service was carried forward to his new leave record. At that time he had earned 13 days of leave which should have been carried forward; however, in posting the leave, Navy personnel incorrectly showed the amount as 30 days. The error created by this erroneous action was carried forward on his leave record until his honorable discharge on April 6, 1967. At that time he was paid for the remaining portion of his accrued leave which, unfortunately, included the erroneous balance. The report of the Comptroller General, which is set forth at the end of this report, has detailed the circumstances and figures involved in the computation which is the basis for the overpayment referred to in the bill.

The Department of the Navy in its report in indicating that it had no objection to the bill's enactment stated that since the administrative failure to recognize this error extended for more than 5 years, relief is merited.

The committee concurs with the action of the House of Representatives and believes that relief should be granted under these particular circumstances and recommends that the bill be considered favorably.

JULIUS L. GOEPPINGER

The bill (H.R. 2110) for the relief of the estate of Julius L. Goeppinger, 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. 92–287), 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 payment by the Commodity Credit Corporation of $1,213.51 to the Estate of Julius L. Goeppinger in full settlement of the claim of the estate for the amount of a sight draft issued to the decedent on August 13, 1957, and rendered nonnegotiable by the Corporation on December 19, 1968.

STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

The Department of Agriculture in its report to the committee on a similar bill in the 91st Congress stated it did not recommend enactment.

The sight draft referred to in the bill is a draft of the Commodity Credit Corporation bearing the number G–2279466. The original draft has been furnished to the committee in connection with its consideration of the bill. It is dated August 13, 1957, and provides for a payment of $1,213.51. It was made payable to Julius L. Goeppinger, Box 357, Boone, Iowa. The payment evidenced by the draft was to have been made in connection with the 1956 corn program. When it was presented, the Commodity Credit Corporation refused to pay the claim because more than 10 years had elapsed from the date of the sight draft. The Board of Directors had adopted a policy that claims against the Corporation might be paid if received within 10 years from the date which the claim first accrued.

It was pointed out that sight drafts drawn on the Treasury of the United States (31 U.S.C. 132) were not accepted for payment after the 10-year period in accordance with the policy adopted by the Commodity Credit Corporation. The Department of Agriculture in its report to the committee has referred to this policy. It further has stated that departmental records relating to the matter have been destroyed. The Department therefore took the position that it was impossible to determine whether the claim was satisfied by a substitute draft issued during the life of Mr. Goeppinger.

The material submitted to the committee by the sponsor of the legislation includes correspondence of the executor of the estate. The executor pointed out that on December 3, 1968, he enclosed 10 Commodity Credit Corporation drafts payable to his brother with a letter to the manager of the McCook County ASCS office in Salem, S. Dak. He pointed out these drafts were issued for various years dating back to 1957. The other drafts had to do with the feed program, while the check which is the subject of this bill had to do with a 1956 corn purchase agreement. At that time, Mr. Walter W. Goeppinger requested the reissuance of substitute drafts. The executor explained that in addition to the Government checks, many dividend checks from various companies were found among his brother's effects. He had not cashed these checks for a period of more than 10 years prior to his death. The executor pointed out that this is additional evidence of the fact that no substitute check was issued for the one referred to in the bill.

The information submitted to the committee in connection with this matter indicates that for a number of years, the decedent, Julius L. Goeppinger, had suffered various illnesses. In the fifties his eyesight began to fail due to retinal deterioration. During this period, he allowed his business affairs to deteriorate and did as little bookwork as possible. Apparently, it was in this period that the checks found in his effects were put away and not cashed.

As was noted at the outset, because of the policy of the Commodity Credit Corporation, payment was refused on the sight draft referred to in the bill. Ultimately, the draft itself marked "cancelled" and with the signatures cut off was returned to Mr. Walter W. Goeppinger by the manager of the McCook County ASCS office. It is this original document that has been filed with the committee. After a review of all of the facts including those outlined above, the committee has concluded that there is sufficient evidence to conclude that no payment was ever made on this Government obligation. Accordingly, it is recommended that the bill be considered favorably.

CHARLES C. SMITH

The bill (H.R. 2246) for the relief of Charles C. Smith, 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. 92–288), explaining the purposes of this 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 relieve Charles C. Smith of Cape Neddick, Maine, of liability of $446.37, representing the amount remaining due on the date of his discharge as the result of casual payments paid him in connection with a transfer to Vietnam in 1965.

STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

The Department of the Air Force in its report to the committee on a similar bill in the 91st Congress indicated that it would have no objection to a bill providing relief as is provided in H.R. 2246 with the amendment recommended by the committee.

Mr. Charles C. Smith enlisted in the Air Force July 19, 1954, and served until he was discharged at Duluth, Minn., on December 29, 1965. The payments which are referred to in the bill were made as a result of a situation which developed after June of 1965 when orders were issued transferring Sgt. Charles C. Smith from Luke Air Force Base, Ariz., to Vietnam. The report of the Air Force explains that under current regulations, an Air Force member, in a travel status in connection with a permanent change of station, may apply at any Air Force installation for a "casual payment" if he encounters financial difficulties. The casual payment is entered on his military pay record and set off against his current pay. Following his departure from Luke Air Force Base on June 28, 1965, and prior to his arrival in Vietnam on October 18, 1965, Mr. Smith applied for and received casual payments at a number of Air Force installations. Because of dependency hardship, he was returned to the United States on December 20, 1965, and discharged December 29, 1965. On the date of his discharge he was paid a lump-sum payment of $507.58 representing payment for 41 days' accrued leave.

Early in 1966, the Accounting and Finance Officer at Tan Son Nhut Air Base, Vietnam, notified the Air Force Accounting and Finance Center (AFAFC) that he had recently received notice of five casual payments made to Mr. Smith by other Air Force bases. Since it appeared that these payments had not been collected, AFAFC initiated an audit of Mr. Smith's pay account. This audit verified that the five casual payments, total $794, had not been collected prior to his discharge. It also showed that he had been erroneously paid $2.17 hostile fire pay for December 30, 1965, the day after he was discharged. However, his leave had been erroneously computed and he should have been paid for 51 days' accrued leave rather than for 41 days. The additional 10 days' leave was computed at $123.80. In addition, the audit revealed that a casual payment of $226 had erroneously been charged to and collected from Mr. Smith by the Accounting and Finance Officer in Bangkok, Thailand, where Mr. Smith's pay account was being maintained. The audit showed that Mr. Smith owed the United States a total of $796.17 which was reduced to $446.37 by applying the $349.80 found to be to his credit.

After Mr. Smith had been discharged, the audit established the amount of the indebtedness. After some delay, on August 30, 1967, an explanation of the debt was sent him in Maine. The Air Force report notes that under the authority of Public Law 89–508, it is possible to compromise a claim on the part of the United States when it appears that the person owing the money does not have the present or prospective ability to pay any significant sum on the claim or that the cost of collecting the claim is likely to exceed the amount of recovery. When it was found that Mr. Smith was employed at the Portsmouth Naval Shipyard in Kittery, Maine, the Government acted to collect the indebtedness by making deductions from his biweekly pay. When his job at the naval shipyard was terminated on October 18, 1968, the Government had collected $105 and a balance remaining owing of $341.37.

In its report, the Air Force notes that there are no administrative procedures under which Mr. Smith may be relieved of the amount of liability to repay the amount remaining due or to refund the amount repaid. The Air Force further notes that the indebtedness resulted in pay from adminis-

trative error and in part from circumstances related to the case. It further states that it regrets any error made in this case and the circumstances which led to the establishment of the indebtedness. The casual payments which form the basis of the indebtedness had not been properly recorded in Mr. Smith's pay accounts. The payments which were proper at the time were made and but for the fact that Mr. Smith was given an early discharge on the grounds of hardship, they would have been properly recorded in his pay account so that they would have been recognized at the time of his discharge.

The Air Force recognizes that when Mr. Smith requested these payments, he knew they represented pay and allowances due him. The Air Force further states that there is no evidence that at the time he received his final pay at the time of discharge he was aware that all the casual payments had not been recorded in his pay accounts. For these reasons, the Air Force stated that any question as to his good faith in the situation should be resolved in his favor.

In connection with its consideration of this bill, the committee secured additional information concerning the circumstances of Mr. Smith. The committee is advised that Mr. Smith has a wife and four children. The advance payments which are the subject of this bill were made to him in order to ease his problems in settling his family before he was sent overseas. His problems in this connection were complicated by a succession of changes in his orders and a disruption in allotments made to his family. After he was given a hardship discharge because of his family situation, he was unable to find work in Minnesota and moved to Maine. There a fifth child was born to the family and the child died a short period following birth. The wife subsequently required hospitalization for surgery and in March of 1969, the family suffered additional loss and difficulty when their home burned.

In view of the circumstances of this case and the indication by the Department of the Air Force that it would not object to the legislation, it is recommended that the bill be considered favorably.

The committee believes the bill is meritorious and recommends it favorably.

SGT. ERNIE D. BETHEA, U.S. MARINE CORPS (RETIRED)

The bill (H.R. 3753) for the relief of Sgt. Ernie D. Bethea, U.S. Marine Corps (retired), 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. 92–289), 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 relieve Sgt. Ernie D. Bethea, U.S. Marine Corps (retired), of Newark, N.J., of liability to the United States in the amount of $316.79, representing an overpayment of his active duty pay while serving in Vietnam with the Marine Corps.

STATEMENT

The facts of this case as contained in House Report No. 92–111 are as follows:

The Department of the Navy in its report to the committee on a similar bill in the 91st Congress stated that it supports the enactment of the legislation.

The records of this Department reveal that Sergeant Bethea was severely wounded in action in Vietnam on May 4, 1967. He was treated at the 3d Medical Battalion, 3d Marine Division, and evacuated to the U.S. Air Force Hospital, Clark Air Force Base, Philippines, on May 6, 1967. Sergeant Bethea was then air evacuated to the U.S. Naval Hospital, St. Albans, N.Y., on May 13, 1967, and finally transferred to the Veterans' Administration hospital, East Orange, N.J., on November 7, 1967. Sergeant Bethea's wounds resulted in the complete loss of use of his right arm, as well as other less serious impairments. As a result of his injuries, Sergeant Bethea was retired for physical disability on November 30, 1967.

Through administrative error, Sergeant Bethea continued to be paid active-duty pay and allowances for a short period after his retirement. As a consequence, he was overpaid $316.79 and became indebted to the United States in that amount. During the period from July 1 through November 30, 1967, Sergeant Bethea earned active-duty pay and allowances of $1,379.35. During this same period he received payments totaling $899, plus authorized or required pay deductions for allotments, FICA tax, withholding tax and servicemen's group life insurance premiums of $373.40, or total charges against his account of $1,272.40. Thus, as of November 30, 1967, the date of his retirement, the sum of $106.95 was due and unpaid to Sergeant Bethea. However, through administrative error, he received payments of $78, $90.74, $85, $85, and $85 on December 15 and December 30, 1967, January 15 and January 30, 1968, and February 15, 1968, respectively—a total of $423.74. The erroneous payment of $423.74 was in addition to retired pay which Sergeant Bethea was paid commencing on December 1, 1967, at the monthly rate of $118.92. This erroneous payment, offset by the $106.95 which was due and unpaid at the time of separation, gives rise to Sergeant Bethea's debt of $316.79.

In its report to the committee, the Department of the Navy outlined its policy concerning bills intended to relieve individuals of liability for overpayments. It stated that the Navy opposes legislation designed to relieve an individual of liability unless the indebtedness was occasioned through no fault of the service member and unless the overpayment was such that it was not detectable and could not reasonably have been expected to be detectable. The Navy investigation found no indication that the overpayment was the result of any fault or negligence on the part of Sergeant Bethea. The Navy further observed that the short duration of the overpayment makes it understandable that the overpayment could not be immediately detected. It, therefore, concluded that, under the circumstances, it is considered reasonable that Sergeant Bethea would accept the payments without questioning them.

The Navy notes that civilian employees under section 5584 of title 5 of the United States Code may be relieved for overpayments of pay where it is determined that the collections of the claim would be against equity and good conscience and not in the best interest of the United States. The Navy noted that the overpayment in Sergeant Bethea's case appears to be an analogous situation involving the overpayment of military pay.

In view of the facts of the case and the favorable position of the Department of the Navy, it is recommended that the bill be considered favorably.

In agreement with the views of the House of Representatives the committee recommends favorable consideration.

TRIBUTES TO THE LATE SENATOR RICHARD B. RUSSELL

The resolution (S. Res. 149) to print additional copies of tributes to the late Senator Richard B. Russell of Georgia, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. RES. 149

Resolved, That there be printed concurrently with the usual press run six hundred additional copies of Tributes to the late Senator Richard B. Russell of Georgia, for the use of the Senate Committee on Rules and Administration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–290), explaining the purposes of the measure.

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

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

600 additional copies at $1,990 per thousand $1,194

ORGANIZED CRIME

The resolution (S. Res. 152) authorizing the printing for the use of the Committee on Government Operations of additional copies of part 1 of its hearings entitled "Organized Crime," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. RES 152

Resolved, That there be printed for the use of the Committee on Government Operations one thousand six hundred additional copies of part 1 of the hearings before its Permanent Subcommittee on Investigations durng the Ninety-second Congress, first session, entitled "Organized Crime".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–291), explaining the purposes of the measure.

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

Senate Resolution 152 would authorize the printing for the use of the Committee on Government Operations of 1,600 additional copies of part 1 of the hearings before its Permanent Subcommittee on Investigations during the 92d Congress, first session, entitled "Organized Crime".

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

1,600 additional copies at $721.87 per thousand........ $1,155

AUTHORIZATION FOR SPECIAL SUPPLEMENTARY EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

The Senate proceeded to consider the resolution (S. Res. 140) authorizing special supplementary expenditures by the Committee on Foreign Relations for an inquiry and investigation pertaining to the making of policy relating to U.S. involvement in Southeast Asia, which had been reported from the Committee on Rules and Administration, with amendments. The amendments of the Committee on Foreign Relations are as follows:

On page 2, line 4, after the word "through",

strike out "June 30, 1973" and insert "February 29, 1972"; in line 14, after the word "through", strike out "June 30, 1972" and insert "February 29, 1972"; and at the beginning of line 19, insert "including, but not limited to—

"(a) the machinery for the making and conduct of foreign policy relating to national security;

"(b) institutional arrangements within Congress for handling foreign policy matters involving national security;

"(c) congressional access to executive branch personnel and documents and the doctrine 'executive privilege';

"(d) procedures for classifications and declassification of documents; and

"(e) arrangements for appropriate congressional participation in and oversight of executive branch agreements with and commitments to foreign countries."

The amendments of the Committee on Rules and Administration are as follows:

On page 2, line 15, after the word "of", strike out "$250,000" and insert "$100,000"; on page 3, at the beginning of line 8, strike out, "Of such $250,000, not to exceed $100,000 may be expended for the procurement of individual consultants or organizations thereof."; in line 10, after the word "the", insert "first"; in line 17, after the word "resolution", insert "Of such $100,000, not to exceed $50,000 (which shall be in addition to the second amount specified in such section 2) may be expended for the procurement of individual consultants and organizations thereof."; and, on page 4, line 1, after the word "than", strike out "June 30, 1973" and insert "February 29, 1972".

So as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Foreign Relations, or any subcommittee thereof, is authorized from the date this resolution is agreed to, through February 29, 1972, for the purpose stated in section 2 and within the limitations hereinafter imposed in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Foreign Relations, or any subcommittee thereof, is authorized from the date this resolution is agreed to through February 29, 1972, to expend not to exceed the sum of $100,000 to examine, investigate, and make a complete study of any and all matters pertaining to the making of policy relating to United States involvement in Southeast Asia, including; but not limited to—

(a) the machinery for the making and conduct of foreign policy relating to national security;

(b) institutional arrangements within Congress for handling foreign policy matters involving national security;

(c) congressional access to executive branch personnel and documents and the doctrine of "executive privilege";

(d) procedures for classification and declassification of documents; and

(e) arrangements for appropriate congressional participation in and oversight of executive branch agreements with and commitments to foreign countries.

Such sum is in addition to the first amount specified in section 2 of Senate Resolution 26, Ninety-second Congress, agreed to March 1, 1971, and was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures required by, the study to be undertaken pursuant to this resolution. Of such $100,000, not to exceed $50,000 (which shall be in addition to the second amount specified in such section 2) may be expended for the procurement of individual consultants and organizations thereof.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-292), explaining the purposes of the measure.

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

Senate Resolution 140 as referred would authorize the Committee on Foreign Relations, or any subcommittee thereof, from the date of its approval through February 29, 1972, to expend not to exceed $250,000 (of which amount not to exceed $100,000 could be expended by the committee for the procurement of individual consultants or organizations thereof) to examine, investigate, and make a complete study of any and all matters pertaining to the making of policy relating to United States involvement in Southeast Asia, including, but not limited to—

(a) the machinery for the making and conduct of foreign policy relating to national security;

(b) institutional arrangements within Congress for handling foreign matters involving national security;

(c) congressional access to executive branch personnel and documents and the doctrine of "executive privilege";

(d) procedures for classification and declasification of documents; and

(e) arrangements for appropriate congressional participation in and oversight of executive branch agreements with and commitments to foreign countries.

These funds would be in addition to the $325,000 authorized for use by that committee by section 2 of Senate Resolution 26, agreed to March 1, 1971.

After consultation with the Committee on Foreign Relations, the Committee on Rules and Administration has amended Senate Resolution 140 by reducing the requested amount from $250,000 to $100,000. (The portion of that amount which could be expended by the committee for the procurement of consultants has been reduced to $50,000).

Additional amendments to Senate Resolution 140 approved by the Committee on Rules and Administration are as follows:

(1) On page 3, beginning with "Of" in line 4, strike out through the period in line 6.

(2) On page 3, line 6, immediately before "amount" insert "first".

(3) On page 3, line 13, after the period, insert the following: "Of such $250,000, not to exceed $100,000 (which shall be in addition to the second amount specified in such section 2) may be expended for the procurement of individual consultants and organizations thereof."

(4) On page 3, lines 18 and 19, strike out "June 30, 1973" and insert in lieu thereof "February 29, 1972".

The first three are technical or perfecting amendments, necessary to put the proposal in due form. Amendment (4) would provide that, consistent with Rules Committee policy, the reporting date would not extend beyond the terminal date of the authorization itself.

Pursuant to the requirement stipulated in section 133(g) of the Legislative Reorganization Act of 1946, Senate Resolution 140 contains the following statement of the reason why authorization for the expenditures described therein could not have been sought at the time of the submission by such committee of an annual authorization resolution for this year:

"Such sum * * * was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures required by, the study to be undertaken pursuant to this resolution."

AUTHORIZATION OF APPROPRIATIONS FOR THE COMMISSION

The bill (H.R. 7271) to authorize appropriations for the Commission on Civil Rights 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. 92-293), explaining the purposes of the measure.

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

PURPOSE AND COSTS

The purpose of H.R. 7271 is to increase the annual authorization for the Commission on Civil Rights from $3,400,000 to $4 million.

The committee estimates that the increased authorization provided by H.R. 7271 would entail an additional cost of not more than $600,000 for fiscal 1972. Under existing law, the term of the Commission on Civil Rights expires January 31, 1973 (sec. 1975c(b), title 42, United States Code). Unless the term of the Commission is extended, it is expected that fiscal 1973 appropriations will be a proration of this amount. The accompanying table sets forth an itemized explanation of the proposed $600,000 increase in the Commission's annual authorization for appropriations:

U.S. COMMISSION ON CIVIL RIGHTS—INCREASE IN FISCAL YEAR 1972 BUDGET REQUEST, BY OBJECT CLASSIFICATION

[In thousands of dollars]

	Fiscal year 1971 estimate	Fiscal year 1972 estimate	Increase
Personnel compensation:			
Permanent positions [1]	2,094	2,381	287
Positions other than permanent [2]	136	149	13
Other personnel compensation [3]	32	32	
Special personal service payments [4]	2	2	
Total personnel compensation	2,264	2,564	300

Footnotes at end of article.

U.S. COMMISSION ON CIVIL RIGHTS—INCREASE IN FISCAL YEAR 1972 BUDGET REQUEST, BY OBJECT CLASSIFICATION—Continued

[In thousands of dollars]

	Fiscal year 1971 estimate	Fiscal year 1972 estimate	Increase
Personnel benefits [5]	164	191	27
Travel and transportation of persons	238	280	42
Transportation of things [6]	9	9	
Rent,[7] communications,[8] and utilities	202	232	30
Printing and reproduction [9]	146	167	21
Other services [10]	236	270	34
Supplies and materials [11]	49	54	5
Equipment [12]	15	33	18
Total obligations	3,323	[13] 3,800	477

[1] This represents an estimated increase in permanent positions from 160 to 185.

[2] Temporary and part-time employees. Commission consultants and experts, and Commissioners.

[3] Primarily employee overtime.

[4] Reimbursable details, such as the payment to a person detailed temporarily from another agency.

[5] Retirement, social security, and health benefits.

[6] Includes transportation of materials to and from hearing sites and the movement of household goods when an employee of the Commission transfers to a field office.

[7] Rent applies only to the rent of the Commission's field offices; the rent for the Commission's Washington office is paid by GSA.

[8] Total communications cost was $125,131 for fiscal 1971; mandatory increase of FTS cost for fiscal year 1972 is estimated at $20,000.

[9] Costs of printing reports of Commission and State advisory committees.

[10] This item includes program contracts and contractual services. The GSA service contract for payroll, financial, reporting, security investigations, messenger and other office services, cost the Commission $39,000 in fiscal 1971.

[11] This item includes library purchases and periodical subscriptions.

[12] Item includes office machines and furniture.

[13] The $200,000 difference between the $3,800,000 appropriation request and the $4,000,000 authorization request would be used as authority for the Commission to be included in any Government-wide supplemental appropriation requests made necessary by mandatory Federal salary increases.

Note: Table submitted by U.S. Commission on Civil Rights.

NEW FARM PEANUT ALLOTMENTS

The bill (H.R. 6217) to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938 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. 92-294), explaining the purposes of the measure.

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

SHORT EXPLANATION

Under existing law, up to 1 percent of the national peanut acreage allotment may be reserved for apportionment to new peanut farms. This results in some shifting of allotment as between States. Under the bill a separate reserve for each State would be authorized to be taken out of that State's allotment in lieu of the national reserve now authorized to be taken from the national allotment. The purpose of this legislation is to prevent the shifting of allotment as between States.

The following two tables submitted by the Department of Agriculture show the small acreage which has been involved in recent years (1,610 acres nationally) and the States affected:

TABLE 1.—PEANUT ALLOTMENT ACREAGE ALLOCATED TO NEW FARMS FROM NATIONAL RESERVES BY YEARS 1967-71

State and area	1967		1968		1969		1970		1971	
	Withheld from national reserve	Allocated new farms	Withheld from national reserve	Allocated new farms	Withheld from national reserve	Allocated new farms	Withheld from national reserve	Allocated new farms	Withheld from national reserve	Allocated new farms
Virginia-Carolina area:										
North Carolina	168.6	20.0	168.5	18.0	168.3	13.0	168.1	7.0	168.0	24.0
Tennessee	3.6	19.3	3.6	0	3.6	0	3.6	0	3.6	0
Virginia	105.3	0	105.2	3.0	105.1	3.0	105.0	10.0	104.9	60.0
Total	277.5	39.3	277.3	21.0	277.0	16.0	276.7	17.0	276.5	84.0
Southeast area:										
Alabama	217.7	23.5	217.6	5.0	217.4	0	217.1	28.9	217.0	5.0
Florida	55.3	93.2	55.4	91.0	55.4	126.3	55.5	65.3	55.5	64.5
Georgia	528.6	807.0	528.9	876.1	529.2	742.7	529.4	833.1	529.7	662.5
Mississippi	7.6	0	7.5	0	7.5	0	7.5	0	7.5	0
South Carolina	13.9	2.0	13.9	28.4	13.9	41.2	13.9	0	13.9	4.0
Total	823.0	925.7	823.1	1,000.5	823.4	910.2	823.4	927.3	823.6	736.0
Southwest area:										
Arkansas	4.2	0	4.2	7.2	4.2	0	4.2	0	4.2	0
Louisiana	2.0	0	2.0	0	1.9	0	1.9	0	1.9	0
New Mexico	5.6	57.0	5.6	46.0	5.7	91.5	5.7	26.2	5.8	28.1
Oklahoma	138.6	145.8	138.5	41.0	138.5	118.4	138.4	137.0	138.4	73.7
Texas	357.3	384.8	357.3	443.8	357.4	473.9	357.5	502.5	357.7	688.2
Total	507.7	587.6	507.6	538.0	507.7	683.8	507.7	665.7	508.0	790.0
Other States:										
Arizona	.7	0	.7	50.5	.8	0	.8	0	.8	0
California	.9	57.4	.9	0	.9	0	.9	0	.9	0
Missouri	.2	0	.2	0	.2	0	.2	0	.2	0
Total	1.8	57.4	1.8	50.5	1.9	0	1.9	0	1.9	0
Total	1,610.0	1,610.0	1,610.0	1,610.0	1,610.0	1,610.0	1,610.0	1,610.0	1,610.0	1,610.0

TABLE 2.—COMPARISON OF 1967 AND 1971 NATIONAL PEANUT ACREAGE ALLOTMENTS BY STATES AND AREAS AND NET CHANGE DURING THE 5-YEAR PERIOD

[Acres]

State and area	1967 [1]	1971 [1]	Net change
Virginia-North Carolina area:			
North Carolina	168,441	167,838	−603
Tennessee	3,621	3,606	−15
Virginia	105,199	104,883	−316
Total	277,261	276,327	−934
Southeast area:			
Alabama	217,526	216,747	−779
Florida	55,386	55,490	+104
Georgia	528,835	529,856	+1,021
Mississippi	7,520	7,492	−28
South Carolina	13,871	13,891	+20
Total	823,138	823,476	+338
Southwest area:			
Arkansas	4,198	4,184	−14
Louisiana	1,953	1,945	−8
New Mexico	5,623	5,787	+164
Oklahoma	138,575	138,346	−229
Texas	357,300	357,998	+698
Total	507,649	508,260	+611
Other States:			
Arizona	714	761	+47
California	991	930	−61
Missouri	247	247	
Total	1,952	1,938	−14
U.S. total	1,610,000	1,610,000	

[1] Total apportionment to both old and new farms rounded to whole acres. Excludes any acreage increase for type in short supply.

COST ESTIMATE

The committee estimates that enactment of the bill would not result in any additional cost during the current or 5 subsequent fiscal years. This corresponds to the cost estimate included in the report of the Department of Agriculture.

PAID ADVERTISING UNDER MARKETING ORDERS FOR CALIFORNIA PEACHES

The Senate proceeded to consider the bill (H.R. 4263) to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order which had been reported from the Committee on Agriculture and Forestry with an amendment in line 3, after the word "That", strike out "the proviso at the end of".

The amendment was agreed to.

The amendment was order to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-295), explaining the purposes of the measure.

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

SHORT EXPLANATION

This bill would add California-grown peaches to the list of commodities for which paid advertising provisions may be included in marketing orders under the Agricultural Adjustment Act. Paid advertising under such orders may now be provided for almonds, cherries, papayas, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, avocados, apples, and tomatoes.

COMMITTEE AMENDMENT

The bill, as referred to the committee, would amend "the proviso at the end" of section 8c(6)(I) of the Agricultural Adjustment Act. There are two provisos in this section and the proviso intended to be amended is the proviso preceding the proviso at the end of the section. While it is perfectly clear what is intended to be amended, the bill would be technically more correct if the words "the proviso at the end of" in lines 3 were stricken out, and the committee therefore recommends that these words be stricken.

COST ESTIMATE

The committee estimates that the cost of amending an order to include provision for paid advertising, if separate from other amendments, would result in an additional Federal expenditure of $7,500. This would occur in probably only 1 of the 6 fiscal years beginning with the year in which the bill is enacted. This estimate agrees with that contained in the attached letter from the Department of Agriculture.

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

PROPOSED COMPENSATION FOR VICTIMS OF CRIME

Mr. MANSFIELD. Mr. President, on February 11, 1971, I introduced S. 750, a bill designed to establish within the Federal criminal jurisdiction a compensation system for victims of violent crime.

Since that time, I have received a number of comments on this proposal from across the land. One such comment—one which has been brought to my attention most often, perhaps—has appeared in the syndicated column by Mr. Jenkin Lloyd Jones. It is entitled "Thought for Victims." I agree with much of what is stated in this commentary. I agree most of all with the thought that more consideration ought to be given the criminal victim. It is he, and he alone, that I seek to provide for with my bill.

The innocent victims of rape and robbery, of mugging and murder; these are the citizens who deserve consideration. Whether it be an unsuspecting secretary as she sits in her office here on Capitol Hill or a policeman responding to a bank robbery out in Oakland, Calif., my bill would make certain that those who are made to suffer because of violent crime are reimbursed for society's failure to protect them.

In this connection, it should be said that some weeks ago the President of the United States embraced the crime compensation concept when he recommended that the survivors of policemen murdered while on duty be given some consideration by society. My proposal simply expands this concept as set forth by the President.

As it functions today our criminal justice system is simply inadequate and incomplete. It includes only two parties—the "people" and the accused criminal. Always it has been the State, or the United States, versus the criminal defendant. There is no mention of the criminal victim. Yes, society and the State are damaged by crime—the law is violated. But in a much more direct and personal way, the victim is injured or killed by crime and, often, he sustains great economic loss. On the Federal level, my proposal seeks only to remedy this inequity. It does not offer a complete overhaul of criminal justice. It recognizes only that society, in undertaking the job of protecting its citizens from crime, has then, an equal responsibility to its citizens, should it fail in that undertaking.

It should be said that in this concept there is room for tying the criminal directly to his victim as is suggested by Jenkin Lloyd Jones and others. Indeed, my proposal, as presently constituted, provides that any compensation award granted a victim be recovered over by the United States against the criminal himself. The criminal is thus primarily liable and if financially able, he will be made to pay the bill for the damage caused by his crime.

There is room, therefore, in my proposal for the restitution principle argued so persuasively by Editor Jones. After all, where possible, restitution is at times required as part of one's punishment for certain crimes today. It is perfectly compatible with my proposal. But my measure would go even a step further.

Why, it asks, should those who suffer from crime be dependent solely upon the criminal? Was it not society's failure to protect the victim in the first place that occasioned his injury, suffering, and damage? And what about the criminal who is unable to make restitution to his victim because of his physical or mental impairment? Should we grant preferred treatment to citizens who happen to be victimized only by the healthy criminal who is apprehended, convicted, and found able to make restitution or to work in behalf of his victim? Certainly not.

And just as certainly in my judgment should society not deny to victims of crime what it affords now to victims of other social circumstances—such as old age—for which there is now and should be compensation—such as blindness—for which there is now and should be compensation—and other meritorious beneficiaries who are provided for under a host of local, State, and Federal compensation and assistance programs.

Mr. President, I urge the expeditious consideration of S. 750. Before too long, I hope to see a compensation program for victims of violent crime written firmly into the Federal law books. In that way, and in that way only, will the criminal victim be given the consideration he is long past due. I ask unanimous consent that in addition to the article by Jenkin Lloyd Jones, a copy of S. 750 be printed in the RECORD.

There being no objection, the article and the text of the bill (S. 750) were ordered to be printed in the RECORD, as follows:

THOUGHT FOR VICTIMS

(By Jenkin Lloyd Jones)

Senator Mike Mansfield and Rep. William Green of Pennsylvania have introduced bills in Congress that would appropriate federal money for the relief of the victims of criminals.

The proposed legislation would not only provide funds to victims of crimes under federal jurisdiction, but it would supplement payments which the legislatures of six states have now authorized for the victims of state law infractions.

Crime compensation at taxpayer expense is getting popular. Britain, New Zealand, Sweden and seven Canadian provinces, have now enacted such laws.

There is, indeed, little logic in freely spending public money to enable the criminal to perfect his defense, while leaving the bleeding victim to borrow money to overcome his lost earnings and the cost of doctors and hospitals.

But the idea can be improved. It can be improved by going back to the first principle of ancient law—the principle that it is the perpetrator of the crime who has the primary obligation to the victim.

In ancient days the idea of paying damages was not limited to civil law. Hammurabi and Draco understood that a criminal was not merely the enemy of the people as a whole, but was a particular debtor to his victim. Draco provided for fines in oxen, not be paid to the state, but to the aggrieved party.

A couple of weeks ago Dr. John Kielbauch, prison psychologist, resigned from the Oklahoma Department of Corrections to take a position in the federal penal system. And in departing, he made a few radical suggestions.

It is time, he said, that the man who robs or injures makes direct restitution. To this end, he proposed that the courts determine proper compensation and that the state set up elaborate training programs and prison industries which would enable the prisoner to earn real money in behalf of those he had wronged.

Doctor Kielbauch suggests indeterminate sentences, the duration of which would largely depend on the efforts the prisoner would make toward full restitution. He adds that if a prisoner is released or paroled before this restitution is completed, a portion of his outside wages could be deducted.

The trouble with most prison job-training programs, according to Doctor Kielbauch, is that many prisoners associate the training with their punishment. This gives them a negative attitude toward useful work. They develop skills reluctantly and slowly and often turn their backs on them when they hit the streets.

If, on the other hand, hard work and the acquisition of marketable trades became their keys to freedom this might put shop training in a different light.

If a court can decide that the man who suffers a broken arm has $1,000 coming to him from the noncriminal who hit him with his car, why shouldn't the criminal who breaks an arm in a brutal assault also owe the victim $1,000?

And there have been too many cases where robbers who have made big scores have sat out their prison years in the smug confidence that the caches will be waiting for them when they emerge. If full restitution is insisted upon the profit vanishes.

Since a law was passed in Michigan making parents financially liable for the depredations of their minor children the incidence of juvenile vandalism in Detroit has turned down remarkably. Parents who were quite casual about scolding in juvenile court began to take a lively interest in the behavior of their young as soon as they received bills from the school board for wrecked classrooms.

Money may be the root of all evil, but the possibilities of using money as a means of discouraging evil have been underexplored in America. The trouble with the bills proposed by Sen. Mansfield and Rep. Green is that they would load upon the blameless taxpayer the indemnity for the victims of crime.

What's wrong with charging the criminal? "Paying one's debt to society" would then take on a new and more practical meaning. And it's about time.

S. 750

A bill to provide for compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes

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

TITLE I—SHORT TITLE AND DEFINITIONS

SECTION 1. This Act may be cited as the "Criminal Injuries Compensation Act of 1971".

DEFINITIONS

SEC. 102. As used in this Act the term—

(1) "child" means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and a child conceived prior to but born after the death of the victim;

(2) "Commission" means the Violent Crimes Compensation Commission established by this Act;

(3) "dependent" means those who were wholly or partially dependent upon the income of the victim at the time of the death of the victim or those for whom the victim was legally responsible;

(4) "personal injury" means actual bodily harm and includes pregnancy, mental distress, nervous shock, and loss of reputation;

(5) "relative" means the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, spouse's parents;

(6) "victim" means a person who is injured, killed, or dies as the result of injuries caused by any act or omission of any other person which is within the description of any of the offenses specified in section 302 of this Act;

(7) "guardian" means one who is entitled by common law or legal appointment to care for and manage the person or property or both of a child or incompetent; and

(8) "incompetent" means a person who is incapable of managing his own affairs, whether adjudicated or not.

TITLE II—ESTABLISHMENT OF VIOLENT CRIMES COMPENSATION COMMISSION

SEC. 201. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the Violent Crimes Compensation Commission. The Commission shall be composed of three members to be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman, who shall have been a member of the bar of a Federal court or of the highest court of a State for at least eight years.

(b) There shall be appointed by the President, by and with the advice and consent of the Senate, an Executive Secretary and a General Counsel to perform such duties as the Commission shall prescribe in accordance with the objectives of this Act.

(c) No member of the Commission shall engage in any other business, vocation, or employment.

(d) Except as provided in section 206(1) of this Act, the Chairman and one other member of the Commission shall constitute a quorum. Where opinion is divided and only one other member is present, the opinion of the Chairman shall prevail.

(e) The Commission shall have an official seal.

FUNCTIONS OF THE COMMISSION

SEC. 202. In order to carry out the purposes of this Act, the Commission shall—

(1) receive and process applications under the provisions of this Act for compensation for personal injury resulting from violent acts in accordance with title III of this Act;

(2) pay compensation to victims and other beneficiaries in accordance with the provisions of this Act;

(3) hold such hearings, sit and act at such times and places, and take such testimony as the Commission or any member thereof may deem advisable;

(4) promulgate standards and such other criteria as required by section 504 of this Act; and

(5) make grants in accordance with the provisions of title V of this Act.

ADMINISTRATIVE PROVISIONS

SEC. 203. (a) The Commission is authorized in carrying out its functions under this Act to—

(1) appoint and fix the compensation of such personnel as the Commission deems necessary in accordance with the provisions of title 5, United States Code;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals;

(3) promulgate such rules and regulations as may be required to carry out the provisions of this Act;

(4) appoint such advisory committees as the Director may determine to be desirable to carry out the provisions of this Act;

(5) designate representatives to serve or assist on such advisory committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the purposes of this Act;

(6) use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

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

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and

(9) arrange with the heads of other Federal agencies for the performance of any of his functions under this title with or without reimbursement and, with the approval of the President delegate and authorize the redelegation of any of his powers under this Act.

(b) Upon request made by the Administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates and statistics) available to the greatest practicable extent to the Administration in the performance of its functions.

(c) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section shall receive $——— a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

TERMS AND COMPENSATION OF COMMISSION MEMBERS

SEC. 204. (a) Section 5314, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(55) Chairman, Violent Crimes Commission".

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

"(95) Members, Violent Crimes Commission".

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

"(130) Executive Secretary, Violent Crimes Commission

"(131) General Counsel, Violent Crimes Commission".

(d) The term of office of each member of the Commission taking office after December 31, 1971, shall be eight years, except that (1) the terms of office of the members first taking office after December 31, 1971, shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after December 31, 1971; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(e) Each member of the Commission shall be eligible for reappointment.

(f) A vacancy in the Commission shall not affect its powers.

(g) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(h) All expenses of the Commission, including all necessary traveling and subsistence expenses of the Commission outside the District of Columbia incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Executive Secretary, or his designee.

PRINCIPAL OFFICE

SEC. 205. (a) The principal office of the Commission shall be in or near the District

of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place.

(b) The Commission shall maintain an office for the service of process and papers within the District of Columbia.

PROCEDURES OF THE COMMISSION

SEC. 206. The Commission may—

(1) subpena and require production of documents in the manner of the Securities and Exchange Commission as required by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by the Chairman. Subpenas shall be served by any person designated by the Chairman;

(2) administer oaths, or affirmations to witnesses appearing before the Commission, receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this Act, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action, and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

TITLE III—AWARD AND PAYMENT OF COMPENSATION

AWARDING COMPENSATION

SEC. 301. (a) In any case in which a person is injured or killed by any act or omission of any other person which is within the description of the offenses listed in section 302 of this Act, the Commission may, in its discretion, upon an application, order the payment of, and pay, compensation in accordance with the provisions of this Act, if such act or omission occurs—

(1) within the "special maritime and territorial jurisdiction of the United States" as defined in section 7 of title 18 of the United States Code; or

(2) within the District of Columbia.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person; or

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person;

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents;

(4) in the case of a payment for the benefit of a child or incompetent the payee shall file an accounting with the Commission no later than January 31 of each year for the previous calendar year;

(5) in the case of the death of the victim, to any one or more persons who suffered pecuniary loss with relation to funeral expenses.

(c) For the purpose of this Act, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by substantial evidence, finds that—

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. Upon application from the Attorney General or the person or persons alleged to have caused the injury or death, the Commission shall suspend proceedings under this Act until such application is withdrawn or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent. The Commission may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

OFFENSES TO WHICH THIS ACT APPLIES

SEC. 302. The Commission may order the payment of, and pay, compensation in accordance with the provisions of this Act for personal injury or death which resulted from offenses in the following categories:

(1) assault with intent to kill, rob, rape;
(2) assault with intent to commit mayhem;
(3) assault with a dangerous weapon;
(4) assault;
(5) mayhem;
(6) malicious disfiguring;
(7) threats to do bodily harm;
(8) lewd, indecent, or obscene acts;
(9) indecent act with children;
(10) arson;
(11) kidnaping;
(12) robbery;
(13) murder;
(14) manslaughter, voluntary;
(15) attempted murder;
(16) rape;
(17) attempted rape;
(18) or other crimes involving force to the person.

APPLICATION FOR COMPENSATION

SEC. 303. (a) In any case in which the person entitled to make an application is a child, or incompetent, the application may be made on his behalf by any person acting his parent or attorney.

(b) Where any application is made to the Commission under this Act, the applicant, or his attorney, and any attorney of the Commission, shall be entitled to appear and be heard.

(c) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(d) Every person appearing under the preceding subsections of this section shall have the right to produce evidence and to cross-examine witnesses.

(e) If any person has been convicted of any offense with respect to an act or omission on which a claim under this Act is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has been ordered, be taken as conclusive evidence that the offense has been committed.

ATTORNEY'S FEES

SEC. 304. (a) The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this Act, file with the agency a statement of the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under subsection (a) of this section, the Commission may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission may, within ninety days after the receipt of the information required by subsection (a) of this section, petition the United States district court in the distict in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who willfully charges, demands, receives, or collects for services rendered in connection with any proceedings under this Act any amount in excess of that allowed under this section, if any compensation is paid, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

NATURE OF THE COMPENSATION

SEC. 305. The Commission may order the payment of compensation under this Act for—

(1) expenses actually and reasonable incurred as a result of the personal injury or death of the victim;

(2) loss of earning power as a result of total or partial incapacity of such victim;

(3) pecuniary loss to the dependents of the deceased victim;

(4) pain and suffering of the victim; and

(5) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

FINALITY OF DECISION

SEC. 306. The orders and decisions of the Commission shall be reviewable in the appropriate court of appeals, except that no trial de novo of the facts determined by the Commission shall be allowed.

LIMITATIONS UPON AWARDING COMPENSATION

SEC. 307. (a) No order for the payment of compensation shall be made under section 501 of this Act unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this Act to or on behalf of any victim in an amount in excess of $25,000.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death living with the offender as his spouse or in situations when the Commission at its discretion feels unjust enrichment to or on behalf of the offender would result.

TERMS AND PAYMENT OF THE BORDER

SEC. 308. (a) Except as otherwise provided in this section, any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 301 of this Act any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this Act), a State or any of its subdivisions, for personal injury or death compensable under this Act, but only to the extent that the sum of such payments and any award under this Act are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission shall pay to the person named in the order the amount named therein in accordance with the provisions of such order.

TITLE IV—RECOVERY OF COMPENSATION

RECOVERY FROM OFFENDER

SEC. 401. (a) Whenever any person is convicted of an offense and an order for the pay-

ment of compensation is or has been made under this Act for a personal injury or death resulting from the act or omission constituting such offense, the Attorney General may within — years institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) The Commission shall provide to the Attorney General such information, data, and reports as the Attorney General may require to institute actions in accordance with this section.

EFFECT ON CIVIL ACTION

SEC. 402. An order for the payment of compensation under this Act shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

TITLE V—VIOLENT CRIMES COMPENSATION GRANTS

GRANTS AUTHORIZED

SEC. 501. Under the supervision and direction of the Commission the Executive Secretary is authorized to make grants to States to pay the Federal share of the costs of State programs to compensate victims of violent crimes.

ELIGIBILITY FOR ASSISTANCE

SEC. 502. (a) A State is eligible for assistance under this title only if the Executive Secretary, after consultation with the Attorney General determines, pursuant to objective criteria established by the Commission under section 504 that such State has enacted legislation of general applicability within such State—

(1) establishing a State agency having the capacity to hear and determine claims brought by or on behalf of victims of violent crimes and order the payment of such claims;

(2) providing for the payment of compensation for personal injuries or death resulting from offenses in categories established pursuant to section 504;

(3) providing for the payment of compensation for—

(A) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(B) loss of earning power as a result of total or partial incapacity of such victim;

(C) pecuniary loss to the dependents of the deceased victims;

(D) pain and suffering of the victim; and

(E) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable, and which is based on a schedule substantially similar to that provided in title III of this Act.

(4) containing adequate provisions for the recovery of compensation substantially similar to those contained in title IV of this Act.

STATE PLANS

SEC. 503. (a) Any State desiring to receive a grant under this title shall submit to the Commission a State plan. Each such plan shall—

(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of a State agency:

(2) set forth a program for the compensation of victims of violent crimes which is consistent with the requirements set forth in section 502;

(3) provide assurances that the State will pay from non-Federal sources the remaining cost of such program;

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

(5) provide that the State will submit to the Executive Secretary—

(A) periodic reports evaluating the effectiveness of payments received under this title in carrying out the objectives of this Act, and

(B) such other reports as may be reasonably necessary to enable the Executive Secretary to perform his functions under this title, including such reports as he may require to determine the amounts which local public agencies of that State are eligible to receive for any fiscal year, and assurances that such State will keep such records and afford such access thereto as the Executive Secretary may find necessary to assure the correctness and verification of such reports.

(b) The Executive Secretary shall approve a plan which meets the requirements specified in subsection (a) of this section and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

BASIC CRITERIA

SEC. 504. As soon as practicable after the enactment of this Act, the Commission shall by regulations prescribe criteria to be applied under section 502. In addition to other matters, such criteria shall include standards for—

(1) the categories of offenses for which payment may be made;

(2) such other terms and conditions for the payment of such compensation as the Commission deems appropriate.

PAYMENTS

SEC. 505. (a) The Executive Secretary shall pay in any fiscal year to each State which has a plan approved pursuant to this title for that fiscal year the Federal share of the cost of such plan as determined by him.

(b) The Federal share of programs covered by the State plan shall be 75 per centum for any fiscal year.

(c) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(d) Grants made under this section pursuant to a State plan for programs and projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated under section 603.

WITHHOLDING OF GRANTS

SEC. 506. Whenever the Executive Secretary, after reasonable notice and opportunity for a hearing to any State, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 503; or

(2) that in the operation of any program assisted under this Act there is a failure to comply substantially with any applicable provision of this Act;

the Executive Secretary shall notify such State of his findings and that no further payments may be made to such State under this Act until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected.

REVIEW AND AUDIT

SEC. 507. The Executive Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

DEFINITION

SEC. 508. For the purpose of this title the term "State" means each of the several States.

TITLE VI—MISCELLANEOUS

REPORTS TO THE CONGRESS

SEC. 601. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded, and the number and amount of grants to States under title V.

PENALTIES

SEC. 602. The provisions of section 1001 of title 18 of the United States Code shall apply to any application, statement, document, or information presented to the Commission under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. (a) There are authorized to be appropriated for the purpose of making grants under title V of this Act $——— for the fiscal year ending June 30, 1972; $——— for the fiscal year ending June 30, 1973; and $——— for the fiscal year ending June 30, 1974.

(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the other provisions of this Act.

EFFECTIVE DATE

SEC. 604. This Act shall take effect on January 1, 1971.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Does the distinguished Senator from Texas desire recognition under the standing order?

Mr. TOWER. I do not.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time in accordance with the previous order, there will be a period for the transaction of routine morning business not to extend beyond 30 minutes, with statements therein limited to 3 minutes.

The Senator from California is recognized.

AIRCRAFT NOISE POLLUTION—A SOLUTION

Mr. CRANSTON. Mr. President, I have introduced a bill (S. 1566) on which the first hearings have been held. The bill is designed to deal with the pollution of noise from aircraft. This measure would authorize an increase of 1 percent in air fares to provide funds to fit present generations of airplanes that are flying now in a way that will drastically cut down the terrible noise that afflicts so many

people, millions upon millions of people, living near airports in our country.

The fairness of this approach is that the payments produced from this plan would pay for silencing the planes by a slight increase in the plane fares. At the present time, cities have to go to colossal bills to buy homes and businesses and move people around and move people away from this noise. The taxpayers are presently carrying a charge which is totally unfair.

The city of Los Angeles, for example, is now committed to paying $200 million, including costs to buy 2,000 homes because the inhabitants have been driven away by the noise from planes, for example, at Los Angeles Airport.

I ask unanimous consent that an editorial published in the New York Times of this morning entitled "Needless Affliction," be printed in the RECORD.

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

NEEDLESS AFFLICTION

The city of Los Angeles is committing itself to pay $200 million, including interest charges, to buy up some 2,000 houses whose inhabitants have been driven desperate by jet planes using the nearby municipal airport. The victims are to be congratulated on their release from a tortured existence, but what is to be said for the reasoning processes of a society that can waste money at that rate which might more readily have been used to soften the noise of jet planes to the point of making them endurable?

Expert witnesses before the Senate Subcommittee on Aviation testified earlier in the month that this is exactly what can be done. They supported a measure introduced by Senator Alan Cranston of California calling for the "retro-fitting" of 1,700 airliners now in use—an acoustical treatment of engine nacelles that would reduce the noise of landing aircraft by half and the noise-affected area under approach paths by some 85 per cent. The new DC-10 and L-1011 are similarly equipped, so there is no question of technology and, in fact, little reason to take the four years allowable under the Cranston bill.

Nevertheless, the measure is in trouble—and for two reasons: the airlines consider the cost exorbitant, especially for planes that will be unusable in five to ten years; and adequate support has not been forthcoming from citizens' groups, local officials, or legislators of the major airport areas of the country.

The attitude of the airlines, some on the brink of bankruptcy, is easy to appreciate. But it is hardly warranted, since the bill does not ask them to pay for the improvement. That would come from federally guaranteed loans, supported by an authorized increase in passenger fares of 1½ per cent. It is extremely unlikely that a passenger would be turned away by a 75-cent impost on a $50 ticket. Nor is there the slightest injustice in his being asked to pay that modest price for reducing the environmental damage which is incurred to serve his convenience.

The National Academy of Sciences has estimated that 700,000 people live in "noise-impacted" communities near Kennedy Airport alone. While the Cranston bill is still in committee (and subjected to severe pressure for weakening amendments) the voices of these and similarly afflicted sufferers across the country ought to be heard above the nerve-shattering din of jet planes over their heads.

THE UNITED STATES AND NATO; TROOP REDUCTION—IX

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD set No. IX of the commentaries, columns, letters to the editor, and editorials relative to the U.S. troop position in Europe in relation to NATO. I call the attention of the Senate especially to a letter written to me by a constituent, David Shannon, of Dutton, Mont., under date of July 19, 1971.

Ordinarily, I do not have letters which I receive from constituents printed in the CONGRESSIONAL RECORD. But Mr. Shannon says:

You may use any of this information as you see fit.

Furthermore, copies of the letter have been sent to Senator LEE METCALF, Representative JOHN MELCHER, Representative SHOUP, Secretary Laird, and former Secretary Stanley Resor.

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

DUTTON, MONT.,
July 19, 1971.

Hon. MIKE MANSFIELD,
Senator from Montana,
U.S. Senate,
Washington, D.C.

SENATOR MANSFIELD: My name is David Shannon and I am from Dutton (Teton Co.), Montana. I was Honorably released from active duty with the U.S. Army on April 12 having just returned from an 8 month tour of duty in Germany. I now fully support your efforts to bring American Troops back from Europe because of what I saw there. I believe my observations may be of some use to you in your efforts.

I graduated from Cornell University in January, 1969, and did Graduate work in History at Montana State University. I entered the Army in July, 1969, and was first assigned to the US Army Chaplains School at Fort Hamilton, New York, as a Personnel Specialist. Before this time I was, I suppose, a "Middle American"—pro-Army or, at best, indifferent to the whole war issue. My awakening to the overwhelming incompetence, mismanagement, patronage, corruption, and incredible waste of men and materiel began at USACHS and was broadened in Germany. Like many, nay—most, young soldiers I was turned strongly against the Army by what I saw. But, I shall talk only about those things which I specifically saw and did, avoiding as best I can opinion and hearsay.

In August, 1970, I was sent to Germany and assigned to the Office of the Deputy Chief of Staff, Logistics, at Headquarters, U.S. Army Europe (ODCSLOG, HQ, USAREUR) in Heidelberg. This is the staff headquarters for the entire European supply system. I was an administrative specialist for the assistant executive officer. My chain of command was as follows: Specialist Five Shannon; Specialist Six Terry (NCOIC, Asst XO); Captain Collins (Asst XO); Colonel Wester (XO); Major General Conroy (DCS-LOG); HQ, USAREUR Chief of Staff; General Polk (CINC, USAREUR). All of these men have either retired from the Army or been reassigned. I must emphasize that I am not writing this letter for revenge or spite against any of these people. I like my job, as you shall see, and the people I worked with. I would not want to needlessly hurt any individuals, rather it is the Army structure itself and its duty to the American people I want to talk about.

I went to work each morning (Mon–Fri) at 8:00 and finished my entire day's work by 8:30 or 9:00. The rest of the day I literally sat around doing what I wanted. I read a lot, wrote many letters, took long lunch hours, left early, and spent hours just talking to other guys who did as little as I did. It was a very relaxing, easy life—BUT the American taxpayer was certainly not getting his dollar's worth out of me. I served no real practical purpose (let alone defensive capacity), and, while I did enjoy this eight month vacation in Germany, it was not fair to the people who paid for it. I was in Germany 8 months—in that time I was on leave for 5 weeks, administrative absence (to go skiing in the Alps) for 1 week, and did not work my first and last 2 weeks there. Thus I worked about an hour a day for 5 mos. and 3 weeks (ignoring the many single days off). For that total of 115 hours, the taxpayers paid my way over, my way back, shipping charges for 800 lbs of my baggage from Heidelberg to Dutton, Montana, and roughly $2000 in wages. The point is that I was not in the Army to enjoy a vacation. Our troops in Europe (if so important to NATO) should be doing more—I was on a holiday, not a job, and as such hardly essential to the defense of either Europe or the U.S.

Like many of the young soldiers in Heidelberg my roommate and I maintained an illegal apartment in down-town Heidelberg because the living conditions in the barracks were so bad and the Company was so confused it couldn't keep track of its own men. We put just about every bit of our wages into the German economy—for rent, food, clothing, entertainment, travel, and education. That was about $2000 just for me in 6 months, or would have grown to $3000 had I stayed there an entire year.

Multiplied out for the higher salaries of the higher ranks and the total number of troops in Germany, this runs into many millions of dollars—not for defense—but just for everyday expenses. This is a tremendous boost to the German economy, but the Germans can't buy anything from the Army or its PX system except on the Black Market. A drain of money even greater than through the soldiers is thru the thousands of civilians employed by the Army. Nearly all cleaning and construction at HQ, USAREUR was done by local Germans. They maintain the grounds, run the concessions, work in the garages, clean the buildings, and at Oberammergau, even guard the barracks. We didn't even have to do the traditional K.P. since Germans were hired for it. Though I would not have liked it while I was there, I must admit that the hundreds of idle troops (like myself) in Heidelberg could have done that work instead of hiring nearly an entire alternate army of Germans. The huge number of American civilians working for the Army at their high wages were not only a dollar drain, but also had a detrimental effect on the younger soldiers. It was discouraging to see girls our age working for the Army doing jobs exactly like our own yet being paid twice our wages, plus food and housing allowances; receiving all our privileges, e.g. PX privileges, gas coupons, cigarettes, movies, service club benefits; not being subject to all our petty regulations; and able to dress and groom however they saw fit. This was hardly a morale builder and made it easier to ignore our own work.

I must make mention of the most flagrant of the violations of our defense structure that I saw over there. HQ, USAREUR had periodic alerts, or simulated exercises where every soldier was to report to a given collection point ready to move out as if for combat. At the collection point each man turned in an alert card which showed his presence. In ODCSLOG those cards were returned to me for tabulation of the effectiveness of the alert. On the average about half of the 190 men assigned to ODCSLOG showed

up at their stations. Despite this, I was instructed to always turn in an alert report to Operations Center which showed every available man at his station. It is frightening to think that if a real attack comes, only half of the Headquarters Staff for the European Defense Supply System (including nuclear supply) will bother to show up and the rest will be literally AWOL—inexcusably not at their posts. What good are all those high paid officers if they won't be ready to work (certainly not fight) when a real war comes. And it only followed for the lower ranking troops that if the officers didn't take the alerts seriously, why should we bother.

I must also say something about the drug scene in Germany—specifically Heidelberg. From what I could see, roughly 60% of the young soldiers there take light drugs, I.E. marijuana and hashish, to some degree, and drugs of all types, e.g. LSD, Heroin, Speed, Mescaline, and even Peyote, are incredibly cheap and easy to obtain. Not only does this get many G.I.'s involved in illegal activities, but is another great dollar drain. With the cost only about 10% of the cost stateside there is great incentive for smuggling. G.I.'s bring large quantities back to the U.S., some are caught but most are not, and their money goes to bring even larger quantities of Turkish and Indian Hash into Germany. Soldiers in Germany take drugs because of boredom and disgust with the Army and its petty regulations. They are disgusted with the scandals in the PX and Clubs and rejected by the career soldiers outright. Doing nothing all day, like I did, makes the evenings a time to get away from the Army and find some excitement. Drugs are abundant in nearly every barracks in Germany—and will remain so. Since I have returned to the U.S. I have talked to many ex-soldiers and they mostly agree that their first introduction to drugs was in the Army as was their turning against the Army. In essence, the Army itself is creating the largest proportion of anti-war anti-government, drug using youth.

Next to the dollar-drain, I suppose the thing most important to the American Taxpayer is the incredible overstaffing and waste of man-power. I have already described what I did in a day. My NCOIC, Specialist Six Terry, did less than I did, and Captain Collins did only a bit more. Two civilians who also worked in our office, Mr. Stonis and Mrs. Baker, will vouch for everything I have said in this letter—for we talked about these problems many times. While I was there, ODCSLOG was programmed to have 59 enlisted personnel assigned to it. We usually had around 98—or nearly 100% overstaffing. Since ODCSLOG was at HQ, USAREUR, it could get as many men as it needed—leaving the front-line combat units usually understaffed. I could give the names of numerous other young soldiers in ODCSLOG who were like me—including the five drivers for the Colonels. This waste in man-power is what has led me to support you completely in trying to bring some troops back from Europe. Thousands of soldiers like myeslf who did little besides pump money into Germany and were certainly not essential to the defensive posture could be withdrawn with little or no effect. If we cannot withdraw troops from Europe, they could at least be reorganized, putting more men into the combat units as a factor in the defense of Europe instead of just having them push papers for some officer in a headquarters.

I will stand behind everything I have said in this letter and hope that it may be of some use to you in your efforts. Maybe a formal investigation will some day reveal all this to enough men in Congress to make your efforts succeed. I am ready to elaborate on any of the points in this letter and go into others, E.G. misuse of classification, waste and misuse of materiel, the black-market, patronage, and many other things I saw at HQ, USAREUR which appalled me. You may use any of this information as you see fit.

Peace,

DAVID SHANNON.

[From the Des Moines (Iowa) Register, May 21, 1971]

DEMILITARIZING FOREIGN POLICY

The United States Senate turned down by big margins the proposal by Majority Leader Mike Mansfield, and modifications of his proposal by other senators, for withdrawing part of the U.S. military forces from Europe. But the issue is not dead.

The foreign policy thinking of a generation ago still dominates, but it is fading. The nation's leaders in the early days of the North Atlantic Treaty Organization were called upon by the Administration to oppose withdrawal. The old Cold Warriors responded. Truman, Johnson, Acheson, Ball, McCloy, Clay, Lodge, plus generals galore, said that unilateral reduction of the forces in Europe would be "an error of historic dimensions."

Yet in 1949-50-51 the stationing of large U.S. forces in Europe was presented as a temporary measure to give the weakened European countries time to build up their own armed forces. In a Senate Foreign Relations Committee hearing in 1950, Iowa's Senator Bourke Hickenlooper asked Secretary of State Dean Acheson: "Are we going to be expected to send a substantial number of troops over there as a more or less permanent contribution to the development of these countries' capacity to resist?"

It is 20 years since then, and now Acheson says it is "asinine" to consider cutting the number of American troops in Europe from 300,000 to 150,000.

Europe now possesses the economic strength to furnish most of the ground-force defenses for the NATO alliance. The U.S. has been running a troublesome deficit in its foreign payments, partly because of its extensive military commitments abroad. If NATO is truly a partnership (as we believe), the U.S. is justified in expecting its partners to carry more of the European defense load.

It is absurd of Senator Henry Jackson (Dem., Wash.) to say that passage of the Mansfield amendment "would suggest to our friends and our enemies around the world that this country, having failed to learn the lesson of the 1930s, is retreating into isolationism." It is senseless of Jackson and other opponents of the troop withdrawal proposal to call it "precipitate", after two decades. Conjuring up the bad stereotype "isolationism" is not an argument; it is name-calling.

The liberals who want to reduce military commitments of this country are the strongest advocates of more economic, social and educational commitments overseas. They are the main advocates of a liberal trading policy, with preferences for the less-developed countries. They are the proponents of the Peace Corps. They are the ones who advocate a revision of the United Nations charter, to give the world organization stronger peacekeeping powers. They urge that more of U.S. economic aid for the less-developed countries be funneled through international agencies.

These people are not "isolationists". They are internationalists who believe U.S. foreign policy ought to be based less on military power and more on other ways of conducting world affairs. The obsessive fears of a monolithic world Communist movement which led to a heavy militarization of foreign policy have now diminished in Europe and in America.

The Nixon Doctrine itself recognizes this and seeks to place less emphasis on military means of conducting foreign relations. The Mansfield proposal is fully consistent with it. Neither is isolationism.

[From the Independent Record, July 13, 1971]

NATO BASE MAY CLOSE

REYKJAVIK, ICELAND.—All parties in Iceland's incoming leftist government are reported agreed that the NATO base at Keflavik must be closed and that its 3,000 American servicemen must go, probably within four years.

The new coalition to govern this island republic in the North Atlantic appears convinced that Iceland should remain a member of the North Atlantic Treaty Organization, but that foreign servicemen should not be stationed here during peacetime.

The base 30 miles southwest of Reykjavik, and the stationing of American naval personnel there are authorized by a U.S.-Icelandic defense pact under NATO auspices.

WATCHING RUSSIANS

The base has been operating since 1951. Located nearly halfway between New York and Moscow, it tracks Soviet plane and ship movements in the North Atlantic. The Russians have been pressuring the Icelandic Government for some time to pull out of NATO, or at least to close the base.

The new coalition under Premier-Elect Olafur Johannesson controls 32 of the parliament's 60 seats, including 17 Progressives, 10 members of the Communist People's Alliance and five of the Liberal Left party. Johannesson leads the Progressive party.

It is likely that the Cabinet will be made up of three Progressives, two Communists, and two Liberal Left.

The last governing coalition of Independents and Social Democrats pursued a liberal, middle-of-the-road policy. It was defeated in the June 13 elections after nearly 12 years in power.

POLICY QUESTIONS

The big question in the minds of many Icelanders is whether Johannesson's Communist ministers will lead him into policies that will alter Iceland's foreign relations radically.

[From the Washington Sunday Star July 18, 1971]

JACKSON ARGUES POINTS ON EUROPE FORCE CUT

(By Andre Marton)

Sen. Henry M. Jackson says a sizable unilateral withdrawal of U.S. troops from Europe would imply a greater reliance on nuclear weapons early in any outbreak of hostilities.

"It would be foolhardy to leave the President with only the nuclear button in his hand in the event of trouble," the Washington Democrat said in an interview.

Such a withdrawal also would be preposterous at a time when there's a chance of serious East-West talks on mutual troop withdrawals in Europe and would be a grave blow to the Middle East military balance, Jackson said.

MANSFIELD CHALLENGED

Jackson, a Democratic presidential prospect, in effect took sharp issue with Senate Majority Leader Mike Mansfield of Montana, chief congressional advocate of cutting U.S. troop strength in Europe from 300,000 men to one division.

Jackson said the United States must have more than a token force in Europe, "not just something to be tripped over."

The senator touched on these points in a question-and-answer interview:

Q. Despite defeat of his proposal in May, Sen. Mansfield says he may try it again later this year.

A. We are in Europe today because we have learned that the security of the United

States is inextricably tied to the security of Europe. The American military presence in Europe is the hard nub of the Western deterrent. The chief purpose of these American forces is political; to deter a Soviet aggressive move against the NATO area by making it clear to the Russians that their forces would meet enough U.S. forces to make any crisis a Soviet-American crisis, not just a European one. This means that a token American force is not adequate. It has to be an effective American combat force, not just something to be tripped over, but a force capable of putting up a serious defense.

NUCLEAR BUTTON

Q. Some experts fear that a unilateral U.S. cut in troops would lower the nuclear threshold.

A. Clearly, a sizable unilateral cutback of American troops would imply a greater reliance on nuclear weapons and their incorporation in military operations at a very early phase of hostilities. We certainly don't want a one-option policy of massive retaliation. We must give the American president flexibility to handle the variety of emergencies and crises that can arise. It would be foolhardy to leave a president with only the nuclear button in his hand in the event of trouble.

Q. How would unilateral move affect the proposed talks on mutual and balanced force reductions?

A. I find quite preposterous the idea that we should demolish the NATO bargaining position we have worked for 25 years to construct, just at the moment in history when there may be an opportunity for serious East-West negotiations on mutual and balanced reduction of forces on both sides of the Iron Curtain.

Q. What effect would a big cut in American forces in Europe have on the stability of the Middle East?

A. I think it would be a terrible blow to the military balance on the Middle East. A test of our resolve in one place will have immediate repercussions in the other. Our friends in Israel—and I'd agree with them—would view with the most urgent alarm an indication that the United States was no longer prepared to maintain an adequate defensive capability in Europe.

[From the Washington Post, July 18, 1971]

WEST GERMANY AGREES ON U.S. TROOP PAYMENTS

(By Joseph R. Slevin)

West Germany has yielded to insistent U.S. demands and has agreed to help pay the cost of keeping a 200,000-man American Army within its borders.

The German agreement is a breakthrough acceptance of a U.S. contention that European countries should share the huge overseas American defense burden. The Pentagon will spend $5 billion in foreign countries this year, including $1.2 billion in Germany.

The exact amount of the German contribution still is being negotiated but officials say it will total more than $150 million and could approach $200 million.

The payment will not be large enough to satisfy Senate Majority Leader Mike Mansfield and other congressional critics of the heavy overseas U.S. military outlays. Officials stress, however, that burden-sharing now has been accepted and the hope is that larger payments will be obtained in the future.

West German Chancellor Willy Brandt has given only reluctant approval to the support arrangement for it will be politically unpopular.

Despite a U.S. contention that its troops are in Germany as part of a common Free World defense effort, many Germans look on the Americans as an occupation force and bitterly object to helping to support an occupation army.

Brandt has budgetary troubles, too. Inflationary pressures have forced the chancellor to keep a tight rein on government spending. He has been unable to carry out a number of projects he promised the voters and there will be angry criticism of a decision to give more than $150 million to the United States while German domestic needs go unmet.

But Brandt has been impressed by the isolationist swing in the United States. He was shaken, as other NATO leaders were, when Mansfield proposed in May that the United States bring back half of the 300,000 troops it has in Europe and he has been persuaded that the American people are increasingly loathe to spend their tax dollars to keep a large military force in prosperous Western Europe.

The German burden-sharing arrangement will be a two-year pact. It will cover fiscal 1972, which began on July 1, and fiscal 1973.

The payments to the U.S. Treasury will be part of a renewed offset agreement under which Germany makes a variety of financial concessions to help the United States cushion the balance of payments impact of its troop commitment. The last offset agreement expired on June 30.

Germany has rejected a U.S. request for an interest-free loan on the ground that it would be illegal but the pact is expected to include a loan of more than $250 million at an interest rate that will be well below the going cost of money. The last offset agreement featured a 10-year, $250 million loan at a relatively cheap 3.5 per cent interest cost.

Additional balance of payments aid will come from German purchases of American planes and other weapons. The Bonn government has offered to spend $435 million a year in this country, but the Administration still is demanding a larger commitment.

The U.S. negotiators are pressing for the best loan terms and biggest defense orders they can get, but it is the burden-sharing agreement that is touching off a few small cheers.

The Germans are not making as generous a contribution as the Administration would like, but they will be paying part of the support costs for the first time and that is an important symbolic gain for the wealthy but overextended United States.

[From the Washington Evening Star, July 19, 1971]

DIFFERENCES STALL NATO TROOP PLAN

(By Arthur L. Gavshon)

Differences within the Nixon administration are holding up American plans for a program of balanced East-West troop cuts in Central Europe.

U.S. officials are saying some authorities favor a general cutback of 10 percent at the start, while others are questioning the whole concept of reductions that could upset the balance of power. As a result, the plans promised to the North Atlantic alliance by early July will be about a month late.

The official expectation is that President Nixon's intervention will be needed to resolve the dispute, which is likely to come before the National Security Council in the next few weeks.

ISSUES COMPLEX

Complex issues with strategic and political implications are involved, including the future of Berlin, East Germany's status, Soviet motives and security arrangements.

As informants representing the main schools of thought within the administration explained things, the lineup looks like this:

Some key authorities want the United States and NATO to stand by a 1968 offer to negotiate what the jargon calls "mutual balanced force reductions," or MBFR, with the Communist powers. The cuts would take place in Central Europe.

Others say monkeying around with force levels now could imperil the power balance built up in war Europe.

WARN ON IMPORT

They say that balance, resting on American nuclear strength, is the best way of preserving peace, and any disturbance could jeopardize prospects to agree on Berlin, German affairs, limitation of strategic arms and other issues.

Complicating this philosophical tug-of-war between the diplomatic and strategic planners of the two sides is the mood of Congress.

New demands are building for reduction of the 300,000-strong U.S. garrison in Europe. Senate Democratic Leader Mike Mansfield has complained publicly that the U.S. economy is not strong enough to continue shouldering so heavy a burden, which he says the Europeans can well afford to share more fairly.

ANOTHER CONSIDERATION

There is for the United States and NATO another major consideration.

Not long ago, after years of argument and education, the Americans finally got NATO to adopt the strategy of flexible response.

In simple terms, this means U.S. allies agreed to depend on conventional power to repeal an aggressor. In that they could use tactical nuclear weapons to push the attacker back. Ultimately, the full weight of Allied strategic, nuclear power could be invoked.

But to be able to react so flexibly against an invader, NATO had to accept the reality that more men and non-nuclear guns were needed. The NATO armies now are far below required levels.

Thus, some planners argue, any process of reducing forces plainly would hoot NATO's strategy of flexible response out the window and lower the threshold of nuclear war.

TO CONSULT ON PLANS

When the American plan finally gets to NATO it will be the subject of consultations along with plans submitted by others of the 15 member nations.

Then a meeting of deputy NATO foreign ministers will meet in Brussels in late September or early October to coordinate all the ideas into a single package.

They also very likely will send one or more explorers to Moscow and other Communist capitals to discuss possible negotiating procedures.

By December, if all goes well, the year-end session of NATO foreign ministers should be in a position to assess whether a full-blown parley with Communist rivals is worthwhile.

[From the Washington Evening Star, July 20, 1971]

DIFFICULT PROBLEM POSED BY ICELAND

(By Orr Kelly)

It doesn't take much more than a quick glance at the map to see why the Navy—and strategists generally—consider Iceland such a vitally important speck of real estate.

The figures of speech come quickly to mind—the cork in the bottle . . . the linchpin . . . the keystone.

Now, this vital piece of the North Atlantic Treaty Organization strategic concept has come unstuck.

Last Wednesday a new coalition government took power and promptly announced that it intended to remain a member of NATO, but that it intended to renegotiate its defense agreements with the United States and to close the American-manned alliance base at Keflavik over the next four years.

The news could have been even worse from

a NATO standpoint. The coalition is made up of the Communist-led Labor Alliance, the Progressive party and the small Liberal and Leftist Union. The Labor Alliance favors an end to Iceland's membership in NATO—and it might have gotten its way.

Both NATO and the Soviet Union look upon Iceland in defensive terms—but what looks like defense to one side looks ominously offensive to the other.

From the NATO side, it is assumed that, in the event of war in Europe, the Soviets would try to move as much as possible of their 350-boat submarine fleet into the North Atlantic to cut the supply line between the United States and Europe. Since Western Europe's defense plans call for prompt large-scale reinforcement from the United States, the entry of a large number of hostile submarines into the shipping lanes obviously would be a grave threat.

Even in peacetime, the air base at Keflavik is an important part of the American effort to keep track of the growing number—20 at last count—of Soviet Yankee-class missile submarines. By a combination of air, sea and underwater surveillance, the United States tries to be aware of the location of each of the Soviet subs at all times—something the Russians apparently have been unable to do as far as the American Polaris boats are concerned.

In maneuvers conducted at least once a year, a NATO naval task force, cooperating closely with land-based planes from Iceland, sweeps up through the gap between Iceland and the Danish-owned Faeroe Islands, practicing the maneuvers necessary to keep the Soviet sub force from reaching the Atlantic shipping lanes.

From the Soviet side, however, this spectacle of a flotilla of aircraft carriers, with their hundreds of planes capable of carrying nuclear weapons, moving into the Norwegian Sea within striking distance of some targets inside Russia itself, must appear ominous indeed.

The decision of the new Icelandic government to close down the base at Keflavik—considered in defensive terms from both sides—appears to be more of a loss to the NATO side than a gain to the Soviet side.

At some added expense, the NATO countries probably can replace much of the capability they will lose when the base is closed. They can maintain the surveillance of the approaches to the North Atlantic by using more ships and longer-range planes. They will lose some of their present ability to intercept long-range Soviet bomber-reconnaissance planes that frequently come down through the gap and toward the east coast of North America.

But the loss of the base in Iceland will not reduce by very much the offensive capability of the NATO fleet as viewed from the Soviet side. The ships, with their planes, can still make the same kind of approach from the North Atlantic into the Norwegian Sea.

What would make a very dramatic change in the whole strategic situation, of course, would be for Iceland to take one more giant step and ally itself with the Soviet Union—a step which seems highly unlikely, but not impossible.

In that event, the movement of NATO vessels through the Iceland-Faeroe gap would become more difficult and dangerous, the chances that the Soviets could track American Polaris submarines would be significantly improved and the threat to shipping across the North Atlantic in the event of war in Europe would be much greater.

This obviously is a most difficult and awkward problem for the United States and its NATO allies, and there seems, on the surface at least, to be relatively little attention being devoted to it. Perhaps this is because Iceland, being small, does not loom as large as such big problems as Vietnam, or perhaps it is just that there is little that can reasonably be done.

But the administration might well ask itself, in a paraphrase of the Biblical question, what it profits a country to gain China if it loses Iceland.

[From the Christian Science Monitor, July 24, 1971]

NATO AND SOVIET NAVAL POWER

Growing Soviet naval power already is gnawing around both ends of the NATO defense arc in Europe.

Soviet submarines operating out of Murmansk sail into the Atlantic around the northern tip of the arc, while the Eastern Mediterranean, off NATO's southern flank, is, in the opinion of some experts, in danger of becoming a Russian sea.

In this context any move that tends to dent the NATO positions at either extremity of the arc is cause for concern to the Western allies.

At the southern end tiny Malta recently leaped into the headlines when its new Labour Prime Minister, the flamboyant Dom Mintoff, ousted the Italian admiral who headed the small NATO headquarters located on the island, barred U.S. Sixth Fleet ships from using the harbor, and called for revision of Malta's defense agreement with Britain. Mr. Mintoff is being difficult. He is putting up the price for use of Malta's facilities. We hope it is nothing more than that. He seems unlikely to cut loose from Britain, at least for the time being, as he is too dependent on the former colonial power for financial aid.

His long-term dream is a neutral status for Malta, and he has frequently said that he would not allow the Russians to establish a base on the island. Even if he closes down the NATO headquarters, as he is expected to do, it would not seriously affect the Western position in the Mediterranean.

A far bigger loss for NATO's defenses looms on the northern front, where the new leftist coalition government in Iceland has announced its intention to close down the big NATO base at Keflavik over the next four years.

A force of 3,700 Americans is stationed at Keflavik under a defense agreement concluded with Iceland in 1951. The base plays a vital role in NATO's surveillance of Soviet submarine and surface movements in the North Atlantic. A majority of the submarines rounding the North Cape are said to be spotted by aircraft operating out of Keflavik. Closure of the base would mean that the task of surveillance would fall to American and British aircraft operating from Northern Scotland and covering a far greater expanse of sea.

The new Icelandic Premier, Olafur Johannesson, has said his country will remain a member of NATO despite the decision to close Keflavik. But this has little meaning since Iceland has no armed forces of its own. It would merely be claiming the protection of the NATO umbrella without making any contribution to the alliance.

Mr. Johannesson came to power as a result of general elections last month in which the leftist parties defeated the middle of the road coalition of Independents and Social Democrats that had ruled the country for 12 years. His government includes the Progressive and Liberal Parties and the Communist Labor Alliance.

This is not the first time Communists have been in the Icelandic Government. There were two Communists in the government in power from 1956 to 1959. At that time NATO decided to withhold secret papers from Iceland because of the security risk, and it may well do the same in the case of the new government.

While Iceland's Opposition may be expected to fight the decision to close Keflavik, it seems certain to go through, barring unforeseen developments. In the meantime NATO will have four years to look around for other ways of tightening the surveillance screen in the North Atlantic.

THE GUNS THAT MATTER MOST

Mr. MANSFIELD. Mr. President, in the Christian Science Monitor of July 21, 1971, appears an editorial entitled "The Guns That Matter Most." The editorial relates in part to the President's acceptance of the invitation from China to visit Peking some time between now and May 1972. But primarily it indicates the difficulties which exist between the Soviet Union and the People's Republic of China.

At least one paragraph, I think, sums it up quite cogently. The paragraph reads as follows:

> But it needs to be remembered that Russia's gentleness toward Eastern Europe and Chinese willingness to receive Mr. Nixon at the imperial throne in Peking both spring from the same cause. Moscow and Peking are concerned about each other. It is their mutual mistrust which makes them less unfriendly toward the outer fringe peoples. It isn't that they love us. It is merely that they distrust each other more.

I ask unanimous consent that this editorial be printed at this point in the RECORD.

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

THE GUNS THAT MATTER MOST

Behind the drama, diplomacy, and politics of Washington's new "opening to China" are the plain cold military facts of life in Asia and what they might mean.

The most important single such military fact is that for about seven years now Russia has been steadily building up the armed forces which it maintains along its 5,000 mile frontier with China.

Back in the days of "monolithic communism" when Russia and China were official allies, the Russians maintained negligible forces in a low state of readiness along their frontier with China.

But then there was the "break" in 1960 when the Russian technicians left, or were pushed out of China. After that came the vehement anti-Russian phase of Chinese policy when the Russian Embassy was placed under siege in Peking and Russian diplomats were subjected to public indignities unparalleled in modern times. The Chinese did not like Russians, and made it clear. The dislike included shooting Russian soldiers along the frontier.

The Russians reacted to all this, but never suddenly, or dramatically. Very gradually, they began increasing the number of military units along the Chinese border, filling out those units already there, and improving the weaponry of all such units. They also added a new military command in the highly sensitive center of the front with headquarters at or near Ulan Bator in Outer Mongolia.

By now Russian forces deployed along the Chinese frontier and available for action against China number 41 divisions with supporting units. The total strength is about 402,000 men backed, of course, by air power and nuclear missiles batteries trained against Chinese targets.

In other words Russia today keeps up a military force against China which is deemed more than sufficient to meet any forays against Russian territory from China, and to

launch offensives into China. However, only 23 of the 41 divisions are estimated to be at full combat strength today. The posture is one of readiness, but not one of immediate menace.

The Chinese also have increased their forces in a belt about 200 miles deep along their side of the border and done some primitive digging of trenches and bunkers. Their total of forces in the border area is about half a million, most of which is well back from the border.

Thus neither Chinese nor Russians are in a position to take any sudden action.

But both have by now taken diplomatic precautions against a worsening of the situation. The Russians, as always when having troubles in their Asian frontiers, have been cultivating easier relations with their Western neighbors. And China has received Mr. Nixon's emissary, Henry Kissinger, and invited Mr. Nixon himself to visit the Inner Kingdom.

Is there an implicit and prospective "deal" in all of this for the United States?

Yes, of course. China is willing to tone down its anti-American propaganda and posture for the sake of security on its ocean side in order to be free to concentrate its attention on its Russian neighbor.

The Chinese must expect to give something in return. Washington could happily use a Chinese undertaking to refrain from pushing into the places vacated by withdrawing American troops. Neutralization of Southeast Asia would suit Mr. Nixon admirably. A tolerable (to Washington) settlement of the Vietnam war would be manna from heaven. An abatement of North Korean misbehavior would be a bonus. There is a lot Peking could do for Washington.

But it needs to be remembered that Russia's gentleness toward Eastern Europe and Chinese willingness to receive Mr. Nixon at the imperial throne in Peking both spring from the same cause. Moscow and Peking are concerned about each other. It is their mutual distrust which makes them less unfriendly toward the outer fringe peoples. It isn't that they love us. It is merely that they distrust each other more.

A PEDIATRICIAN WRITES ABOUT THE WAR

Mr. MANSFIELD. Mr. President, in the Red Book magazine of August 1971, there is an article entitled "Please Read This—A Pediatrician Writes About the War." It is written by Ronald J. Glasser, M.D.

The article concerns the return to Japan of the wounded from Vietnam. It brings out some pertinent information which I think is interesting and tragic, as well.

He mentions, for example:

Eighty thousand wounded a year! The Army made it all strangely palatable by putting that number over a denominator of 550,000 men and calling it a 14-percent casualty rate. But there never were 550,000 troopers fighting in Nam. The 30,000 soldiers unloading crates at Long Binh and Da Nang and the 40,000 typing request forms in Saigon might have been mortared once in a while, but they weren't facing the daily prospect of being murdered. They never had to sit, sweating and exhausted, in the blistering heat of the Delta, watching their wounded die because the choppers couldn't get in.

So there never were half a million troopers fighting; the total was hardly ever over 100,000. And so the denominator changes, and the casualties weren't 14 per cent or even 20 per cent. They were 60 and 70 per cent.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

A PEDIATRICIAN WRITES ABOUT THE WAR

(By Ronald J. Glasser, M.D.)

I am a pediatrician. In September, 1968, I was sent to Japan to serve the children of the American military personnel. At Zama, where I was assigned, we had a 700-bed hospital. Its pediatrics unit was small—five beds and a nursery. It was the only general Army hospital in Japan. Its staff included internists, anesthesiologists, obstetricians, gynecologists, ophthalmologists, ear-nose-and-throat specialists, oral surgeons, vascular surgeons, thoracic surgeons, plastic surgeons, dermatologists and even an allergist.

It was an excellent hospital. There is not, I think, a community in America that would not be happy to have our hospital, just as it was—but without the kinds of patients who filled its wards and corridors. They were the wounded, straight from Vietnam.

I can remember stepping out of the pediatrics clinic into a corridor crowded with 20 or 30 litter cases, walking past them and joking where I could but not feeling particularly involved. That's how it was at first, when it was all new. I can even remember feeling relieved that they were someone else's sons, not mine.

I soon came to feel differently. Those kids were so brave, they endured so much, they were so uncomplaining, I couldn't help feeling proud of them. I can recall only one boy who could not stop screaming.

I do not think there is a military doctor who leaves Asia without having the sinking feeling that someday when the whole thing is over, there will be nothing remembered but the confusion and the politics. There is, of course, something else to be remembered, something that I have seen and cannot ever forget—the boys who will never stop screaming, even though some may not make a sound.

The wounded were flown directly to Japan from Vietnam. There was a time when the four Army hospitals in Japan were averaging 6,000 to 8,000 patients a month. (During the Tet offensive in January, 1968, it had been close to 11,000.) There were days and sometimes weeks when the medical-evaluation helicopters, the "med-evac choppers," never stopped coming in. And if the weather kept the choppers from flying, the Army brought the casualties overland in ambulance buses from the Japanese bases to our hospitals.

Eighty thousand wounded a year! The Army made it all strangely palatable by putting that number over a denominator of 550,000 men and calling it a 14-percent casualty rate. But there never were 550,000 troopers fighting in Nam. The 30,000 soldiers unloading crates at Long Binh and Da Nang and the 40,000 typing request forms in Saigon might have been mortared once in a while, but they weren't facing the daily prospect of being murdered. They never had to sit, sweating and exhausted, in the blistering heat of the Delta, watching their wounded die because the choppers couldn't get in.

So there never were half a million troopers fighting; the total was hardly ever over 100,000. And so the denominator changes, and the casualties weren't 14 per cent or even 20 per cent. They were 60 and 70 per cent.

But at Zama we didn't see numbers—we saw the wounded. From Nam the Air Force brought them in over the mountains to the 20th Casualty Staging Area at Yokote, where most of them stayed overnight. A lot of them had already been operated on—some massively—and it's a long trip to Japan. They needed to rest awhile, to be stabilized; their physical state was checked again, and if necessary, they were rehydrated. Nam is hot, 110 degrees in the shade, and the fluids the kids got at the 20th Casualty gave them a bit of an edge on survival. Next day they were loaded aboard choppers and flown to an Army hospital.

But if they were in critical condition when they arrived at Yokote, they were taken immediately by chopper to a hospital for emergency treatment. At Zama there were nights when everyone was still working on that day's wounded and the dispatcher would call about another VSI (very seriously ill) coming in, type of wound unknown. Everyone—the general surgeons, the orthopedic surgeons, the ophthalmologists and the ear-nose-throat specialists—went down to the landing pad and waited to see who would get this case. It was a strange sight to see those doctors, some still in their operating clothes, standing on the darkened field at two or three in the morning, talking quietly, waiting for the sound of the chopper.

Even stranger to me was their reaction to the wounded troopers who were being flown in. Whether it was a single VSI on an emergency med-evac flight or the usual six-litter load being ferried to Zama, the doctors who went out to meet them always seemed matter-of-fact about the whole thing. But perhaps because I was a pediatrician and because I had gone to Japan to look after the children of American military, it came at first as a surprise and then as a shock to stand out there on the helipad and realize that the troopers they were pulling off those med-evac choppers—those thousands and thousands of wounded every month—were themselves just children.

It is hard to know who the people at home thought were fighting—and being torn apart or dying—in those savage battles in Nam. But in any case, the fact is that they weren't men. Those battles were fought by boys. The medics were 18 and 19; the riflemen and the EODs, the RTOs, the LRPs and the FOs—almost nobody was out of his teens—EOD: explosive - ordnance - disposal technician; RTO: radio - telephone operator; LRP: long-range patrol; FO: forward observer.

Most of the kids we got at Zama survived. If a trooper dies in Nam, he dies straight out. An RPD round (enemy machine-gun bullet) travels at 3,000 feet per second; a chi-com (Chinese Communist) mine can turn over an armored personnel carrier; a buried 105 mm. shell can blow an engine block through the hood. But if the medics in Nam pull a wounded trooper from a dust-off (helicopter) alive and if he makes it through that first operation, whether at the 45th Surgical Hospital along the Cambodian border or the 12th Evacuation Hospital, he'll live.

The medics had a lot to do with it, and the choppers, and so did the superb medical facilities in Nam and the dedication and skill of the military doctors. But it's also a matter of age.

The casualties were all children, adolescents who at the time they were hit were in the prime of life. Not one was overweight. If they smoked, they hadn't smoked long enough for it to have eaten up their lungs. There were no coronaries to worry about, no 35-year-old diabetics, no social drinkers with alcoholic livers, no hypertensives—nothing but strong, young, lean children. Just get them off the choppers, insert tubes to permit them to breathe, cut them open. It may hurt for a long time, and some kids will never be the same again. But they'll probably live.

At Zama literally thousands of boys were saved. Some paid a high price for our success. It seemed so natural to see the blind 17-year-old stumbling down the hallway or the shattered high-school-football player being wheeled to physical therapy. And I remember one bright kid from Utah who had taken a bullet through his chest that sliced his spinal cord and left him paralyzed for life. He had just turned 18.

And these kids were all alone. The doctors didn't seem to notice—I guess most physicians are simply accustomed to treating grownups and expecting patients to be responsible for themselves. But our patients weren't grownups.

The Army may be able to fiddle with numbers—to list choppers as destroyed only if they are totally unrecoverable, not merely shot down; to distribute mass casualties over a week's time so that no single day looks too bad—but nothing the Army does can ever turn the children we took off those choppers into adults.

They were just kids for whom, if they had been in the States, we would have needed parental consent before we could do to them what we did; minors no hospital would have admitted without their parents' knowledge, because those parents had let their kids get so damn far away.

In the beginning I talked to the kids just to have something to say and to get them talking. I soon realized that without quite saying it, they all were concerned about the same thing. They were worried, every one of them, not about the big things, not about survival, but about how they would explain away the parts of them that had been torn off or crippled—the missing leg, the paralyzed arm. Would they embarrass their families? Would they be able to make it at parties where guys were still whole? Could they go to the beach, and would their scars darken in the sun and repel the girls? Above all, would anyone love them when they got back?

Whenever I left the kids with the cruelest wounds, the shattered faces, I would have the sickening thought that when they got back home somebody somewhere would surely ask them what had happened—the single question that reflects the ugly truth that nobody realizes what is happening to these kids over there. Nobody wants to know, and maybe nobody cares.

Most of the kids survived Japan. A few didn't. I can remember standing beside their beds, feeling so utterly lost when they went, not only because they were dead—some after quietly suffering so much for so long—but also because they died without their parents' being there with them.

Pediatricians look at children as part of something—part of a family, part of the neighborhood, part of their school, part of their own future families. To see them go alone with only medical personnel around to watch seemed utterly wrong. All things considered, I think it is easier to watch a newborn or a toddler die than it is a teen-ager. An infant doesn't know; and a dying child, whose greatest fear is separation, can be held by his parents until the end.

And an adult, in a way, has it easy too. As death approaches he can turn for support to those around him without fear of seeming childish. But the teen-ager—the young adult, so newly emancipated, almost grown up, his independence so dearly won—simply cannot turn to others for comfort. Rage is his response—rage at dying age; rage at having his life, just ready to be lived, so suddenly ended; rage at the waste and stupidity of it all. He will not, cannot, break down for strangers to see. And without his parents he dies so very hard.

Loss is a part of pediatrics; you accept it. Two infants in every 4,000 births are born with a severe congential abnormality; 15 per cent of all premature babies will be mentally retarded; one out of every 20,000 children will get leukemia. The rest you struggle over—the meningitises, the pneumonias, the poisonings and the accidents. These struggles set the tone, for to save one child is to save not just a life but also a lifetime.

But to save him only to see him blinded or blown apart, to help him grow properly only to have his spinal cord severed or have him burned to death, puts all the effort in doubt. The vaccines, the pediatrics research, the new techniques, the endless concern—suddenly it all seems so foolish, so helpless.

I certainly did not see it all, only a small part, but I saw enough at Zama, more than enough. I know that for many of those kids the war will never end. During the recent California earthquake a Veterans Hospital was wrecked, and out of the ruins they pulled World War II patients—veterans who had been in that place for 30 years. If there are earthquakes in the year 2000, out of the ruins they will pull the children I saw at Zama. Thirty years wasted—a lifetime of being paralyzed, of being stretched out on a Stryker frame and looking at nothing but the ceiling.

There are no veterans' clubs for this war, no unit reunions, no pictures of buddies on the wall. For those who haven't been to Nam or are too old to go, it's as though the war doesn't count. For those who have gone and survived their tour without being wounded, it's as though it never happened.

But it's still there and it still goes on. Yesterday or the day before, one of the other pediatricians in our town remarked that when this war began, the children who are fighting in Nam today had just turned 11 years old.

QUORUM CALL

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

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

The legislative clerk proceeded to call the roll.

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

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

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution adopted by the Town of Menominee, Wis., praying for the enactment of legislation for the benefit of the Menominee Indian tribe; to the Committee on Interior and Insular Affairs.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. LONG, from the Committee on Finance, with an amendment:

H.R. 8866. An act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes (Rept. No. 92–302).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. BYRD of West Virginia (for Mr. STENNIS), from the Committee on Armed Services:

Frank P. Sanders, of Maryland, to be an Assistant Secretary of the Navy.

INTRODUCTION OF BILL AND JOINT RESOLUTION

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

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2341. A bill to amend section 202 of the Rail Passenger Service Act of 1970 (84 Stat. 1329). Referred to the Committee on Commerce.

By Mr. AIKEN:

S.J. Res. 139. A joint resolution to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILL AND JOINT RESOLUTION

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2341. A bill to amend section 202 of the Rail Passenger Service Act of 1970 (84 Stat. 1329). Referred to the Committee on Commerce.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to amend the Rail Passenger Service Act of 1970, to require the inclusion of rail passenger service through California's San Joaquin Valley in the Amtrak system.

Mr. President, since the first plans were announced, the Department of Transportation has seemed unwilling to continue Pacific coast passenger service commensurate with the population served. Initially the DOT did not even propose to provide north-south service on the Pacific coast. In an astonishing display of east coast provincialism, the Secretary had announced a plan which would have linked Los Angeles, San Francisco, and Seattle with the Midwest but not with each other. All six Senators from the Pacific Coast States joined in a vigorous protest of this omission last December. In January 1971, Secretary Volpe amended his proposal to include the Seattle to San Diego corridor. However, the plan announced on March 22, 1971, was, in my view, still not fully adequate. At that time, I set forth my criticisms as follows:

The announcement today by Chairman David W. Kendall, of the National Railroad Passenger Corp., of the California routes is quite disappointing in that the incorporators have chosen not to adopt both the coastal and the valley routes between San Francisco and Los Angeles.

I fully agree that the coastal route is totally justified for inclusion. It is 2 hours faster, and thus the shortest route between the two terminal cities, Los Angeles and San Francisco. Further it is a notably scenic route.

But the area between these two terminals I believe justifies two alternative routes. Between the southern California mountain ranges and the San Francisco Bay area, the coastal route services only one city with a population in excess of 50,000—Salinas, population 58,896. The valley route between the southern mountains and the bay area serves four cities above 50,000: Bakersfield, 69,515; Fresno, 165,972; Modesto, 61,712; and Stockton, 107,644. In addition, the valley serves as the gateway to the Sierras—and its three national parks which are annually visited by 4¼ million people. While present passenger trains are hardly attractive to tourist business, an improved and modern rail service would be quite attractive to the ever-increasing stream of visitors to the grandeur of the Sierras.

I note that today's announcement includes two alternate routes between

Richmond, Va., and Savannah, Ga. One follows the Atlantic coast. The other inland route serves two cities of any size: Columbia, S.C., 113,542 and Raleigh, N.C., 121,577. I do not criticize the inclusion of both alternative routes through the Carolinas. But I feel that the designation of these alternatives is ample precedent for the operation of two alternate routes through the center of the Nation's largest State.

I had previously urged that both routes between San Francisco and Los Angeles be included in the Amtrak system. On March 10, 1971, I sent the following letter:

U.S. SENATE,
Washington, D.C., March 10, 1971.

Mr. DAVID W. KENDALL,
Chairman, Board of Incorporators, National Railroad Passenger Corp., Washington, D.C.

DEAR MR. KENDALL: On January 28, 1971, Secretary John Volpe announced that he was amending his original Railpax proposal by adding several more routes including the North-South corridor on the Pacific Coast. This addition, which would link the West Coast cities from Seattle to San Diego with fast, efficient rail service, can be a significant step toward alleviating a major transportation problem which is becoming increasingly serious, economically and environmentally.

Secretary Volpe's amended proposal suggests two routes connecting San Francisco and Los Angeles. One of these routes follows the California coastline. The other route runs through the San Joaquin Valley. Since the Railpax plan has yet to be finalized, it is unclear which route will be chosen.

I strongly urge you to retain both routes in the final plan. The coastal route, which is 98 miles shorter than the valley route, would provide the fastest link between Los Angeles and San Francisco. Under present operating schedules, this route is faster than the valley route by 2½ hours. Moreover, the coastline between San Francisco and Los Angeles provides some of the most beautiful scenery in our nation. This is an important consideration in view of the large percentage of tourist traffic such a route would generate.

On the other hand, the San Joaquin Valley desperately needs a system of high speed ground transportation. This area, which contains several large cities, has a combined population of more than one and a half million people. It is the richest agribusiness region in the country. The counties of Contra Costa, Fresno, Kern, Kings, Madera, Merced, Stanislaus and Tulare produced a combined gross farm income of $1.78 billion in 1969.

At present, the only alternative to the highway for the average Valley resident traveling to Los Angeles or San Francisco is the airplane, which is costly, objectionable to some, and adds to the congested airport problems in the metropolitan terminals.

Furthermore, the Valley route provides access to the magnificent Sierra Nevadas, with their three national parks—Yosemite, Sequoia, and Kings Canyon. Since the private automobile poses a growing threat to our parks (cars are now banned on about half the roads on the Yosemite Valley floor), it is quite appropriate that our federal policy should be to encourage and promote the utilization of public transportation systems by the millions who annually visit these parks. In 1970, 4¼ million people visited the 3 parks.

A high-speed ground transportation system through the San Joaquin Valley will meet local needs as well as serve the national interest.

I am convinced that all of these considerations make it imperative that both the coastal and valley routes be included in the final Railpax plan. I sincerely hope that both routes will be included.

Sincerely,

ALAN CRANSTON.

Mr. President, these arguments are still valid, in my opinion.

Thus I strongly support the proposal made by Congressman B. F. SISK of Fresno to amend section 202 of the Rail Passenger Service Act—Public Law 91-518—to include the San Joaquin Valley Tehachapi Pass route linking southern and northern California. The bill Senator TUNNEY and I introduce today is identical with a measure recently introduced in the House by Mr. SISK and cosponsored by Mr. JOHNSON, Mr. MCFALL, and Mr. MOSS.

Mr. President, the continuance of existing passenger trains is no solution to the Nation's need for alternatives to the airplane and the private automobile. It is a mistake to characterize Amtrak as anything more than a weak holding action to delay the total atrophy of public ground transportation until such time as we get on with the long overdue need to build a new high speed ground transit system.

But the continuance of existing routes is important because these routes will be the testing grounds for new systems.

Historically existing routes have always had first priority when technological improvements have been made in transit systems. California has been in the forefront of transit developments with Bay Area Rapid Transit and the various plans for air cushion systems. The San Joaquin Valley route has high potential for integration into an expanded, technologically advanced system. I think the providing of passenger service to the San Joaquin Valley should remain on the agenda of our publicly sponsored system.

By Mr. AIKEN:

S.J. Res. 139. A joint resolution to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. AIKEN. Mr. President, I am introducing today a Senate joint resolution to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes.

The joint resolution would authorize the necessary appropriations for the Council and it would authorize the Executive Director of the Council to appoint and fix compensation for other personnel of the Council.

For the information of the Senate, the President established the Council on International Economic Policy on January 19, 1971.

The basic purposes of the Council are to coordinate both domestic and foreign economic policy, and to provide the President with top level advice on full range of international economic policy issues.

Also, the Council coordinates our international economic policy with our Nation's foreign policy objectives.

The Council is already functioning and Mr. Peter Peterson has been appointed as Executive Director of the Council. He also serves as assistant to the President for international economic affairs.

The work of this Council can be very important since our economic relations with the rest of the world are undergoing about as rapid a change as our foreign and diplomatic relations.

It is my hope that the Council will devote much of its efforts to recommending improvements in our international trade policies, as well as reviewing our export license policies.

I ask unanimous consent that following my remarks an analysis of the resolution, a letter from Mr. George Shultz, Director of the Office of Management and Budget concerning the resolution, and a copy of the President's memorandum of January 19, 1971, creating the Council on International Economic Policy be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS OF PROPOSED JOINT RESOLUTION TO AUTHORIZE APPROPRIATIONS FOR EXPENSES OF THE COUNCIL ON INTERNATIONAL ECONOMIC POLICY

Section 1: Authorizes to be appropriated such sums as may be necessary for expenses of the Council on International Economic Policy (CIEP).

Section 2: Authorizes the Executive Director of the CIEP to appoint and fix compensation of such personnel as he deems necessary without regard either to provisions of Title 5, United States Code, governing appointments in the competitive service, or to provisions of chapter 51 and sub-chapter III of chapter 53 of Title 5 relating to classification and general schedule pay rates. No person shall receive compensation in excess of the rate now or hereafter provided for GS-15, with the following exceptions: one officer may be compensated at a rate not to exceed that of level IV of the Federal Executive Salary Schedule; two officers at rates not to exceed that of Level V; and eight employees at rates not to exceed that of GS-18. This section also authorizes the Executive Director to obtain the services of experts and consultants in accordance with section 3109 of Title 5, United States Code, at rates not to exceed the daily equivalent of the rate now or hereafter provided for GS-18.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 15, 1971.

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

DEAR MR. PRESIDENT: Enclosed for your consideration and appropriate reference is a draft of a proposed joint resolution, "To authorize appropriations for expenses of the Council on Internatinal Economic Policy, and for other purposes."

The Council on International Economic Policy was established by memorandum of the President dated January 19, 1971. The purposes of the Council are to provide a clear, top-level focus on international economic issues, to achieve consistency between international and domestic economic policy, and to maintain close coordination of international economic policy with basic foreign policy objectives.

The President's memorandum names the Secretaries of State, the Treasury, Agriculture, Commerce, and Labor, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the President's Assistant for National Security Affairs, the Executive Director of the Domestic Council, and the Special Representative for Trade Negotiations as mem-

bers of the Council, which the President chairs. The President subsequently designated Ambassador at Large David M. Kennedy as a member of the Council.

The memorandum also provides for an Executive Director of the Council to be responsible for organizing the general secretariat of the Council and supervising the staff work. Under direction of the President he develops the Council's agenda and assures timely consideration of international economic policies. The Executive Director also serves as Assistant to the President for International Economics Affairs and is compensated from the White House Office appropriation account.

In addition to authorizing appropriations for necessary expenses of the Council, the proposed resolution would authorize the Executive Director to appoint and fix compensation for other personnel of the Council, including one position at a rate of basic compensation not in excess of that for Level IV of the Executive Schedule; two positions at rates not in excess of Level V; and eight positions at rates not in excess of GS-18. The resolution would also authorize the use of services of experts and consultants.

The President's announcement of the creation of the Council noted that "More than 60 . . . units and coordinating bodies throughout the executive branch have responsibility for certain limited portions of foreign economic affairs. Presently, no single high-level body holds the responsibility for the development of international economic policy and its relations to domestic economic policy. The Council will have this responsibility."

I urge early and favorable consideration of the enclosed draft resolution.

Sincerely,

GEORGE P. SHULTZ,
Director.

THE WHITE HOUSE.

Memorandum for the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Director, Office of Management and Budget, the Chairman, Council of Economic Advisers, the Assistant to the President for National Security Affairs, the Executive Director of the Domestic Council, and the Special Representative for Trade Negotiations.

This memorandum establishes a Council on International Economic Policy. I will serve as Chairman with the addressees as Members. In my absence, the Secretary of State will chair meetings of the Council.

The purposes of the Council are these:

1. Achieve consistency between domestic and foreign economic policy.

2. Provide a clear top level focus for the full range of international economic policy issues; deal with international economic policies—including trade, investment, balance of payments, finance—as a coherent whole; and consider the international economic aspects of essentially foreign policy issues, such as foreign aid and defense, under the general policy guidance of the National Security Council.

3. Maintain close coordination with basic foreign policy objectives.

An Executive Director will be designated to help the Council in its operations. He will organize the general secretariat of the Council and be responsible for the staff work. He will have ready access to the President and will initiate projects and call upon staff resources from throughout the Government to augment his own small staff. In collaboration with the members of the Council or designated individuals at the senior political appointee level and pursuant to the directions of the President, his responsibilities will include:

—Develop the agenda and supporting materials for Council meetings and review all papers going to the Council.

—Help develop a sense of direction, strategy and relationship of the parts to the whole of this problem area.

—Establish a work program, including topics, timing and identification of individual assignments and set up task groups on special topics.

An Operations Group will be established, similar to the present Under Secretaries Group but replacing the work of that Group insofar as international economic policy is concerned. Its responsibilities will include:

—Follow up on decisions reached.

—Coordination of actions of the Government where that is necessary.

—Review of operating problems arising out of actions of other Governments or outstanding international economic developments.

The State Department will chair the Operations Group. Standing or special subcommittees may be added from time to time. To the extent practical the Council shall bring within its structure those existing committees or groups presently dealing within the scope of the Council's work as set forth above.

RICHARD NIXON.

ADDITIONAL COSPONSORS OF A BILL

S. 2223

At the request of Mr. HUMPHREY, the Senator from North Carolina (Mr. ERVIN), the Senator from Wyoming (Mr. MCGEE), the Senator from Nevada (Mr. CANNON), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 2223, a bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

EMERGENCY LOAN GUARANTEE ACT—AMENDMENTS

AMENDMENT NO. 328

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

FULL BENEFIT EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS

Mr. HUMPHREY. Mr. President, I am introducing an amendment to S. 2308, the Emergency Loan Guarantee Act.

This amendment extends the period of unemployment compensation benefits for eligible workers for another 26 weeks, thus making benefits available for a total of 65 weeks under all unemployment compensation programs.

The amendment also provides for full Federal financing, the immediate beginning of benefits, and an automatic triggering mechanism that makes the benefits available upon a State having a 4-percent unemployment rate.

I ask unanimous consent that the amendment be printed in the RECORD at this point.

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

AMENDMENT NO. 328

On page 1, between lines 2 and 3 insert the following:

"TITLE I—EMERGENCY LOAN GUARANTEES PROGRAM"

On page 1, line 4, strike out "1" and insert in lieu thereof "101" and strike out "Act" and insert in lieu thereof "title".

On page 1, line 7, strike out "2" and insert in lieu thereof "102".

On page 2, line 16, strike out "3" and insert in lieu thereof "103".

On page 2, line 19, strike out "Act" and insert in lieu thereof "title".

On page 2, line 21, strike out "4" and insert in lieu thereof "104".

On page 2, line 22, strike out "Act" and insert in lieu thereof "title".

On page 3, line 12, strike out "Act" and insert in lieu thereof "title".

On page 3, line 15, strike out "Act" and insert in lieu thereof "title".

On page 3, line 22, strike out "5" and insert in lieu thereof "105" and strike out "Act" and insert in lieu thereof "title".

On page 4, line 4, strike out "6" and insert in lieu thereof "106" and strike out "Act" and insert in lieu thereof "title".

On page 4, line 11, strike out "Act" and insert in lieu thereof "title".

On page 4, line 20, strike out "Act" and insert in lieu thereof "title".

On page 5, line 2, strike out "Act" and insert in lieu thereof "title".

On page 5, line 10, strike out "Act" and insert in lieu thereof "title".

On page 5, line 14, strike out "Act" and insert in lieu thereof "title".

On page 5, line 24, strike out "Act" and insert in lieu thereof "title".

On page 7, line 10, strike out "7" and insert in lieu thereof "107".

On page 7, line 13, strike out "Act" and insert in lieu thereof "title".

On page 7, line 21, strike out "Act" and insert in lieu thereof "title".

On page 7, line 23, strike out "8" and insert in lieu thereof "108".

On page 8, line 4, strike out "9" and insert in lieu thereof "109".

On page 8, line 8, strike out "Act" and insert in lieu thereof "title".

On page 8, line 15, strike out "Act" and insert in lieu thereof "title".

On page 9, line 15, strike out "10" and insert in lieu thereof "110".

On page 9, line 21, strike out "11" and insert in lieu thereof "111".

On page 9, line 24, strike out "Act" and insert in lieu thereof "title".

On page 10, line 6, strike out "Act" and insert in lieu thereof "title".

On page 10, line 10, strike out "12" and insert in lieu thereof "112".

On page 11, line 16, strike out "13" and insert in lieu thereof "113".

On page 11, line 17, strike out "Act" and insert in lieu thereof "title".

On page 11, line 22, strike out "14" and insert in lieu thereof "114".

On page 12, line 4, strike out "14" and insert in lieu thereof "114".

On page 12, line 6, strike out "Act" and insert in lieu thereof "title".

On page 12, line 9, strike out "Act" and insert in lieu thereof "title".

On page 12, line 12, strike out "Act" and insert in lieu thereof "title".

At the end of the bill add the following new title as follows:

"TITLE II—UNEMPLOYMENT COMPENSATION

"SHORT TITLE

"SEC. 201. This title may be cited as the 'Full Benefit Emergency Unemployment Compensation Act of 1971'.

"SEC. 202. (a) Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by striking out '4.5' wherever it appears therein and inserting in lieu thereof '4'.

"(b) Section 204(a) of such Act is amended—

"(1) by striking out, in paragraph (1), 'one-half' and inserting in lieu thereof 'the Federal share (as defined in paragraph (3))'; and

"(2) by adding at the end thereof the following new paragraph:

"'(3) For purposes of this subsection, the term "Federal share" means—

"'(1) in the case of compensation (referred to in subparagraph (A) or (B) of

paragraph (1)) with respect to which amounts would not (except for the existence of a State "on" indicator) be payable to a State under this title, 50 per centum; and

"'(2) in the case of compensation (referred to in subparagraphs (A) or (B) of paragraph (1)) with respect to which amounts would (in the absence of a State "on" indicator) be payable to a State under this title, 100 percentum.'.

"(c) (1) (A) Section 207 (a) (1) of such Act is amended by striking out 'January 1, 1972' and inserting in lieu thereof 'the first day of the first calendar month which begins after the calendar month in which the Extended Unemployment Compensation Amendments of 1971 is enacted'.

"(B) Section 207 (a) (2) of such Act is amended by striking out 'December 31, 1971' and inserting in lieu thereof 'the last day of the calendar month in which the Extended Unemployment Compensation Amendments of 1971 is enacted'.

"(2) (A) Section 207 (b) (1) of such Act as amended by striking out 'January 1, 1972' and inserting in lieu thereof 'the day referred to in subsection (a) (1)'.

"(B) Section 207 (b) (2) of such Act is amended by striking out 'January 1, 1972' and inserting in lieu thereof 'the day referred to in subsection (a) (1)'.

"(3) Section 207 (c) (2) of such Act is amended by striking out 'January 1, 1972' and inserting in lieu thereof 'the first day of the first calendar month which begins after the calendar month in which the Extended Unemployment Compensation Amendments of 1971 is enacted'.

"(d) The amendments made by subsection (a) of the first section of this Act shall be applicable only in determining national 'on' and 'off' indicators under section 203 (d) of the Federal-State Extended Unemployment Compensation Act of 1970 with respect to weeks which begin after the calendar month in which this Act is enacted, and the amendments made by subsection (b) of such first section shall be applicable only with respect to payments under section 204 (a) of the Federal-State Extended Unemployment Compensation Act of 1970 made on account of compensation (referred to in subparagraph (A) or (B) of paragraph (1) of such section 204 (a)) which is paid for weeks which begin after such calendar month.

"SEC. 203. (a) Any State which desires to do so may enter into an agreement with the Secretary of Labor (hereinafter referred to as the 'Secretary' under this Act, if the State law of such State contains (as of the date such agreement is entered into) a requirement that extended compensation be payable thereunder as provided by the Federal-State Extended Unemployment Compnesation Act of 1970.

"(b) Any such agreement shall provide that the State agency of the State will make payments of emergency compensation—

"(1) to individuals who—

"(A) have exhausted all rights to compensation (including both regular compensation and extended compensation) under the State law;

"(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law; and

"(C) are not receiving compensation with respect to such week under the unemployment compensation law of the Virgin Islands or Canada;

"(2) for any week of unemployment which begins in—

"(A) an emergency extended benefit period (as defined in subsection (c) (3)); and

"(B) the individual's period of eligibility (as defined in section 5 (b)).

"(c) (1) For purposes of subsection (b) (1) (A), an individual shall be deemed to have exhausted his rights to regular compensation under a State law when—

"(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period; or

"(B) his rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

"(2) For purposes of subsection (b) (1) (B), an individual shall be deemed to have exhausted his rights to extended compensation under a State law when no payments of extended compensation under a State law can be made under such law because such individual has received all the extended compensation available to him from his extended compensation account (as established under State law in accordance with section 202(b) (1) of the Federal-State Extended Unemployment Compensation Act of 1970).

"(3) (A) For Purposes of subsection (b) (2)-(A), in the case of any State, an emergency extended benefit period—

"(i) shall begin with the third week after a week for which there is a State 'on' indicator; and

"(ii) shall end with the third week after the first week for which there is a State 'off' indicator.

"(B) (i) For purposes of subparagraph (A), there is a State 'on' indicator for a week if the rate of unemployment (including both insured and uninsured unemployment) in the State (as determined by data published monthly by the Bureau of Labor Statistics of the Department of Labor) for the period consisting of such week and the immediately preceding 12 weeks equaled or exceeded 4 per centum, and if there is a State or National 'on' indicator for such week (as determined under subsections (d) and (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970).

"(ii) For purposes of subparagraph (A), there is a State 'off' indicator for a week if, for the period consisting of such week and the immediately preceding 12 weeks, the rate of unemployment (including both insured and uninsured unemployment) in the State (as determined by data published monthly by the Bureau of Labor Statistics of the Department of Labor) is less than 4 per centum.

"(d) For purposes of any agreement under this section.

"(1) the amount of the emergency compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) which would have been payable to him under the State law if he had not exhausted his rights to regular compensation under such law; and

"(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall (except where inconsistent with the provisions of this section or regulations of the Secretary promulgated to carry out this section apply to claims for emergency compensation and the payment thereof.

"(e) Payments of emergency compensation under an agreement entered into under this section may not be paid to any individual for more than 26 weeks.

"(f) No emergency compensation shall be payable to any individual under an agreement entered into under this section for any week prior to the week after the week such agreement is entered into, or if later, the week after the week in which such agreement becomes effective.

"(g) (1) There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 per centum of the emergency compensation paid to individuals by the State pursuant to such agreement.

"(2) No payment shall be made to any State under this section in respect of compensation for which the State is entitled to reimbursement under the provisions of any Federal law other than this section.

"(3) Sums payable to any State by reason of such State having an agreement under this section shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

"(h) Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used by the Secretary for the making of payments to the States having agreements entered into under this section.

"(i) For the purposes of this section—

"(1) the Terms 'compensation', 'regular compensation', 'extended compensation', 'base period', 'benefit year', 'State', 'State agency', 'State law', and 'week', shall have the meanings assigned to them under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970;

"(2) the term 'period of eligibility' means, in the case of any individual, the weeks in his benefit year which begin in an extended benefit period or an emergency extended benefit period, and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period or in such emergency extended benefit period; and

"(3) the term 'extended benefit period' shall have the meaning assigned to such term under section 203 of the Federal-State Extended Unemployment Compensation Act of 1970.

"(j) There are hereby authorized to be appropriated such sums as shall be necessary to carry out the purposes of this section."

ADDITIONAL STATEMENTS

THE PRESIDENT'S WELFARE PROGRAM—AMENDMENTS

AMENDMENT NO. 318

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

Mr. RIBICOFF. Mr. President, next week, the Finance Committee will begin consideration of H.R. 1, designed to reform our welfare system. Senate consideration of this program will provide us with a unique opportunity to attack a basic problem confronting this country: The 25 million Americans living in poverty.

In the past we have structured our welfare programs in response to a series of myths and misconceptions and out of the misguided view that we knew better than the poor what was good for them.

Thus, in an attempt to catch the cheaters—who make up less than 1 percent of those on welfare—and the loafers not working—less than 5 percent—we have constructed an unweildy system that ignores the real and legitimate needs

of the 95 percent on welfare through no fault or failing of their own.

In addition, we have been unwilling to acknowledge or concede that the overwhelming majority of parents in the ghetto are just as concerned about their children's welfare as any of us are about our children. Therefore, large bureaucracies decide what those on welfare should eat and wear and how they should live. The rest of us can all decide what to do with our money—and even squander a little of it.

We can only expect responsible action from people if we give them responsibility. Our present welfare system robs recipients of their last shreds of human dignity. They are presumed to be irresponsible and are imprisoned in a web of regulations that defy understanding. You only have to spend a few days with a mother on welfare trudging from office to office for her piecemeal assistance to realize that we have made being on welfare a full-time job.

We have studied and restudied the problems of the poor. Research and pilot programs for the socioeconomic substrata, the economically disadvantaged the culturally deprived, and the underprivileged have provided adequate income for many—for new government bureaucracies, for research contract industries, and other participants in the poverty industry. But the poor remain poor.

While our welfare system and the programs to eradicate poverty have consumed increasing billions of dollars to aid the poor, one out of every eight Americans still lives on a subpoverty income. The war on poverty means very little to these 25.5 million Americans who are unable to purchase the basic goods and services necessary to live in America. They still must do without adequate food, shelter, and clothing in the richest Nation in the history of the world.

Our system of welfare has been one which is designed to save money rather than people. It winds up saving neither.

We have developed virtually every type of program to eliminate poverty except the most simple and direct one—the provision of an adequate income directly to those poor who are unable to work and the assurance of jobs to those able to work at an adequate wage level.

H.R. 1, conceived by the President and modified by the House Ways and Means Committee, represents a substantial reform of our Nation's inadequate, inefficient and degrading welfare system.

This monumental piece of legislation, however, requires substantial improvement to help assure every needy American an opportunity to participate to his fullest capacity in the American economy, either by providing suitable employment at adequate wage levels or public assistance at adequate income levels.

Today I am introducing for Senate consideration a series of amendments designed to remedy these deficiencies. My amendments will cost more than the administration is planning to spend. But that does not mean that we do not have the money to spend if we want to.

One place to start to find the money we need is with the multitude of programs supposedly designed to end poverty in this country. For example, social service programs have helped few people get off welfare, yet the number of social workers rose from 41,000 in 1960 to 144,000 in 1968.

According to the Office of Economic Opportunity, there are at least 168 programs in the Federal Government designed to eliminate poverty, at a conservatively estimated cost of at least $23 billion in 1970. Despite that expenditure, 25.5 million Americans still live in poverty, actually a slight increase over last year.

In fiscal 1972, the projected $31.1 billion for poverty programs would provide $4,800 for every poor family of four, almost $1,000 above the poverty line, if directly distributed to these families. In fact, a direct distribution of only $11.4 billion more than we now spend on welfare would have brought every poor American up to the official poverty income threshold in 1970. A more rational allocation of our resources would easily allow us to provide this additional money.

There has been much talk about reordering our priorities between defense and domestic expenditures. I support such efforts, but it is also time to reorder our domestic priorities.

This is not to say that every one of our poverty programs should be ended immediately. In reordering our poverty priorities, we will undoubtedly find that some of the existing poverty programs work well and provide crucial services to offset the debilitating effects of poverty which cash income will not alleviate.

But many programs do not succeed and, in fact, isolate the poor from the mainstream of American society, demeaning them by presuming to make day-to-day decisions affecting their lives, providing an array of programs whose value should be questioned. The fact that such programs are on the books should no longer be sufficient justification to keep them there, especially if the money could be better used elsewhere.

What people without money need most in order to live normal lives is money. For those who can work, adequate wages will fill the need. For those who are unable to work, society must provide the necessary assistance.

I hope that my proposals will open the way for a new approach to combating poverty—the substitution of money and free choice for many of the categorical in-kind programs which nibble at the symptoms of poverty but ignore the roots.

We must not look only to existing poverty programs for funds for welfare reform. According to a Treasury Department study commissioned by the Joint Economic Committee, about $40 billion in Federal revenue are lost each year through selective Federal tax provisions which give special consideration or advantage to certain groups and types of activity.

Congress must reexamine the need for such subsidies. If we can pour $30 billion a year into existing poverty programs, $40 billion a year into subsidies for the rich and $100 billion from 1965 to 1971 into the Vietnam war, we certainly should be able to fund the proposals I am introducing today which would add $3.6 billion to the President's proposal for the first year and ultimately cost $28.5 billion per year in 1976 when the welfare program would be fully federalized at a poverty-level income.

We should remember as we consider welfare reform with all its intricacies—its "earnings disregards," eligibility rules and residence requirements, the warning given in a recent Washington Post editorial regarding welfare cutbacks. It applies to H.R. 1 as well:

It is easy to forget that behind these words are real people, mostly children. These cuts mean that children already living on the edge of desperation will have even less food on their plates, will go to school more often without shoes, will have more intimate experience with rats, filth, leaky plumbing, and the feeling of being outside American life looking in.

SUMMARY OF RIBICOFF AMENDMENTS TO H.R. 1

First. National goal to eliminate poverty by 1976.

This amendment provides as a national goal that, by 1976—America's 200th anniversary—all citizens be assured of an income adequate to sustain a decent standard of life.

Second. Increase in basic Federal payment level for fiscal 1973.

This provision increases the payment for a family of four from $2,400 to $2,800. The $2,800 for fiscal 1973 represents last year's proposed $1,600 plus a cash-out of the food stamp program at $1,200, roughly equivalent to the cost of the admittedly inadequate "low-cost temporary" diet level set by the Department of Agriculture.

This amendment would cost the Federal Government an additional $3.6 billion in the first year, for a total Federal assistance cost of $9.5 billion.

Third. Mandatory State supplementation and State fiscal relief.

Under this amendment no beneficiary would receive less than he is now getting but it also assures the States of fiscal relief by limiting their welfare costs for the 5 fiscal years beginning with fiscal 1973 to 90, 75, 50, 25 and 0 percent of calendar 1971 costs for public assistance plus food stamps. Breakdown of relief for each State is provided in detailed discussion of amendment.

During fiscal 1972, the year before the effective date of FAP, emergency fiscal relief would be provided to the States in the form of full Federal assumption of State welfare costs once a State reached its calendar 1971 costs for public assistance plus food stamps. This will cost $440 million for fiscal 1972.

Fourth. Federal assumption of welfare costs and future increases in payment levels up to the poverty level.

The Federal Government would assume welfare costs under this measure as the State share of welfare payments declines. In fiscal beneficiaries the higher of present State benefits or $2,800. In the following years the Federal Government assures the higher of present benefits or 75 percent of the poverty level, then 80

percent, then 90 percent and in fiscal 1977, 100 percent of the poverty level. Full Federal administration of the welfare system would begin in fiscal 1973.

The total Federal welfare cost would increase from $9.5 billion in fiscal 1973 to $28.5 billion for fiscal 1977.

Fifth. Adjustment in payment level for changes in cost of living.

A cost-of-living factor would be included for welfare similar to that provided in H.R. 1 for social security benefits. The poverty level would be adjusted annually according to the Consumer Price Index and dietary cost changes. The Secretary of Health, Education, and Welfare would be directed to develop a new method of determining the poverty level, presently the Department of Agriculture's low-budget diet multiplied by three. He would be required to report back to Congress by January 1, 1974, and his recommendations would be implemented on July 1, 1974 absent congressional disapproval.

Sixth. Adjustment in payment levels to reflect regional variations in cost of living.

The Department of Health, Education, and Welfare would be directed to study and develop a system of payments consistent with cost variations according to region. The plan would go into effect July 1, 1974 unless Congress specifically disapproves it.

Seventh. Coverage for childless couples and single persons.

This amendment gives welfare assistance to the 2.3 million poor single people and 3.8 million poor people under age 65 living in families without children. There is no logical reason to exclude these categories, especially since we now provide old-age assistance to single people and childless couples.

The cost of this amendment, which will go into effect in fiscal 1974, will be approximately $1 billion.

Eighth. Improved work incentives.

Under this provision the Secretaries of Health, Education, and Welfare and Labor would be authorized to experiment with various earnings disregards at no more stringent a level than the formula adopted by H.R. 1—$720 and one-third of additional earnings. Under that formula, benefits would stop at an income level of $4,320, providing benefits for an estimated 4 million working poor families at a cost of $6.5 billion.

My amendment would also allow the $720 plus one-third earnings disregarded to be calculated on the basis of gross income as is now done by the Department of Health, Education, and Welfare rather than on net income. In this way a recipient will be able to retain more of his earnings, thereby providing a stronger work incentive.

The $2,000 ceiling on exemptions from income for child care costs, student and irregular income would be eliminated. Average costs for child care alone can easily run $2,000 a year. The work incentive nature of this earnings disregard is defeated since, once the ceiling is reached and surpassed, it would be more profitable to stay at home than to work.

Ninth. Improved job training programs for employment at the minimum wage.

These amendments expand and reform Federal job training programs to make them available in fact as well as theory to those able to work. A job would be assured for a training graduate—or an otherwise qualified eligible individual—in either the public or private sector at the higher of the prevailing wage or the Federal minimum wage rate—presently $1.60 per hour—and protected by workmen's compensation.

More private sector jobs would be made available by requiring firms with Federal contracts to list their job openings with the appropriate local employment agency. The Secretary of Labor would be required to directly develop and operate programs, or to designate appropriate State or local, public or private nonprofit corporations to carry out manpower training programs.

No employability plan under these programs could be developed for an individual until there is assurance that training and employment were available. During the interim, such individuals would be eligible for family assistance benefits. Both manpower programs and money to fund them would be make available on a phased basis.

Optional work registrations for mothers with pre-school children and for those too remote from job training, jobs, or day care facilities would be provided. This would help alleviate the overload on training and employment programs that would otherwise exist.

These amendments also establish priorities for manpower programs according to last year's Ribicoff-Bennett priorities agreed to by the administration. The order for training and employment would be unemployed fathers and volunteer mothers, youths aged 16 and over not attending school or not full-time regular employees, full-time regular employees, part-time employees, and others. My proposal eliminates H.R. 1's priority for teenaged mothers and pregnant women, a segment particularly unsuited to employment and training and, in any event, exempt once they have pre-school children.

One billion dollars would be authorized for these amendments in lieu of the $540 million authorized under H.R. 1 and an additional $10 million would be authorized for equal opportunity compliance activities.

These work proposals also reinsert the Ribicoff-Bennett language agreed to by the administration last year regarding the definition of suitable employment.

Tenth. Expanded public service employment.

Some $1.2 billion would be available for 300,000 public service jobs. This compares to H.R. 1's $800 million for 200,000 jobs. It is estimated that 4.3 million people could be put to work in the public sector at the State and local levels in meaningful and fulfilling jobs if money were available. This Federal funding would not be phased out in 3 years as is done by H.R. 1.

The Secretary of Labor could seek additional funds from the Congress whenever 5 percent or more of the registrants for work had no reasonable prospects of finding employment.

Eleventh. Expanded and improved day care services.

This amendment modifies Senator LONG's Federal Child Care Corporation concept by providing stricter standards, smaller costs to users of day care, and increased community participation. An additional $1.5 billion in appropriations would be provided as well as twice the amount for day care facility construction—$100 million—as provided in H.R. 1.

Free day care would be provided for 1 year following commencement of full-time employment with a fee schedule based on family size and income then taking effect. Liberalized tax provisions to offset child care costs would also be allowed.

Twelfth. Elimination of State residency requirements.

The Supreme Court has twice held such requirements unconstitutional as a restriction on the right to travel and a violation of the equal protection clause. Despite popular belief, only a small number of people are involved. For example, of New York's 1.7 million welfare recipients as of January 1971, only 11,000—mostly children—or less than 1 percent, would be taken off the roles if a 1-year residency clause were invoked.

Thirteenth. Administrative procedures and recipients' rights.

While in general the Department of Health, Education, and Welfare has developed and administered comprehensive and equitable regulations, additional safeguards are needed. Therefore, my amendments would—

Eliminate the automatic benefit termination for failure to file timely reports of changed circumstances and assure a hearing before any benefits can be cut off, pursuant to Supreme Court decisions protecting due process.

Require a written opinion detailing reasons for any administrative determination affecting payment levels to be submitted promptly to the applicant.

Assure every claimant a right to counsel of his own choosing.

Eliminates the provision waiving standards requirements for welfare hearing examiners.

Eliminate the requirement of quarterly reports of income by recipients and simply require every recipient to report any changes in his circumstances. This reinserts the original Nixon family assistance program's provision requiring the Secretary of HEW to estimate the quarterly income of recipients rather than placing the onus on the impoverished family or individual.

Eliminate the requirement of reregistering for benefits every 2 years. Since biennial reapplication is for the purpose of enabling the Department of Health, Education, and Welfare to study the problems of the long-term poor, the Secretary rather than the recipient would bear the responsibility of selecting out the long-term poor for study.

Eliminate the provision making stepparents liable for support payments

under the often-erroneous assumption that this income is available to the family.

Eliminate the method of determining eligibility based on income earned in the last three quarters and instead base eligibility on current need. Under the provisions of H.R. 1, a family in need could be forced to wait up to 9 months before receiving benefits.

Provide a simplified declaration method of determining eligibility and use a scientific sampling audit similar to that used for the Internal Revenue Service to eliminate the costly and demeaning casework investigation of the present system. Studies have shown welfare fraud to be negligible and tests of the simplified method have been generally successful.

Insure that migrant workers and others of unfixed domicile receive assistance.

Eliminate the absolute exclusion of needy college students from the welfare program.

Require the Secretary of Health, Education, and Welfare to develop a single, uniform and simple system of public assistance for all categories in need, whether in the "adult" or "family" category and report his recommendations to Congress no later than January 1, 1974.

Fourteenth. Elimination of discriminatory provisions against Puerto Rico and other U.S. possessions.

Artificial ceilings on public assistance payments for these jurisdictions would be eliminated by this amendment. These territories have a higher cost of living than many States, yet their welfare payment level would be set at a mere fraction of the lowest level paid by any State to their poor. Welfare payments in U.S. territories as well as in the 50 States should be based solely on need.

Fifteenth. Protection of employee rights.

This provision would protect accrued rights of State and local government employees and aid them in seeking jobs. We should not, as a by product of welfare reform, create a new class of unemployed persons. This amendment does not, however, freeze every worker into the new welfare system. Rather, it provides protection for accrued rights and assistance in obtaining new employment.

TOTAL FEDERAL WELFARE COSTS—FISCAL 1973

[In billions of dollars]

	Current law	H.R. 1	Ribicoff amendments
Family payments	3.9	5.8	9.5
Childless couples and singles	0	0	0
Adult categories	2.2	4.1	4.1
Food programs	2.4	1.0	1.0
Child care services	.3	.7	1.5
Child care facilities construction	0	.05	.1
Supportive services	0	.1	.1
Manpower training	.2	.54	1.0
Public service jobs	0	.8	1.2
Equal employment compliance activities	0	0	.01
Administration	.4	1.1	1.1
Miscellaneous costs	0	.7	0
Total	9.4	14.9	19.61

DESCRIPTION OF RIBICOFF AMENDMENTS

GENERAL BACKGROUND

In August 1969 President Nixon proposed the family assistance plan. Since that time, the House has twice passed a bill—H.R. 16311 in April 1970 and H.R. 1 in June 1971.

The family assistance plan has encountered difficulties in the Senate, however. Last year, in alternate attempts to win liberal and conservative support for welfare reform, the administration revised the family assistance plan in June, October, November and December. In the closing days of the 91st Congress, we reached agreement with the administration on the so-called Ribicoff-Bennett proposals.

Despite our efforts, no legislation passed the Senate. Nevertheless, the administration's original legislation and changes endorsed by the President during the legislative process in the Senate provide a strong base on which to build.

The President's original legislation provided assistance exceeding AFDC payments in all but eight States. Mandatory State supplementation insured that no beneficiary would be worse off under the original family assistance plan than under present law.

The family assistance plan has at one time or another also had in its provisions optional work registration requirements for mothers of pre-school children, liberalized earnings disregards, stronger provisions to assure job suitability, State supplementation for families headed by an unemployed parent, use of a standard of current need rather than previous earnings to determine eligibility, adequate protection of the rights of recipients including provisions to discourage step parent desertion, fiscal relief for States, protection of accrued rights of local and State employees transferred to the Federal system, more equitable penalty provisions, and a simpler and more equitable method of determining eligibility based on HEW quarterly estimates of family income which would allow the Secretary to take into account extraordinary circumstances in eligibility determinations.

All of these provisions have received administration support in the last 2 years, but are excluded from H.R. 1. I am hopeful that we will be able to reach agreement on reinclusion of these important provisions at an early stage in the Finance Committee's deliberations. My proposals incorporate all of these improvements in addition to other changes discussed in the following sections.

1. A GOAL TO ELIMINATE POVERTY

Today, I submit a proposal to establish a minimum national goal to assure that by no later than 1976—America's 200th anniversary—all Americans will have sufficient income to sustain a decent standard of life.

Unfortunately we have chosen to ignore the needs of the poor. We offer pity or contempt. We study, define or classify them. We promise and advise them. We do everything but help them. As a result, the chasm between the rich and the middle class on one side and the poor on the other is widening, providing the potential for social division unparalleled in our country.

Our failure has been one of commitment, not of resources or skills. The initial costs may seem large but they amount to less than 2½ percent of our trillion-dollar gross national product. This is a small overhead to pay for our failures as a society in education, housing and employment. In addition, true reform of our welfare structure will enable many to obtain adequate jobs and will eliminate the tragic cycle of poverty in which the children of poverty inexorably become the next generation of the poor.

The text of this proposal and a comparison of the overall costs of my income maintenance proposals with those of present law and H.R. 1 follow:

TEXT OF RIBICOFF AMENDMENT SETTING 1976 GOAL

(a) Findings

(1) "The Congress finds and declares that—

(A) A nation of wealth and responsibility deplores the continuing incidence of poverty within its borders; and

(B) In view of the harm to individual and family development and well-being caused by lack of income adequate to sustain a decent level of life, and the consequent damage to the human resources of the entire nation, the Federal government has a positive responsibility to assure an end to poverty.

(2) Therefore, the Congress establishes a national goal of assuring all citizens, by 1976, an income adequate to sustain a decent level of life and to eliminate poverty among our people.

(3) Furthermore, the Congress declares it to be the purpose of this Act to develop programs directed toward this goal.

PROJECTED POTENTIAL FEDERAL MAINTENANCE PAYMENTS UNDER CURRENT LAW, H.R. 1, AND RIBICOFF PROPOSAL, FISCAL YEARS 1973–77

[In billions of dollars]

	Current law	H.R. 1	Ribicoff proposal
1973	8.5	11.7	9.5
1974	8.8	12.4	13.0
1975	9.3	12.9	16.3
1976	9.6	12.7	22.4
1977	10.1	12.8	28.5

2. INCREASE IN BASIC FEDERAL PAYMENT LEVEL FOR FISCAL 1973

My proposal increases the Federal base payment for a family of four from $2,400 as provided by H.R. 1 to $2,800, which represents last year's minimum support level of $1,600 plus a cash out of the food stamp program at the minimum subsistence diet level as determined by the U.S. Department of Agriculture. This amendment will carry out one of the expressed purposes of President Nixon's family assistance plan—to provide a Federal benefit level no lower than existing AFDC benefit levels.

Under the President's original proposal, only eight States paid more than the administration-proposed benefit to a family of four receiving AFDC and these States would have been required to make supplemental payments. In ad-

dition, food stamp assistance also would have remained available. Even as late as December 1970, the administration approved the Ribicoff-Bennett provisions assuring no loss in benefit levels.

Under H.R. 1, however, the $2,400 payment level and optional State supplementation provisions make it possible for recipients in 28 States and the District of Columbia to lose a portion of their public assistance benefits which are already above $2,400. In addition, food stamps are provided in 27 of these States, substantially increasing the total assistance now received by welfare recipients in those States. This means that approximately two-thirds of the AFDC caseload faces significant potential benefit losses under H.R. 1.

In another 13 States, H.R. 1's benefit level exceed present public assistance payments but is less than the total of present public assistance payments and food stamps.

In only nine States and Puerto Rico does H.R. 1's $2,400 payment level exceed the present total of public assistance and food stamp benefits. There is no food stamp program presently in four of those States. These nine States and Puerto Rico have an AFDC population of approximately 975,000, only 10 percent of the 9.7 million people receiving AFDC payments as of January 1971.

While H.R. 1's $2,400 level exceeds public assistance payments without regard to food stamps in 22 States with 29 percent of the ADFC population, my proposal for an initial $2,800 income level automatically assures that an additional 21 percent of the AFDC population would receive higher benefits even before State supplementation. This 21 percent is located in six States: Ohio, Montana, Oregon, Wisconsin, Wyoming and California.

The following table provides a breakdown of those States whose public assistance payments are less than $2,400 and those additional States paying less than $2,800.

22 STATES WITH BENEFIT LEVEL UNDER $2,400, NUMBER OF AFDC RECIPIENTS AND PERCENTAGE OF TOTAL AFDC POPULATION AS OF JANUARY 1971

State	Number of AFDC recipients	Number of total AFDC population (9,773,000)
Alabama	168,000	1.7
Arizona	62,000	.6
Arkansas	61,900	.6
Delaware	26,300	.3
Florida	264,000	2.7
Georgia	266,000	2.7
Indiana	117,000	1.2
Kentucky	141,000	1.4
Louisiana	231,000	2.4
Maine	55,200	.6
Maryland	164,000	1.7
Mississippi	134,000	1.4
Missouri	179,000	1.8
Nevada	15,900	.2
New Mexico	58,100	.6
North Carolina	151,000	1.5
Oklahoma	107,000	1.1
South Carolina	73,200	.7
Tennessee	171,000	1.7
Texas	341,000	3.5
Utah	39,600	.4
West Virginia	98,300	1.0
Total	2,925,400	29.8

My proposals, by mandating State supplementation and providing additional Federal payments above State supplementation ceilings, would also assure that the other 50 percent of the AFDC population suffers no benefit cutbacks.

ADDITIONAL STATES FULLY COVERED BY RAISING FEDERAL PAYMENT FROM $2,400 TO $2,800 AS OF JANUARY 1971

State	Number of AFDC recipients	Percent of total AFDC population
California	1,574,000	15.0
Montana	18,100	.2
Ohio	346,000	3.4
Oregon	107,000	1.0
Wisconsin	98,600	1.0
Wyoming	6,500	.1
Total	2,150,200	21.1

In addition, this amendment provides relief for all members of a needy family whereas H.R. 1 only assists up to eight members of a family. There is no reason why a public assistance program should impose an arbitrary cutoff on the number of people to receive benefits in a family. Every child has needs—whether he is the first child in the family or the ninth. Under present law only six States, Alabama, Delaware, Kentucky, West Virginia, and New Mexico currently impose such overall family maximums.

The change I propose will be both equitable and inexpensive. Only about 4 percent of AFDC families have more than eight members. The additional benefits for extra children can be lower because studies have shown that the additional costs for extra children in large families are proportionately smaller per child.

Following is a table comparing payment levels under H.R. 1 and my amendments:

FEDERAL BASE PAYMENTS UNDER THE RIBICOFF SCHEDULE COMPARED WITH H.R. 1

Number in family	Ribicoff base payment per individual	H.R. 1 base payment per individual
1	$900	$800
2	900	800
3	500	400
4	500	400
5	500	400
6	400	300
7	400	300
8	300	200
9	200	
10 plus	100	

This amendment by itself would cost an additional $3.6 billion in the first year.

3. MANDATORY STATE SUPPLEMENTATION AND STATE FISCAL RELIEF

My proposal requires mandatory State supplementation of Federal welfare payments as opposed to H.R. 1 which makes such payments optional. State supplementation would also be mandatory for families in States with AFDC-UP programs in which payments are made to families with unemployed fathers living at home.

It is important to bear in mind that without mandatory supplementation, a $2,400 payment level provides one-third less than the national poverty level of slightly over $3,900, a figure widely regarded as at best a minimal subsistence level and at its worst grossly inadequate in terms of actual need. My amendment would at the very least assure that no beneficiary loses benefits under a reformed welfare system.

While not all States are expected to cut out supplementing payments above $2,400 if supplementation were optional, the trend of the last few years to raise welfare benefits is now being reversed. A recent HEW survey showed that at least 10 States are effecting welfare benefit reductions this year: Alabama, Georgia, Kansas, Maine, New Jersey, New Mexico, New York, Rhode Island, South Dakota and Nebraska, and reductions are probable in another 12 States: Arizona, California, Connecticut, Delaware, Idaho, Illinois, Minnesota, New Hampshire, Oregon, Pennsylvania, Texas, and Vermont. Given the States' fiscal crisis, optional supplementation may well mean no supplementation.

My amendment recognizes, however, the almost intolerable fiscal burden on the States of supporting an inefficient, inadequate and inequitable welfare system and provides relief by placing a graduated ceiling on State payments during the 4-year period of Federal assumption of all welfare costs. In addition, full Federal administration would begin in fiscal 1973.

In fiscal 1973, a State would only have to pay 90 percent of its calendar 1971 public assistance and food stamp costs. This percentage would drop to 75 percent in fiscal 1974, 50 percent in fiscal 1975, 25 percent in fiscal 1976, and 0 percent in fiscal 1977.

States would be assured of savings of over $400 million in the first year of FAP's effective date, fiscal 1973, just over $1 billion in fiscal 1974, $2 billion in fiscal 1975, $3 billion in fiscal 1976 and $4 billion in fiscal 1977 when the Nation's welfare system will be financed entirely by the Federal Government.

I also recognize that in this fiscal year, 1972, States are facing financial chaos as a result of skyrocketing costs. Therefore I am adding an additional emergency fiscal relief amendment for fiscal 1972 which would place a ceiling on State welfare costs under current law at the fiscal 1971 State spending levels for public assistance and food stamp benefits. The Federal Government would guarantee that all beneficiaries receive no decrease in benefits as a result of this provision. This emergency State fiscal relief will cost the Federal Government an additional $440 million in fiscal 1972.

The following table outlines the amount of fiscal relief available to the States under this amendment compared to their present welfare costs:

PRESENT COSTS AND RIBICOFF STATE FISCAL RELIEF SCHEDULE

[In millions of dollars]

State	Present costs (estimates of 1971 non-Federal expenditures)	Ribicoff State savings over present costs—Fiscal year—			
		1973	1974	1975	1976
Alabama	32.7	3.27	8.2	16.4	24.5
Alaska	9.5	.95	2.4	4.8	7.1
Arizona	18.7	1.87	4.7	9.4	14.0
Arkansas	15.5	1.55	3.8	7.5	11.3
California	960.2	96.02	240.1	480.1	720.2
Colorado	41.9	4.19	10.5	20.9	31.4
Connecticut	53.3	5.33	14.4	28.8	43.3
Delaware	6.9	.69	1.7	3.4	5.2
District of Columbia	34.1	3.41	8.5	17.0	25.6
Florida	98.0	9.80	24.5	49.0	73.5
Georgia	44.4	4.44	11.1	22.2	33.3
Hawaii	17.2	1.72	4.3	8.6	12.9
Idaho	6.2	.62	1.7	3.4	5.2
Illinois	224.5	22.45	56.1	112.2	168.4
Indiana	27.0	2.70	6.8	13.5	20.3
Iowa	43.4	4.34	10.9	21.7	32.6
Kansas	28.3	2.83	7.1	14.2	21.2
Kentucky	28.2	2.82	7.1	14.1	21.2
Louisiana	50.3	5.03	12.6	25.2	37.7
Maine	14.5	1.45	3.6	7.3	10.9
Maryland	54.7	5.47	13.7	27.4	41.1
Massachusetts	192.3	19.23	48.1	96.2	144.2
Michigan	174.1	17.41	43.5	87.0	130.6
Minnesota	60.9	6.09	15.2	30.4	45.7
Mississippi	15.4	1.54	3.9	7.7	11.6
Missouri	52.5	5.25	13.1	26.3	39.4
Montana	5.1	.51	1.3	2.5	3.8
Nebraska	12.2	1.22	3.1	6.1	9.2
Nevada	3.2	.32	.8	1.6	2.4
New Hampshire	11.8	1.18	3.0	5.9	8.9
New Jersey	181.4	18.14	45.4	90.7	136.1
New Mexico	11.9	1.19	3.0	6.0	8.9
New York	663.5	66.35	165.9	331.8	497.6
North Carolina	33.3	3.33	8.3	16.7	25.0
North Dakota	4.5	.45	1.1	2.2	3.4
Ohio	110.3	11.03	27.6	55.2	82.7
Oklahoma	46.8	4.68	11.7	23.4	35.1
Oregon	31.8	3.18	8.0	15.9	23.9
Pennsylvania	265.1	26.51	66.3	132.6	198.8
Rhode Island	20.9	2.09	5.2	10.5	15.7
South Carolina	8.3	.83	2.1	4.2	6.2
South Dakota	5.4	.54	1.4	2.7	4.1
Tennessee	34.7	3.47	8.7	17.4	26.0
Texas	85.9	8.59	21.5	43.0	64.4
Utah	9.6	.96	2.4	4.8	7.2
Vermont	6.5	.65	1.6	3.3	4.9
Virginia	34.9	3.49	8.7	17.5	26.2
Washington	71.4	7.14	17.9	35.7	53.6
West Virginia	16.0	1.60	4.0	8.0	12.0
Wisconsin	40.4	4.04	10.1	20.2	30.3
Wyoming	2.5	.25	.6	1.3	1.9
Total	4,022.1	402.1	1,005.5	2,011.0	3,016.6

4. FEDERAL ASSUMPTION OF WELFARE COSTS AND FUTURE INCREASES IN PAYMENT LEVELS

In combination with mandatory State supplementation and State fiscal relief, this amendment provides a gradual Federal assumption of all welfare costs together with increases in the payment level each year until payments equal the poverty level in 1976. A basic benefit payment would be established equalling the higher of $2,800 or the present maintenance levels in fiscal 1973, the higher of present State benefits or 75 percent of the poverty level in fiscal 1974, the higher of present State benefits of 80 percent of the poverty level in fiscal 1975, the higher of present State benefits or 90 percent of the poverty level in fiscal 1976, and 100 percent of the poverty level in fiscal 1977.

This amendment, together with the mandatory State supplementation and State fiscal relief amendment, assures that no beneficiaries will lose benefits and also provides a method of raising benefit levels to bring all needy Americans up to at least a poverty-level income by July 1, 1976.

We must recognize, however, that the official "poverty" level is at best an artificial line above which people are designated "nonpoor" and below which they are "poor." The poverty standard, developed by the Social Security Administration, is based on the Department of Agriculture's measure of the cost of a temporary, low-budget, nutritious diet for families of various sizes. The poverty index is simply this food budget multiplied by three to reflect the fact that food typically represents one-third of the expenses of a low-income family.

My amendment requires the Secretary of Health, Education, and Welfare to develop a new "poverty" level which takes into account items now ignored such as medical care, insurance, a bed for each member of the family and school supplies. He must report back to Congress his recommendations no later than June 1, 1974, and they will take effect on July 1, 1974, absent congressional disapproval.

RIBICOFF WELFARE BENEFITS AND STATE FISCAL RELIEF SCHEDULE

Fiscal year and Federal payment level	Total Federal cost (billions)	Required State contribution (as a percentage of calendar 1971 costs of public assistance+food stamp benefits)
1973—Higher of $2,800 or present maintenance	$9.5	90
1974—Higher of present maintenance of 75 percent of poverty level	13.0	75
1975—Higher of present maintenance or 80 percent of poverty level	16.3	50
1976—Higher of present maintenance or 90 percent of poverty level	22.4	25
1977—100 percent	28.5	0

5. ADJUSTMENT IN PAYMENT LEVEL FOR CHANGES IN COST OF LIVING

This amendment includes a cost-of-living factor based on the present method of adjusting the Federal poverty income threshold to reflect changing costs. Just as salaries and prices are adjusted to reflect cost-of-living changes, so must benefit levels change under an equitable assistance program. The poor are not immune from the pernicious effects of inflation.

Even under current law, State welfare plans must provide cost-of-living increases to be eligible for Federal matching funds. While States have often canceled out such increases by reducing the percentage of the State standard of need which is paid or by making across-the-board cutbacks, the majority of families under current law have benefited from cost-of-living increases.

Nonetheless, while H.R. 1 provides a cost-of-living adjustment mechanism for social security benefits, it freezes welfare benefit payments by the Federal Government for the next 5 years.

6. ADJUSTMENT IN PAYMENT LEVELS TO REFLECT REGIONAL VARIATIONS IN COST OF LIVING

This amendment requires the Secretary of Health, Education, and Welfare to establish a payment schedule based on varying standards of need between urban and rural areas, different parts of the same States, and among appropriate regions in the United States.

The Department is already studying the complexities of regional variations in living costs. A delicate balance must be maintained to assure equity of payment levels and simplicity of administration. Any regional breakdown must recognize the existence of highly urbanized areas in close proximity to rural isolation and the danger of payment levels changing from one side of a street to another. To develop a plan which takes these factors into account and still avoid an unwieldy number of regional areas necessitating close case-by-case analysis will be no easy task.

The Secretary of Health, Education, and Welfare is directed to study this problem and submit a report to Congress no later than January 1, 1974. Unless specifically disapproved by Congress within 90 days of submission, the Secretary's recommendations would be implemented on July 1, 1974.

7. COVERAGE FOR CHILDLESS COUPLES AND SINGLE PERSONS

A major premise of H.R. 1 is that welfare assistance should be based on need rather than membership in a particular population category. Nonetheless 1.8 million persons under 65 in families without children and 2.3 million single persons who live in poverty are not eligible under H.R. 1.

My amendments would remedy this failing, recognizing that the incidence of poverty reaches the highest levels among persons unconnected with a family unit. At least 500,000 of these people have no cash income at all. Moreover, it makes no sense to deny assistance to a couple without children and provide $2,000 to a couple with one child. The incentive to have children under such an illogical exclusion makes H.R. 1 a family expansion plan rather than a family assistance plan.

Coverage for these forgotten Americans would begin in fiscal 1974 to allow the Secretary of Health, Education, and Welfare to establish the necessary ad-

ministrative procedures to include them for the first time in Federal welfare programs.

This amendment would cost the Federal Government $1 billion in its first year of operation.

8. IMPROVED WORK INCENTIVES

This provision will improve work incentives for the working poor by directing the Secretary of Health, Education, and Welfare to conduct tests of various "earnings disregard" formulas and to report his findings and recommendations to the Congress no later than January 1, 1974. No variation could be utilized which would provide lower benefits than H.R. 1's present formula under which the working poor would be allowed to keep the first $720 of their earnings each year plus one-third of the remainder while receiving assistance.

The following table illustrates the impact of various payment levels with the basic earnings disregard formulas:

EARNINGS DISREGARD DATA

FAP payment family of four	Break-even point [1]	Total Federal cost (fiscal year 1973) (billions)	Eligible families (fiscal year 1973) (millions)	Eligible individuals as percent of U.S. population
$2,400	$4,320	$6.5	4	9.0
$2,800	4,920	9.5	4.8	11.5
$3,600	6,120	13.5	6.7	15.0
$6,500	10,470	72.0	[2] 33.4	[3] 50.0

[1] The even break-even point is that point of income below which some benefit would be paid.
[2] Households ($6,500 plan includes families without children).
[3] Over.

At this time, no one knows what level of earnings disregard will provide an optimal work incentive or at least be a minimal disincentive. In addition, budgetary restraints and the desire to provide additional funds for families at the lower end of the economic scale play a large role in what formula should be adopted.

In the long run, we should not have to provide public assistance to those who work. It is shocking to realize that four out of 10 poor Americans live in families headed by full-time workers.

Rather than providing welfare supplements to these people, we should be assuring every working American that his wages will be sufficient to prevent poverty. To do this will entail raising the minimum wage and expanding it to include some 17 million Americans now excluded.

While the Senate Finance Committee does not have jurisdiction over the Federal wage laws, I am hopeful that favorable consideration will be given to minimum wage legislation introduced by the distinguished Senator from New Jersey (Mr. WILLIAMS) and now being considered in the Labor and Public Welfare Committee.

Until all jobs pay an adequate wage, our welfare system will have to cover the working poor and insure that there are work incentives. Such an incentive, designed to insure recipients who work a higher income than those who do not, has been a part of the Social Security Act since 1967. The incentive is accomplished by setting aside a given amount of income which is to be retained by the recipient and not deducted from the assistance grant.

From the money retained as a work incentive, an employee must pay all expenses of going to work, including Federal, State, and local taxes, union dues and other mandatory payroll deductions as well as transportation costs. When these costs are high, as is usually the case in large metropolitan areas where the poor are increasingly concentrated, expenses can easily go beyond the exemptions, leaving a working family less actual income than one where no member is employed.

Under current law, the work incentive itself is calculated on the basis of gross, not net, income, as follows:

The applicable amounts of earned income to be disregarded—$30 per month plus one-third of the remainder under AFDC—will be deducted from the gross amount of "earned income" and all work expenses, personal and nonpersonal, will then be deducted. Only the net amount remaining will be applied in determining need and the amount of the assistance payment.

Under H.R. 1, however, from gross income one must deduct earnings of students, child care costs and inconsequential income. The incentive is applied to whatever remains. The amount of extra money a recipient realizes from every dollar earned will therefore be lower in many States under FAP than under current programs.

My amendments would maximize the work incentive by restoring the method of calculation currently followed by HEW. Thus, only after the money retained as a work incentive is deducted from gross income will there be deductions for items such as taxes, work expenses, child care costs, and income of students.

Another failing of H.R. 1 is its limitation on the amounts that can be deducted or excluded from income when determining the amount of family assistance to be received. For instance, the costs for child care are limited as are the amounts that children can earn. The administration has never placed a definite ceiling on such items and I would hope it will support its original proposal which sets no dollar ceiling but leaves amounts excludable from income to the responsible discretion of the Secretary of Health, Education, and Welfare.

9. IMPROVED JOB TRAINING PROGRAMS FOR EMPLOYMENT AT THE MINIMUM WAGE

The family assistance plan as revised by the Ways and Means Committee emphasizes work training requirements and incentives. This is important since most Americans would prefer to play a productive role in American society rather than to live on welfare. Experience in New York, for example, has shown that 98 percent of the working poor continue working under New York's assistance program for them.

Under H.R. 1, as many as 2.6 million welfare recipients would be required to register with the Department of Labor for manpower services, training and job placement. H.R. 1 would provide training for 225,000 people, 200,000 public service jobs, and expanded day care facilities for those who need them to accept training or work.

The initial determination of whether a recipient was "available" for work would be made by the Department of Health, Education, and Welfare; the employable individual would then fall within the jurisdiction of the Labor Department which would be responsible for developing an "employability" plan setting forth all the training and supportive services necessary to restore such families "to self-supporting, independent and useful roles in their communities." H.R. 1 also establishes a new Assistant Secretary thereby separating this program from existing Department of Labor manpower programs.

Unfortunately, H.R. 1's proposals will accomplish very little. They provide too little money and too much responsibility for programs which have never worked. If work training is to be a viable part of the welfare reform, the following problems must be solved:

First, not enough appropriate jobs are available for the 2.6 million people required to enroll in the program. The poor performance to date under WIN, the existing welfare work training program, demonstrates this clearly. The existence of over 5 million unemployed Americans further complicates the situation.

Many of the jobs now available to manpower training graduates are the substandard, previously unfillable jobs which comprise the present openings filed with the U.S. Employment Service offices which have been delegated responsibility under existing manpower programs within the Department of Labor.

To correct this situation, my amendments initiate a number of new provisions.

Private business firms which are Federal contractors would be required to list their job openings with the local agency assigned the task of job placement. H.R. 1 requires only State and local governments to make such listings. My proposal will therefore expand the number of job opportunities made available to the Federal manpower efforts from the private sector.

The amendments I introduce will require all job assignments to be in positions paying the prevailing wage but no less than the Federal minimum wage. The jobs must also be covered by workmen's compensation provisions. Guaranteeing the minimum wage will make it clear that the program is not another form of public subsidy to businessmen who want to be assured of a supply of cheap labor.

In the past some employers have taken Federal manpower trainees to fill menial jobs, fired them when the training subsidies ran out, and then applied for a new complement of trainees to fill the same jobs, at public expense. In rural areas the Employment Service farm service offices work as agents of the growers, merely recruiting individuals for seasonal agricultural jobs and rarely assisting the individual to develop new work skills or seek better job opportunities. Under my legislation, manpower

programs will provide for the worker's needs first, not the employer's.

Second, a total restructuring of the Department of Labor manpower and services program is crucial if we truly wish to provide training and employment for eligible welfare recipients.

The Lawyers Committee for Civil Rights Under Law and the National Urban Coalition in their excellent study, "Falling Down on the Job: The U.S. Employment Service and the Disadvantaged," have clearly documented the failings of the Department of Labor's manpower effort. The U.S. Employment Service, the primary local sources of jobs and manpower services within the Department is, according to the report, "an inflexible bureaucracy, absorbed in its own paperwork, with a staff that is either incapable of or disinterested in committing the resources necessary to make the chronically unemployed self-supporting."

Between 1965 and 1970 funds available to the Employment Service more than doubled, from $210.4 to $464.7 million, yet the number of persons who applied to the agency for jobs fell from 10.9 to 10 million and the number of individuals placed in employment by the system dropped from 6.3 to 4.6 million.

Clearly something is wrong with this system. To know more fully what the training needs of individual workers are—how much help they need, of what kinds and at what cost—we must develop new sources of information about local needs and operations.

My proposals direct the Secretary of Labor to develop and operate a nationwide, comprehensive system of data collection and interpretation so we can establish the necessary manpower services, training, and employment opportunities. We need to know much more about developments in local and regional labor markets. Where are industries and business firms locating and expanding, where are layoffs taking place, where is there a labor shortage?

Information would also be compiled on the employability characteristics of those individuals enrolled under this employment program to provide a meaningful basis for setting goals for on-the-job and institutional training, job upgrading, job development and public service employment.

Manpower training programs in the past have too often been unrelated to existing job openings and consequently have rarely fulfilled their basic goal of placing people in jobs. The Federal Government has financed more than 5 million training positions over the past 5 to 6 years at a cost of $2.5 billion. But the job placement records of the three largest federal manpower programs have been poor. The Manpower Development Training Act has placed less than half its enrollees in jobs. The concentrated employment program has led to jobs for little over one-third of its enrollees, and WIN has had a placement rate of slightly more than 10 percent.

The following table illustrates the problem:

	Enrollment	Place
MDTA [1]	1,451,400	773,400
CEP [2]	290,215	106,612
WIN [3]	228,759	23,691

[1] Cumulative through fiscal year 1970.
[2] Cumulative through June 30, 1970.
[3] Cumulative through Dec. 31, 1970.

My proposal attempts to remedy this critical problem by providing for a phased enrollment of eligible individuals into the program. No welfare recipient would be given an employability plan until such time as manpower training, supportive services, and employment opportunities were actually available.

My proposal requires the development of employability plans according to the following priority schedule agreed upon last year in the Ribicoff-Bennett proposal:

First, unemployed fathers and volunteer mothers.

Second, youths aged 16 and over who are not regularly attending school and are not employed full time.

Third, persons regularly employed at least 40 hours a week.

Fourth, part-time employees.

Fifth, all others.

H.R. 1, on the other hand, provides its highest priority for manpower services, training, and employment programs to mothers and pregnant women under the age of 19. This provision makes little sense since, as soon as a child is born, the mother would be immediately exempt from work registration under other sections of H.R. 1 relating to mothers and children under 3. Moreover, it is extremely inefficient to give the first available training slots to those women since the labor market is highly restricted for them.

My amendments also recognize the limitations on the ability of H.R. 1's proposed manpower program to accommodate the 2.6 million potential work registrants with only 225,000 training slots, 200,000 public service employment jobs, and 187,000 previously existing WIN slots. H.R. 1's directive to the Secretary of Labor to make use of all existing manpower programs merely repeats the language of the WIN program. Yet under WIN the Secretary was unable to override jurisdictional and program rivalries and remove slots from existing commitments. Under the President's manpower revenue-sharing proposals, the Federal Government would not even have the power to reallocate these slots.

Even if the Labor Department could free up all slots now committed to other programs, only 1.3 million people, half of the potential welfare clientele, could be accommodated. By expanding funding for manpower programs from $540 million under H.R. 1 to $1 billion under my measure and by allowing women with preschool children the option to register, we can expand programs and shrink the potential manpower pool, thereby bringing goals and realities into a closer balance.

Third. We must insure the availability and adequacy of local agencies to operate manpower programs.

At present, three kinds of local delivery systems exist, all of which have a "piece of the action" under WIN and other manpower programs:

First. The U.S. Employment Service system for job placement and manpower services;

Second. The local welfare offices—to determine if clients are eligible for welfare or employability development; and

Third. The local offices of State vocational education departments which provide institutional training for enrollees in manpower programs.

None of these agencies is equipped to handle the manpower programs of H.R. 1, but the Department of Labor appears ready to assign the programs to the Employment Service for local implementation. This would be a grave mistake and would give notice that America's manpower goal is the creation of an involuntary work force for certain substandard jobs which the "free labor" market cannot fill. It would be a veto of confidence in a system which has become, in the words of the Lawyers Committee/Urban Coalition report, "a passive accessory to discriminatory employment practices" which has created "hostility and mistrust and discouragement among the disadvantaged."

My proposals would give the Secretary of Labor the resources and the mandate to develop a nationwide mechanism that can accurately assess developments in the labor market including training needs, job availability and other factors important for an effective employment program. Training funds would be distributed to new local agencies that would serve as advocates for the workers rather than as hiring halls for the employer.

Specifically, my amendment gives the new Assistant Secretary of Labor the power and money to design and implement a system that will develop information on the local level relating to the workers' needs and the job market situation. This local operation would be responsible for listing jobs available to work registrants and participants.

A strong civil rights enforcement component, funded with $10 million would be included to prevent discrimination on the basis of race, religion, sex, or national origin. Administering agencies would be required to write detailed equal opportunity compliance reports on the services provided needy individuals under this Act, including information regarding job referrals, salary levels and placements, and the nature of job listings made available.

My amendments allow but do not require, the Secretary to contract for component parts of the program with any entity he chooses including a local prime sponsor, a new Federal agency, or a reformed Employment Service office. If the Department of Labor chooses to rely on a State or local, public or private nonprofit corporation or agency to carry out this program, it may assume immediate control of any program found to be substandard, terminate local fund-

ing, and assume direct responsibility for program administration and operation.

In developing and operating such a system, the Secretary would be required to consult regularly with representatives of public and private employers and representatives of families and individuals who are receiving or eligible to receive manpower services. Priority in entering into contracts to provide manpower training and services would be given to those agencies that include the participation of needy individuals in the planning, conduct and evaluation of their programs, and that provide maximum employment opportunities including occupational training and career of advancement for such needy individuals.

Fourth. In the best of all possible worlds everyone would have a job uniquely suited to his desires, needs and skills. While not everyone will find such a job in the real world, H.R. 1 is a step backward from the goal of suitability first enunciated in the President's original proposal and most recently endorsed in the Ribicoff-Bennett agreement of December 1970.

I hope that the administration will again support my "suitability" provisions which define a "suitable" job with reference to the degree of risk to such individual's health and safety, his physical fitness for the work, his prior training and experience, his prior earnings, the length of his unemployment, his realistic prospect for obtaining work based on his potential, and the availability of training opportunities, and the distance of the available work from his residence.

10. EXPANDED PUBLIC SERVICE EMPLOYMENT

Our economy now has over 5 million unemployed people who are unable to find work. It is, therefore, foolishness to expect the private sector to be able to provide a sufficient number of jobs for those on welfare able to work. Public service jobs of both a temporary and permanent nature must be provided at no less than the Federal minimum wage.

My amendments would provide an authorization of $1.2 billion to create public service employment for 300,000 welfare recipients, compared to H.R. 1's $800 million for 200,000 such jobs. Unlike H.R. 1, Federal support for these jobs will not be phased out rapidly unless the Secretary of Labor determines that the specific job is of a temporary nature.

The public service jobs under my proposal would provide meaningful work in such fields as health, social services, public safety, environmental protection, urban and rural development, welfare, recreation, and education. In addition, public service jobs would be authorized in the field of criminal justice to provide critically needed personnel in fields such as bail, parole and probation, corrections, half-way houses and juvenile homes.

Where appropriate, public service jobs would be required to provide some on-the-job training, thereby enabling manpower programs to accommodate more individuals in a shorter period of time. This would also shift the focus of manpower programs from taking the least skillful workers and putting them in jobs without training to concentrating on job upgrading and development.

Even the funding provided by my proposal would provide a sufficient number of jobs at the outset. Therefore, the Secretary of Labor is required to report to Congress regarding additional funding needs whenever he determines that 5 percent or more of the needy persons available for employment are without reasonable prospects of obtaining it due to:

First, a local shortage of job openings which are suitable to the skills and abilities of the applicant;

Second, insufficient training or public service opportunities in the locality;

Third, a lack of training which offers a reasonable prospect of employment.

The Secretary of Labor would also develop goals for on-the-job and institutional training, job upgrading and job development which would lead to regular self-supporting employment for needy families. He would be aided by local advisory committees which provide the representation by actual or potential participants in the program.

Money put into public service employment will benefit our Nation in many ways. It will provide meaningful work at adequate wages for the needy, thereby ending the cycle of welfare dependence, give fiscal relief to cities and States through funding of State and local public service employment, and attack the social and environmental problems which are plaguing this Nation.

11. EXPANDED AND IMPROVED DAY CARE SERVICE

In August of 1969 President Nixon announced in his welfare message that—

> The child care I propose is more than custodial. This Administration is committed to a new emphasis on child development in the first five years of life. The day care that would be part of this plan would be of a quality that will help in the development of the child and provide for its health and safety, and would break the poverty cycle for this new generation.

Nonetheless, H.R. 1 provides only $700 million for an estimated 875,000 slots. These slots will not even begin to provide child care services for the 2.3 million AFDC children under the age of 6—some o: whom are under age 3 and not in need of day care under H.R. 1—the 2.9 million AFDC children between ages 6 and 12, and the 1.9 million AFDC children over age 12.

Moreover, the funds for the relatively few slots provided are inadequate for anything but the most remedial custodial day care. The average amount allocated for each shot is $800. Yet, HEW's Office of Child Development has estimated that the cost of group child care in a day care center for children aged 3 to 6 whose parents would have to register for work under H.R. 1—would be $1,245 at the minimum custodial level, $1,862 at the acceptable level and $2,320 at the desirable level.

H.R. 1 also provides only $50 million for construction of day care centers, even though facilities are in such shortage that if every slot in every licensed day care facility and family day care home in the United States—638,000 places in 13,600 centers and 32,700 family day care homes—were reserved for an AFDC child between the ages of 3 and 6, there would be in excess of 1 million AFDC children in that age group alone left over.

The President's commitment to early childhood development cannot be carried out with words alone. Clearly it is necessary to bring existing facilities into balance with the potential size of the day care clientele. This can be accomplished by expanding and enhancing day care programs and by shrinking the number of mandatory eligibles for work and training registration who will need day care.

The following table describes the Federal Government's present day care programs:

FEDERAL INVOLVEMENT IN DAY CARE (FISCAL YEAR 1971)

[Includes part day and summer]

Program	Total estimated Federal expenditures for child care	Estimated number of children in child care
Title IV–A, Social Security Act (non-WIN)	$205,199,000	197,479
Title IV–A, Social Security Act (WIN)	38,000,000	117,162
Title IV–B, Social Security Act (child welfare services)	1,900,000	20,000
Title I, Economic Opportunity Act (concentrated employment program)	7,500,000	9,500
Title II–B, Economic Opportunity Act (Project Headstart)	360,000,000	[1] 263,000 [2] 209,000 [3] 6,600
Title III–B, Economic Opportunity Act (migrant and seasonal farmworkers)	1,400,000	2,000
Total	613,999,000	824,741

[1] Full year.
[2] Summer.
[3] Parent and child center.

Note: Does not include $59,400,000 spent for title IV–A, SSA, income disregard.

The amendment I propose, based on the Child Care Corporation concept developed by the distinguished Senator from Louisiana (Mr. LONG), accomplishes both tasks, shrinking the potential clientele by making registration optional for mothers with preschool children and expanding programs by providing the widest possible variety and maximum utilization of existing day care services to meet the specific desires and needs of day care users.

My amendment provides $1.5 billion in Federal revenues for the Child Care Corporation in addition to the $500 million in repayable Treasury loans and $250 million revenue bond authority provided by Senator LONG's proposal. My bill would also increase the construction authorization of H.R. 1 from $50 to $100 million. Up to $25 million would be used for training child care personnel.

This proposal modifies the proposal of the Senator from Louisiana by providing a stronger local voice in the development and operation of day care services, strengthening Federal standards, increasing funding levels and paying all of the costs of child care for a period following employment.

My day care proposal would amend both the Internal Revenue Code and the Social Security Act with the purpose of encouraging and facilitating the provision of child care services.

The Internal Revenue Code would be amended to increase the amount of child care expenses allowable as a deduction for Federal income tax purposes, and to increase the amount of income a family may have and still be eligible for the child care tax deduction. The limit on the deduction would be increased from $600 to $1000 in the case of one child, and from $900 to $1500 if there is more than one child. The limitation on family income would be increased from $6000 to $12,000.

The Federal Child Care Corporation established by my amendments would be headed by a Board of Directors, consisting of five members, at least two of whom would represent participant and community interests, to be appointed by the President, by and with the advice and consent of the Senate. One member of the Board would be designated as Chairman of the Board. The Board would establish an Office of Program Evaluation and Auditing to assure that standards established under the bill for services and facilities are met, and that funds are properly used.

Rigid monitoring of standards will take place. While my proposal will allow private organizations to participate in the provision of day care, these groups will be watched closely to see that quality is not sacrificed for profit. The penalty for providing false information in order to qualify and requalify would be expanded to include a 2-year ineligibility period following conviction. After 2 years the judicially reviewable Corporation could make a determination as to the desirability of allowing the convicted party to resume operation under the Corporation.

The Corporation could not provide or arrange for the provision of child care in any facility which did not meet standards no less strict than the Federal Interagency Day Care Requirements of 1968 updated by July 1, 1974, and improved to include the recommendations of the Federal Panel on Early Childhood by no later than July 1, 1976. The Panel would be required to develop its recommendations no later than January 1, 1976. The Corporation would develop supplemental uniform Federal standards where necessary. All standards would fully preempt existing State and local standards, except that hearings would be held with regard to Corporation standards considered a State, locality, group, or responsible individual to be less protective of the welfare of children than those which would otherwise be imposed.

The duty of the Corporation would be to fully meet the needs of the Nation for child care services by 1976. The Corporation would, through utilization of existing or new facilities, insure the provision of child care services in the communities of each State.

Child care services are defined in the bill to cover a variety of services in such facilities as nursery schools, kindergartens, child development centers, play group facilities, summer day care facilities, school age child care centers, family day care homes, night care facilities and others.

No fees would be charged to those registered for work training or for a year following commencements of full-time employment. After this period the Corporation would charge a fee based on family size and income for services provided, all or part of which could be paid by any person or public agency agreeing to pay. Fee schedules would be designed to encourage utilization of the most comprehensive form of day care services.

In providing services, the Corporation would be required to accord first priority to those who are in need of services to enable a member of the family to accept or continue in employment or participate in training.

To assure a strong local voice, all day care programs would have to provide for development, administration, operation and review by a membership with at least 25 percent of its participants being parents whose children are presently in or have in the preceding 5 years been enrolled in a day care program.

My proposal would allow up to 25 percent of the enrollment in any child care program to be composed of children of parents other than those who qualify for Federal benefits. Studies have shown that a socioeconomic and racial mix of children provides a better atmosphere for development of all children concerned.

In providing services within a community the Corporation would be required to take into account any comprehensive planning for child care which has been done and would be generally restricted in the direct operation of programs to situations in which public or private agencies are unable to develop adequate child care. The Corporation would also have authority to provide advice and technical assistance to persons desiring to enter into an agreement for the provision of services to assist them in developing their capability to provide services.

A National Advisory Council on Child Care would be created and expanded to include the Director of the Office of Economic Opportunity and broadened to eliminate the requirement that only one member of an assistance recipient organization can serve.

12. ELIMINATION OF STATE RESIDENCY REQUIREMENTS

My amendments eliminate H.R. 1's residency requirements. The Supreme Court has consistently held such requirements to be unconstitutional. The Court this month rearmed an earlier case which found residency requirements unconstitutional restrictions on the right to travel and a violation of the equal protection clause. The Supreme Court found such requirements to be "invidious distinctions" between classes of citizens which cannot be justified even for the purpose of State welfare cost savings.

From a practical standpoint such restrictions have little effect on welfare rolls or costs. A recent study in New York indicated that the vast majority of people who go on welfare do so only after several years of working at menial jobs or of living in crowded apartments of friends and relatives who have jobs. In fact, of New York State's 1.7 million public assistance recipients as of January 1971, only 11,000—mostly children—or less than 1 percent had gone on welfare after living in the State for less than a year.

13. ADMINISTRATIVE PROCEDURES AND RECIPIENTS' RIGHTS

Existing HEW regulations governing administrative procedures are generally comprehensive and fair. Some provisions in H.R. 1 would unnecessarily alter these regulations to the detriment of the needy or add needless restrictions.

My amendments would remedy this situation as follows:

A. TERMINATION OF BENEFITS

H.R. 1 would terminate benefits automatically unless a family submitted a report within 30 days after the close of any quarter during which it received benefits, containing any information on income and expenses necessary for determining what the correct amount of benefits should have been. In view of *Goldberg* v. *Kelly* (397 U.S. 254 (1970)) which invalidated arbitrary terminations of payments without hearings, the automatic cut-off provisions of H.R. 1 rest on tenuous constitutional ground. As Goldberg pointed out:

> To cut off a welfare recipient in the face of . . . "brutal need" without a prior hearing of some sort is unconscionable, unless overwhelming considerations justify it . . . Against the unjustified desire to protect public funds must be weighed the individual's overpowering need . . . not to be wrongfully deprived of assistance.

Since 46 percent of all disputed welfare administrative payment determinations are reversed after hearings, the onus of administrative mistake, when it manifests itself as a wrongfully eligibility determination, should not fall on eligible but wrongfully rejected applicants who may literally starve while awaiting a hearing.

I will therefore reinsert the Administration's original language for H.R. 1, which assured continued welfare payments while hearings were held to settle disputed claims. Such a change would protect legitimate recipients from the disaster of a total cutoff while allowing the Secretary of Health, Education and Welfare to use his power to bar patently frivolous claims.

B. WRITTEN OPINIONS REQUIRED

My amendments would require that a written opinion detailing the reasons for any administrative determination affecting a welfare recipient be submitted promptly to the claimant. Recipients, whose very lives may be at stake, should not be subject to the whim or caprice of an impersonal administrative bureaucracy. All rights and responsibilities of welfare recipients should be clear and justifiable.

C. RIGHT TO COUNSEL

Every claimant would be assured of the right to counsel of his own choosing by my amendments, assuring recipients that they could rely on the increasing number of welfare "lay advocates"—nonlawyers who have specialized in both the legalities and practice of welfare law. These people serve without charge and have enabled many recipients to cope with the bureaucratic welfare maze on a more equitable basis.

The broad language of H.R. 1 limiting representation in welfare hearings to those who possess certain undefinable qualities of character and reputation may easily be used to prevent participation in the hearing process by members of groups organized to aid welfare recipients.

D. STANDARDS FOR HEARING EXAMINERS

H.R. 1's provision waiving standards for welfare hearing examiners would be eliminated under my amendments. There is no reason why such an examiner should not be as qualified as any other examiner.

E. INCOME REPORTING

Under the plan proposed by the President in his original Family Assistance Plan and adopted by the House in April of 1970 an equitable system of determining eligibility and payment levels would have been established. The basis for welfare payments would have been the estimate the Secretary of Health, Education, and Welfare made of the income a family would have during each quarter. For future payments, this estimate could be redetermined as the Secretary became aware of changed circumstances.

My amendment will reinsert the President's original language. There will remain an obligation on the part of the welfare recipient to report changes in circumstances affecting need and eligibility in any event, thereby making H.R. 1's mandatory quarterly reports of income superfluous.

The harsh $25, $50, and $100 penalty provision for failure to file income reports would also be stricken from the bill under my amendments. The provision is indiscriminate since penalties apply for failure to file even in cases where a failure to furnish information results in receipt of lower benefits than a family is entitled to.

F. REREGISTRATION FOR BENEFITS

H.R. 1 requires recipients to reregister every 2 years to allow HEW to review and study the problems of the long-term poor. My amendments would place the burden on the Secretary to take the time to select these cases for study rather than on the recipients.

G. STEPPARENT LIABILITY

My proposal would eliminate H.R. 1's provision which makes stepparents of FAP children liable for support payments apparently under the assumption that the stepparents' income is available to the entire family. This will only encourage stepparents to leave home to enable the family to receive benefits. This regressive provision encourages family dissolution and in reality leaves the mother to provide for the family by herself.

HEW's regulations now require that nonavailable income of a household not be attributed to a family unless that person is liable under a State law of general applicability for the support of someone in the family. My proposal would follow the HEW regulation and eliminate the legal fiction, held unconstitutional in 1970 by the Supreme Court in *Lewis* v. *Martin* (397 U.S. 552), that the income of a stepfather or "man assuming the role of spouse" was available to the entire family. Under current law in all but one State a stepfather need not support his wife's children unless he adopts them. A harsher rule will act as a disincentive to marriage and family stability. Nothing more should be done to undermine the social structure of this society.

H. INCOME CALCULATION

One of the little known but inequitable provisions in H.R. 1 concerns the method for determining the amount of benefits. Under the current Social Security Act, payments are to be based upon current needs. This has been interpreted in present HEW regulations to mean that in determining benefit levels and the level of family income "only such income as is actually available for current use on a regular basis will be considered, and only currently available resources will be considered."

Unfortunately, H.R. 1 budgets for families are not computed according to current need. They are computed on a quarterly basis and any income, in excess of exempt income, received during the previous three quarters is to be deducted from benefits due for the current quarter. This means that upon becoming eligible for assistance, a family will be presumed to have saved all income for the past 9 months in excess of payment levels, in anticipation of entitlement for benefits. A family thrown out of work will thus have to wait up to 9 months before it becomes eligible for any payment, regardless of ability to meet current needs.

Other versions of the Family Assistance Plan intended income to be based on current quarterly needs with Secretarial discretion to reallocate income by period in order to provide a more equitable method of accounting. My amendment will restore the original language of FAP.

I. SIMPLIFIED ELIGIBILITY DECLARATION

My amendments will provide for a simplified declaration process of need to determine initial eligibility. Welfare fraud is present for less than 1 percent of all recipients, a figure commensurate with white-collar crime. Furthermore, HEW studies have demonstrated that the amounts saved by a simple declaration process far exceed any moneys disbursed to ineligible recipients.

A simplified declaration does not mean there will be no checks on eligibility. The new procedure uses a simple, objective form to be filled out by the applicant which is used by the agency to determine initial or continuing assistance eligibility. This replaces the detailed, time-consuming caseworker study of each individual situation that was formerly used. These inquiries often entailed collateral investigations involving issues not related to the financial situation of the applicant and the need for a money payment. Just as is the case with Federal tax returns, applications will be selected for audit to assure compliance with all the regulations for eligibility.

The simplified declaration is not a new idea. Several States have a simplified method for all public assistance programs and the evidence, according to the Public Welfare Reporting Center of the National Study Service, is that the systems, properly developed, work well and meet the objectives of simplicity, efficiency and economy, and full respect for the rights and dignity of applicants for assistance.

The Federal Government has already experienced success with a simplified declaration method, first when medicaid was expanded by many States to include the "medically indigent" and secondly in the requirement of its use for services provided under the work experience and training program under title V of the Economic Opportunity Act.

J. INCLUSION OF MIGRANT WORKERS

A family is defined in H.R. 1 as two or more related persons living together in a place maintained by one as his or her home, who are U.S. residents and one of whom is a citizen or permanent resident alien. The definition "maintained as a home" is expanded and clarified under my amendments to assure that migrants and others of unfixed domicile are not excluded under a rigid interpretation of this section.

K. COVERAGE FOR POOR STUDENTS

Another arbitrary definition absolutely excludes any family whose head is an undergraduate or graduate student "regularly attending a college or university". This arbitrarily prevents any recipient from pursuing a higher education, even though within a brief period his or her earnings potential would rise far above dependency levels.

Denying this segment of the population assistance for a period which is certain to be of short duration serves no purpose and may prevent an individual from completing the education necessary to compete successfully in American society. The exclusion would even exclude from eligibility a family head who might be working or willing to work full time and study part time, at his own expense, on a scholarship, or even at a free public institution.

Current aid programs do not preclude college attendance. Under the WIN program, for example, recipients can regularly attend college under an administrative determination that this is the best "employability" plan for them. To assure that assistance is based exclusively on need, my amendments would eliminate this arbitrary exclusion.

L. UNIFORM ASSISTANCE FOR ALL NEEDY AMERICANS

Additional provisions I am introducing make FAP eligibility and reporting requirements more akin to adult category guidelines. The Secretary of Health, Education, and Welfare will be required to develop a single, uniform and simple eligibility determination for all public assistance recipients, whether in the "adult" or "family" category. His report and recommendations will be sent to Congress no later than January 1, 1974.

14. ELIMINATION OF DISCRIMINATORY PROVISIONS AGANST PUERTO RICO AND OTHER U.S. POSSESSIONS

Under H.R. 1, grants to welfare recipients in Puerto Rico, the Virgin Islands, and Guam are substantially lower than in the rest of the United States. Payments are only required to bear the same ratio to FAP as the ratio of per capita

income of these insular entities bears to the lowest State per capita income. For example, if per capita income in these territories is three-fifths of Mississippi (lowest in State per capita income), welfare payments would be three-fifths of $2,400 for a family of four, or $1,440.

Ironically, the cost of living in these territories is higher than in most parts of the U.S. Living costs in the Virgin Islands are 20 to 25 percent higher than in D.C. and in Guam they are 18 percent higher.

The average annual per capita personal income in Puerto Rico is only one-half that of Mississippi, the poorest of the 50 States, but Puerto Rico's cost of living is at least 10 percent higher than in the United States. While H.R. 1 generally attempts to equalize welfare payments between the States, these onerous provisions for territories in effect mean that the greater the poverty, the less we will do.

The argument that higher levels of assistance would put a majority of the territorial populations on welfare and cause a "regional dislocation of the economy" is frequently to justify special treatment of an island such as Puerto Rico. "Regional economies" and avoidance of disruption of the economic system mean little to the Puerto Rican family of six headed by an incapacitated father receiving $67.60 per month plus $1.25 per child and some food supplements or to the female-headed family of four receiving $46.20 per month, $1.25 per child and some food supplements.

Equitable welfare reform means providing assistance based on need, not on a tradition of living in tropical squalor. My legislation will allow the U.S. possessions to participate in America's welfare system on the same basis as the 50 States.

15. PROTECTION OF EMPLOYEE RIGHTS

This amendment would protect accrued rights of State and local government employees and aid them in obtaining employment. While this amendment does not freeze every welfare worker into the new welfare system, it provides protection for the accrued rights of workers "federalized" under the family assistance plan and assistance in obtaining new training and employment for those who do not continue employment under this legislation.

As the Federal Government assumes responsibility for the welfare system in America, it must be careful not to create a situation in which the administrators of the old welfare system become potential recipients under the new system. At least 90,000 public employees who presently perform the administrative functions under the current welfare system must be protected.

My proposal would provide protection of collective bargaining rights, salary levels, pension rights, seniority rights, credits for annual leave, and other terms and conditions of employment for those employees transferred to the Federal program.

Such protection as traditionally been provided by Congress, most recently in the Rail Passenger Service Act of 1970 which guaranteed employees' rights under the newly created Amtrak Rail System. Broad protection of employees' rights and benefits was also assured in the 1964 Urban Mass Transit Act.

Inevitably, a reformed welfare system will need fewer employees to administer it. For those employees who are not "federalized" my amendment will assure employment by the Federal or State government and pay for funds for the training necessary to carry out this purpose.

DEATH OF PRESIDENT TUBMAN

Mr. HUMPHREY. Mr. President, I would like to express my deep sorrow over the news of the death of the President of Liberia, William Tubman. President Tubman devoted a good part of his life to the development and welfare of his country. Under his Presidency, the economy of Liberia has grown and its natural resources of rubber and iron ore have been advantageously developed.

In addition to the economic boom which President Tubman helped to bring to his country, he was always attentive to the social development of Liberia. His administration developed a reputation for making great strides in the educational field.

His death is a great loss for his country and people throughout the world who looked to him with fondness and respect. Liberia stands today as a living monument to his labors. He died a statesman, a great President, and a beloved human being. The world mourns his absence and praises his achievements which stand stalwart against the tide of time.

Mr. President, I ask unanimous consent that the New York Times obituary on President Tubman and the quote from Secretary General Thant paying tribute to this great African leader be printed at this point in the RECORD.

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

PRESIDENT TUBMAN OF LIBERIA IS DEAD

LONDON, July 23—President William V. S. Tubman of Liberia, leader of Africa's oldest independent republic, died today at the London Clinic. He was 75 years old.

A Liberian Embassy spokesman here said Mr. Tubman underwent a prostrate operation today and died later from complications. The embassy said Vice President William R. Tolbert had been sworn in following news of Mr. Tubman's death.

A TIRELESS EXECUTIVE

(By Lawrence Van Gelder)

A portly, dapper man with a taste for Havana cigars and Scotch, William Vacanaret Shadrach Tubman was a talented, tireless executive who devoted his six terms as 18th President of Liberia to obliterating his nation's internal differences and to fostering its economic health. He was elected to a seventh term last May.

His vision unconfined by the borders of Africa's oldest independent republic, Mr. Tubman preached to other West Africans the need for cooperation among nations, for avoidance of stubborn nationalism, bigotry and class hatred and for an end to the squandering of energy on ancient quarrels.

Of the world at large, he asked peace and heed from the great powers to the voice of small nations. Speaking for Liberians in New York in 1954, Mr. Tubman said his countrymen felt "one of the fundamental and far-reaching developments of the present century to be the restless underdeveloped peoples of the earth and their unremitting demand for equal justice, national independence and opportunity to achieve their own economic security."

"These are questions that the big powers seem to feel are only theirs for solution," he said. "I seem to hold a different view. If the smaller nations that are in the majority are given an opportunity to express themselves, they might be able to advance some suggestions that may be helpful."

At his sixth inaugural, in the capital, Monrovia, on Jan. 1, 1968, Mr. Tubman denounced foreign subversion, called upon "developing and non-nuclear" powers to settle their disputes without risking intervention by the great powers and called upon the great powers to realize their responsibility to mankind and regard themselves as guardians of world peace through the United Nations.

Coming to office in 1944, Mr. Tubman—known to many of Liberia's million residents as "Uncle Shad" or "Brother Shad"—soon established himself as a shrewd and hardworking President.

During his first six years in office, Mr. Tubman entrenched the two policies to which he was to attribute his success in a retrospective assessment of his stewardship for 25 years in office.

These policies were the extension of full rights to the natives who account for more than 90 per cent of the population of Liberia, which is about the size of Ohio; and the maintenance of an "open door" to foreign investment.

TRAVELED EXTENSIVELY

In furtherance of the first policy, President Tubman, a member of Liberia's ruling elite of American descent, traveled extensively into the tropic fastnesses to forge links with tribal leaders and to quell their rivalries. Taking offense at the "Americo-Liberians" for the country's leading families, he outlawed it, saying, "We are all Liberians."

Broad economic and development and modernization in Liberia began during World War II, when the country was one of the main suppliers of natural rubber for the Allies and was also an important link in the air transport system. As American money and manpower flowed in, a big airport, new seaport facilities at Monrovia and modern highways were developed.

Both large and small developments in Liberia engrossed Mr. Tubman, and it was often noted that the President kept a keen eye on expenditures, approving the outlay of minuscule sums.

Close associates said he was up every day at 6 A.M. and busy dictating letters to two secretaries by 8 A.M. From 10 A.M. to about 2 P.M., on a typical day, he would see visitors, and from 5 P.M. until 7 P.M., after a three-hour lunch and rest period, he would continue work.

In the early days of his tenure, Mr. Tubman was often to be found on the back porch of the then ramshackle executive mansion, calling out to passers-by to stop for a chat. His accessibility to the people played a large part in the popularity that enabled him to run up overwhelming margins of victory even in a country where virtually no official opposition existed.

In 1959, for example, Mr. Tubman received 530,566 votes, while his opponent, a former judge named William Bright, polled 55.

IMPROVEMENT OVER 1955

For Mr. Bright, who said he ran against Mr. Tubman to make the event sporting, the 1959 showing was an improvement over his showing in 1955, when he received 16 votes to Mr. Tubman's 256,940.

Most of Mr. Tubman's closest associates were, like him, descendants of American Negroes, and their social life centered on the President and the exclusive Saturday After-

noon Club in Monrovia, which Mr. Tubman founded and limited to 30 members. When he was among the guests, lights on the clubhouse roof signaled his presence.

The club's sessions were sometimes marked by the appearance of members on its terrace, where they sat with cooling drinks and blended their voices in barbershop harmony.

Mr. Tubman, the son of Alexander Tubman, a Methodist clergyman descended from early settlers, led a country founded in 1822.

Liberia had its origins in the efforts of several American philanthropic societies to make permanent provision for freed American slaves. Yet, in 1930, a League of Nations commission found Liberia, a League member, guilty of failing to halt the sale of its people into slavery to cocoa planters on the Spanish island of Fernando Po. The then President Charles D. B. King and Vice President Allen N. Yancy were compelled to resign and Mr. Tubman was forced to quit the Liberian Senate as a result.

Mr. Tubman, whose mother, Elizabeth Rebecca Barines Tubman, emigrated to Liberia from Atlanta in 1872, was born on Nov. 29, 1895 at Harper, Maryland County, Liberia. His father had come to the colony from Augusta, Ga., in 1834.

Mr. Tubman attended Cape Palmas Seminary and Cuttington College, Methodist institutions in Harper. He read law and was admitted to the bar. He also taught school for a time. He joined the True Whig party, which had been in power since 1878, and was elected to several legislative posts, among them the Liberian Senate, which was modeled on the United States Senate.

PARTY LEADER EXILED

He was first elected President on May 6, 1943, and after the leader of the opposition Reformation party was exiled in 1950, he had little to fear in the way of political opposition.

He paid several visits to the United States, and when, as President-elect, he and President Edwin Barclay returned a visit by President Franklin D. Roosevelt in 1943, they became the first Negro guests to spend the night in the White House since Booker T. Washington visited President Theodore Roosevelt in 1901.

On the final journey of his career, Mr. Tubman arrived in London on July 4 with his wife, Antoinette, for medical treatment.

Mr. Tubman married three times. His first wife was the former Arminta Dent. By his subsequent marriage to Martha A. R. Pratt in 1935, he had five children. In September, 1948, he married Antoinette Padmore, a granddaughter of former President Barclay. In addition to his widow, he is survived by five daughters and two sons.

THANT LEADS TRIBUTES

UNITED NATIONS, N.Y., July 23.—Secretary General Thant led the diplomatic community here today in expressing condolences to the people and Government of Liberia over the death of President Tubman.

The Secretary General sent his personal message to Secretary of State Rudolph Grimes.

George Bush, chief United States delegate, lauded the Liberian President as "statesman, jurist and leader of African freedom" in his message of condolences. He said:

"We knew him not only as a great leader of his country but particularly here as a profound believer in international organization and a stanch supporter of the work of the United Nations."

UNIFORM CARGO LOSS REPORTING ORDER BY INTERSTATE COMMERCE COMMISSION

Mr. BIBLE. Mr. President, I invite the attention of the Senate to what I believe is a most significant first step taken this week by the Interstate Commerce Commission to combat the growing crisis posed by the theft, pilferage, and hijacking of truck, air, rail, and ship cargo—a racket that cost American shippers conservatively last year more than $1 billion in losses, a 17-percent increase over 1969.

On July 21, the ICC issued its order requiring the quarterly filing of freight loss and theft data from the country's 1,500 class I motor truck common and contract carriers, representing 75 percent of all ICC-regulated intercity tonnage. The data will be by commodity and provide for the first time statistical facts about the extent and scope of losses sustained by that industry and their impact on the shipping public as a result of the theft of goods moving in commercial channels nationwide.

When the Small Business Committee, of which I have the honor to be chairman, opened its hearings 2 years ago into the impact on small business of increasing cargo thievery in all transport modes, one of our greatest surprises was to learn that no governmental agency and no private trade or service organization keep records of theft losses, total tonnage or the value of cargo shipped in this country. Consequently, any accurate totals of crime-oriented losses are difficult to project because there are no uniform loss reports requiring data of this kind.

Our committee, in a report to the Senate, recommended that such reports should be required as a basis for seeking to control a problem which has reached crisis proportions in the transportation industry.

We urged upon the Federal transportation regulatory agencies that they give consideration to the advisability of such uniform loss reporting statistics. Certainly, such information can point the transportation industry and Government toward constructive methods to solve the cargo crime problem, the real dimensions of which cannot be known or combated effectively without such facts.

It is true that the filing of new forms, as ordered by the ICC and as we hope will eventually be ordered by the Civil Aeronautics Board for air carriers, the Federal Maritime Commission for oceangoing vessels and the Interstate Commerce Commission for railroads and for the balance of the trucking industry, may be categorized by some as redtape. But this redtape may be favored over the redder ink on the carrier industry's books and on the higher crime-inflated bills paid by the buying public if nothing constructive is done to control growing theft losses.

May I take this opportunity to commend Chairman George M. Stafford and the other members of the Interstate Commerce Commission and its staff for their affirmative step in authorizing uniform loss reports. I believe this leadership in the transportation industry will be more substantiated in the future than it is today. It seems to me this is an example of a regulatory agency functioning not only to assist the problems of the industry it regulates, but also an affirmative effort to meet the needs of the public affected so substantially by growing cargo losses.

We are hopeful that the results of this reporting procedure will demonstrate that it should be widened to include class 2 and class 3 motor carriers so the entire industry can be covered.

I wish to commend the American Trucking Association for its far-sighted, realistic attitude in this matter and its support of the reporting procedures. That same attitude has not yet been demonstrated by the Air Transport Association, representing some 25 or more domestic airlines, who complained in a filing before the CAB that the reporting would be too burdensome in what we believe are some of its most important aspects, such as, first, the designation of shipments as either domestic or international, and second, the separation of loss claims as air or ground movements.

We suggest the airlines do not want to differentiate domestic and international shipments because it might be highly embarrassing for totals to reveal the high incidence of domestic shipment claims, where airlines are reimbursed losses at 50 cents per pound or no more than $50 per package, while international losses are reimbursed at $7.52 per pound. We hope our pending bill, S. 1763, introduced on May 4, 1971, may prompt the CAB to increase the domestic airlines' loss liability rate and thereby conform it to current truck, rail and steamship cash value loss liability practices rather than the loss compensation rate of the horse and buggy days now permitted for airlines.

Particularly, we believe higher liability rates would serve as an incentive for airlines to improve their security practices because today's domestic reimbursement rate is grossly unfair to the shipping public.

Second, the airlines want their air and ground movement losses reported together rather than separately, thereby precluding an incisive look at precisely where these tremendous losses are occurring at some airports.

We wish to commend both the Honorable Secor D. Browne, Chairman of the Civil Aeronautics Board, and its members, and the Honorable Helen Delich Bentley, Chairman of the Federal Maritime Commission, and its members, for their cooperative attitudes in this area and their diligent, affirmative efforts in working toward effective uniform loss reporting.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks a copy of the ICC's report and order together with a copy of an explanatory news release thereon from the ICC and a copy of a letter from the committee to the Interstate Commission almost 1 year ago urging its consideration of a loss reporting procedure which has now been authorized.

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

LOSS AND DAMAGE QUARTERLY REPORTS REQUIRED OF CLASS I MOTOR CARRIERS

Interstate Commerce Commission Chairman George M. Stafford announced today a plan that will require the country's Class I motor carrier of property to file quarterly

reports of freight loss and damage claim, highlighting those caused by theft and hijacking.

Today's decision, was reached in Docket No. 35345, Quarterly Report of Freight Loss and Damage Claims, and it is estimated that 1,500 Class I motor carriers of property will file the required quarterly reports commencing with the period October 1, 1971-December 31, 1971.

Class I motor common carriers of general freight will be required to report the number of dollar value of claims paid for losses and damages suffered, according to several categories, and identified as to commodity. In a second schedule to be filed by all Class I motor carriers, special analysis is required of claims paid for losses from theft and pilferage and hijacking identified as to location by state, and a third form to be filed by all carriers provides an analysis of claims processed.

The reports will provide the Government and the public with essential information as to articles of freight that have been lost because of theft. Additionally, the new reports will provide valuable information required by the Senate's Select Committee on Small Business and crime prevention agencies for use in fighting the growth of stealing and hijacking in the transportation industry.

WASHINGTON, D.C.,
August 19, 1970.

Hon. GEORGE M. STAFFORD,
Chairman, Interstate Commerce Commission, Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware from recent correspondence that we have exchanged, based on the investigation of truck highjacking and cargo theft that the Senate Small Business Committee has been conducting, I feel that a periodic, uniform loss reporting system is essential if we are to ever fully understand the true extent of this problem, and its impact on the transportation economy and the shipper-consumer. Periodic, uniform loss reporting by commodity would be a significant factor in the development of a law enforcement response to crime against goods moving in surface transportation. A loss reporting system would also provide a basis on which the Federal Government as well as the surface carriers might develop improved loss prevention systems and thus provide for better safety and security of cargo.

Title 49, Part 1207 of the *Code of Federal Regulations.* Section (e) requires all Class I and II carriers to maintain a freight claims register showing each cargo loss and damage claim received. This provision requires that the claim be assigned a number and that it indicate the commodity for each claim.

After reviewing this regulation and discussing it with experts in the transportation community, I feel that this claims register would provide a sound basis on which to establish a mandatory, periodic, uniform loss reporting system. I therefore urge that you as Chairman of the Interstate Commerce Commission consider a rule-making proceeding to require that Class I and Class II trucking companies submit to the ICC at least once every quarter a compilation of all claims entered on this register stating the reason for claim, i.e., loss, damage, or theft where the fact has been established; the commodity; and the actual cash value of the item(s) involved.

These reports could then be compiled and issued by the ICC and would provide the first significant data with respect to cargo loss, theft, and pilferage.

As I indicated to Commissioner Walrath, who appeared before this Committee on June 25, I would be inclined to assist you in seeking whatever means might be necessary to accomplish this program.

I urge your serious consideration of this proposal, as I am convinced that trucking theft and highjacking losses are now approaching, according to some estimates, $1 billion a year and are a clear and present danger to the economic security of the surface transportation industry. I appreciate your prompt attention to this proposal.

With all best wishes.

Cordially,

ALAN BIBLE,
Chairman.

[No. 35345—Decided July 6, 1971]

QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

Proposed quarterly reporting of freight loss and damage claims by motor carriers of property approved as modified. Appropriate order entered.

REPORT AND ORDER OF THE COMMISSION

BY THE COMMISSION

The Commission served a Notice of Proposed Rule Making, November 27, 1970, pursuant to the Administrative Procedure Act, 5 U.S.C. 553, and sections 204 and 220 of the Interstate Commerce Act, stating the Commission has under consideration a requirement that all motor common and contract carriers of property having average annual operating revenues of $1 million or more file quarterly reports of freight loss and damage claims, effective with the first-quarter period ending March 31, 1971. Representations were to be filed within 30 days of publication of the notice in the Federal Register, December 3, 1970 (234 F.R. 18402). The filing date was extended until March 1, 1971, by notice, December 28, 1970.

The proposed reporting of freight loss and damage claims is to be accomplished through the filing of form QL&D, Quarterly Report of Freight Loss and Damage Claims. The report form is divided into three parts, designated as schedule A, Loss and Damage Claims Paid; schedule B, Analysis of Theft; and schedule C, Analysis of Claims Processed. Schedule A calls for the reporting of the number and dollar amount of claims paid during the quarter by commodity and reason for payment. Schedule B calls for the reporting of each claim paid during the quarter in the amount of $100, or more, as the result of theft or hijacking, with an indication of where the theft occurred. Schedule C calls for an analysis of the number of claims received and processed during the quarter, and related information.

Numerous representations were filed both in support and in opposition to the reporting proposed. A number of the representations basically in support of the proposed reporting raise objections to specific parts of the reporting and offer modifications for consideration.

Settlement of loss and damage claims between shippers and carriers is a problem as old as the first established for-hire transportation service. In recent years, this vexing problem has been further aggravated by ever increasing losses associated with theft, pilferage, and robbery. The theft problem has drawn the attention of Congress, and specifically the Select Committee on Small Business, United States Senate. The chairman of that committee called the Commission's attention to the demonstrable lack of hard statistical facts relative to the extent and scope of losses sustained by industry as a result of theft of goods moving in the Nation's various commercial channels.

The Commission has long recognized that claims from all causes, including theft, has resulted in increased concern by the users of public transportation service. The Commission has instituted various proceedings establishing rules and regulations for claims matters; however, there is no uniform reporting system which adequately shows the results obtained. This resulted in the institution of this proceeding.

REPRESENTATIONS, VIEWS, AND ARGUMENTS

American Trucking Associations, Inc. (ATA), filed in support of the basic uniform theft reporting system as a general proposition. However, exceptions to the proposed form and instructions were advanced. Exclusion from the reporting proposed is sought for contract carriers, and these specialized common carriers: Automobile transporters, heavy haulers, household goods carriers, oilfield haulers, steel haulers, and tank truck carriers. ATA avers the freight transported by these carriers is not susceptible to theft or hijacking owing to the nature of commodities transported or operating methods, and that losses due to damage may be subject to special arrangements between shipper and carrier, often not being treated as claims and reimbursements.

ATA's recommendations for technical changes in the forms and instructions, designed to provide more meaningful data and reduce the carrier reporting burden, will be discussed later where necessary to this report.

The following organizations, most of which are affiliated with the ATA, filed representations on behalf of their membership proposing exclusion of carriers performing certain types of motor property services from the reporting requirements under consideration: American Movers Conference; Contract Carrier Conference; National Automobile Transporters Association; Heavy-Specialized Carriers Conference; and National Tank Truck Carriers, Inc. Several individual carriers filed for exclusion from reporting freight claims data for carriers performing specific types of service, including Allied Van Lines, Inc., and Wheaton Van Lines, Inc., both carriers of household goods. All these representations generally repeat the ATA position regarding carrier exclusion. American Movers Conference and Wheaton Van Lines indicated the Commission has in effect special rules governing the transportation of household goods, including rules governing loss and damage claims (49 CFR 1056), and in their opinion, therefore, household goods carriers should be excluded from the proposed reporting.

The Texas Motor Express and Film Carriers Association proposes that claims of $50 or less, or claims of 100 pounds or less per shipment be exempt from schedule A, and proposed schedule C, columns A and B.

A number of motor carriers filed representations endorsing the proposed reporting and offering technical suggestions for improvement of the reporting. Many of the suggestions proved helpful in developing the final reporting format and instructions. The carriers will recognize the changes adopted as a result of their submittals. One significant suggestion which we will adopt is a change in the due date for filing reports from 30 days to 40 days in order to allow carriers additional time to compile the data required and to avoid a conflict with the filing time of other required motor carrier quarterly reports.

Several shippers or shipper associations filed in support of the proposed reporting, including The National Industrial League (NITI), National Association of Food Chains (NAFC), and Millers' National Federation.

Among other things, NAFC states that the positive action of the Commission in requiring carriers to report on theft and damage claims should prompt the carriers to devote more attention to the problem, and indicate the full scope of the problem so appropriate local, State, and national authorities can pinpoint their efforts where outside help is desirable. We agree and believe the report-

ing will give expression to these desirable goals.

Approximately 2 percent of about 1,500 carriers which may ultimately become subject to this reporting filed in outright opposition based on the cost burden of preparing the reports. Typically, attorneys for Churchill Truck Line, Inc., Dodds Truck Line, Inc., and Darling Transfer, Inc., say the reporting would constitute an undue burden on motor carriers, especially smaller carriers, and out-of-pocket costs might amount to as much as $9,000 per year. They aver the Commission does not have authority to adjudicate claims against motor carriers, the making public of these data might reveal competitive shipper information, the handling of claims is a legal matter, the attempt by the Commission to minimize the reporting burden by making arrangements for reporting on magnetic tapes or cards for computer processing is of little use except to large carriers with extensive computer systems, and the reporting would be just one more burden upon the small carrier already hard put to maintain adequate service to the public and realize a fair, reasonable profit.

Finally, two replicants, Kraft Foods and William P. Sullivan, raise questions as to the desirability of this reporting in light of Ex Parte No. 263, Rules, Regulations and Practices of Regulated Carriers with Respect to Processing of Loss and Damage Claims. Kraft believes the proposed reporting is premature until such time as Ex Parte No. 263 is completed. Sullivan inquires whether the Commission has authority to require carriers to keep and disclose the claims data. He further says that the Commission's restricted budget leaves doubt on the desirability of the Commission involving itself in this type of reporting until Congress gives a clear indication as to what governmental body is to be given clear statutory authority and financing necessary for this function.

DISCUSSION AND CONCLUSIONS

The reporting of freight loss and damage claims herein under consideration is being carefully developed by reviewing governmental needs for theft data. Commission requirements for claims handling information, the interests of the regulated motor carrier industry for claims data, and the interests of shippers. The reporting proposed represents an initial, practical attempt to gather the best possible information consistent with reasonable standards of reporting and burden. As the result of views expressed by numerous parties, we have modified our original reporting proposal to lighten the reporting burden to the maximum extent feasible and yet provide the useful and required data.

The requirements for reporting claims paid by individual commodities in schedule A, form QL&D, will be confined to common carriers of general freight. Although we have no statistical proof, these carriers are represented as being more subject to claims than other groups. Further, common carriers of general freight are familiar with the commodity codes since the commodity descriptions are derived from coding required of them in annual reports of freight commodity statistics, form TCS (49 CFR 1248). Exclusion of contract and specialty carriers from the requirements of schedule A will preclude the possibility of any disclosure of shipper information prohibited by section 222(e) of the I.C. Act.

Some carriers objected to our use of commodity codes based on the Standard Transportation Commodity Code (STCC), indicating a preference for the ATA commodity descriptions used in ATA form FCS-1. The reporting being developed is designed as the forerunner of similar reporting under consideration for several other modes of transportation; for example, the Civil Aeronautics Board has under consideration establishment of reporting of freight loss and damage claims by air carriers. For comparative purposes, it is essential that uniform reporting be based on standardized commodity descriptions. The STCC is the only such code available recognized as the Federal standard. The commodity descriptions for use by motor carriers in reporting on schedule A, therefore, are derived from and compatible with the STCC. The codes have been adapted to the characteristics of freight transported by common carriers of general freight, particularly those commodities known to cause claims. The commodity code is little different from that on ATA form FCS-1. The National Freight Claims Council expects to publish tables for converting National Motor Freight Classification numbers to the STCC commodity descriptions. We believe the code will become the standard for claims reporting by the motor carrier industry. However, the code is flexible and may be modified as conditions change.

Both schedule B and schedule C of form QL&D will be required of all carriers subject to the Commission's rules in this proceeding. To simplify the reporting, the distinction between truckload and less-than-truckload shipments initially proposed was eliminated from schedule B requirements. Schedule C was simplified by eliminating the requirement that claims on hand and received during the quarter be screened for the cause of the claim. This was represented by carriers as the proposed reporting requirement which would have been the most troublesome and expensive to meet.

The initially proposed instructions have been revised, as appropriate, to provide that each respondent carrier will report its portion of liability for losses paid to claimants. This eliminates the need for reporting insurance recovery payments in schedule C, and will more accurately reflect each carrier's claim experience in all areas of the report form.

As indicated, we are not moved to exempt other than general freight carriers, such as contract carriers or household goods carriers, from the basic reporting of claims data called for in schedules B and C. While representations were made saying carriers performing specialized services were not prone to theft and hijacking, there is no statistical proof substantiating the allegation. One of the major objectives of this reporting is the gathering of such evidence, and to leave out large groups of carriers would be self-defeating. Under prescribed accounting rules, all class I and class II co⁻⁻mon and contract carriers are required to maintain a freight claim register of cargo loss and damages showing each claim received, name of claimant, kind of commodity, date paid or disallowed, and reasons and other pertinent information (49 CFR 1207.22). Carriers in compliance with this requirement should experience little difficulty completing form QL&D, as revised, at minimum cost.

In our opinion, there is no question here as to the Commission's authority to require the reporting under consideration. Section 204 of the I.C. Act gives the Commission the power and duty to regulate both common and contract carriers by motor vehicle, to establish reasonable requirements with respect to accounts, records, reports, et cetera. Section 220 authorizes the Commission to require annual, periodical, or special reports from motor carriers; to prescribe the manner and form of such reports; and to require full, true, and correct answers to all questions upon which the Commission may deem information is to be necessary.

Provisions for the reporting of freight claims data on magnetic tape or punch cards suitable for computer processing remain under advisement. If adopted, instructions for computer reporting will be issued to carriers administratively, and will be made available to the carriers at the carrier's option.

We are aware of the investigation in Ex Parte No. 263, and are of the opinion there is no conflict between that proceeding and this reporting. In fact, this reporting may ultimately be an aid in that proceeding. ATA recognizes in its representation that the proposed reporting will provide information useful to a proposed Commission on Security and Safety of Cargo,[1] as sponsored by Senators Bible, Dole, Harris, Javits, Nelson, Randolph, and Williams; and that it will provide information of motor carriers' complete cargo claims record. Such information cannot but be helpful to all investigations concerning cargo claims.

FINDINGS

On consideration of the matters presented, the Commission finds (1) the proposed reporting of freight loss and damage claims by common and contract carriers of property having annual operating revenues of $1 million, or more, should be approved and adopted with certain modifications; (2) all facts and views submitted by replicants not herein specifically discussed were considered and found without material significance or not justified; (3) all other relief sought and proposals advanced should be denied; and (4) the proceeding should be discontinued.

An appropriate order will be entered.

QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS—GENERAL INSTRUCTIONS

1. Under order of the Commission, all motor common and contract carriers of property with average annual gross operating revenues of $1 million, or more, are required to file quarterly reports of freight loss and damage claims, Form QL&D. Common carriers of general freight are required to complete and file Schedules A, B and C of Form QL&D; all other common and contract carriers of property are required to complete and file Schedules B and C of Form QL&D.

2. The reports must be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C., 20423, within 40 days after the close of each quarter.

3. The order contemplates the inclusion of all claims incurred in connection with interstate, intrastate, intercity and local shipments.

4. Reports should be prepared on a quarterly basis beginning with the first day of January, April, July, and October. Carriers that keep accounts on a 4-week instead of calendar-month basis may report three such 4-week periods in each of the returns for the first three quarters and the four remaining periods in the last quarter; carriers so reporting should note the fact under "Remarks", Schedule C.

5. Dollar amounts reported should be rounded to the nearest whole number, omit cents.

6. Enter the carrier's Service Classification Symbol in the space provided. (See Schedule 20, motor carrier annual report Form A.)

7. The Certificate must be completed by an officer of the carrier filing the report.

8. The first of the three enclosed copies contains the mailing label and is to be considered as the "original" copy. To assure proper indentification in the automatic data processing operation, it is imperative that the mailing label not be altered. Your company's name and address, as they appear on the mailing label, must be copied in the same block on the duplication copy returned to

[1] S942, 92d Congress, 1st session.

the Commission in the identical manner they are shown on the mailing label. If the name and address on the mailing label are incorrect in any detail, the correct name and address should then be inserted on the original and duplicate copies in the space provided to the left. The carrier's mailing address is the address where correspondence relating to accounting and reporting is to be directed, including P.O. Box number, if applicable.

[No. 35345]

ORDER

1249.15 QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

Title 49—Transportation.

Chapter X—Interstate Commerce Commission.

Subchapter C—Accounts, Records, and Reports.

Part 1249—Reports of Motor Carriers.

At a Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of July 1971.

On December 3, 1970, Notice of Proposed Rulemaking was published in the Federal Register (234 F.R. 18403) advising all interested persons that the Commission had under consideration a requirement for filing of quarterly reports of freight loss and damage claims by all common and contract carriers of property having average annual operating revenues (including interstate and intrastate) of $1 million, or more, from property motor carrier operations. After consideration of all relevant matters submitted by interested persons, the reports proposed are hereby adopted with modifications, as shown by the instructions and schedules attached to and made a part of this order. Wherefore, and good cause appearing:

It is ordered, That quarterly reports of motor carriers of property, form QL&D, Quarterly Report of Freight Loss and Damage Claims, as shown in appendix A attached hereto, are adopted and prescribed.

It is further ordered, That the reporting requirements prescribed hereby are applicable to all common and contract carriers of property by motor vehicles having average annual operating revenues (including interstate and intrastate) of $1 million, or more, from property motor carrier operations, based on the average of latest 3 calendar years.

It is further ordered, That the reporting requirements prescribed hereby are effective with reports for the quarter beginning October 1, 1971.

And it is further ordered, That service of this order shall be made on all parties that filed representations, on all class I motor carriers of property; and notice shall be given the general public by depositing a copy of this order in the office of the secretary of the Commission at Washington, D. C., and by filing the order with the Director, Office of the Federal Register.

(Secs. 204, 220, 49 Stat. 546, 563, as amended; 49 U.S.C. 304, 320.)

Supply of printed Form QL&D will be furnished later.

By the Commission.

ROBERT L. OSWALD,
Secretary.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

EMERGENCY LOAN GUARANTEE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the pending business, S. 2308, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 264, S. 2308, a bill to authorize emergency loan guarantees to major business enterprises.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, a great deal was said yesterday during the course of the debate about the position of Secretary Laird and Under Secretary Packard of the Defense Department on the matter of the Lockheed loan guarantee and/or the generic bill that is before the Senate, S. 2308. It seemed to be implied or intimated or actually asserted by the Senator from Wisconsin that actually the Secretary of Defense and Under Secretary Packard were opposed to the generic bill.

I should like to read a statement by Melvin Laird, Secretary of Defense, which was, I think, released at about 11 o'clock this morning.

The statement reads:

STATEMENT OF MELVIN LAIRD, SECRETARY OF DEFENSE, JULY 24, 1971

Some press reports which suggest that Deputy Secretary of Defense David Packard and I do not support the Administration's position on pending legislation regarding loan guarantees are erroneous and, in my view, unfair. The Department of Defense supports the legislation, and we believe it is in the best interests of our country for it to be promptly enacted into law.

In answer to a question yesterday I said that I am in full agreement with Deputy Secretary Packard's Congressional testimony on July 19 which included his support for the Administration's position.

Erroneous reports that the Department of Defense opposes the legislation are unfair to Mr. Packard, to the Congress, and to other interested parties.

Dave Packard and I are in agreement on all aspects of the matter, including our support for enactment of the legislation now pending before the Congress.

So, Mr. President, that should wipe out just about 15 or 20 pages of the RECORD of yesterday.

Mr. President, I have a further statement which is probably at just about this moment being released at the White House by the President of the United States so we can make certain what the position of the administration is. From President Nixon comes the following statement:

STATEMENT BY THE PRESIDENT

I fully support the legislation now before both houses of Congress to provide emergency loan guarantees for major business enterprises confronted with temporary financial stringencies.

The Administration originally sought legislation only to help the Lockheed Aircraft Corporation. That support is still needed very badly. But I have instructed Secretary of the Treasury Connally, in behalf of the Administration to accept the broader legislation. It would be most useful in providing a systematic procedure for helping any major business enterprise with temporary financial problems whose failure would adversely affect the economy of the nation or a region thereof.

The President is quoting here directly from the language in the bill.

I urge Congress to enact this legislation with all deliberate speed, and in any event, before the August recess.

Mr. President, the President of the United States has sounded the note of urgency on this piece of legislation. I think this is adequate justification for the fact that yesterday the senior Senator from Texas filed the cloture motion to be voted on Monday. I might note that if it fails on Monday the Senator from Texas or another Senator in this body will offer a further cloture motion to be voted on the following Wednesday.

The President has asked us to pass this legislation and to act on this legislation with all deliberate speed. I think the President, with all his resources—the Treasury Department, the Commerce Department, and other agencies of Government—is fully competent to determine the economic impact the failure of Lockheed would have on the economy of the country or a given major region of the country, such as southern California, Georgia, and perhaps others parts of the country. The President is competent to make this determination.

I do not believe the President would be in the position of supporting and urging deliberate speedy passage of legislation of this type, as controversial as this, if he were not convinced it is in the best interest and good of the people of the United States. I cannot imagine the President sticking his neck out on an issue of this type unless he was convinced the economic impact of our failure to act would be so great as to be deleterious to the general welfare of the United States.

Much has been said about the effect of the failure of Lockheed or a Lockheed bankruptcy on our pending or existing defense contracts with Lockheed. The opponents of this measure apparently were willing to accept what they considered to be the attitude of Mr. Packard and Mr. Laird on this generic bill—in other words the imagined attitude of Mr. Packard and Mr. Laird, which was more ephemeral than real—but they apparently are not prepared to accept the assertion on the part of Under Secretary Packard and others in the Department of Defense that this would have a deleterious effect on the ability of Lockheed to produce the defense goods that are so urgently required by our Military Establishment.

I think the Comptroller General of the United States, Elmer B. Staats, should be regarded as a pretty good authority on this matter. The Comptroller General of the United States, in a letter to Representative WILLIAM S. MOORHEAD on January 25, 1971—and that is before we got into this debate and argument—had this to say:

However, we should point out our understanding that the Trustee's obligation would

be to protect all of the creditors and that he could not operate the company solely for the benefit of one creditor, even the United States Government. Any of the creditors could petition the Court periodically for adjudication of their rights. In addition, there is a serious question whether the company would be required to perform its contracts with the Government. Further, there is a question as to the effect of chapter XI proceeding on Lockheed's subcontractors. The subcontracts were entered into in 1965 and 1966 when lower prices prevailed. If these subcontractors could terminate their agreements, the cost to the Government would increase substantially if the C-5A program were to continue.

Mr. President, that is the view of Elmer B. Staats, Comptroller General of the United States, who should be in a better position to know.

Now, Secretary Connally of the Treasury Department testified on June 7, 1971, on the various measures we had before us for emergency loan guarantees. This is what he said:

Another loser from a Lockheed bankruptcy would be the Federal Government itself. With respect to military procurement, for example, it is simply not practical to assume that Lockheed could go into bankruptcy without adversely affecting the cost of performing under existing contracts. This would result, if for no other reason, from the fact that a trustee could well find it impossible to carry out such contracts if to do so would require new capital, or would result in losses to the company's other creditors. Even if bankruptcy did not result in higher costs, it would inevitably result in substantial delays on military procurement under the rigid procedures required in reorganization or bankruptcy. Conversely, of course, a bankrupt Lockheed would hardly be in a strong position to bid on new defense contracts, particularly those involving any substantial outlay of investment funds.

Further, Secretary Connally testified on June 7, 1971, as follows:

Well, if Lockheed goes into bankruptcy, the trustee—and these particular contracts, in my judgment, and Professor Seligson can correct me if I am wrong—but the trustee cannot void these particular contracts in my judgment because they are "in the public authority."

Professor Seligson is the expert on bankruptcy who accompanied Secretary Connally.

I continue to quote from Secretary Connally's testimony on June 7:

I assume that this has never really been interpreted, but I assume this to be applicable to any contract in which the government is not compelled or required to perform under the contracts if additional cash is required to enable him to do so and if that cash is not available. He just says, that is too bad, I don't void the contract, but I am not going to produce under it, I can't produce under it.

Secretary Connally was interrogated by the Senator from Georgia (Mr. GAMBRELL), as follows:

Senator GAMBRELL. That is the essential problem it seems to me, in the case of bankruptcy, is if the trustee can't go on, they will either have to come to the government to get a guaranteed loan to finish the contract or it will have to be renegotiated.

Secretary CONNALLY. That is correct.

Senator GAMBRELL. So we may have them back here asking for a loan.

Secretary CONNALLY. The government will either have to put up the additional cash required to continue to produce under the contract or he has to renegotiate on such a basis where he can get financing to do it.

There is another factor, as a part of the settlement agreement with respect to the C-5A, the Cheyenne helicopter, and shipbuilding program between the Defense Department and Lockheed, there is a contingent liability of $100 million Lockheed has yet to pay to the Defense Department. As a result of that settlement agreement, and if indeed they go into bankruptcy, I think you can assume that that $100 million will be lost to the government.

Mr. President, the opponents of this measure have raised the implication that some $250 million of the poor taxpayers' hard-earned money is going to be shelled out as a gift to Lockheed. This is the impression I think they have tried to convey, perhaps unwittingly.

The fact of the matter is that if we guarantee this loan to Lockheed there will not be one penny from the pockets of the taxpayers of the United States. Indeed, they stand to make a little money off the guaranteed loan, because there is a fee involved which must be paid. As the Senator from New York (Mr. JAVITS) pointed out yesterday, the Government could actually make a little money off this guaranteed loan. The risk is virtually nothing, because the loan, to begin with, is adequately collateralized by the assets of the Lockheed Corp., in the first place; and, in the second place, the guaranteed loan will be the last money in to Lockheed and the first money to be paid out.

Something has been said about why these other bankers do not go ahead and underwrite the last $250 million. They have already underwritten over $400 million, and they were willing to subordinate their own rights to collateralization to allow the Government to go in first to retrieve the money that was loaned under the Government's guarantee. Not one dime is going out of the Federal Treasury, and 24 banks have said:

We are willing to take our chances; we are willing to let the Government have prior lien on the assets for collateralization purposes; we are willing to let them take the first payments out from Lockheed, and then we will wait to get our $400 million out of this venture.

The taxpayers do not lose a thing. They make a little money. If we fail to do this, it is going to cost the taxpayers. So I hope we will not hear any more emotional words about the poor little American taxpayer going in to bail out Lockheed and how much it is going to cost him, or potentially how much it is going to cost him. The tax writeoff alone is twice—twice—approximately, estimated by the Department of the Treasury, what we propose to guarantee here. So even if ultimately we did lose this $250 million, compare that to $500 million that will be lost if Lockheed goes under, to say nothing of the effect that it might have on individual employees or some subcontractors who perhaps do not figure into the tax figures that were cited by the Department of the Treasury.

Note also that it might cost us some additional money, not just in terms of tax dollars lost, but additional money if we do not keep Lockheed in the defense business. The Comptroller has already testified that it was going to cost us more probably, and that the ability of Lockheed to deliver on its defense contracts will be seriously impaired if Lockheed goes into bankruptcy.

Secretary Connally said that there is a contingent liability of $100 million that Lockheed has to pay to the Defense Department, and he said that if, indeed, they go into bankruptcy, one can assume that that $100 million will be lost to the Government.

If we are thinking about the poor taxpayer, we had better adopt this bill and adopt it quickly, because the taxpayer is going to pay through the nose if this loan guarantee does not go through.

Mr. President, I am really sorry that the distinguished Senator from Louisiana (Mr. LONG) is not here today. He made much of the fact that he had been tied up in committee and was not able to hear the debate; therefore, he opposed cloture because he wanted to wait until such time as he could be here. The Finance Committee is not in session this morning, and therefore I do not understand why Senator LONG is not here. He asserted that he had not made up his mind and would like to hear more of the debate. Perhaps there are other Senators in the same boat with Senator LONG, and perhaps some consideration should be given, since this is a vitally important matter and one that must be acted on with considerable urgency, to not allowing committees to meet during the course of consideration of this measure. I do not suggest that we should do that, but if, indeed, the Senators want to hear the debate, I think there should be adequate opportunity for them to come to the floor and hear it.

I think, again, that so many arguments have been reiterated so many times that when one reads the RECORD, one reads the same old story over and over again, that perhaps we have really exhausted everything new that can be said about this entire measure.

I am hopeful, therefore, that when the cloture vote comes on Monday, the Senate will in its infinite wisdom adopt this measure and will vote by two-thirds to close off debate so we can follow the injunction of our President to act on this measure with all deliberate speed.

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

Mr. TOWER. I yield to the Senator from Alabama.

Mr. SPARKMAN. We have heard Penn Central brought into this discussion from time to time. Now, we did provide $100 million in either a loan or a guarantee to Penn Central; did we not?

Mr. TOWER. I believe the Senator from Alabama is correct.

Mr. SPARKMAN. Does the Senator recall any particular difficulty in putting that through?

Mr. TOWER. I do not recall any difficulty in putting that through. I think there was absolutely no difficulty in putting it through.

Mr. SPARKMAN. Does the Senator know the relative size of Penn Central as compared with Lockheed so far as gross annual receipts are concerned?

Mr. TOWER. No, the Senator is not sure on that at all. He will be delighted to be enlightened by the Senator from Alabama.

Mr. SPARKMAN. I have in my hand a copy of the hearings which contain an article from Barron's Weekly of August 17, last year. I had that article placed in the hearings, and it is to be found commencing on page 109 of the hearings.

I remember one little statement I read in that article which startled me. I just did not realize it. I had heard the Secretary asked if it was not true that Lockheed was the biggest defense contractor. He said it had been right at the top of the list for some time. Certainly, it is one of our largest contractors in this country, but in that article in Barron's magazine, in which this whole situation is treated fully—I wish Senators would look at page 109 of the hearings and read that whole article in Barron's magazine—it states:

> Moreover, since Lockheed is five times the size of the Penn Central (in gross annual revenues), collapse would send shock waves through the business and financial communities. Finally, an organization of unique technological capability, critical to the safety of this country, would be thrown into disarray or lost forever.

Does not the Senator agree that that is an important statement?

Mr. TOWER. I think that is a very strong statement and certainly very pertinent to the debate going on at this moment.

Mr. SPARKMAN. And here is a company that was in trouble, just one-fifth as big as Lockheed, and Members of the Senate and of the House of Representatives agreed that it should have $100 million. Yet some of those who voted for that have fought the idea of a guaranteed program under which I was and am convinced the U.S. Government would not lose a cent. I have never known a proposition that was so amply protected as this was from the standpoint of the Government.

Mr. TOWER. The Senator from Alabama has had a long and distinguished career in the Senate of the United States. I might ask him if he can recall if at any point in time the Government, at such little risk, has been able to engage in a venture that would have as great an economic impact at no cost to the Government.

Mr. SPARKMAN. I do not. Of course, we have initiated programs from time to time that we did not know would turn out so well, but we did not know that at the time we were going into them.

I will refer again to the guarantee of loans to veterans. The Senator will remember the very liberal terms that were given under those loans, and the Government guaranteed them. Nowhere, in paying off those guarantees, did they hold themselves to a lesser degree of liability; they paid them 100 percent. We did not lose money; we made money on them.

The FHA insurance program was not as liberal as the VA guarantee program, but, nevertheless, we have made tremendous amounts of money that have been paid into the Treasury of the United States, and our whole guarantee program of $142 billion worth of outstanding loans has been wholly successful.

Does not the Senator from Texas agree with me?

Mr. TOWER. I certainly agree with the Senator, and no one should know better than the Senator from Alabama, who has had long experience of this kind in Government financing.

Mr. SPARKMAN. May I ask the Senator this question? He will recall that much has been said here on the floor of the Senate about Secretary Packard's testimony before the committee and what he was advocating, and so forth. I have heard it said time and again that the Secretary said that, so far as defense contracts were concerned, he had no misgiving about them; they could be carried right on.

As a matter of fact, I do not recall that Secretary Packard testified to that effect.

Mr. TOWER. I believe that his testimony was to the effect that, yes, they could be carried on, but it would probably be at a great deal more expense to the Government of the United States, and that there was a possibility that some deliveries could not be made.

He said it is within the realm of possibility for them to carry on, but when there are schedules falling behind, with additional costs of renegotiated contracts, heaven knows what can of worms we would get into. I think this is what Secretary Packard was trying to tell us.

Mr. SPARKMAN. The Senator is exactly right. Furthermore, let us not forget that the Defense Department has an unusual Form 8 by which it can help defense contractors in the form of V-loans; is that correct?

Mr. TOWER. That is correct.

Mr. SPARKMAN. And we know they have been put out, and have been of great help to defense contractors.

But furthermore, Secretary Packard took pains to point out in his testimony that it would not be good for the Government for Lockheed to go into bankruptcy. I think I can point out some things right here. He said:

> We did conclude that the Defense Department's interest in relation to the ability of Lockheed to supply needed defense products would be better served if bankruptcy could possibly be avoided. There were several reasons for this.
>
> First, there was the uncertainty in dealing with a company in bankruptcy.

He is talking about defense contractors here, because those are the ones he had been dealing with:

> Second, there was the possibility—and still is—of chain reaction effects because many suppliers and subcontractors of the L-1011 commercial program were and are also important suppliers and subcontractors for Lockheed on defense programs. Many of these firms could have serious financial problems if the L-1011 commercial program failed at this time.
>
> Third, there was the possibility, not the certainty, that the cost to obtain the defense equipment would be higher with the company in bankruptcy.

The Senator pointed that out. And a little farther on, he talks about the chain reaction. In fact, he spends, really, a whole page talking about the uncertainties of dealing with a company in bankruptcy. He is talking about it from the Defense Department's standpoint, from the standpoint of the Government of the United States.

Mr. TOWER. No one can predict how a trustee in bankruptcy is going to react to the various situations he is confronted by, once he is appointed trustee. No one can predict that.

Mr. SPARKMAN. If anyone wishes to read what I have been referring to, it is found on pages 134 and 135 of the hearings. I think it would make good reading for some Senators who have been saying things that do not jibe with this.

Secretary Packard says further:

> In respect to the second point, that is, the possibility of a chain reaction, the failure of suppliers, and other economic results of bankruptcy, we have looked over the list of commercial suppliers to the L-1011. Most of these commercial suppliers are also important contractors and subcontractors to the Department of Defense on important defense programs. They have investments in development and work in process for the L-1011 which are large in respect to their net worth, which is the key thing. It has to be looked at in that context, in terms of the impact of the loss on a particular company.

Mr. TOWER. Mr. President, if the Senator will yield, I would cite just one example of what can happen in this situation, if Lockheed goes into bankruptcy and the L-1011 program goes out the window.

The Menasco Co. has plants located at Burbank, Calif., and Fort Worth, Tex. They make the landing gear for both the L-1011 and the DC-10.

Their representatives testified it would not cause them to buckle and go under if the L-1011 program were killed, but they would lose $15 million, and would close the plant in Fort Worth, throwing 500 people out of work.

But they also said:

> We would not lose the entire $15 million. The Government would have to absorb about half of that in tax losses.

So this is just an example of one relatively small subcontractor as to which, if the L-1011 goes out, there is a tab for the taxpayer of $7.5 million in lost taxes.

Mr. SPARKMAN. And is that not true across this country? I wonder how many different States have either branches of Lockheed or contractors, subcontractors, or suppliers in connection with the L-1011.

Mr. TOWER. There are thousands.

Mr. SPARKMAN. And let me point out that most of them are small companies.

Mr. TOWER. Most of them are small businesses. That is another point that I intend to go into next week, all the emotionalism about small business and "Why don't we do something for small business?"

Wherever a big business is concerned,

there are first, second, third, and fourth tier subcontractors, and you get down to some very small businesses indeed that could go under as a result of our failure to act on this thing.

We have talked about the loss of tax revenue to the United States. I wonder if anyone has figured what the tax loss would be to State and local governments throughout the country which rely on these tax revenues to maintain their schools, build roads, and supply services to their citizens. I wonder if anyone has calculated that loss.

Mr. SPARKMAN. I thank the Senator. I did not intend to take this much time, but I thought there might be some misunderstandings on the part of the Senators by reason of what has been said relative to Secretary Packard's testimony.

Secretary Packard said, four or five times, "I recommend that the guarantee to Lockheed be made."

Mr. TOWER. Right.

Mr. SPARKMAN. And he spoke in favor of the legislation, did he not?

Mr. TOWER. He did. I thank the Senator for his contribution to the colloquy.

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

Mr. TOWER. I yield to the Senator from California.

Mr. CRANSTON. I want to express my appreciation for the work the Senator from Texas did between yesterday and today in clarifying the position of the administration on the pending legislation. I know that the Senator from Texas exercised great restraint in not commenting at once when we first heard about the remarks made by Secretary Laird. I wish to say that I imposed upon myself perhaps even greater restraint, because I was very disturbed when I heard the first report. The remarks could have done great damage, and if we had started to become too critical, I think that could have damaged our common cause.

I am delighted that the Senator has now made plain the position of the administration.

I think it might help to clarify one other point. There is same lack of clarity as to what is the administration bill. There was an original administration bill that was primarily designed to serve Lockheed's need, and had only $250 million authorized. Then a new bill was drawn, and I understand that the Senator from Texas and the chairman of the committee, the Senator from Alabama, and representatives of the Treasury Department—and hence the administration—worked on that new bill.

Mr. TOWER. That is correct.

Mr. CRANSTON. Hence I ask if the pending bill cannot be considered an administration bill.

Mr. TOWER. Yes. As a matter of fact, the statement I read earlier by the President of the United States said:

> We have adopted this bill. We have accepted the committee bill.

So in fact it can be considered the administration bill, and the administration has admonished us to please act on it with all possible diligence.

Mr. SPARKMAN. The pending bill.

Mr. TOWER. Yes, the pending bill, which is the committee bill.

Mr. CRANSTON. I thank the Senator from Texas. I would also like, with his assistance, to clarify one other point.

Press reports indicated, I think erroneously, that the Secretary of Defense and the Under Secretary of Defense, both men whom I respect greatly, felt that there are adequate provisions to aid defense companies generally that have economic problems. Is it not true that the bill we are talking about is by no means designed to aid defense companies, but is designed to aid companies in general?

Mr. TOWER. General. Anybody.

Mr. CRANSTON. With all sorts of responsibilities?

Mr. TOWER. Anyone.

Mr. CRANSTON. Companies whose failure would affect the national economy, and also companies whose failure might affect the regional economy?

Mr. TOWER. That is correct. Any company where the economy might be affected.

Mr. CRANSTON. Is it not true that the Defense Department does already have V-loans, to help defense contractors which get in trouble, and we do not have a similar mechanism for loans to nondefense contractors?

Mr. TOWER. The Senator is correct. I thank the Senator from California and I thank the Senator from Alabama, who have made valuable contributions to this colloquy.

Mr. WEICKER. Mr. President, I should like to comment on some of the remarks made here this morning and try to bring the record back into line again.

I think it is important for the people of this country to recognize the unseemingly haste with which debate on this important issue may be cut off.

I think that if any one of us on the floor of the Senate or anybody throughout our Nation wanted to go to the bank and get a mortgage on the purchase of a home, chances are it might take a few days for the loan committee to evaluate the prospective buyer and borrower, evaluate the home, and evaluate all aspects of the transaction. I do not think it is unfair to say that it might even take 4 or 5 days. But this loan committee—which, in effect, is what the Senate is—is being asked to pass a $250 million loan to the Lockheed Corp., and is supposed to do that kind of job in a matter of 4 days. That is $250 million in 3 days; whereas, for a simple mortgage of $20,000 or $25,000 it takes at least 4 or 5 days by a regular lending institution. It is an extreme example, but I think it points out what is being done here.

Certainly, nobody is a greater admirer of the President of the United States than I am. He has done a superb job in many areas, and I am proud that he is the standard bearer of my party. But the last time somebody tried to rush something through the Senate, I believe it was called the Gulf of Tonkin resolution. So I stand very much in opposition to the extreme haste of the attempt to bring to a close the discussion on this enormously important issue.

I do not doubt the competency of administration officials in their analysis and their recommendation to the Senate of this loan. But, again, may I point out the vast resources of the administration and of its agencies, and the amount of time they took, and the really minimal resources of the Members of this body in trying to make the same type of analysis. So if we have given the administration time to arrive at its conclusion, it would not be too much to ask that we have a decent period of time before we must decide so complex an issue.

I should like now to refer to the comments of the Senator from Alabama. The Senator from Alabama, I believe, tried to draw a parallel between the Lockheed situation and the Penn Central case. There are several very important differences. No. 1, the Penn Central is engaged in a public service business. That case in no way represents a precedent for bailing out the commercial end of Lockheed. Lockheed is strictly privately owned, for profit. It is not engaged in public service. The Penn Central is.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Does the Senator suggest that air transport is not a public service?

Mr. WEICKER. Lockheed is not in air transport. It is an airframe manufacturer, and that is a big difference. Let us not confuse this. I am not discussing the airline industry now. I will be glad to get to that.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. WEICKER. If the Senator will allow me to finish.

We are discussing an airframe manufacturer in this case, as compared to the Penn Central. If we are discussing the airlines or a specific airline as compared with the Penn Central, that is different. That is not the comparison that is being made here.

Let me get back to the Penn Central. It is a highly regulated company. Lockheed is not regulated. I might add that the Penn Central happens to be in bankruptcy, and Lockheed is not. I would also add that the people of the United States, through Amtrak, now own the intercity passenger service of the Penn Central. The people of the United States are not going to own anything that belongs to Lockheed.

I have the hearings of the Senator's committee in which the Penn Central case is gone over very carefully. The request for Government support originated, basically, on February 24, 1970; the hearings chronologically list the events that transpired between February of 1970 and the time the Penn Central finally got its loan guarantee.

I might add—and I am now quoting—

> On Friday, June 19, the administration withdrew its support of the loan guarantee, and on June 21, the Penn Central filed for bankruptcy.

In other words, in this particular instance, bankruptcy was required by the administration and the Congress; and it was not until January 13, 1971, almost one year later—having insisted that the Penn Central go into bankruptcy—that the company got a guarantee. One year.

Yet, we are asked to do this here in a matter of a few days, without any requirements of bankruptcy, without gaining a hold on any of the assets and having them in hand. I do not think there is any comparison at all between the Penn Central case and what is being requested of the Senate.

I should now like to comment upon another matter, but I find it a little difficult, since the Senator from Texas has left the Chamber. I will wait until he returns.

Mr. SPARKMAN. May I say to the Senator from Connecticut that the Senator from Texas told me he had to leave very briefly, and he will be right back.

Mr. WEICKER. I thank the Senator from Alabama.

Comments also were made that Lockheed is the biggest defense contractor in the United States. If that is true, I think it also can be stated that it is the worst, on the basis of its track record. If we are going to subsidize business in the United States, I say we should subsidize the smallest and the best, rather than the biggest and the worst.

With respect to the comments of the Senator from Texas relative to Secretary Laird and Secretary Packard—of whom we both share the highest opinion—the problem is, as I stated yesterday on the floor of the Senate, that the proponents of this bill care to rush it through. This is clear from the cloture motion.

Frankly, those of us who stand on the floor of the Senate trying to generate debate, trying to get the American people aroused about this issue, are accused of a filibuster. But I also stated at the time that the one factor we have running in our favor is time, because the longer the customer is kept in the store to watch this rubberband engine or a bubble gum plugged boat, the better the chance that the leaks are going to start to spring. And, in effect, they have.

I appreciate the letters that the Senator received today from Secretary Laird and Assistant Secretary Packard. But may I please quote from Secretary Laird's comments—not the newspaper headline or the editorializing, but the direct quote.

"There is a difference within the administration," Laird said. "I don't think you can say there is not . . . But Dave Packard feels very strongly that we've got to toughen up on the procurement policies as far as the government is concerned and . . . I want you to know that I support Dave Packard."

I do not believe the two exactly run together, but the first portion makes it clear there is a difference of opinion in the administration. That is to the credit of the administration. That is why I am proud of the President and this administration. Differences are encouraged. So it is that on the floor of the Senate, differences should be encouraged and not quashed, not clamped down upon, and not dispensed with in a hasty and cavalier fashion.

Now to the Senator from Texas (Mr. TOWER), I should like to ask him, is he willing to state again, without reservation, as he indicated, that not one dime in the $250 million guarantee will be paid out? Is he willing to state that again, that not one dime will be paid out on this guarantee?

Mr. TOWER. I am willing to state that not one dime is going to be paid out of the Federal Treasury. The loan will be made by the banks. There would be a guarantee by the full credit of the United States if Lockheed defaults on the loan. Then it will cost us something, but it will be retrieved in terms of the collateral assets of Lockheed which assets are included in the terms of the loan.

Mr. WEICKER. Then this becomes a gamble on the part of the American people.

Mr. TOWER. What the Senator is saying is that the Secretary of the Treasury does not know what he is talking about, that the administration is all wet on it, that Lockheed does not have adequate collateralization. The Treasury Department has stated that they do. Maybe the Senator from Connecticut has some information not available to the Treasury Department which would convince him that collateralization is not adequate.

Mr. WEICKER. We find the assets of the Lockheed Corp. fluctuating rather drastically from day to day, from week to week, and from month to month, on the basis of their track record. Again, sitting as a loan committee, this is what we have to look at: I would indicate to you, Mr. President, that I do not think today's assets will necessarily be tomorrow's assets, so far as the Lockheed Corp. is concerned.

I do not think that the administration or the Secretary of the Treasury are all wet. I merely think that they are wrong on this piece of legislation. I say that it would not be fair for me to try to intimate to anyone that $250 million is being paid out in cash to Lockheed, but neither do I think it is fair that the proponents of the bill should intimate to the public that there is not the possibility that the $250 million could go out, if the worst arrives. It can. The Government is no different than someone keeping his own budget in his own home, or any State, or any corporation. We have to set aside $250 million. It has got to be set aside because if failure occurs, that is the fund we go into. It is possible for the taxpayers to have to pay it. However, for my part, I will cease in any way to indicate that the taxpayers will, if this bill is approved, rapidly have to fork over the $250 million, even though this has a guarantee. The $250 million payment is the money of the taxpayers of the United States.

Mr. TOWER. The Senator knows that is grossly inaccurate, because if the Government takes over the capital assets of Lockheed, the assets would, in due course, be liquidated and the money would be returned to the Government, so that the Government would not be out the full $250 million in any case. That is inconceivable. Besides, the Senator should note that the Treasury Department testified that probably not more than $250 million will ever go out to Lockheed anyway, that they will not require the full $250 million.

Mr. WEICKER. Would the Senator be willing to amend the bill, to set a figure of $150 million?

Mr. TOWER. I certainly would not.

Mr. WEICKER. Mr. President, in conclusion, I know that we will have further discussion on the bill next week. I would hope that Senators would permit the Senate to dig further into all the facts surrounding this extraordinary request.

Right now, the issue really before the Senate is not so much the bill as it is the question of whether we are going to have the opportunity to debate and to set forth to the Senate and the country all the facts behind this unprecedented, this very unusual request on behalf of one corporation in the United States.

Certainly there is a great need by many people and by many corporations for programs by their Government to get us out of our economic stalemate, the economic stalemate in which we find ourselves at this particular time. But I suggest that our energies, efforts, and money can be far better spent on the things we know need doing, and that can be done with the best minds, the best management, the best workers, and the greatest enthusiasm. Whether the projects are mass transportation, health, or housing, we know what the priorities are.

Nobody has to stand up and play demagog and consume all this time and all this money in cleaning up the mess of the Lockheed Corp., not only cleaning it up, but pledging $250 million to that cleanup. This, as I see it, is not worthy of our time or our efforts.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that the rule of germaneness not apply.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The Chair recognizes the Senator from Minnesota (Mr. HUMPHREY).

Mr. BYRD of West Virginia. Mr. President, if the Senator from Minnesota will yield briefly, may I say that I did not object to the request of the Senator from Texas because of the circumstances. This is a Saturday session. We do not have any program of votes for this afternoon. The purpose of having a session today has been accomplished; namely, the transaction of routine morning business, the calling up of unobjected-to items on the Legislative Calendar, and the holding of a session today—which would be required under rule XXII, in order to permit a vote on Monday on the motion to invoke cloture, the motion having been offered yesterday. For these reasons, I do not object to waiving the Pastore rule.

A NEWS STORY OR OFFICIAL POLICY

Mr. HUMPHREY. Mr. President, I was greatly disturbed by the article on the U.S. position at the SALT talks at Helsinki which appeared on the front page of the New York Times yesterday—and, of course, in the local papers here—the Washington Post and the Evening Star.

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

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

[From the New York Times, July 23, 1971]

UNITED STATES ASKS SOVIET TO JOIN IN A MISSILE MORATORIUM—WOULD HALT CONSTRUCTION OF LAND AND SEA ARMS AND ALLOW EACH NATION UP TO 300 ANTIMISSILE WEAPONS

(By William Beecher)

WASHINGTON, July 22.—American negotiators have proposed to the Soviet Union an arms control agreement that would halt construction of both land-based missiles and missile submarines.

A companion proposal that they have put forward would allow as many as 300 antimissiles missiles in each country to protect offensive missiles.

Administration officials noted that the American proposals come within the framework of President Nixon's announcement May 20 that the leaders of the United States and the Soviet Union had decided on a first-step approach toward halting the arms race that would put some limitations on both defensive and offensive missiles.

There was no announcement then of what the United States would propose. But senior officials suggested privately that the United States was then thinking in terms of proposing a halt on construction only of new land-based missiles, with a ceiling of only about 100 antiballistic missiles in each country.

According to Administration officials, the more ambitious American proposals have been made orally at the strategic arms limitation talks that resumed in Helsinki on July 8, but specific draft agreements have not yet been submitted. Such drafts are now being written in Washington.

Some officials argued successfully, for example, that if only new missile construction was barred during what could be years of efforts to negotiate a treaty covering all offensive weapons, the Russians could be expected to rapidly build up their missile submarine force beyond that of the United States.

The shift in the Administration's position toward the more ambitious agreements, officials say, was the result of extensive study and debate.

While the officials stressed that hard negotiations ahead could reshape the ultimate terms emerging from the talks, they said they still were hopeful that an agreement limiting defensive and offensive weapons could be achieved this year.

SLOWING OF RACE SEEN

A number of officials noted that while the initial agreements might leave something to be desired, they should slow the arms race and open the prospects for more comprehensive agreements. They alluded to the remarks of President Nixon on May 20 when, in discussing the first-step approach, he declared:

"The two sides are taking this course in the conviction that it will create more favorable conditions for further negotiations to limit all strategic arms. These negotiations will be actively pursued."

The principal elements of the new American proposals, the informants said, are as follows:

Each nation could choose between defending its capital with 100 antiballistic missiles or employing up to 300 defensive missiles, at three sites, to defend offensive missiles. If the Soviet Union chose the second course, it would be required to dismantle its missile defenses around Moscow.

A cut-off date would be established—this year, it is hoped—after which no new missile silos or missile submarines could be built and construction must simultaneously cease on partly built silos or submarines. This interim arrangement, which would stay in effect for a limited time while negotiations continued on a more comprehensive agreement on offensive weapons, would not bar either side from modernizing existing missiles with multiple warheads.

TIME CLAUSE SOUGHT

Officials said the United States sought to put a time clause into the offensive-weapons agreement, perhaps of two years or less, after which it would lapse. But if the negotiators felt that good progress was being made toward a more comprehensive strategic weapons agreement at that time, they might either choose to continue the interim agreement in effect or to revise it.

Officials said that whatever form agreements eventually took—whether treaties, executive agreements or a treaty covering defensive missiles and an interim agreement covering offensive weapons—the Administration was anxious to have both the Senate and the House of Representatives have an opportunity to pass on all elements of them. This, they noted might be done through joint Congressional resolutions.

If the Soviet Union accepted the full American bargaining package as offered—and this is considered unlikely—officials pointed out that a rough position of strategic parity would result with the Soviet Union having an edge in the number and payload of offensive missiles, but with the United States ahead in the number of missile warheads and nuclear bombs.

PREFERENCES NOTED

On defense, it was said, the Russians would be expected to choose to complete their missile defenses around Moscow, while the United States would complete defenses around Minuteman sites at Grand Forks Air Force Base in North Dakota, Malmstrom Air Force Base in Montana and Whiteman Air Force Base in Missouri.

But the Russians are expected to balk both at having to halt their missile submarine force while it is still smaller than the American Polaris force and at allowing the United States to build a larger number of defensive missiles. In the view of analysts here, these two points probably will become the focus of the hardest negotiations.

The Russians now are said to have about 400 submarine-based missiles, compared with 656 for the United States. But the Russians reportedly have more than 1,500 intercontinental ballistic missiles [ICBM's] operational or under construction, compared with 1,054 for the United States.

Planners who argue for halting missile submarine construction lest the Soviet Union rush to outstrip the American Polaris force while negotiations dragged on, point out that a bar on new missile submarines also would prevent the United States from deciding to build the new underwater long-range missile submarine, the successor to the Polaris. This project is now in the research stage.

The proposal would not prevent the United States from continuing to place Poseidon missiles on 31 of its 41 Polaris vessels. Each Poseidon can carry up to 6 multiple independently targetable re-entry vehicles, commonly called MIRV warheads. Similarly, the Russians would be free to place MIRV's on their existing submarine missiles.

The same situation would apply to land-based ICBM's. The United States could continue its program to place two or three-part MIRV warheads on 550 of its 1,000 Minuteman missiles, while the Russians could put MIRV's on any of their existing ICBM's.

On the offensive weapons agreement, officials say the Administration believes it probably could not get Congress to authorize construction of antiballistic missile launchers around Washington. The United States is said to believe that it would rather defend Minuteman sites in order to decrease the temptation to the Russians in some future crisis to try to wipe out that force.

PROTECTION FOR MINUTEMAN

Construction of antimissile missiles at three sites, or even two, they say, would provide protection for part of the Minuteman force and would leave open the option to expand it further if a future development, such as an accurate, large Soviet MIRV warhead, should substantially increase the threat.

With that gloomy prospect in mind, the United States proposes to include in the defensive agreement a so-called supreme national interest clause that would allow either party to abrogate the treaty if its security appeared fundamentally endangered. A similar clause is included in the nuclear test-ban treaty.

In all previous discussions on missile defenses, officials say, the Russians have opposed a numerical inequality between the antimissile missiles permitted to each side.

Strictly speaking, the American proposal allows the Russians to opt for equality, by choosing three sites east of the Ural Mountains to protect their ICBM sites. But since the Russians already have 64 antimissiles deployed outside Moscow, and have resumed work on further installations there, officials said they could be expected to prefer to keep their Moscow area defense.

American negotiators presumably will argue at discussions in Helsinki that since 300 missiles protecting some Minuteman sites could only be used to protect against a first strike, the Russians should not consider them in any way destabilizing. They also might point out that the Russians are being allowed a marked superiority in the total number of ICBM's, so the United States should not be denied greater defense against that potential threat.

[From the Washington Post]

INITIAL PACT ON A-ARMS SEEN IN 1971

(By Michael Getler)

U.S. and Soviet officials are saying privately that an initial agreement limiting nuclear armaments is within reach this year although important differences remain unsettled as the strategic arms limitation talks move into a critical phase at Helsinki.

Two major unresolved stumbling blocks involve the eventual sizes of the U.S. Safeguard antiballistic missile defense system and Moscow's growing fleet of missile-firing submarines.

A proposal draft agreement on limiting rival ABM systems was presented to the Soviets by U.S. negotiators at Helsinki last week, and additional drafts covering offensive weapons—such as land-based ICBMs and missile-firing submarines, but not bombers—will be presented within the next few days, according to U.S. officials.

As matters stand now, Soviet officials indicate the U.S. ABM proposal in its current form almost certainly will be unacceptable, at least in part.

As a practical matter, however, officials from both countries are expressing optimism that differences over ABMs—which revolve primarily around how many interceptor missiles each side will be allowed—can be worked out as part of an initial agreement this year linked with some sort of freeze by both sides on construction of any more land-based offensive missiles.

The principal U.S. objective at the arms talks remains bringing to a halt the deploy-

ment of the huge Soviet land-based SS-9 ICBMs which might eventually be armed with multiple warheads and pose a threat of surprise attack on U.S. Minuteman ICBMs.

A number of U.S. officials admit privately that they are less optimistic about getting the Soviets to stop building missile subs as part of an initial agreement this year.

Solving the submarines issue, they say, may have to await a second round of negotiations that would follow an initial agreement.

The fact that the forthcoming U.S. draft proposals will include a proposed freeze on missile subs by both sides indicate, however, that the Nixon administration feels strongly that at some point these weapons must be brought under control to avoid another round in the arms race.

The Soviets already have achieved numerical superiority over the United States in numbers of land-based ICBMs—more than 1,440 for the Soviets against 1,054 for the United States.

To allow the Kremlin eventually to gain numerical superiority in submarine-launched missiles as well would not be politically or strategically acceptable to the President or Congress, even if the edge were slight and did not really alter the nuclear balance of power. U.S. officials say missiles fired from submarines are not considered powerful nor accurate enough to knock out land-based ICBMs in a first strike.

From the Soviet point of view, however, the Kremlin's rapidly growing undersea missile-firing fleet is still badly outnumbered (41 to 17) and outclassed by the U.S. Polaris and Poseidon subs.

U.S. analysts believe that the numbers problem is also a big part of the lingering dispute over limiting ABMs.

Under the latest U.S. draft, officials say, each nation could choose between ABM systems having about 100 interceptors each for protection of Moscow and Washington, or 300 missiles placed around ICBM bases to protect them against a surprise attack.

The fact is that the Soviets already have a 64-missile ring around Moscow and are working toward expanding it slightly, and that the United States is already well along in construction work at two of the four proposed Safeguard installations at Minuteman bases in the Northwest.

The Soviets, it is reasoned by some officials, are not likely to scrap their Moscow system and build a new ABM around their ICBMs, and the United States will not scrap all of Safeguard and start on protecting Washington, since congressional approval of missile defenses for the capital is highly unlikely.

The U.S. negotiating position, officials say, involves three Safeguard sites and 300 ABM launchers, to balance the Moscow ring. But the Soviets already have indicated that this was unacceptable in earlier meetings at SALT, officials say.

Some compromise—involving fewer U.S. missiles and possibly just two Safeguard sites—is expected. Administration sources, shortly after the joint White House-Kremlin anouncement on breaking the arms deadlock May 20, indicated privately that a negotiated standoff between the two existing Safeguard sites and the ABM ring around Moscow was likely.

As some officials here explain it, a disparity in numbers of ABM missile launchers on the order of 300 for the United States and 100 for the Soviet Union might be hard for the Soviets to manage politically, even though the protection of a city is an entirely different strategic problem than protection of missile bases. The dissimilarity in the role of the rival ABM systems always has been a major obstacle in figuring out how to balance them in an agreement.

It also was indicated by high-level officials after President Nixon's May 20 announcement that the initial agreement to be sought probably would not take in missile-firing subs. However, officials now say that the submarines have always been part of the U.S. negotiating position on offensive systems. Inclusion of the subs in the forthcoming U.S. draft proposal will come as no surprise to the Soviets, officials report.

Thus, administration sources were stressing yesterday that the United States has not shifted its demands at Salt, that the negotiations had not been upset, and that there was no less reason now to expect some form of agreement than there was in May.

There was some disagreement, however, among officials in several different government agencies about when such an agreement would be forthcoming.

White House sources said the hope expressed May 20 for an initial agreement on ABMs and some offensive systems this year was still valid. Some U.S. diplomats speculated that an agreement could be reached reasonably fast, possibly by this fall. Other government analysts, however, speculated that discussions on the unresolved issues might drag on, pushing an agreement into the 1972 election year.

The sudden renewal of public interest in the Salt negotiations yesterday stemmed from a New York Times story which disclosed that the United States was making new proposals at Helsinki which cover both land- and sea-based missiles and outlined numerical constraints on ABM launchers.

Asked about the story, State Department spokesman Charles W. Bray said the department "regarded it as a most unfortunate breach of security and a violation of the understanding with the Soviet Union that neither side will discuss the negotiations while the talks are in progress."

Bray said his statement was not an acknowledgment of the validity of The Times account, but he did not deny the report.

Mr. HUMPHREY. Mr. President, I hope that this matter will be studied very carefully by all of us here, as a word of caution as to what might happen if we do not keep a watchful eye on the arms control negotiations.

The article reports that the United States has changed its position as outlined in the remarks of the President on May 20 and by official statements attempting to clarify our approach to the ongoing SALT talks.

I might add that I can think of no negotiations that are more important than those now being undertaken at Helsinki, and none more sensitive.

From what is generally known to be an accepted 100 ABM ceiling and a possible agreement on some limitation of offensive weapons, has grown full blown into something quite different. If this story is correct, and I sincerely hope that it is not—I must say, however, it has not been denied by administration spokesmen. It has merely confirmed that there was a leak of security information from the State Department—the United States is proposing a 300-ABM ceiling—or three ABM missile sites—and a cutoff for new missile or missile submarine construction.

At the same time MIRV would be excluded so that both sides could continue with their MIRV programs. The officials referred to in the article by Mr. Beecher are paraphrased as saying that our construction of ABM's at three sites would leave us the option of further expansion of our program if the Soviet Union were to retrofit an "accurate, large MIRV warhead" on its missiles. In other words we seem to be advancing a proposal to permit the Soviet Union to move ahead with their MIRV program so that we may have the opportunity to expand our ABM program which will become necessary, if the Soviets go ahead with their MIRV.

I have already pointed out both in the Senate Chamber itself and before the Disarmament Subcommittee of the Committee on Foreign Relations in great detail what I believe are the basic dangers of the continuation of further testing and deployment of MIRV. Even the reports of this new U.S. position serve to reaffirm this contention but I find that a depressing form of satisfaction.

Equally disturbing to me is the idea that we should abandon the implication of the May 20 statement released simultaneously in Moscow and Washington which placed the emphasis on an ABM agreement at SALT by the end of this year. Now, if this article to which I have alluded today is at all accurate—and it appears that it is because the administration has not contested what has been stated by the spokesman for the State Department—the administration is returning to the idea of demanding an agreement on offensive nuclear weapons coupled with a defensive one. This is in contradiction to the May 20 statement when the President told the country that we would proceed first with the understanding with the Soviet Union to seek a limitation upon ABM, or defensive weaponry, to be followed by negotiations to limit offensive nuclear weapons. More specifically, the demands placed on the Soviet Union with respect to missile submarines would hardly seem to be acceptable to the Russians. We may be asking them to halt missile submarine construction at a point when the Secretary of Defense has said we have a substantial quantitative and qualitative lead over the Soviet Union in the missile submarine field.

This fact, plus the fact that our MIRV conversion program has outdistanced the Soviet Union, would mean that we are seeking an agreement which could guarantee a position of continuing superiority for the United States, something which the Soviet Union has never given indication of accepting. And, by the way, it is something which until recently our Government has indicated would not be necessary.

Suddenly, what I had thought was the administration's definition of "sufficiency"—a maintenance of the rough balance in deterrent capability now existing between the United States and the Soviet Union—is no longer valid if these reports are true. Now a more accurate substitute definition would have to be the equating of sufficiency with superiority.

Mr. President, I do not believe that anyone in this country can believe for a moment that the Soviet Union will stand idly by while we attempt to guarantee a vast superiority in MIRV's and in submarine missilry. There is not the slightest chance that the Soviet Union, with its technical capabilities, will permit that if

we sincerely hope to get a substantive agreement.

Mr. President, I do not want to overreact to reports which are secondhand or printed in the papers, but I do want to make it perfectly clear that I am making it my business as a Senator to follow the developments at the SALT talks in Helsinki very closely.

I must say that I have spent a good deal of my time in public life on this subject matter.

I am not one who believes in unilateral disarmament. I recognize the need for the defensive capability of our country. We live in a very difficult and at times an uncertain and ugly world. I do not believe in reducing the defensive strength of this Nation to a point where we could in any way be threatened or placed in serious difficulty. However, I am as convinced, as I am of anything in my life, that the escalating of a nuclear arms race spells trouble. It does not provide solutions. It gives no greater security. It raises the level of danger. It consumes resources. It also possesses the possibility that some miscalculation could literally destroy what we call the "modern world."

Our task is to try to put a lid on the nuclear arms race, and hopefully, to roll it back.

Both the Soviet Union and ourselves have the capability of total destruction of each other's societies. We rely upon what we call our deterrent capability to prevent any attack from the Soviet Union or any other country. We believe it is literally necessary to maintain that force to counter the Soviet force, and deny the Soviet Union a first strike capability. Neither the Congress nor the President is going to neglect the maintenance of our deterrent capability. Similarly the Soviet Union is not going to permit us to get a first strike capability, or for that matter, to attempt to secure a nuclear position vastly superior to its own.

We are the two superpowers of the world with respect to nuclear weaponry. We have exercised restraint and I believe that we shall still exercise restraint.

On May 20 I commended the administration for responding so positively to the Soviet offer to negotiate an ABM agreement.

I always have and always shall in the future commend the President for the moves he takes that are in the national interest.

I happen to believe that defense and foreign policy are so important to our country that they ought not to be subject to nit-picking or partisan debate. Men can have differences of opinion. Senators and Representatives have a right to make constructive criticism. However, we have to measure our words carefully to be sure that we are actually acting in what we believe to be our national security, not what we think is our partisan advantage.

I made a suggestion on March 25, when I introduced Senate Resolution 87 on armaments limitations that we proceed first with defensive weaponry and suggested that following any negotiations on defensive weaponry that were successful we proceed to offensive weaponry.

With these latest reports, however, I am greatly discouraged as to the possibilities of obtaining a significant ABM limitation and, perhaps, an offensive arms control agreement by the end of this year.

There has been a good deal of talk that we might be able to obtain such an agreement by the end of this year. I would hope, therefore, that the President, by himself or through an appropriate spokesman in the administration, would clarify the situation, and that the President would once again put all his weight on seeking this kind of agreement—a two-stage agreement, first on defensive weaponry and second on offensive weaponry. This is the kind of agreement we in the Senate have urged him to seek.

At the same time I urge my colleagues to support the arms control legislation I introduced on July 14 which would put a firm hold on the arms race and call for a mutual freeze on the testing and deployment of both offensive and defensive weaponry during the period of the negotiations subject, of course, to reexamination.

In fact, it was suggested we might want to review our position every 6 months. Surely a 6-month period of suspension through a mutual freeze would not in any way jeopardize our security.

I think once again the record should be clear that while the Soviet Union has an advantage at this time so far as we know on land-based ICBM's, and the Soviet Union has made some progress on ABM's, their antiballistic missile system, according to our best information, is obsolete or totally inadequate.

With our nuclear submarines, both the Polaris and the Poseidon, as well as the number of ICBM's we have and the MIRV—that is, the multiple independently targetable reentry vehicles—we are in a position today, surely, of what we can call sufficiency, adequate, and capability of full deterrence, which could give promise to the possibilities of some constructive and meaningful negotiations with the Soviet Union.

I think we must learn that "upping the stake" at arms control negotiations is not the way to reach agreements. It is not the way to halt the arms race.

It is my judgment that this subject of arms control is at the heart of many matters of concern to this country relating to the size of our defense budget, relating to our defense forces, relating to our commitments overseas, and relating to our national security. It requires most careful, sensible, and responsible discussion, and that is what we would expect of Members of Congress and those who are our negotiators.

I have every reason to believe our negotiators will do everything they can to protect our security, and I imagine the Russian negotiators will do the same, because the stakes are very high.

I hope in due time we will be able to bring into these discussions, or some new level of discussions, not just the Soviet Union, but all nuclear power, including mainland China, which has become a nuclear power. I warn this body: Do not underestimate the power of the Chinese in nuclear weaponry. We have continually underestimated their progress. They are capable, talented, and gifted people, and they have some of the outstanding nuclear physicists, some of whom, by the way, were educated in the United States and went back to China in the 1950's. This is one reason why we see mainland China with a nuclear force at this time.

I would hope, therefore, we would be able to include at a later time, and as early as possible, all the nuclear powers in a general nuclear weapons disarmament and arms control conference. That would mean the United States, the Soviet Union, mainland China, France and Great Britain. In this way I feel we might save ourselves from nuclear proliferation, the expansion of nuclear weaponry, and ultimately maybe save ourselves, period.

ORDER FOR RECOGNITION OF SENATOR BENTSEN AND SENATOR EAGLETON ON WEDNESDAY, JULY 28, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday next, immediately following the standard recognition of the two leaders, the distinguished Senator from Texas (Mr. BENTSEN) be recognized for not to exceed 15 minutes, and following the recognition of the Senator from Texas, the distinguished Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 15 minutes.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 12 o'clock noon. Immediately after the majority and minority leaders are recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, in the order stated: Senator HARTKE and Senator FULBRIGHT.

Then there will be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to exceed 30 minutes, after which it is anticipated that the Senate will resume consideration of the pending business, S. 2308. At 2 p.m. debate on S. 2308 will be under control, with 1 hour equally divided between the two leaders or their designees. At 3 p.m. there will be a mandatory quorum call under rule XXII, and immediately upon the ascertainment of a quorum a rollcall vote will occur on the motion to invoke cloture. That rollcall vote will occur at about 3:10 p.m.

ADJOURNMENT TO MONDAY, JULY 26, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 12 o'clock and 27 minutes p.m.) the Senate adjourned until Monday, July 26, 1971, at 12 o'clock noon.

CONFIRMATION

Executive nomination confirmed by the Senate July 24, 1971:

MISSISSIPPI RIVER COMMISSION

Maj. Gen. Charles Carmin Noble, xxx-xx-x... xxx-... Army of the United States (brigadier general, U.S. Army), for appointment as a member and President of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37) (33 U.S.C. 642).