H.R. 4799. A bill for the relief of Alfio Quaceci, his wife, Antonina, and their minor children; to the Committee on the Judiciary.

H.R. 4800. A bill for the relief of Rita Swann; to the Committee on the Judiciary.

H.R. 4801. A bill for the relief of Andrea Vitrano; to the Committee on the Judiciary.

H.R. 4802. A bill for the relief of Helena Wilk; to the Committee on the Judiciary.

H.R. 4803. A bill for the relief of Takayuki Yoshida; to the Committee on the Judiciary.

H.R. 4804. A bill for the relief of Joseph Zippetelli; to the Committee on the Judiciary.

By Mr. HELSTOSKI (by request):

H.R. 4805. A bill for the relief of Graziella and Libora Spinnato; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.R. 4806. A bill for the relief of Roland S. Uyboco; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 4807. A bill for the relief of David J. Powell, his wife Janet Powell, and their children Robert S. Powell and Stuart S. Powell; to the Committee on the Judiciary.

By Mr. YOUNG of Florida (by request):

H.R. 4808. A bill for the relief of Francesco Giuliani; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

31. The SPEAKER presented petition of Barbara Grafton, Windham, Ohio, et al., relative to appointments to the U.S. Supreme Court, which was referred to the Committee on the Judiciary.

SENATE—*Monday, February 22, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

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

We shall pray today in the words of President George Washington's prayer for his country.

Let us pray:

"Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord." Amen.

MESSAGES FROM THE PRESIDENT

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

HIGHER EDUCATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 50)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Nearly a year ago, in my first special message on higher education, I asked the Congress to join me in expanding higher education opportunities across the nation. First, I proposed to reform and increase aid to students. Second, I proposed a National Foundation for Higher Education designed to reform and strengthen post secondary education.

Neither house of Congress acted on these proposals. Now the time for action is growing short. Existing legislative authority for the basic Federal higher education programs expires at the end of the current fiscal year.

1971 can be a year of national debate on the goals and potentials of our system of higher education. It can be a time of opportunity to discover new concepts of mission and purpose, which are responsive to the diverse needs of the people of our country. I therefore again urge the Congress to join with me in expanding opportunities in two major ways:

To help equalize individual opportunities for higher education, I am proposing the Higher Education Opportunity Act of 1971.

To broaden opportunities through renewal, reform and innovation in higher education, I am proposing a separate act establishing the National Foundation for Higher Education.

EQUALIZING INDIVIDUAL OPPORTUNITIES FOR HIGHER EDUCATION

At the present time, a young person whose family earns more than $15,000 a year is almost five times more likely to attend college than a young person whose family earns less than $3,000.

At the present time, Federal student assistance programs do not always reach those who need them most.

At the present time, there are just not enough funds to go around to all deserving students. Needy students often do not have access to grants. Higher-income students are frequently unable to borrow for their education, even when loans are guaranteed by the Federal Government.

I repeat the commitment which I made in my message of last year: that no qualified student who wants to go to college should be barred by lack of money. The program which I am again submitting this year would benefit approximately one million *more* students than are currently receiving aid. It would assure that Federal funds go first, and in the largest amounts, to the neediest students, in order to place them on an equal footing with students from higher-income families. Abundant resources for loans would also be available to students from higher-income families. The budget I submitted in January provides funds for these reforms and stands behind the commitments of this administration. Failure to pass this program would not only deny these benefits to many students, but also would limit their opportunity to make major choices about their lives.

A major element of my higher education proposal to the last Congress is the creation of a National Student Loan Association. For too long, the volume of funds available to students for federally insured loans has been arbitrarily restricted by the lack of a secondary market in which lenders could sell paper in order to replenish their supply of loan capital.

Establishment of the National Student Loan Association would relieve this squeeze on liquidity by making available an additional $1 billion for student loan funds. The Association would be authorized to buy student loans made by qualified lenders—universities as well as commercial lending institutions. This secondary market would enable universities and commercial lenders to make loans to students in far greater quantity than they have in the past.

It is important to be clear on what this reform would mean. It would mean that higher education would be open to all the people of this country as never before. It would mean that students still in high school would know that their efforts to qualify for college need not be compromised by doubts about whether they can afford college. It would mean that their choice of a college would be based on their educational goals rather than upon their family's financial circumstances.

RENEWAL, REFORM AND INNOVATION

If we are to make higher education financially accessible to all who are qualified, then our colleges must be prepared both for the diversity of their goals and the seriousness of their intent. While colleges and universities have made exceptional efforts to serve unprecedented numbers of students over the last decade, they must find additional ways to respond to a new set of challenges:

—All too often we have fallen prey to the myth that there is only one way to learn—by sitting in class, reading books, and listening to teachers. Those who learn best in other ways are rejected by the system.

—While the diversity of individuals seeking higher education has expanded in nearly every social dimension—age, class, ethnic background—higher education institutions have become increasingly uniform and less diverse.

—Increasingly, many colleges, and particularly universities, have become large, complex institutions which

have lost their way. The servants of many masters and the managers of many enterprises, they are less and less able to perform their essential tasks well.

—At the present time, thousands of individuals of all ages and circumstances are excluded from higher education for no other reason than that the system is designed primarily for 18–22 year olds who can afford to go away to college.

—At the present time, institutional and social barriers discourage students from having sustained experiences before or during their college years which would help them get more out of college and plan for their future lives.

The relationship between the Federal Government and the universities has contributed little to meeting these needs because it has not been a genuine partnership. In many cases the Federal Government has hired universities to do work which has borne little natural relationship to the central functions of the institution. Too often, the Federal Government has been part of the problem rather than part of the solution.

Certain Federal agencies promote excellence, innovation, and reform in particular areas. The National Science Foundation has played a magnificent role in the public interest for science, and the National Institutes of Health have played a similar role for health.

The National Foundation for Higher Education would fulfill a new role in the Federal Government. It would have as its mandate a review of the overall needs of the American people for postsecondary education. It would have as its operating premises, the principles of selectivity and flexibility. Its constituency would include people as well as institutions—and not only the usual secondary student entering college, but also others—such as the person who wants to combine higher education with active work experience, or the one who has left school and wants to return.

The Foundation can do much to develop new approaches to higher education:

—New ways of "going to college." I am impressed with the need for new and innovative means of providing higher education to individuals of all ages and circumstances (Britain and Japan, for example, have already taken significant steps in the use of television for this purpose).

—New patterns of attending college. A theme of several recent reports is that students are isolated too long in school, and that breaking the educational "lockstep" would enable them to be better and more serious students (as were the GI's after World War II). If so, student bodies would reflect a greater mix of ages and experience, and colleges would be places for integrating rather than separating the generations.

—New approaches to diversify institutional missions. Colleges and universities increasingly have aspired to become complex and "well rounded" institutions providing a wide spectrum of general and specialized education. The Foundation could help institutions to strengthen their individuality and to focus on particular missions by encouraging and supporting excellence in specific areas—be it a field of research, professional training, minority education, or whatever.

SPECIAL HELP FOR BLACK INSTITUTIONS

Colleges and universities founded for black Americans are an indispensable national resource. Despite great handicaps they educate substantial numbers of black Americans, thereby helping to bring about a more rapid transition to an integrated society.

Black institutions are faced with an historic inadequacy of resources. To help these institutions compete for students and faculty with other colleges and universities, the combined help of government at all levels, other institutions of higher learning, and the private sector must be summoned.

This administration has taken a series of actions to assist these institutions:

—The proposed reform of student aid programs, with its concentration of funds on the neediest students, would significantly aid students at black institutions.

—The National Foundation for Higher Education will direct special efforts toward meeting the needs of black colleges.

—Additional funds for black colleges have been requested for fiscal year 1972 in programs administered by the U.S. Office of Education, the National Science Foundation, and the Department of Agriculture.

CONCLUSION

These are but some of the new approaches to higher education which need to be pursued. A theme common to all of them is a new kind of engagement between all the citizens of our society and our system of higher education. All of us can make a contribution to bringing about such an engagement by taking part in a thoughtful national discussion about our priorities for higher education. Students and faculties can make a contribution by reexamining their goals and the means they choose to achieve them. The Federal Government can do its part by supporting access to higher education for all of our people and by providing the resources needed to help develop new forms of higher education which would be responsive to all of their needs.

RICHARD NIXON.

THE WHITE HOUSE, *February 22, 1971.*

EXECUTIVE MESSAGES REFERRED

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

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, February 19, 1971, be approved.

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

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW, AND ORDER FOR RECOGNITION OF SENATOR MATHIAS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11:30 a.m. tomorrow and that, at that time, the distinguished Senator from Maryland (Mr. MATHIAS) be recognized for not to exceed 15 minutes.

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

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the Senate to convene at 11:30 a.m. tomorrow be vitiated, and that the Senate convene at 11 o'clock tomorrow morning; and that the distinguished Senator from Arkansas (Mr. MCCLELLAN) be recognized after the Senator from Maryland (Mr. MATHIAS) and the Senator from Illinois (Mr. PERCY) have each been recognized for a period not to exceed 15 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the order of January 24, 1901, Washington's Farewell Address will now be read.

The reading will be by the distinguished Senator from Maryland (Mr. BEALL), who has heretofore been designated for that purpose by the Vice President of the United States.

Mr. BEALL, at the desk of the Secretary of the Senate, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the

public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgement of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold

this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and actions of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors,

turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion, of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinions should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest; in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessary parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion,

or a laudable zeal for public good, the base of foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of any administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. EAGLETON). Under the previous order, the Senate will now proceed to the transac-

tion of routine morning business for a period not to exceed 45 minutes, with a time limitation of 3 minutes on statements therein.

EMERGENCY WARNING SYSTEM

Mr. GRIFFIN. Mr. President, last Saturday morning the pulse of the Nation was suspended for some 40 minutes while our supposedly sophisticated civil defense warning system cried: "Wolf."

Fortunately, there was no wolf. But one is left to wonder what might happen if a real emergency arose. Hopefully, we would not get a routine test announcement during a real nuclear attack—but who knows?

Mr. President, it is human to err. And it is true that there have been only two or three slipups in the thousands of tests that have been conducted over the last 10 years.

It can also be said that there have been no mistakes under actual emergency conditions—only because there have been no emergencies. Obviously, the real problem is that the only true test—a real emergency—would be the first and last opportunity for the success of such a warning system.

Though not excusable, human error is understandable. But a system which apparently makes it easy to err is not so understandable.

One wrong message is bad enough. But when it takes 40 minutes and three tries to correct the error, certainly, that is not understandable. And to follow that up with still another foul-up less than 40 hours later hardly requires additional comment.

I am pleased that President Nixon and Secretary Laird have already taken steps to initiate an investigation within the executive branch. But I believe Congress has a responsibility as well.

A spokesman for the Office of Civil Defense, when asked if the warning system would really work in an emergency was quoted by the New York Times as saying:

> That's one of the 'hings I've always wondered about.

I believe the public is entitled to more certainty than that.

Consequently, I wish to go on record as urging the Armed Services Committee to conduct a thorough investigation of the civil defense warning procedures in particular—and furthermore I believe it is time to review the whole civil defense structure and operation in general.

As a member of the Communications Subcommittee of the Commerce Committee, I believe it would be appropriate for that subcommittee, in cooperation with the Armed Services Committee, to investigate the link-up of the system with broadcast stations, a link-up that is supposed to facilitate public notice of an emergency.

It would be useful, I believe, for the Communications Subcommittee to give the broadcasters, who volunteer their facilities and services, an opportunity to comment on the present arrangement and to suggest ways to improve it.

Needless to say, the incidents of the last few days have not served to build public confidence in our defense system, which is subsidized so heavily by the taxpayer and to which he looks for protection against potential enemies.

In another respect, however, such a failure can serve a very useful purpose if we seize the opportunity it signals to closely scrutinize the system that has failed, and if we move to perfect it.

This we must do.

Mr. DOMINICK. Mr. President, will the Senator yield under his 3 minutes?

Mr. GRIFFIN. I yield.

Mr. DOMINICK. I just want to congratulate the Senator on his statement, and tell him, as a member of the Committee on Armed Services, that I shall certainly call this matter to the attention of the chairman and the ranking member, and certainly hope we can get into it as soon as possible.

Mr. BYRD of West Virginia. Mr. President, I rise to express my compliments to the Senator from Michigan (Mr. GRIFFIN) for his suggestion with respect to the necessity for an investigation of what happened over the weekend and looking to the correction of the faults, errors, mistakes, and shortcomings, wherever they are to be found.

The New York Times said editorially today:

> If a fiction writer had written a story depicting in advance the actual sequence of events, most readers would have rejected the account as preposterous. Nevertheless, it all happened.

Some very grave questions as to the reliability of the system are raised by this inexcusable blunder. Could similar "human error" cause either the Soviet Union or the United States to set off nuclear weapons? Forty minutes went by between the beginning and the end of this incredible series of errors—which would have given an enemy all of the time he needed to devastate this country. A complete and thorough investigation is needed to determine what needs to be done so that a repetition will not occur. In retrospect, it is probably a good thing that this false emergency occurred, because it revealed carelessness and ineptness all along the line. The country should have been made painfully aware that not only the military blundered, but also that many radio and television stations are obviously not prepared to play the role expected of them in any warning system. It is urgent that the warning system be revamped in whatever way is necessary to make it fail-safe.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

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

The PRESIDING OFFICER. The nomination on the Executive Calendar will be stated.

UPPER GREAT LAKES REGIONAL COMMISSION

The legislative clerk read the nomination of Thomas F. Schweigert, of Michigan, to be Federal Cochairman of the Upper Great Lakes Regional Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the approval of the Journal, if there is no objection, and the recognition of the majority and minority leaders under the standing order, there be a period not to exceed 15 minutes for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, at the close of the 15-minute period for the transaction of routine morning business, the Senator from Arkansas (Mr. MCCLELLAN) be recognized for not to exceed 15 minutes; that he be followed by the able Senator from Maryland (Mr. MATHIAS) for not to exceed 15 minutes; and that Mr. MATHIAS be followed, under the order of last Friday, by the Senator from Illinois (Mr. PERCY), who will not speak beyond 12 o'clock meridian.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON SECTION 501, PUBLIC LAW 91-305

A letter from the Director, Office of Management and Budget, reporting, pursuant to law, on the operation of section 501 of Public Law 91-305, the Second Supplemental Appropriations Act, 1970; to the Committee on Appropriations.

PROPOSED TRANSFER OF USS PORTAGE TO AN AMERICAN LEGION POST

A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting, pursuant to law, notice of the proposed transfer of the escort ship U.S.S. *Portage* (PCE-902) to the Nunan-Slook Post 338, American Legion, Havertown, Pa.; to the Committee on Armed Services.

PROPOSED LEGISLATION INCREASING THE AUTHORIZATIONS FOR COMPREHENSIVE PLANNING GRANTS AND OPEN-SPACE LAND GRANTS

A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation authorizing $50 million for the comprehensive planning grant program and an additional $100 million for the open space land program (with an accompanying paper); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED AMENDMENT TO CONCESSION CONTRACT

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to the concession contract under which the S. G. Leoffler Co. will be authorized to continue to operate golf courses and provide related facilities and services for the public within the Washington, D.C., metropolitan area (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT ON RECOMMENDATION ON CLAIM OF FERRIS CORP.

A letter from the Acting Comptroller General of the United States, reporting, pursuant to law, the recommendation concerning the claim of the Ferris Corp. against the United States (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions and memorials were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the 11th Guam Legislature; to the Committee on Armed Services:

"RESOLUTION NO. 59

"Resolution relative to requesting the President and Congress of the United States to consider the establishment of a National Guard unit for the territory of Guam

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the old Guam militia, so active in Pre-World War II days, has been dormant for the last decade; and

"Whereas, the Governor's authority with respect to calling upon the Armed Forces of the United States in the event of an emergency causes a certain disquiet in that it is limited to requesting assistance, which assistance 'may be given' at the discretion of such Armed Forces; and

"Whereas, there is thus available to the Governor no immediate military force in the event of emergencies requiring such a force; and

"Whereas, every state of the union and most of the territories have at their disposal National Guard units which serve as state militia in the event of emergencies, and which provide an opportunity for the men composing the various National Guard units to participate in military training and to prepare for their nation's defense in times of need; and

"Whereas, the Legislature has determined that it is in the best interest of this territory that a National Guard unit be established; now therefore be it

"Resolved, that the President and Congress of the United States be and they are hereby respectfully requested to consider the establishment of a National Guard unit in the territory of Guam; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to the Chairmen, Committees on Interior and Insular Affairs, U.S. Senate and House, to Guam's Washington Representative, to the Secretary of the Interior, to the Secretary of Defense, to the Secretary of the Army, to the Secretary of the Navy, and to the Governor of Guam."

Resolutions of the Commonwealth of Massachusetts to the Committee on Foreign Relations:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROTEST TO NORTH VIETNAM THE MISTREATMENT OF AMERICAN PRISONERS OF WAR

"Whereas, There are over sixteen hundred members of the armed forces of the United States listed as prisoners of war or missing in action and many missing in action may be in prison camps, and more than two hundred of them have been held more than three and one half years, longer than any United States serviceman was held prisoner in World War II; and

"Whereas, North Vietnam has shown itself to be very sensitive to public opinion in the United States. It would be very useful to let North Vietnam see something of the unity and the impatience of the American people over the long standing proven mistreatment of said servicemen in North Vietnam prison camps; therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to protest to North Vietnam the mistreatment of United States prisoners of war held in North Vietnam; and be it further

"Resolved, That a copy of these resolutions be sent forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

A concurrent resolution of the Legislature of the State of New York; to the Committee on Foreign Relations:

"RESOLUTION NO. 27

"Concurrent resolution of the Legislature of the State of New York memorializing Congress to use all means to persuade the Soviet Union to change its oppressive policies towards Soviet Jewry

"Whereas, persons of Jewish faith residing in the Soviet Union have long suffered persecution, oppression, and discrimination in their daily lives at the hands of the government of that country; and

"Whereas, the authorities in the Soviet Union have suppressed, discouraged and prevented the free expression of Jewish education and culture, and have deprived Soviet Jews of the opportunity of worshipping freely and in accordance with the traditions of their age-old faith; and

"Whereas, the Soviet Union has consistently denied the right of Jewish people to emigrate from that country to Israel, the beloved country of their forefathers, or to any country of their choosing, and in fact the Soviet Union has continuously prohibited and blocked each and every attempt made by Jewish persons to so emigrate; and

"Whereas, recently eleven persons, nine of whom were Jewish, were convicted and sentenced to extremely harsh punishment for allegedly making plans to hijack a Soviet airliner in an effort to emigrate from the Soviet Union;

"Resolved (if the Assembly concur), that the Legislature of the State of New York respectfully, yet firmly, urge and memorialize the Ninety-Second Congress of the United States to manifest our country's position as the guardian of the traditions of liberty and justice for all, the dignity of all mankind, and the freedom of worship, by taking such affirmative action as will tend to persuade the Soviet Union to revise its official policies in the following manner:

"(a) to terminate its practice of denying Soviet Jewry of the opportunity of worshiping in a free manner and in accordance with age-old Jewish traditions;

"(b) to permit Jewish persons to emigrate freely from the Soviet Union to Israel or to any country of their choice without restriction or limitation; and

"(c) to reexamine and reconsider the harshness of the penalties recently imposed on the eleven persons sentenced in a Leningrad court for allegedly making plans to hijack a Soviet airliner, and to consider the possibility of permitting such persons to emigrate to Israel; and be it further

"Resolved (if the Assembly concur), that a copy of this resolution be spread upon the journal, and that the Secretary of the Senate transmit properly authenticated copies of this resolution to the President of the Senate of the United States, to the Speaker of the House of Representatives, to the two United States Senators from New York State, and to each member of the House of Representatives from New York State."

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on Interior and Insular Affairs:

"HOUSE CONCURRENT RESOLUTION NO. 69

"A concurrent resolution memorializing the Congress of the United States to enact appropriate legislation providing for the early completion of the Natchez Trace National Parkway

"Whereas, the Natchez Trace National Parkway is among the major scenic, tourist and historical attractions of the State of Mississippi; and

"Whereas, although some 311 miles of the Natchez Trace have been completed, there remains some 133 miles to be constructed; and

"Whereas, in the year 1970, the Natchez Trace attracted some 10,451,011 visitors and was utilized by some 3,732,503 motor vehicles; and

"Whereas, the timely completion of construction of the Natchez Trace National Parkway project by the United States Department of Interior will redound to the economic, recreational and educational benefit of the State of Mississippi and of surrounding states:

"Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein, That we do hereby memorialize the Congress of the United States to take immediate and purposeful action in enacting such appropriate legislation which would insure the early completion of the Natchez Trace National Parkway from Natchez, Mississippi, to Nashville, Tennessee.

"Be it further resolved, That copies of this resolution be forwarded by the Clerk of the House of Representatives to the President of the United States Senate, the Speaker of the United States House of Representatives and

to each member of the Mississippi Congressional Delegation."

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

"RESOLUTION No. 71–11

"Whereas, The American's Creed, drafted by William Tyler Page in 1917, condenses into one hundred words the concepts which have made America great, and for which America stands; and

"Whereas, During 1970 the Governor of the State of Washington and the Mayor of the City of Seattle, respectively, proclaimed periods during which the American's Creed should be recognized and studied; and

"Whereas, It is fitting that the attention of all Americans be focused on the American Creed, and that all Americans be urged to study it;

"Now, therefore, be it resolved, That the House of Representatives requests that the President and the Congress of the United States of America declare an American Creed Week, during which all citizens may be encouraged to examine, study and abide by the tenets of the American Creed.

"Be it further resolved, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

A resolution of the Legislature of the State of South Carolina; to the Committee on Public Works:

"HOUSE RESOLUTION

"A House resolution memorializing Congress to enact suitable legislation directing the United States Army Corps of Engineers to cease blasting stumps in Lake Hartwell and Clark's Hill reservoir located in the northwest portion of South Carolina

"Whereas, the United States Army Corps of Engineers has been blasting stumps in Lake Hartwell and Clark's Hill Reservoir which are located in the northwest portion of South Carolina; and

"Whereas, these stumps are located in the coves and channels of the lakes and are situated in the habitat and feeding grounds for many of the fish in the lakes; and

"Whereas, such areas furnish the most desirable fishing on the lakes; and

"Whereas, the tremendous explosions are not only destroying the habitat of these fish which was engineered into the plans of the lakes to provide desirable fishing during all months of the year for one of South Carolina's largest sporting industries; and

"Whereas, we are at a time in our history where there is great interest in preserving our fish and game; and

"Whereas, it is inconceivable that the Corps of Engineers would deliberately commit acts which are not only destroying the habitat and feeding grounds, and killing large numbers of existing fish in the lake, but render no benefit whatsoever to the great majority of the people of South Carolina: Now, therefore,

"Be it resolved by the House of Representatives of the State of South Carolina: That Congress be memorialized to enact suitable legislation directing the United States Corps of Engineers to cease blasting stumps in Lake Hartwell and Clark's Hill Reservoir which are located in the northwest portion of South Carolina."

A resolution adopted by the Lithuanian Council of Miami, Miami, Fla., demonstrating against the continued colonization and oppression of Lithuania, Latvia and Estonia; to the Committee on Foreign Relations.

A petition, signed by sundry citizens of the State of Ohio, praying for a reversal of certain Supreme Court decisions; to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Mr. DOMINICK:

S. 891. A bill to amend the Federal Employees Health Benefits Act so as to put individual practice prepayment plans on an equal basis with other types of Federal employees health benefits plans. Referred to the Committee on Post Office and Civil Service.

Mr. DOMINICK. Mr. President, I introduce for appropriate reference a bill to amend section 4 of the Federal Employees Health Benefits Act, Public Law 89–544. Section 4 of the Federal Employees Health Benefits Act describes four basic types of health benefit plan for which the Civil Service Commission may contract to provide medical coverage for Federal employees: One, service benefit plans; two, indemnity benefit plans; three, employee organization plans; and four, comprehensive medical plans. Two types of "comprehensive medical plans" are authorized—group practice prepayment plans and individual practice prepayment plans.

With respect to individual practice prepayment plans, the act limits the organizations which may contract with the Civil Service Commission to those which have successfully operated similar plans. The portion of the act dealing with comprehensive medical plans provides:

(4) COMPREHENSIVE MEDICAL PLANS.—

(A) GROUP-PRACTICE PREPAYMENT PLANS.—Group-practice prepayment plans which offer health benefits of the types referred to by section 8904(4) of this title, in whole or in substantial part on a prepaid basis, with professional services thereunder provided by physicians practicing as a group in a common center or centers. The group shall include physicians representing at least three major medical specialties who receive all or a substantial part of their professional income from the prepaid funds.

(B) INDIVIDUAL-PRACTICE PREPAYMENT PLANS.—Individual-practice prepayment plans which offer health services in whole or substantial part on a prepaid basis, with professional services thereunder provided by individual physicians who agree, under certain conditions approved by the Commission, to accept the payments provided by the plans as full payment for covered services given by them including, in addition to in-hospital services, general care given in their offices and the patients' homes, out-of-hospital diagnostic procedures, and preventive care, and which plans are offered by organizations which have successfully operated similar plans before approval by the Commission of the plan in which employees may enroll.

The Civil Service Commission has construed the "successful experience" requirement to require 1 year of prior experience with a plan where: First, individual physicians agree to accept payments on a prepaid basis as full payment for covered services, and second, the individual physicians bear the risk in the event that the costs of providing covered medical services exceed the prepayments. Thus, organizations with experience operating plans underwritten by insurance companies have been ruled ineligible by the Commission on the ground that this second criterion was not met. To my knowledge, only the Government requires that the participating physicians themselves bear the risk that costs of medical services covered by an individual-practice prepayment plan may exceed prepayments. For that reason, most non-government, individual-practice, prepayment-type plans are underwritten by insurance companies, so that the individual physicians do not bear this risk. The result is that few organizations are able to meet the experience requirement of the statute as construed by the Civil Service Commission.

This situation is well illustrated by the unsuccessful efforts of a medical foundation in Colorado to qualify to provide medical services to Federal employees in the Denver area through an individual-practice prepayment plan. The Metropolitan Denver Foundation for Medical Care was formed in 1968 by local county medical societies covering the Metropolitan Denver area. The foundation was formed to provide a means for controlling the rapidly increasing cost of medical care.

The basic method used by the foundation is to obtain commitments from physicians to accept as their full fee for services rendered that amount paid to them by the foundation. Thus, a subscriber to a foundation-sponsored plan is assured that his monthly premium payment will in fact, take care of all his medical expenses. The foundation controls the cost of medical care by reviewing all statements sent to it by member physicians to see if they have provided any unnecessary care, or have duplicated any services. Member physicians will not be paid for services determined by the foundation to be unnecessary.

The foundation will also pay the bills of nonmember physicians who do not subject themselves to the review procedures of the foundation, but will be paid on a scale which is somewhat less than the maximum available to member physicians, and the patient who goes to a nonmember physician will have no guarantee that the physician's bill will not be in excess of the amount received from the foundation. Therefore, the subscribing patient has the freedom to go to any physician he chooses, whether or not the physician is a member of the foundation, provided that he is willing to bear the additional cost which he may incur by choosing a nonfoundation physician. This type of plan has worked well in California, and is succeeding in holding down medical costs, while providing medical care without interfering with the physician-patient relationship.

Another approach to the problem of medical costs has been the closed panel or group practice. Here, a relatively small number of physicians practice together and offer to provide all of a subscriber's medical needs for a fixed monthly payment. In this situation, the subscriber can only go to those physicians who are members of the group.

Of course, the number of physicians in such a group is much smaller than those in an individual-practice type plan similar to the Metropolitan Denver Foundation's. Group practices also discourage unnecessary or duplicative medical treatment, and have also been successful in reducing the cost of medical care in Cali-

fornia. The Kaiser Foundation is, of course, the best known of these.

In 1969, Kaiser organized a new nonprofit corporation in Denver, and within a few months applied for and received the approval of the Civil Service Commission to provide prepaid health care to Federal employees in the Denver area. This nonprofit corporation was an entirely separate entity from the Kaiser plans in California, and had no experience operating in Colorado prior to the approval.

The Metropolitan Denver Foundation was organized, as I stated earlier, in 1968. Since that time, the foundation had sponsored prepaid health care plans. Those plans were similar to an individual-practice prepayment plan which would be provided to Federal employees under the Federal Employees Health Benefits Act. The difference was that the risk of actual medical costs exceeding prepayments was borne by a private insurance carrier. Under the act, the foundation would contract with the Government directly, and the individual physicians would bear the risk. But the foundation was exercising the same cost-control function it would exercise under a contract with the Government, and its member physicians were providing their services in the same fashion.

The foundation also applied to the Civil Service Commission for approval to provide an individual-practice prepaid health care plan to Federal employees in the Denver area. Its application was rejected on the ground that the "successful experience" requirement of the statute had not been satisfied. The Commission felt that the foundation's experience in sponsoring prepaid plans did not apply because the individual physicians did not bear the risk in the event that actual medical costs exceeded the prepayments.

The successful experience requirement applies only to individual-practice-prepayment plans. There is no such requirement with respect to group-practice prepayment plans. This bill would put individual practice plans on an equal basis with group-practice plans by eliminating the experience requirement. There are several reasons why this should be done.

First, I do not think Congress intended to discriminate in favor of group-practice plans. The Congressional Research Service has prepared an excellent memorandum on the legislative history of the Federal Employees Health Benefits Act, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DOMINICK. As indicated in that memorandum, when the bill which was later enacted as the Federal Employees Health Benefits Act was reported out of the House Post Office and Civil Service Committee—House Report 86–957—it required both group- and individual-practice prepayment plans to have 5 years of prior successful experience. Before the bill was taken up in the House, it was changed. The experience requirement was eliminated as to group plans. The section dealing with individual-practice plans was revised to delete the 5-year requirement, but the experience requirement presently in the statute was retained.

Mr. President, nothing in the hearings, committee reports, or floor debate on the bill reveals why it contained an experience requirement for individual-practice plans but not for group plans.

There was no indication that any of the specified types of plans was favored over another. In fact, the point was made in the hearings that competition among the various types of plans would result in better employee benefits and lower medical costs.

Apart from whether the unequal treatment of group- and individual-practice plans in the statute was intended or inadvertent, I think they should now be put on equal footing in competing to provide medical benefits to Federal employees. From the standpoint of guaranteeing good health benefits to Federal employees, there is no apparent reason why an experience requirement should be necessary for individual-practice plans, but not for group-practice plans. Individual-practice prepayment plans have many of the advantages of group-practice plans without the disadvantage of restricting the subscribing patients' choice of physicians. Many prefer to have the freedom of choosing individual physicians for their medical care rather than being confined to a group of specialists practicing together.

In fact, a majority of the medical profession objects to group practices because they limit the patient's choice of a physician, and because they feel that the physicians in this case are really employed by the corporation rather than by the patient, and that this is an interference with the doctor-patient relationship. Under either type of plan, a subscribing patient is assured that his prepayment will cover the full cost of medical services provided by a member physician. Both types of plans contain strong incentives for keeping medical costs down through emphasis on preventive care and curtailment of unnecessary hospitalization.

Mr. President, in my opinion, it makes sense to increase the availability of these kinds of health benefits to Federal employees. This is particularly true at a time when medical costs are rising and we are looking for innovative methods of improving our Nation's health care.

EXHIBIT 1

THE LIBRARY OF CONGRESS,
Washington, D.C.

To Hon. PETER H. DOMINICK.
From Education and Public Welfare Division.
Subject: Legislative history of a provision pertaining to the contract authority of the Federal Government with respect to individual practice prepayment health insurance plans administering the Federal Employees Health Benefits programs

This is in reply to a request from your staff for a review of the legislative history of a provision found in 5 U.S.C. 8903, which defines which health benefits plans are qualified to enter into contracts with the Civil Service Commission to administer a portion of the Federal Employees Health Benefits program.

Reference is made to your letter of October 9, 1969 and the attachments from the Civil Service Commission and a representative of the Metropolitan Denver Foundation for Medical Care. Your letter and the attachments note that under 5 U.S.C. 8903, the Civil Service Commission may contract with or approve four type of health benefit plans for purposes of administering the Federal Employees Health Benefits Act. Among the four categories of approved plans are (1) service benefit plans, (2) indemnity benefit plans, (3) employee organization plans, and (4) comprehensive medical plans. The last group—comprehensive medical plans may include either (a) group practice prepayment plans or (b) individual-practice prepayment plans. However, with respect to individual-practice prepayment plans, the Civil Service Commission may enter into contracts only if such plans "have successfully operated similar plans before approval by the Commission of the plan in which employees may enroll."

The Metropolitan Denver Foundation for Medical Care, which was specifically incorporated for purposes of administering such a program, has not had such experience and the Foundation's application to the Civil Service Commission has been turned down on the grounds that this provision found in 5 U.S.C. 8903 prevents the Commission from making such a contract, even though it does not appear the Commission questions the capability and resources of the Foundation to meet proposed contract responsibilities.

BACKGROUND

As you know, throughout much of the 1950's, several efforts were made to establish a health insurance program for Federal workers. A number of hearings on specific proposals as well as studies were made on the pros and cons of different programs. In 1959, legislation in the form of S. 94, introduced by Senator Richard Neuberger and others, would establish such a Federal employees health insurance program.

SENATE ACTION

Hearings on S. 94 were held on April 15, 16, 21, 23, 28 and 30, 1959. As introduced, the measure would have permitted the Government to contribute toward the cost of health insurance of an employee who enrolls for himself or for his dependents in one of four basic health insurance plans, including group practice prepayment programs. However, no reference was made to individual practice prepayment programs (see *Hearings* before the Senate Committee on Post Office and Civil Service; pages 10–20). Both the employee groups and the group-practice organizations strongly supported measures which would enable them to participate in any Federal employee program.

On June 12, 1959, a revised proposal, S. 2162 (known as the Johnston-Neuberger bill) was introduced and ultimately reported favorably with amendments by the Senate Committee on Post Office and Civil Service (see Senate Report No. 468; 86th Congress, 1st Session; July 2, 1959). The legislation, as sent to the entire Senate, retained the "freedom of choice of plans" provision permitting employees to elect from among a service type of program at least National in scope, a National cash indemnity plan, group practice plans where they existed, and employee organization plans. Once again, no reference was made to the individual practice prepayment programs. Plans interested in participating, of course, had to satisfy the other requirements set out in the bill as reported.

On July 16, 1959, the Senate approved the bill by a vote of 81 to 4 and sent it to the House of Representatives. As passed by the Senate, the measure contained the following definition of "group practice prepayment plans:"

"Group practice prepayment plans which offer health services in whole or in substantial part on a prepaid basis, with professional services thereunder provided by physicians practicing as a group in a common

center or centers. Such a group shall include physicians qualified in at least three major medical specialties and receive all or a substantial part of its income from prepaid funds."

No reference to individual practice plans was made in the measure.

HOUSE ACTION

S. 2162, as passed by the Senate was referred to the House Committee on Post Office and Civil Service on July 20, 1959. This Committee immediately began hearings on the bill and other similar measures, with testimony taken on July 21, 23, 28 and 30 and August 4, 5, 6, 7, 11, 12, 13 and 14, 1959.

The first indication that a change in the kinds of plans which could participate would be made was offered in the testimony of Arthur H. Harlow, Jr., President of Group Health Insurance of New York (see *Hearings* before the House Committee on Post Office and Civil Service; pages 181–85). G.H.I., as an individual-practice plan, Mr. Harlow noted, could not provide coverage for Federal workers under provisions of the Senate-passed bill:

"I believe GHI offers the kind of insurance the Federal Government wants to give its employees a chance to choose. . . . The bill as drawn, however, limits choices for Federal employees to one Government-wide service benefit plan, one Government-wide indemnity plan, employee organization plans, and local group practice prepayment plans. It thus leaves out GHI, which is not a group practice plan."

Although Mr. Harlow had appeared before the Senate Committee on S. 94, the distinctions in the plans had not been made at that time. Therefore, no opposition to the listing of types of plans was made before the House began its examination.

The Chairman of the Committee, after asking for clarification of Mr. Harlow's point asked: Why can you not qualify under the bill? Mr. Harlow answered:

"Because we are not a group practice plan. Group practice plans require that you go to a group of doctors operating from some local, common office. We do not make any such requirement. We are a free choice plan."

The Chairman then asked if GHI had an amendment to offer to permit the organization to participate under the proposed program. Mr. Harlow said he did and suggested that a fifth category of plans be added—local or area service benefit plans. The definition is significantly different from the definitions of the other plans in that GHI proposed that local or area service benefit plans be permitted to participate *"Provided,* That the carrier offering the plan must have provided health services under a health benefits plan for a period of at least five years."

The first direct proposal to add two parts to the prepayment type of plans was offered by the Chairman of the Civil Rights Commission, Roger Jones, in testimony before the Committee on August 12, 1959 (see Hearings: beginning on 394). Mr. Jones informed the Committee that the Commission proposed to add the following amendment:

"(b) Individual Practice Prepayment Plan—Individual practice prepayment plan which offer health services in whole or in substantial part on a prepaid basis, with professional services thereunder provided by individual physicians who agree that under certain conditions to accept the payments provided by the plan as full payment for covered services rendered by them, including in addition to in-hospital services general care rendered in their offices and the patient's homes, out of hospital diagnostic procedures and preventive care, *and which plan shall have been in operation at least five years."* (Emphasis not in original.)

One of the members of the Committee asked: "What group would that cover . . . Who are you aiming at with that language?" The Civil Service Commission Chairman answered:

"Well, the big one that we are aiming at is the organization which has already testified before the committee, the so-called Group Hospitalization, Inc. of New York, which is a very large plan . . . We are informed that there are other individual practice plans of this type. There is the . . ."

The Commission Chairman thereupon listed a number of other individual practice plans which might wish to participate in the program. One member asked whether such plans would meet the existing definitions, and the Chairman replied that they would not unless this change were incorporated.

In short, it seems that the requirement that individual practice plans have some experience with health benefit programs came originally from the largest of such plans itself and from Mr. Harlow of GHL. The Administration, although modifying the amendment somewhat, went along with the five-year requirement. Neither Mr. Harlow, nor the Government witnesses explained why the experience requirement was deemed necessary in the first place (although Government witnesses were concerned about the proliferation of participants which would increase administrative problems for the Civil Service Commission).

On August 20, 1959, the House Committee reported the bill favorably to the House (*Report No. 957,* 86th Congress, 1st Session). The new version of S. 2162 struck all after the enabling clause of the Senate bill, substituting the Committee's revision. In the revision, the language defining individual-practice prepayment plans is nearly identical to the language proposed by the Chairman of the Civil Service Commission, the last clause now reading:

. . . and which plans are offered by organizations which have operated such plans for at least five years immediately preceding approval by the Commission of the plan in which employees may enroll.

It is significant to note, however, that the House Committee bill now also contained the same five-year requirement for group practice plans as for individual-practice plans. In other words, as reported, the measure applied a specific experience requirement to *both* classes of comprehensive medical plans.

Between the time the bill was reported and the time it was taken up by the House, changes were made in Sec. 4 of the bill which defined the types of plans with which the Commission might enter into contracts. We can find no record of when such changes were made, or under what circumstances. We are, however, looking into the parliamentary circumstance under which such a change might be made.

In any event, the measure was brought up in the House on September 1, 1959 (see Congressional Record; Part 14, Vol. 105; page 17549 and following) with two significant changes from the standpoint of Mr. Spelts' request. First, the definition for group-practice prepayment plans had been revised by deleting the language requiring any experience (see previous paragraph). The definition for individual-practice also was revised to eliminate the 5-year requirement, but retained a prior experience requirement as indicated below:

. . . and which plans are offered by organizations which have successfully *operated such plans prior to approval* by the Commission of the plan in which employees may enroll. (*italics* not in original)

No discussion was offered to account for the changes, nor was any question asked during House consideration of the measure which passed by a vote of 383 to 4. The Senate reconsidered the measure and concurred with amendments on September 10, 1959, although the amendments did not pertain to the plans definitions section of the bill. The House accepted the Senate changes in the legislation, and the legislation became Public Law 86–382, the Federal Employees Health Benefits Act of 1959 on September 26, 1959.

In the absence of public statements as to why the House bill was modified to change the plans definitions section of the Act, we can not document the rationale of the sponsors to support the need for an experience requirement for individual-practice plans or to justify the omission of such a requirement in the case of group practice plans.

SUMMARY—1959 DEVELOPMENTS

It can be argued that 5 U.S.C. 8903(4)(B) discriminates unjustly in favor of group-practice plans which, though lacking in any "successful operations" prior to Commission approval may otherwise enter into contracts, if qualified in all other respects.

From the previous discussion, it appears that the House Committee intended, in the bill as reported, that the experience requirement apply to both prepaid types of plans. However, as described, although the specificity of 5-years was dropped, the successful experience requirement was retained in the case of individual-practice plans. Nevertheless, it also appears that the experience requirement itself was first suggested by the spokesman of the largest of such plans and agreed to by the Commission when it proposed the division of the comprehensive plans into two sub-groups.

By way of background, it should be noted that throughout the hearings process two major administrative concerns were constantly discussed. First, Committee members, employee groups, and of course the group-practice, individual-practice, and employee-plan representatives argued for broad involvement by all kinds of plans. The argument was frequently made that this would assure competition among the plans proposing to administer the program with better employee benefits and lower costs. Second, however, the Commission expressed great concern about plan proliferation, indicating that by permitting too many plans to become involved would create an administrative "nightmare" and most likely increase costs of operating the program. By expanding the list of the types of plans which could qualify for participation, it might be argued that the first objective was met. By placing an experience requirement, some might argue that the second objective was satisfied.

CONGRESSIONAL PRECEDENT FOR CHANGING THE EXPERIENCE REQUIREMENT

As you will recall from the preceding discussion, the original 1959 Act provided that four types of plans could be eligible for participation in the health benefits program. The third class was the "employee organization plan." As enacted, the 1959 law established the following definition for such plans:

Employee organization plans which offer benefits of the types referred to in section 5(3) which are sponsored or underwritten, and are administered, in whole or in substantial part, by employee organizations, which are available only to persons (and members of their families) who at the time of enrollment are members of the organization, and which on July 1, 1959, provided health benefits to members of the organization.

The effect of this provision was to require that only employee plans which had been in operation for at least one year before the effective date of the program could qualify for participation. In 1963, the Congress moved to eliminate this provision which prevented plans which did not exist or did not apply within the prescribed time limits imposed by Public Law 86–382. Public Law 88–59 (H.R. 1819), July 6, 1963, struck the words: "and which on July 1, 1959, provided health benefits to members of the organization."

The language of one of the Committee reports on H.R. 1819 may be helpful to you, in the event you propose to modify the current restrictions imposed on new individual-practice prepayment plans as proposed by

the Denver medical group. Senate Report No. 251, 88th Congress, 1st Session, notes that:

The restrictive language of the original measure was never intended, in the view of the committee, to provide any employee group with a membership recruitment and retention advantage over any other. This bill would eliminate the requirement that employee organization plans have been in operation on July 1, 1959, and it would permit any employee organization to apply for approval of its health-benefit plans between the date of enactment and December 31, 1963 . . . It is the Committee's view that any inequity resulting, however unintentionally, as between various employee organizations, ought to be remedied.

In short, the Congress authorized plans which had since come into existence, or otherwise sought to apply for participation, to apply to the Commission without the requirement of experience prior to the date set out in the legislation for filing of such applications (prior to January 1, 1964). As you will note, the filing deadline requirement is still contained in 5 U.S.C. 8901(8) for employee organizations, while 5 U.S.C. 8903(3) contains no experience requirement on employee organization plans, which satisfied that filing date. It may be that a similar appeal to the Congress for eliminating the experience requirement would be appropriate for individual-practice plans which have a desire to apply for Commission approval and meet all other requirements established by the Commission for such plans, except that required by the last clause found in 5 U.S.C. 8903(4)(B).

We hope this information is helpful, and if we can be of further assistance, please let us know.

GLENN MARKUS.

By Mr. SAXBE:

S. 892. A bill to provide for the development and conduct of a program designed to determine the proficiency of individuals to perform health-care services for which payment may be made under the insurance program established by title XVIII of the Social Security Act and under State programs established pursuant to title XIX of such act. Referred to the Committee on Finance.

Mr. SAXBE. Mr. President, today I am introducing a proposal which will set up a testing program for determining the proficiency of health-care personnel who have been disqualified under current Federal regulations.

Under the present ruling, skilled nursing homes participating in medicaid, must use as charge nurses on all shifts either a registered nurse or a licensed practical nurse with formal degrees. Because of an acute shortage of nursing personnel, many nursing homes have been covering some shifts with "waivered" practical nurses. These are nurses who do not have formal training but have been licensed by the State on a waivered basis. Most of these nurses have years of experience and are competent; others are not.

The proposal I am offering would provide a testing mechanism within HEW to determine which of these "waivered" nurses are competent to serve as charge nurses. In my State of Ohio alone, there are 10,000 waivered practical nurses; half of whom have even passed the State board. And there are at least 200 nursing homes in the State who are unable to find enough qualified nurses to serve on all shifts. In this day of extreme medical manpower shortage, we must not discriminate against a valuable and competent resource. Therefore, I ask that the bill be printed in the RECORD and be referred to the Committee on Finance.

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

S. 892

A bill to provide for the development and conduct of a program designed to determine the proficiency of individuals to perform health care services for which payment may be made under the insurance program established by title XVIII of the Social Security Act and under State programs established pursuant to title XIX of such Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title XI of the Social Security Act is amended by adding after section 1121 the following new section:

"PROGRAM FOR DETERMINING QUALIFICATIONS FOR CERTAIN HEALTH CARE PERSONNEL

"SEC. 1122. (a) The Secretary, in carrying out his functions relating to the qualifications for health care personnel under title XVIII, shall develop (in consultation with appropriate professional health organizations and State health and licensure agencies) and conduct (in conjunction with State health and licensure agencies) until December 31, 1975, a program designed to determine the proficiency of individuals (who do not otherwise meet the formal educational, professional membership, or other specific criteria established for determining the qualifications of practical nurses, therapists, laboratory technicians, X-ray technicians, psychiatric technicians or other health care technicians and technologists) to perform the duties and functions of practical nurses, therapists, laboratory technicians, X-ray technicians, psychiatric technicians, or other health care technicians or technologists. Such program shall include (but not be limited to) the employment of procedures for the formal testing of the proficiency of individuals. In the conduct of such program, no individual who otherwise meets the proficiency requirements for any health care specialty shall be denied a satisfactory proficiency rating solely because of his failure to meet formal educational or professional membership requirements.

"(b) If any individual has been determined, under the program established pursuant to subsection (a), to be qualified to perform the duties and functions of any health care specialty, no person or provider utilizing the services of such individual to perform such duties and functions shall be denied payment, under title XVIII or under any State plan approved under title XIX for any health care services provided by such person on the grounds that such individual is not qualified to perform such duties and functions.".

By Mr. RIBICOFF:

S. 893. A bill for the relief of Candida Augusto Baptista De Albuqueque. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 894. A bill for the relief of Sang Yol Hwang. Referred to the Committee on the Judiciary.

By Mr. ERVIN (for himself, Mr. HART, Mr. BAYH, Mr. BIBLE, Mr. BURDICK, Mr. CANNON, Mr. CURTIS, Mr. EAGLETON, Mr. FONG, Mr. GURNEY, Mr. HUGHES, Mr. HRUSKA, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MATHIAS, Mr. MCCLELLAN, Mr. MCINTYRE, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PACKWOOD, Mr. PELL, Mr. TALMADGE, and Mr. THURMOND):

S. 895. A bill to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes. Referred to the Committee on the Judiciary.

TO GIVE EFFECT TO THE SIXTH AMENDMENT RIGHT TO SPEEDY TRIAL

Mr. ERVIN. Mr. President, on behalf of the senior Senator from Michigan, (Mr. HART), and Senators BAYH, BIBLE, BURDICK, CANNON, CURTIS, EAGLETON, FONG, GURNEY, HUGHES, HRUSKA, INOUYE, JAVITS, KENNEDY, MATHIAS, MCCLELLAN, MCINTYRE, MONDALE, MOSS, MUSKIE, PACKWOOD, PELL, TALMADGE, THURMOND, and myself, I introduce for appropriate reference a bill to give effect to the sixth amendment right to speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes.

This bill is virtually identical to a bill, S. 3936, which Senators HART, BAYH, HUGHES, and former Senator Young, and I introduced on June 9, 1970. Soon after we introduced the bill, we were joined by 20 additional Senators who also saw S. 3936 as a significant attempt to solve one of the most pressing problems of our time. The bill was unique in that it constituted a concrete and viable proposal for breathing life into the sixth amendment speedy trial guarantee. It was not just another echo of a tired, empty slogan about that long-neglected constitutional right.

That bill was widely circulated during the last half of 1970 among judges, bar associations, law school professors, and others with special knowledge and experience in the field of criminal justice. As a direct result of that solicitation, we have gathered a broad range of very valuable opinion and comment which will enable us to hold hearings early in the session. If the hearings demonstrate that changes in the bill are necessary, as well they might, those changes must be made with dispatch so that the bill may then receive careful but prompt consideration by the Judiciary Committee and the Senate. In my view, enactment of this bill or one similar to it is vital if those noble words atop the pillars of our Supreme Court building—"equal justice under law"—are to be more than a hollow shibboleth in our society.

It is indeed a pathetic commentary on the criminal justice system in our country that more than half of the inmates in city and county jails across the Nation are imprisoned without having been convicted of a crime. That startling fact was released just a few weeks ago after a study done for the Law Enforcement Assistance Administration to determine the present jail population of our country.

It does not speak well of our criminal court processes when inmates of an institution in New York City, universally and sardonically known as "The Tombs," have to seize control of their prison in

order to proclaim their desire for speedy trials.

Clearly, justice delayed is justice denied when a felony case in the District of Columbia takes an average of 10 months to come to trial and when, as was shown at our preventive detention hearings last year, some 56 percent of the 1,406 inmates then awaiting trial in the District of Columbia Jail had waited 2 months or more, with 24 having waited over 2 years without trial.

Mr. President, one way we can effectively begin the difficult and urgent task of correctional reform which now faces the country is to accord the vast number of inmates who have been imprisoned without conviction their constitutional right to a speedy trial. I fear that there is more truth than fiction in the observation that tall prison walls better serve to keep outsiders from seeing the injustice within than to prevent the individuals within from fleeing or harming society. I believe that society itself commits a disgraceful crime when it stands idly by as a mute witness while the sixth amendment speedy trial guarantee is rendered meaningless for thousands languishing without trial in overcrowded prisons.

When Oscar Wilde poetically depicted prison life in "The Ballad of Reading Gaol," he was recording existing conditions in Berkshire some 75 years ago. In retrospect we can see that he not only gave us a poetic and historically interesting description of an English jail but also enunciated what has become a universal truth about American prisons when he said:

> The vilest deeds like poison weeds
> Bloom well in prison air;
> It is only what is good in man
> That wastes and withers there.
> Pale Anguish keeps the heavy gate,
> And the warder is Despair.

Those of us who offer this bill today propose to reduce the number of persons awaiting trial in that foul atmosphere by giving them their constitutional right to a speedy trial.

Mr. President, last year there was a storm of controversy over an effort to enact preventive detention legislation to place allegedly "dangerous" defendants in prison without trial by denying them their constitutional right to reasonable bail. I hope all such proposals to imprison persons without trial for suspected criminal tendencies have been forever laid to rest. I hope we can instead focus our attention and energy on the clearly constitutional alternative to preventive detention—speedy trial.

My objection to preventive detention has rested primarily on constitutional grounds. I have also opposed it, however, for three very practical reasons which relate to speedy trial legislation. First, the preventive detention procedures would only further burden a court system presently near the breaking point. Second, preventive detention would swell the jail population with individuals not convicted and not tried. And, third, it would merely paper over the decay within our court system and lead to further unwise and harmful delay in seeking real solutions to the crime problem.

How much more sensible and effective it would be to begin by providing speedy trials for all criminal suspects and swift, effective punishment for those actually found guilty. While reasonable men might well differ on the efficacy and constitutionality of preventive detention, I believe that all of us can unite with force and common purpose behind a carefully drawn proposal to give renewed vitality and meaning to the sixth amendment speedy trial guarantee. Together, we can change a laudable but unattained ideal into a living, practical reality.

Our problem is age old. Many centuries ago Ecclesiastes, the preacher, said:

> Because sentence against an evil deed is not executed speedily, the heart of the sons of men is fully set to do evil.

Yet, in stating the problem, Ecclesiastes also revealed the answer—try those accused of evil deeds speedily and then punish with dispatch those who are actually found to have committed evil deeds. I am confident that we can achieve this objective if we but devote a small measure of our energy, ingenuity, and resources to the job.

Mr. President, as we approach this task, I see a number of encouraging signs on the horizon. They lead me to believe that the time is at hand when we shall overcome the obstacle of trial delay which has been exacting an unduly high price from accused and society alike.

One hopeful sign is the tremendous unsolicited response from private individuals, groups, and newspapers across the land to the introduction last session of S. 3936, the predecessor of the bill we introduced today. That response shows that the people of our country have long been counting the cost to society of unreasonable delay. It demonstrates that they recognize the need for a major overhaul of our judicial machinery and that they are looking to us for the imaginative leadership necessary to achieve the task. Perhaps most important of all, it shows that they share our commitment to attain the goal of speedy trial.

Another encouraging signal lies in the overwhelmingly favorable response the Constitutional Rights Subcommittee received to its solicitation of views from a wide variety of experienced people in the criminal justice field. Endorsement of the objectives and principles embodied in the bill has been accompanied by constructive suggestions for its improvement. For example, we have had several recommendations that a provision be included in the bill to eliminate unnecessary delay in criminal appeals and also that sanctions for unreasonably dilatory defense counsel be incorporated in some manner. The subcommittee has welcomed such comments and suggestions and will give them close and careful attention during the course of the forthcoming hearings. Dates for the hearings will soon be announced.

Furthermore, I have been heartened by the commitment of Chief Justice Warren Burger of the U.S. Supreme Court to the principle we are striving to attain through this bill. In his remarks to the American Bar Association on the state of the federal judiciary, on August 10, 1970, he said:

> If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate.
>
> Efficiency must never be the controlling test of criminal justice but the work of the courts can be efficient without jeopardizing basic safeguards. Indeed the delays in trials are often one of the gravest threats to individual rights. Both the accused and the public are entitled to a prompt trial.

In declaring that criminal trials within 60 days would sharply reduce the crime rate and that both the accused and the public have a fundamental right to speedy trial, the Chief Justice plainly enunicated two consummate truths which neither the legislature nor the judiciary can ignore any longer.

Concern about speedy trial here in the District of Columbia has been brought sharply into focus within the past few weeks by a General Sessions Court judge's order for release on recognizance of a defendant formerly incarcerated without trial in the District of Columbia jail for 2 months. The judge said that "simple justice" demanded release even though he had some misgivings about the defendant's inclination to return for trial. He made it clear that the accused should not pay for the sins of others. The judge pointed an accusing finger for dilatory tactics in the direction of Government prosecutors, the Bureau of Narcotics and Dangerous Drugs and the court-appointed defense counsel. This action should serve as fair notice to all that the District of Columbia Superior Court, formerly the General Sessions Court, intends to speed up the wheels of justice. With the increased number of judges provided by the recent District of Columbia court reorganization, the public and the Congress should tolerate nothing short of trials within 60 days.

In the U.S. District Court for the District of Columbia, we are fortunate to have as Chief Judge, Edward M. Curran, a stanch believer in the need for speedy trials. At a witness at Constitutional Rights Subcommittee hearings in February of 1969 and again in a letter to me on October 7, 1970, he said:

> There is no more effective deterrent to crime than a speedy trial and swift punishment for the guilty.

In his letter, he also advised me that he fully expected the Federal district courts here to meet a 60-day limit, without additional manpower, upon completion of local court reorganization.

Another encouraging step, which reflects serious concern on the part of the Federal judiciary to set its own house in order, has been the recent promulgation of speedy trial rules by the Judicial Council of the Second Circuit Court of Appeals. The rules require that the U.S. attorney must be ready for trial of an unconvicted, detained defendant within 90 days of detention. If not, the defendant is to be released, unless exceptional circumstances appear. The rules also require the Government to be ready for trial in all cases within 6 months from

the date of arrest, service of summons, detention, or filing of a complaint or a formal charge, whichever is earliest. Otherwise, the case shall be dismissed upon motion of the defendant or the district court. The rules give a clear priority generally to criminal cases and particularly to detained defendants and defendants believed to present unusual risks. In announcing the rules, the circuit council stated:

> The deterrence of crime by prompt prosecution of charges is frustrated whenever there is a delay in the disposition of a case which is not required for some good reason. The general observance of law rests largely upon a respect for the process of law enforcement. When the process is slowed down by repeated delays in the disposition of charges for which there is no good reason, public confidence is seriously eroded.

The sort of initiative displayed by the second circuit will serve as a useful adjunct to legislative efforts by the Congress.

Mr. President, I believe that all of these encouraging signs which I have just mentioned show that the time for action is at hand. The public confidence must be restored. We in the Congress can do much to restore it by enacting a bill like the one my colleagues and I offer today. In so doing we can not only provide speedy trials for all Federal criminal suspects but also establish a model worthy of emulation by States experiencing similar problems.

It is in this spirit I introduce in the Senate today a proposed "Speedy Trial Act of 1971." This bill attacks the problem of delayed trials and pretrial recidivism from two directions which I should like to explain.

First, it requires each Federal district court to set trials within 60 days of the date of an indictment or information. It establishes a limited opportunity for delays in trial—only those required by other proceedings involving the defendant, or those absolutely necessary for the holding of a fair trial. It bars delays caused by inadequate judicial resources and seeks strongly to discourage procrastinations by counsel.

The speedy trial provisions of this part of the bill apply in four stages: first, to those persons accused of serious felonies and not released prior to trial; second, to those accused of serious felonies and released prior to trial; third, to those accused of other felonies and not released; and finally, to all other persons accused of nonpetty offenses.

The bill requires each district court to establish plans for the implementation of the speedy trial requirements of the legislation and the sixth amendment. It also provides for the report to Congress of the funds and personnel needed to implement the speedy trial requirements.

This is possibly the most important part of the bill. It will for the first time require the executive and judicial branches to make a comprehensive assessment of their resources and their requirements for an efficiently functioning criminal justice system. They will then present to Congress their evaluation of the resources which they find lacking. Congress then will make its own comprehensive assessment of the resources necessary to assure speedy and fair administration of the criminal law. The choice then will be clear. If we desire a modern, efficient, and well-run judicial system—one which will truly and effectively perform its function of punishing and rehabilitating lawbreakers and deterring crime—we will know what it will cost and how much of an effort is required. If the Nation truly wants law and order, and not merely a panacea, it will pay that cost.

Second, the bill authorizes the creation of demonstration "Pretrial Services Agencies" in 5 Federal districts, including the District of Columbia. The agencies will be responsible for making bail recommendations, for supervising and controlling persons released on bail, for assisting in the providing of medical, employment, and other services to these persons, and for performing other functions designed to insure the reduction of pretrial crime, nonappearance for trial, and unnecessary pretrial detention. These agencies are designed to put into operation the recommendations of the many committees which have surveyed the operation of the Bail Reform Act and pointed out our persistent failure to make that act work as it was intended and as it should. The District of Columbia Bail Agency, with its recent expansion in scope and resources, might well serve as a model "Pretrial Services Agency" under the new bill.

When we truly reform our bail machinery and make the Bail Reform Act work, I am confident that we will then be in a position to take a step that has long been needed—the complete prohibition of money bail in amounts beyond the ability of a defendant to pay. We can then eliminate what has been properly called the "hypocrisy" of extralegal preventive detention through the use of high money bail.

The only difference in the bill which I now introduce and S. 3936 which was introduced last year is that the new bill does not provide for specific additional penalties for crimes committed while a defendant was released awaiting trial. That provision, title II of S. 3936, received sufficient unfavorable comment last year from some of my colleagues in the Senate and from the experts whose comments we solicited to warrant its removal for separate study by the Constitutional Rights Subcommittee. In all other respects the bill remains unchanged.

I ask unanimous consent that the text of the bill and a sectional analysis of it be printed in full in the RECORD at this point.

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

S. 895

A bill to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes

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

TITLE I—SPEEDY TRIALS

SEC. 101. Title 18, United States Code, is amended by adding immediately after chapter 207 a new chapter 208, as follows:

"Chapter 208—SPEEDY TRIALS

"§ 3161. Time limits and exclusions

"(a) When a defendant charged with an offense against the United States first appears before the court for the setting of release conditions under section 3146 the judge shall, after consultation with the counsel for the defendant and the United States attorney, set a day certain for the trial.

"(b) The trial of a defendant charged with an offense against the United States shall be commenced as follows:

"(1) Within sixty days from the date the defendant is arrested or a summons is issued, except that if an information or indictment is filed, then within sixty days from the date of such filing;

"(2) If the indictment or information is dismissed upon motion of the defendant and thereafter the defendant is charged with the same crime or a crime based on the same conduct or arising from the same criminal episode, within sixty days from the date the defendant is so charged; or

"(3) If the defendant is to be tried again following a mistrial, an order for a new trial, or an appeal or collateral attack, within sixty days from the date of the mistrial, order granting a new trial, or remand.

"(c) The following periods of delay shall be excluded in computing the time within which the trial of any such offense must commence:

"(1) Any period of delay resulting from other proceedings concerning the defendant, including but not limited to, an examination and hearing on competency, any period of delay resulting from the fact that he is incompetent to stand trial, or resulting from an examination and treatment pursuant to section 2902 of title 28, United States Code, and any period of delay resulting from hearings on pretrial motions, interlocutory appeals, or trials with respect to other charges.

"(2) Any period of delay during which prosecution is deferred by the United States attorney pursuant to written agreement with the defendant for the purpose of allowing the defendant to demonstrate his good conduct.

"(3) Any period of delay resulting from the absence or unavailability of the defendant.

"(4) If the information or indictment is dismissed upon motion of the United States attorney and thereafter a charge is filed against the defendant for the same offense or any offense required to be joined with that offense, any period of delay from the date the charge was dismissed to the date the time limitation would commence to run as to the subsequent charge had there been no previous charge.

"(5) A reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and there is good cause for not granting a severance. In all other cases the defendant shall be granted a severance so that he may be tried within the time limit applicable to him.

"(6) Any period of delay resulting from a continuance granted at the request of the defendant or his counsel upon a showing of good cause, if such request is made more than fifteen days prior to the date set for trial, but in no event shall any such period of delay be excludable for any period in excess of seven days.

"(7) Any period of delay resulting from a continuance granted at the request of the United States attorney upon a showing of

good cause, if such request is made more than fifteen days prior to the date set for trial, but in no event shall any such period of delay be excludable for any period in excess of seven days.

"(8) Any other period of delay resulting from a continuance granted at the request of the defendant or his counsel or the United States attorney upon a finding by the judge that, unless such a continuance is granted the ends of justice cannot be met. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court, after first having considered the right of the defendant to a speedy trial and the public interest in a prompt disposition of the case, sets forth in writing in the record of the case its reason for granting such continuance.

"§ 3162. Sanctions

If a defendant, through no fault of his own or his counsel, is not brought to trial as required by section 3161, the information or indictment shall be dismissed on motion of the defendant. Such dismissal shall forever bar prosecution for the offense charged and for any other offense required to be joined with the offense. Failure of the defendant to move for dismissal prior to trial or entry of a plea of guilty shall constitute a waiver of the right to dismissal.

"§ 3163. Effective dates

"(a) The time limitations in section 3161 shall apply—

"(1) to defendants charged with any of the following offenses in informations or indictments filed more than ninety days after the effective date of this chapter, and continuously held in custody on such charge:

"(A) murder;

"(B) voluntary manslaughter;

"(C) rape;

"(D) carnal knowledge of a female under the age of sixteen, or taking immoral, improper, or indecent liberties with a child under the age of sixteen years;

"(E) robbery;

"(F) burglary;

"(G) kidnapping;

"(H) arson;

"(I) assault with a dangerous weapon;

"(J) assault with intent to commit any offense;

"(K) mayhem;

"(L) unlawful sale or distribution of a narcotic, depressant, or stimulant drug (as defined by any Act of Congress), if the offense is punishable by imprisonment for more than one year;

"(M) threatening, injuring, or intimidating any prospective witness or juror for the purpose of obstructing or attempting to obstruct justice;

"(N) extortion or blackmail accompanied by threats of violence; or

"(O) an attempt or conspiracy to commit any of the foregoing offenses, as defined by any Act of Congress, if the offense is punishable by imprisonment for more than one year; and

"(2) to defendants charged with any offense referred to in paragraph (1) of this subsection, in informations or indictments filed more than one hundred and twenty days after the effective date of this chapter, and not continuously held in custody on such charge.

"(3) to defendants charged with any offense, other than an offense referred to in paragraph (1) of this subsection, in informations or indictments filed more than one hundred and eighty days after the effective date of this chapter, and continuously held in custody in such charge.

"(b) Except as extended under section 3164, the time limitation in section 3161 shall apply to all other offenses (other than offenses within the purview of paragraph (1) or (2) or (3) of subsection (a)) charged in informations or indictments filed more than eighteen months after the effective date of this chapter; except that section 3161 shall not apply to the trial of offenses filed under the antitrust, securities, or tax laws of the United States.

"§ 3164. District plans

"(a) Each United States district court, with the approval of the judicial council of the circuit, shall, within ninety days of the effective date of this chapter, prepare a plan for the trial or other disposition of offenses under section 3163. Each such plan shall be formulated after considering the recommendations of the Federal Judicial Center, the United States attorney, and attorneys experienced in the defense of criminal cases in the district, and shall be filed with the Administrative Office of the United States Courts. Each such plan shall include a description of the procedural techniques, innovations, systems, and other methods by which the district court has expedited or intends to expedite the trial or other disposition of criminal cases. The plan shall make special provision for the speedy trial of cases at places of holding court where there is no judge continuously resident.

"(b) In the event a district court is unable because of limitations of manpower or resources to implement its plan for the trial or other disposition of criminal cases as provided in section 3163(b), its plan shall, with the approval of the judicial council of the circuit, be submitted to the Judicial Conference of the United States, with a copy to the Attorney General, and shall request an extension of the effective date specified in section 3163(b). In addition to the information required under subsection (a) of this section, each such plan in which an extension is requested shall specify the necessary authorizations and appropriations for additional judges, prosecutors, probation officers, full-time defense counsel, supporting personnel, and other resources without which full compliance with section 3163(b) cannot be achieved.

"(c) On or before fifteen months from the effective date of this chapter, the Judical Conference shall determine whether and to what extent section 3163(b) is to be extended as to each district.

"(d) Within eighteen months after such effective date, the Judicial Conference shall submit a report to Congress detailing the district plans submitted to it under subsections (a) and (b) of this section, the action taken by the Judicial Conference under subsection (c) of this section, and the legislative proposals and appropriations necessary to achieve compliance with the time limitations provided in section 3161.

"(e) In the event that a district court with respect to which section 3163(b) has become effective is subsequently unable to meet the time limitations prescribed by section 3161, the chief judge of such district may seek and the Judicial Conference may grant suspension of such limitations as provided in subsection (b) of this section.".

TITLE II—PRETRIAL SERVICES AGENCIES

SEC. 201. Chapter 207 of title 18, United States Code, is amended by striking section 3152 and adding the following new sections:

"§ 3152. Establishment of pretrial services agencies

"There shall be established, on a demonstration basis, in each of five judicial districts, one of which shall be the District of Columbia, a pretrial services agency authorized to maintain effective supervision and control over, and to provide supportive services to, defendants released under this chapter. The districts, other than the District of Columbia, in which such agencies are to be established shall be designated by the Chief Justice of the United States after consultation with the Attorney General, on the basis of such considerations as the number of criminal cases prosecuted annually in the district, the percentage of defendants in the district presently detained prior to trial, the incidence of crime charged against persons released pending trial under this chapter, and the availability of community resources to implement the conditions of release which may be imposed under this chapter.

"§ 3153. Organization of pretrial services agencies

"The Director of the Administrative Office of the United States Courts shall establish a pretrial services agency in each of the designated districts. After reviewing recommendations of the judges of the district court to be served by the agency, the chief judge of the court shall appoint, subject to the provisions of part III of title 5, United States Code, a chief pretrial services officer who shall receive compensation at a rate to be established by the chief judge of the court but not in excess of the rate prescribed for GS–16 by section 5332 of title 5, United States Code. The chief pretrial services officer shall be responsible for the direction and supervision of the agency and may appoint and fix the compensation, subject to the provisions of part III of title 5, United States Code, of such other personnel as may be necessary to staff each agency and may appoint such experts and consultants as may be necessary, pursuant to section 3109 of title 5, United States Code.

"§ 3154. Functions and powers of pretrial services agencies

"Each pretrial services agency shall perform such of the following functions as the district court to be served may specify:

"(1) collect, verify, and report promptly to the judicial officer information pertaining to the pretrial release of each person charged with an offense, and recommend appropriate release conditions for each such person;

"(2) review and modify the reports and recommendations specified in paragraph (1) for persons seeking release pursuant to section 3146(e) or section 3147;

"(3) supervise persons released into its custody under this chapter;

"(4) with the approval of the Administrative Office of the United States Courts, operate or contract for the operation of appropriate facilities for the custody or care of persons released under this chapter including, but not limited to, residential halfway houses, addict and alcoholic treatment centers, and counseling services;

"(5) inform the court of all apparent violations of pretrial release conditions or arrests of persons released to its custody or under its supervision and recommended appropriate modifications or release conditions;

"(6) serve as coordinator for other local agencies which serve or are eligible to serve as custodians under this chapter and advise the court as to the eligibility, availability, and capacity of such agencies;

"(7) assist persons released under this chapter in securing any necessary employment, medical, or social services;

"(8) prepare, in cooperation with the United States marshal and the United States attorney such pretrial detention reports as are required by rule 46(h) of the Federal Rules of Criminal Procedure; and

"(9) perform such other functions as the court may, from time to time, assign.

"§ 3155. Report to Congress

"The Director of the Administrative Office of the United States Courts shall annually report to Congress on the accomplishments of the pretrial services agencies, with particular attention to (1) their effectiveness in reducing crime committed by persons released under this chapter; (2) their effectiveness in reducing the volume and cost of unnecessary pretrial detention; and (3) their effectiveness in improving the operation of this chapter. The Director shall include in his fourth annual report recommendations for any necessary modification of this chapter or expansion to other districts.

"§ 3156. Definitions

"As used in sections 3146 through 3155 of this chapter—

"(1) The term 'judicial officer' means, unless otherwise indicated, any person or court authorized pursuant to section 3041 of this title, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the District of Columbia Court of General Sessions or Superior Court, and

"(2) The term 'offense' means any criminal offense, other than an offense triable by court-martial, military commission, provost court, or other military tribunal, which is in violation of any Act of Congress and is triable by any court established by Act of Congress."

SEC. 302. The analysis of chapter 207 of title 18, United States Code, is amended by striking out the last two items and inserting in lieu thereof the following:

"3150A. Penalty for Crime Committed While on Release.
"3151. Contempt.
"3152. Establishment of Pretrial Services Agencies.
"3153. Organization of Pretrial Services Agencies.
"3154. Functions and Powers of Pretrial Services Agencies.
"3155. Report to Congress.
"3156. Definitions."

SEC. 303. For the purpose of carrying out the provisions of this title, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each fiscal year thereafter, the sum of $1,500,000.

SEC. 304. Section 604 of title 28, United States Code, is amended by striking paragraphs (9) through (12) of subsection (a) and substituting in lieu thereof:

"(9) Establish pretrial services agencies pursuant to section 3153 of title 18, United States Code;

"(10) Purchase, exchange, transfer, distribute, and assign the custody of lawbooks, equipment, and supplies needed for the maintenance and operation of the courts, the Federal Judicial Center, the Administrative Office of the United States Courts, the offices of the United States magistrates and commissioners, and the offices of pretrial services agencies;

"(11) Audit vouchers and accounts of the courts, the Federal Judicial Center, the pretrial services agencies; and their clerical and administrative personnel;

"(12) Provide accommodations for the courts, the Federal Judicial Center, the pretrial services agencies, and their clerical and administrative personnel;

"(13) Perform such other duties as may be assigned to him by the Supreme Court or the Judicial Conference of the United States."

ANALYSIS OF S. 895, PROPOSED "SPEEDY TRIAL ACT OF 1971"

TITLE I: SPEEDY TRIALS

SECTION 101. Adds a new chapter 208, to title 18, USC, as follows:

Section 3161 time limits and exclusions

Subsection (a) requires the judge to set a date certain for trial when the defendant first appears before him for the purpose of setting bail. The date is set upon consultation with the prosecutor and defense counsel.

Subsection (b) requires that the date set for trial be within 60 days of arrest or issuance of summons, unless an information or indictment is filed, in which case trial must be within 60 days of that date. If charges are dropped, or a mistrial is declared, the 60 days runs from the date of new charges, or the date of mistrial.

Subsection (c) excepts from the 60 day period the following periods of delay:

(1) Proceedings relating to the defendant such as examination and hearing on competency, the period of incompetency, hearings on pretrial motions, trials on other charges, and interlocutory appeals;

(2) Delays caused by deferred prosecution upon agreement of defense counsel and prosecutor for the purpose of demonstrating the defendant's good conduct;

(3) Delays caused by absence of defendant;

(4) Delays between the dropping of a charge and the filing of a new charge for the same or related offense;

(5) Reasonable periods of delay when the defendant is joined for trial with a codefendant, and good cause exists not to grant severance;

(6) Any delay up to 7 days resulting from a continuance granted at the request of the defense counsel or the prosecutor upon good cause shown, if made more than 15 days before the date set for trial;

(7) Any other delay resulting from a continuance granted at the request of defense or prosecution, upon a finding of the judge that the ends of justice cannot be met unless the continuance is granted. The Judge must consider the right of the defendant and the interest of the public in speedy trial, and set forth in the record his reasons for granting the continuance.

Section 3162 sanctions

This section declares that if the case is not brought to trial within the prescribed period through no fault of defendant or his counsel, the charges shall be dropped with jeopardy.

Section 3163 effective dates

Subsection (a) makes the time limits of Section 3161 effective—

(1) 90 days after the effective date of the title for persons held in custody on certain defined charges. The charges include capital offenses, robbery, burglary, arson, crimes involving bodily harm, felony drug offenses, intimidation of witnesses, extortion or blackmail accompanied by threats of violence, and attempts and conspiracies to commit these offenses.

(2) 120 days after the effective date of the title for persons charged with above offenses and released on bail.

(3) 180 days after the effective date of the title for persons charged with other felonies and not released on bail.

Subsection (b) makes the time limits of Section 3161 apply to all other felony cases not covered by subsection (a) 18 months after the effective date of the title. Section 3161 does not apply, however, to offenses under the antitrust, tax, or securities laws.

Section 3164 district plans

Subsection (a) requires each district court, upon approval of the judicial counsel of the circuit, to submit a plan for the trial of cases under section 3164 within 90 days of the effective date of the title. The plan is to be formulated after consultations with the Federal Judicial Center, the U.S. Attorney, and the local bar. It is to be filed with the Administrative Office of the U.S. Courts.

Subsection (b) permits the district court to request an extension of the time required for implementing its plan if unable to do so because of limitations in manpower or resources. The request, if approved by the judicial council of the circuit, shall be submitted to the Judicial Conference, with a copy to the Attorney General. The request shall contain a list of the appropriations and personnel required to implement the plan.

Subsection (c) requires the Judicial Conference to determine whether and to what extent, the extensions requested shall be granted.

Subsection (d) requires a report by the Judicial Conference to the Congress 18 months after the effective date of this title detailing the action taken to comply with this title, the extensions granted, and the legislation and appropriations necessary to comply fully with the time limitations of Section 3161.

Subsection (e) provides that if a district is subsequently unable to meet the time limitations of this title, the Chief Judge of the district court may request a temporary suspension as provided in subsection (b).

TITLE II: PRETRIAL SERVICES AGENCIES

Section 201 amends chapter 207, title 18, U.S. Code by striking Section 3152 and adding the following:

Section 3152 establishment of pretrial services agencies

This section creates on a demonstration basis in the District of Columbia and four other judicial districts, pretrial services agencies to supervise and control defendants released on bail. The other four districts are to be selected by the Chief Justice, upon consultation with the Attorney General, on the basis of the number of criminal cases in the district, the percentage of defendants detained before trial, the incidence of crime charged to persons released prior to trial, and the resources available.

Section 3153 organization of pretrial services agencies

This section authorizes the Director of the Administrative Office of the U.S. Courts to create a pretrial services agency in the designated districts. The chief judge of the district court appoints a chief Pretrial Services Officer who is responsible for the operation of the agency, and may appoint other personnel to staff the agency.

Section 3154 functions and powers of pretrial services agencies

Each agency is to perform various functions, as the court shall direct, including: collection and verification of information pertaining to eligibility of defendants for release, and recommendations for conditions of release; supervision and control of released persons; operation or contraction for operating of facilities for custody or care of released persons, such as halfway houses, narcotics and alcohol treatment centers, and counseling centers; coordination of other agencies to serve as custodians of released persons; and affording medical, social, and employment assistance to released persons.

Section 3155 report to congress

The Director of the Administrative Office of the U.S. Courts shall make an annual report on the operation of the Pretrial Services Agencies, including their effectiveness in reducing pretrial crime and the volume and cost of pretrial detention. In his fourth annual report, the Director shall recommend any modifications of this chapter, or its expansion to other districts.

Section 3156 definitions

This section contains the definitions of former Section 3152.

Section 302 amends the analysis of chapter 207 to reflect the amendments made by this title.

Section 303 authorizes the appropriation of $1,500,000 for each fiscal year to carry out the provisions of this title.

Section 304 amends Section 604, title 28, U.S. Code, relating to the functions of the Director of the Administrative Office of the U.S. Courts, to reflect the new duties imposed by the creation of pretrial services agencies under this title.

By Mr. PROXMIRE (for himself, Mr. MANSFIELD, Mr. MCGOVERN, and Mr. HUMPHREY):

S. 896. A bill to repeal certain provisions of law relating to the expenditure for military purposes in foreign countries of foreign currencies accuring to the United States under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended. Re-

ferred to the Committee on Agriculture and Forestry.

Mr. PROXMIRE. Mr. President, on behalf of myself, the Senator from Montana (Mr. MANSFIELD), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Minnesota (Mr. HUMPHREY), I introduce two bills which would prohibit the use of food-for-peace funds for military purposes.

The bills are the result of information and testimony we received in hearings of the Subcommittee on Economy in Government of the Joint Economic Committee into a variety of aspects of the foreign military aid program.

Food for peace was designed to use funds from the sale of American surplus farm commodities abroad for humanitarian programs. It was a marriage of commonsense and idealism. Great good has come from it in programs to feed the hungry, improve conditions in the developing nations, and to train and educate thousands of men and women in modern techniques and skills.

But in 1970, some $108 million of these funds were used for military purposes. In some years the amount has been as much as $150 million. Yet the official description of the program in the U.S. budget contains not one word about the use of food-for-peace funds for military purposes. It states merely that:

This program combats hunger and malnutrition, promotes economic growth in developing nations, and develops and expands export markets for U.S. commodities.

The use of these funds for military purposes is a corruption of the idea. It should be a "Food for Peace," not a "Food for War" program.

There are other things wrong with doing this as well. To use funds generated by the sale of American food surpluses abroad for military purposes puts the funds for military purposes outside the appropriations process. It limits congressional control over them. It also fractionalizes the military assistance program by placing management over it not only under the State Department and the Defense Department, but under the Agriculture Department as well. Finally, it poses a potential danger that the several billions now on deposit in Food for Peace funds abroad might be used to make future military commitments without the specific consent of Congress.

Food for Peace should be a humanitarian program. It should combat hunger and malnutrition. It should not support the military even under the guise of benevolent self-interest.

This program must be rescued from the Orwellian double-speak where funds generated for peace are used to purchase the weapons, uniforms, and accoutrements of war, and where the idealistic and humanitarian urges of mankind are corrupted for military purposes.

The bills would also bar the use of funds generated under the Food for Peace program for internal security purposes.

I ask unanimous consent that the bills be printed in the RECORD.

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

S. 896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), is repealed.

(b) Subsection (b) of section 106 of such Act is amended by adding at the end thereof the following: "No agreement entered into under this Act with any foreign country shall provide or require that foreign currencies accruing to the United States under this Act be used for the purpose of procuring for such country any equipment, materials, facilities, or services for any military or defense purposes (including internal security purposes)."

S. 905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subsection (e) of section 505 of the Foreign Assistance Act of 1961, as amended, is repealed.

By Mr. BURDICK:

S. 897. A bill to amend section 205 of the Flood Control Act of 1948. Referred to the Committee on Public Works.

By Mr. BAYH:

S. 898. A bill for the relief of Angelo DiStefano;

S. 899. A bill for the relief of Andres Benavente Escalante;

S. 900. A bill for the relief of Carmen Miranda Barrera; and

S. 901. A bill for the relief of Jong-Im Lee. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself and Mr. HUMPHREY):

S. 902. A bill to incorporate the Gold Star Wives of America. Referred to the Committee on the Judiciary.

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to incorporate the Gold Star Wives of America. This national organization, which now holds a charter issued by the State of New York, was established by the widows of members of the Armed Forces who died while in the active service of their country. It is a growing, active group which in February 1971 has members in every State except one and has active chapters in more than half of the States. Its total membership is comprised of more than 2,000 women, a number which its officers expect to increase at a steady pace in the future.

The objects and purposes of the Gold Star Wives of America are most commendable. In addition to honoring the memory of loved ones who paid the supreme sacrifice while serving in the Armed Forces of the United States, it is committed to assisting their widows and children, both materially and spiritually. One of its stated goals, for example, is to "provide the benefits of a happy, healthful, and wholesome life to minor children of persons who died in the service of our country." Another aim is to "promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage." Direct aid to the widows and children of former servicemen is likewise an obligation which this organization has assumed. I am pleased to note also that the Gold Star Wives of America have dedicated themselves to the noble cause of safeguarding and transmitting to posterity "the principles of justice, freedom, and democracy for which members of our armed services fought and died," and that they have pledged themselves to "assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, State, and Nation."

Mr. President, I know of no other group more deserving of national incorporation than the Gold Star Wives of America. Its membership is composed of women who have experienced the great anguish of losing their husbands because of active duty with the military forces of the United States. They have a common bond of grief that few of us can fully comprehend, and which none of us can forget. Their objectives are both praiseworthy and significant; what more valuable contribution to society can be made than to bolster the fortitude and uplift the spirits, as well as to aid materially, the widows and children of those who paid the supreme sacrifice in the interest of their fellow citizens? Similar to the noteworthy accomplishments made by our various veterans and adjunct organizations which have been granted national charters, the Gold Star Wives of America has a role to play that is nationwide in scope and is worthy of national recognition.

I have been informed by the officers of this organization that its goals could be more effectively and easily attained if it were incorporated at the national level. The scope of its membership and business now transcends any one State or group of States. its declared purposes and activities extend to the widows and children of servicemen killed in action who live in every section of the country. Its officers and board members reside in such scattered States, among others, as Massachusetts, Washington, California, Colorado, Kansas, Minnesota, Virginia, Georgia, Missouri, Louisiana, Kentucky, New Jersey, Illinois, Arkansas, Florida, and Indiana. In every sense of the term and in all aspects of its operations this is truly a national organization dedicated to significant national purposes.

Mr. President, I have carefully examined the criteria set forth in 1969 in the standards for the granting of Federal charters by subcommittees of the Senate and House Committees on the Judiciary. In every aspect it appears to me that the Gold Star Wives of America, Inc., more than measures up to those required standards. It is clearly a national, permanent organization operating in the public interest; its character is such that a national charter is clearly the most appropriate type of organization to carry on its activities effectively; it is solely a patriotic, nonprofit, nonpartisan organization devoted to civic and membership betterment; and it is operated to conduct activities national in scope and which cannot be adequately achieved without a nationally granted charter. In all these respects this organization deserves the treatment which Congress has previously accorded other similar national groups.

Mr. President, I strongly urge that prompt consideration be given to the adoption of this bill for incorporation of the Gold Star Wives of America in order that it could have the national stature and corporate structure so essen-

tial to implement achievement of its very desirable purposes.

Mr. President, I ask unaimous consent that the text of this bill be printed in full in the RECORD at the conclusion of my remarks.

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

S. 902

A bill to incorporate the Gold Star Wives of America

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-named persons, to wit:

Mrs. Franc F. Gray, 5019 13th Avenue, So. Minneapolis, Minnesota 55417;

Mrs. Edith V. Knowles, P.O. Box 1381, Albany, Georgia 31702;

Mrs. Crystal Thrash, 62 Cimarron Road, Lake Elmo, Minnesota 55042;

Mrs. Bernice E. Doge, 4431 W. Colorado Avenue, Denver, Colorado 80219;

Mrs. Jeannette Sanford, 554 Fair Oaks Drive, Columbus, Georgia 31906;

Mrs. Marie Palmer, 4294 Nimons Street, Orlando, Florida 32805;

Mrs. Mildred Lindebaum, 321 W. 19th Street, Covington, Kentucky 41014;

Mrs. Joy Dove, 4224 Chowen Avenue, So., Minneapolis, Minnesota 55410;

Mrs. Eva Anderson, 4528 Bryant Avenue, So., Minneapolis, Minnesota 55409;

Mrs. Pauline T. Bartsch, 9 E. Narberth Terrace, Collingswood, New Jersey 08108;

Mrs. Stella Burket, 1025 Jamaica Court, Aurora, Colorado 80010;

Mrs. Geraldine B. Chittick, 254 S. Young Street, Frankfort, Indiana 46041;

Mrs. Luella M. Daggy, 7707 E. Lincoln, Wichita, Kansas 67207;

Mrs. Dreama S. Ferguson, 131 Riverpoint Cres., Portsmouth, Virginia 23707;

Mrs. Chris Kinnard, 303 Santa Clara Drive, Vista, California 92083;

Mrs. Mickey Lovell, 862 Pontiac Street, Denver, Colorado 80220;

Mrs. Maryellen McDonough, 1903 W. Summerdale Avenue, Chicago, Illinois 60640;

Mrs. Jane B. Payne, 2929 Emory Street, Columbus, Georgia 31903;

Mrs. Mary A. Ondrey, P.O. Box 101, Eatontown, New Jersey 07724;

Mrs. Karen Sigurdson, Upper Residence, Seattle Pacific College, Seattle, Washington 98119;

Mrs. Karen T. Sintic, 2244 W. Taylor Street, Chicago, Illinois 60612;

Mrs. Joyce Tremayne, 1905 Dee Avenue, Columbus, Georgia 31903; and

Mrs. Carrie E. Young, 1001 N. Compton, Apt. 1502, St. Louis, Missouri 63106.

and their successors are hereby created and declared to be a body corporate by the name of Gold Star Wives of America (hereinafter called the corporation), and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act is authorized to complete the organization of the corporation by the election of officers and employees, the adoption of a constitution and bylaws not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(1) to assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, State, and Nation;

(2) to honor the memory of those who made the supreme sacrifice in the service of our country;

(3) to safeguard and transmit to posterity the principles of justice, freedom, and democracy for which members of our armed services fought and died;

(4) to provide the benefits of a happy, healthful, and wholesome life to minor children of persons who died in the service of our country;

(5) to promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage; and

(6) to aid, whenever necessary, widows and children of persons who died in the service of our country.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require;

(4) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gift, purchase, grant, devise, bequest, or otherwise any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject to applicable provisions of law in any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real or personal property by a corporation operating in such State;

(8) to transfer, encumber, and convey real or personal property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(10) to adopt, alter, use, and display such emblems, seals, and badges as it may determine; and

(11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation and, for such purpose, the corporation shall also have, in addition to the foregoing in this section and subsection, the rights, powers, duties, and liabilities of the existing corporation referred to in section 17 as far as they are not modified or superseded by this Act.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Minneapolis, Minnesota, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States and possessions of the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to vote in accordance with the constitution and bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act the membership of the initial board of directors of the corporation shall consist of the following persons—

Mrs. Eva Anderson, 4528 Bryant Avenue, Minneapolis, Minnesota 55409;

Mrs. Pauline T. Bartsch, 9 E. Narberth Terrace, Collingswood, New Jersey 08108;

Mrs. Stella Burket, 1025 Jamaica Court, Aurora, Colorado 80010;

Mrs. Geraldine B. Chittick, 254 S. Young Street, Frankfort, Indiana 46041;

Mrs. Luella M. Daggy, 7707 E. Lincoln, Wichita, Kansas 67207;

Mrs. Dreama S. Ferguson, 131 Riverpoint Cres., Portsmouth, Virginia 23707;

Mrs. Chris Kinnard, 303 Santa Clara Drive, Vista, California 92083;

Mrs. Mickey Lovell, 862 Pontiac Street, Denver, Colorado 80220;

Mrs. Maryellen McDonough, 1903 W. Summerdale Avenue, Chicago, Illinois 60640.

Mrs. Mary A. Ondrey, P.O. Box 101, Eatontown, New Jersey 07724;

Mrs. Jane B. Bayne, 2929 Emory Street, Columbus, Georgia 31903;

Mrs. Karen Sigurdson, Upper Residence, Seattle Pacific College, Seattle, Washington 98119;

Mrs. Karen T. Sintic, 2244 W. Taylor Street, Chicago, Illinois 60612;

Mrs. Joyce Tremayne, 1905 Dee Avenue, Columbus, Georgia 31903; and

Mrs. Carrie E. Young, 1001 N. Compton, Apt. 1502, St. Louis, Missouri 63106.

(b) Thereafter, the board of directors of the corporation shall consist of such number (not less than fifteen), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finance.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a chairman of the board of directors, a president, a vice president, and a secretary-treasurer. The duties of the officers shall be as prescribed in the constitution and bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person otherwise than upon dissolution or final liquidation of the corporation as provided in section 15 of this Act. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock nor to declare nor pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any of the authority of the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The accounts of the corporation shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year in which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, together with the independent auditor's opinion of those statements. The reports shall not be printed as a public document.

LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

EXCLUSIVE RIGHTS TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 16. The corporation shall have the sole and exclusive right to use the name Gold Star Wives of America. The corporation shall have the exclusive and sole right to use, or to allow to refuse the use of, such emblems, seals, and badges as have heretofore been used by the corporation referred to in section 17 in carrying out its program. Nothing in this Act shall interfere or conflict with established or vested rights.

TRANSFER OF ASSETS

SEC. 17. The corporation may acquire the assets of the Gold Star Wives of America, Incorporated, chartered as a nonprofit organization in the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is hereby expressly reserved.

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

S. 903. A bill to provide for a national program of disaster insurance. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to provide a system of insurance for compensating property losses suffered in disasters. For more than 20 years Congress has enacted legislation designed to assist those who have incurred severe financial losses and endured personal hardships caused by catastrophic acts of nature. The role of the National Government has become increasingly significant in trying to alleviate suffering and restore a semblance of normalcy in such areas.

Since 1965 I have been directly involved with others in seeking improved and expanded methods of bringing relief to the unfortunate victims of major disasters. As a result of these efforts disaster assistance acts were adopted in 1966—Public Law 89–769—in 1969—Public Law 91–79—and in 1970—Public Law 91–606. Last year following extensive hearings by a special subcommittee established by the Public Works Committee to explore all facets of the problem, nearly 30 Senators joined me in proposing a comprehensive new measure, S. 3619, which codified and enlarged Federal disaster relief activities. This bill was reported favorably by the Special Subcommittee on Disaster Relief and the Public Works Committee and in a somewhat modified form was adopted by the Senate and the House of Representatives and signed into law by the President on December 31, 1970.

The insurance proposal which I am introducing today, Mr. President, is similar to title IV of the omnibus disaster assistance bill I submitted on March 20, 1970. In reporting the bill to the Senate, the Committee on Public Works decided to delete title IV in order to avoid any possible delay that might have resulted because it would have to receive thorough consideration also by the Committee on Banking and Currency. Because of the limited time remaining in the 91st Congress, it was necessary to move quickly to reenact several significant provisions of the 1969 law which were scheduled to expire at the end of 1970.

Although I fully concurred in the need to set aside title IV in order to expedite passage of the other basic provisions of the 1970 disaster assistance act, this did not imply any diminution of my interest in or convictions about the need for a thorough study of the advantages which might be gained from a nationwide disaster insurance program. To the contrary, much as I support extending the helping hand of government to those incurring losses in major disasters, I am convinced that it is necessary to determine the feasibility of a contributory system of insurance which would enable potential recipients to assume at least part of this ever-increasing burden.

In the statement made when introducing S. 3619 on March 20, I pointed out the fact that major disasters in the United States have been taking a heavy toll in recent decades. Tornadoes, hurricanes, floods, earthquakes, and other catastrophes have occurred in large numbers and have wreaked great havoc. Since 1950 the President has declared nearly 300 areas to be eligible for national disaster assistance, with an average of more than 14 occurring each year. An all-time high of 29 such declarations was reached in 1969, and in several other years there have been more than 20 major disasters.

A very important aspect of this situation which cannot be ignored is the fact that property losses attributed to major disasters have increased many fold through the years, whereas loss of life and limb appears to have decreased. Improved weather forecasting, the ability to track carefully the course of storms and to predict accurately their future paths, better warning devices, improved rescue equipment and techniques, and the greater mobility of the population, all have combined to permit large-scale evacuations of people in disaster-threatened or damaged areas. At the same time increased concentrations of expensive residential, commercial and industrial buildings in small areas, along with highly escalated property values, have resulted in the infliction of huge losses by many recent major disasters. Although statistics are not always comparable and sometimes may be misleading, the contrast between the Galveston flood at the turn of the century, which cost 6,000 lives with an estimated property loss of only some $30 million, and the 1969 Hurricane Camille, which caused around 250 deaths and perhaps as much as $1.5 billion in damages to property, provides starting evidence of the shift from human to property loss. Similarly, property loss in the recent California earthquake may well total upwards of $300 million with some 60 deaths.

The fact that economic damage attributed to unexpected natural catastrophes has soared so dramtically underscores the need to search for new ways to alleviate the problem. While it may not be possible to match the curtailed loss of life and diminished personal injuries with a similar reduction in property losses caused by major disasters, the economic cost has risen to the point where attention must be paid to determining how best the burden can be managed. In recent years the Federal Government has vastly increased public contributions for direct assistance to disaster victims through such means as long-term and low-interest-rate loans, emergency housing, special unemployment compen-

sation, food stamps, forgiveness of up to $2,500 of disaster loans, restoration of public facilities, direct subsidies, and other programs.

As valuable and commendable as these various kinds of disaster assistance are, their total cost to the National Government has grown tremendously and is likely to increase rather than decrease. While the American public has not begrudged using tax revenues for this purpose and has always generously responded whenever a group of their fellows or those in other lands have been stricken by disaster, I am convinced that most persons would prefer to purchase in advance at reasonable cost adequate protection for their property against possible disaster loss than to depend on either governmental subsidies or private relief if such a tragedy should occur.

This belief was fortified by the testimony of many witnesses who appeared last year before the Special Subcommittee on Disaster Relief during hearings held in Mississippi, Virginia, and Washington, D.C., which I was privileged to chair. Most public officials, representatives from industry and private groups, and individual property owners who testified seemed to agree that insurance coverage against catastrophic damages would be most beneficial. Likewise, one of the most common demands resulting from the tragic earthquake in the Los Angeles area was for the establishment of a practicable insurance program to help meet such catastrophic losses.

Despite the fact that certain spokesmen for the insurance industry have questioned the wisdom or usefulness of such a program, and others have voiced the opinion that it may be premature, I believe that it is time for Congress to investigate carefully all aspects of this proposal. Let us first encourage the private sector to establish a workable disaster insurance system. If that quest should fail, however, then let us authorize a Government-sponsored program which would enable property owners to secure at least a minimum amount of protection against losses from disasters.

Comprehensive casualty insurance covering damages from a variety of losses, such as fire, windstorm, hail, and other causes, has been available for many years, but this has not in the past generally included floods, mud slides, high waves, and wind-driven waters. Through extended coverage or special endorsements regular fire insurance policies may be broadened to include losses caused by windstorm, hail, explosion, aircraft, smoke, water from ruptured pipes, and—in some instances—earthquakes, strikes, riots or civil commotions. In recent years also the FAIR—fair access to insurance requirements—plan, the beach plan, and the national flood insurance program have made additional coverage available for certain property losses which were previously difficult if not impossible to insure.

Although a number of companies have offered earthquake insurance for many years, evidence indicates that relatively few property owners have purchased such policies. It is my understanding that such earthquake protection is provided on the basis of 80-percent coinsurance and with an average of 5-percent deductible. This means, of course, that the owner would have to bear the loss entirely up to the point where insurance coverage would begin. Thus it would be of great help when major havoc is wrought but would not assist smaller losses.

Moreover, the rate charged for earthquake and volcanic eruption insurance varies widely in the United States. Testimony presented to the Senate Subcommittee on Disaster Assistance last year indicated that the annual rate for frame dwellings varied from nealy 22 cents per $100 in southern California to only 2 cents per $100 in some Midwestern and Southern States. In at least 10 States the rate was over 10 cents per $100; 12 States—or parts of States—had a 6-cent rate, 23 States—or parts of States—had a 4-cent rate, and 20 States—or parts of States—had a 2-cent rate.

Despite the fact that earthquake protection could be purchased by homeowners throughout the United States, most of them have neglected to do so. In a 1969 study entitled "Toward Reduction of Losses From Earthquakes," the National Academy of Sciences reported that "only 5 percent of California property insured against fire is also protected against earthquake hazards." Perhaps more important, the study pointed out that if such protection were "to come suddenly into wide demand, earthquake insurance probably would be largely withdrawn from the market because of limitations of the capacity of insurance companies to stand concentrated losses." My own investigation leads me to agree with the conclusions made by the National Academy that such insurance "is not widely used because of lack of awareness of the hazard, because its sale is not encouraged by insurance companies, because it has a percentage-deductible feature, and because it is relatively costly."

Although information on the recent earthquake in California is far from complete, it has been reported that insurance will cover only a small portion of the property losses incurred, especially dwellings. One estimate projected that total insured losses may approximate $50 million, most of it for commercial and industrial properties. Best's Weekly News Digest stated that earthquake insurance coverage was "spotty" and that "Californians are reluctant to purchase such policies," which include deductibles from 2 to 15 percent. With the exception of one company, the leading earthquake insurance writers in the State estimated their losses at less than half a million dollars each. A number of commercial properties, including warehouses, stores, and other buildings, suffered substantial losses, while others had shattered glass, broken sprinkler damage, as well as other flooding. An interesting comment was that eastern interests owned much of the insured commercial property, and that in general "west coast money does not purchase earthquake cover."

In view of the apparent reluctance of many property owners to invest in adequate earthquake insurance coverage, certain inducements and even requirements may be necessary to secure widespread adoption of such protection. They might take the form of reinsurance, subsidies, forced coverage, or some combination of these. While I was pleased to join as a cosponsor of a bill introduced by Senator TUNNEY on February 18 which is designed to provide practicable earthquake insurance, I have always believed that a more comprehensive program covering all disasters would be preferable.

Commendable progress has been made in recent months by the national flood insurance program. Nearly 450 communities in 37 States have now been declared eligible for flood insurance coverage under the emergency program, and over 56,000 policies totaling about $900 million in coverage have been sold.

Nevertheless, certain serious problems still remain. Mandatory establishment under the regular program of actuarial premium rates requiring evaluation of property risks on a community-by-community basis delayed its widespread adoption. Only a few cities had become eligible for protection until Congress in 1969 authorized the 2-year emergency program. The latter permitted the Federal Insurance Administration to provide flood insurance until December 31, 1971, without first determining actuarial premium rates. Even now only 88 areas in some 15 States have become eligible for the regular flood insurance program.

The emergency program permitted the Federal Insurance Administration to provide flood insurance until December 31, 1971, without first determining actuarial premium rates. Unless this emergency program is extended by Congress, however, areas in which such rates have not been established by the end of the year will not be eligible for additional coverage beyond that date. Also, unless adequate land use and control measures for flood plain management are adopted by participating communities during this current year, they will not be eligible for new policies or renewal of existing ones. Moreover, because new structures built in special flood areas must pay full actuarial rates, such new construction is not qualified under the emergency program and can obtain insurance only in these relatively few places where the regular program is operating.

To be successful a disaster insurance system should have both national application and widespread adoption. Hit and miss coverage of communities or purchase of policies by comparatively few homeowners will not solve the problem. For instance, it is tragic to note that, while eight of the 28 cities and parts of three counties in the Corpus Christi area became eligible for the emergency national flood insurance program 6 weeks before Hurrican Celia struck last summer, only 300 property owners had purchased policies. This was only a small fraction of those who incurred heavy damages.

What is needed, it seems to me, is a comprehensive all-disaster risk-type insurance which could be made available in a comparatively short time to property owners in all parts of the country. To be effective, actuarily sound, and purchasable at rates which the ordinary householder could afford, any disaster insurance program must have a

broad base of policyholders; losses from disasters are such that the burden of funding relief costs should be shared throughout the Nation. This, of course, can be done, as it has many times in the past, through public revenues raised by taxation.

Using public funds to assist those who have incurred sizable losses in disasters may in one sense resemble a system of enforced public insurance. Probably there always will be many disaster costs which all members of society will be called upon to absorb through small contributions in the forms of national taxes. With respect to private property damages, however, there is no reason why owners should not be required to subscribe through advance payments to a system which would provide them at least minimum protection against possible future disaster losses.

It would be preferable, of course, if satisfactory, sensibly priced insurance coverage against damages to private property caused by disasters could be established by the insurance industry. In view of the nature and size of the risk involved, some kind of national reinsurance or subsidy might be necessary to induce private insurance companies to embark on such a venture. Any reasonable proposal which insurance representatives might make for a joint approach involving Government participation in an industry-managed disaster insurance system would be welcome. I believe that Congress would give serious attention to such a plan.

My bill provides a period of more than 2 years in which the insurance industry could develop an acceptable program. However, unless the Secretary of Housing and Urban Development should determine and certify to the President and Congress not later than June 30, 1973, that private insurance companies have made available on reasonable terms disaster insurance with coverage equal to or more extensive than that proposed in the bill, the Secretary would be directed to establish a national disaster insurance program. Although delays in the legislative process might make the above date unrealistic, it could be extended easily if chances appeared to be good that such a program would indeed become a reality. Without such a deadline, however, little progress might be made; in any event it may well be necessary to institute an all-Federal program.

To be successful, disaster insurance must have widespread application and must be offered at premium rates which are not inordinately expensive. With these premises in mind, the bill—section 15—would blanket in to the proposed new national disaster insurance system all residential or other structures encumbered by loans or mortgages which have been guaranteed or insured by the Federal Housing Administration, the Veteran's Administration, or any other Federal agency. This would provide a sizable base upon which the program could be founded from the beginning. Second, as will be explained, the rate structure would be devised so as to attract into the system homeowners who would not be included automatically under the above provision. Third, further additional impetus to join would be provided by the outright denial—section 13—of any other Federal financial assistance to any owner of real property for damage to his property in a disaster to the extent the loss could have been covered by a valid claim under disaster insurance made available at least 1 year prior to the disaster. It is believed that these three factors—mandatory inclusion of federally insured mortgagors, minimal rates, and advance warning to nonparticipants of ineligibility for other Federal aid—would be sufficient to assure that within a reasonable period of time most homeowners throughout the Nation would be encompassed by the program.

To explain the specific features in more detail, the Secretary of Housing and Urban Development would be authorized—section 4—to establish and carry out the national disaster insurance system. He would be directed, to the maximum extent possible, to encourage and arrange for the financial participation and risk sharing in the program by private insurance companies or other insurers. It should be noted also that the Secretary would be empowered to define a disaster for purpose of insurance, which would permit the inclusion of damages wrought by catastrophes which were lesser in scope than those declared to be "major disasters" by the President.

Priority would have to be given—section 5—to the coverage of residential properties housing from one to four families, but, if appropriate studies and investigations demonstrated that it would be feasible, the Secretary could extend disaster insurance to other residential, business, agricultural, nonprofit, or public properties.

The Secretary would provide by regulation for the general terms and conditions of insurability which would apply to disaster insurance. These would include such matters as the types, classes, and locations of properties, the nature and limits of loss to be covered, the classification, limitation and rejection of risks, minimum premiums, loss-deductibles and any other necessary terms of conditions.

Coverage provided by the bill would be divided into two categories: First, a basic minimum amount, the premiums for which could be fixed by the Secretary at a rate below established costs; second, amounts above the basic minimum, which would be charged at rates not less than those estimated to be needed for all costs of providing that protection.

The basic coverage for residential properties housing up to four families would be $15,000 aggregate liability for any single dwelling unit, $30,000 for any structure containing more than one dwelling, and $5,000 aggregate liability for the contents of any dwelling unit. If the Secretary should declare other types of property to be eligible for disaster insurance, any single structure in those specified categories would have an aggregate liability of $30,000.

The Secretary would be authorized—section 7—to make studies and investigations which would enable him to estimate what the risk premium rates would be for various areas based on actuarial principles, operating costs, and administrative expenses. He would also be directed to estimate what level of rates would be reasonable, would encourage prospective insurers to purchase disaster insurance, and would be consistent with the purposes of the act.

Based on the above information, and after consultation with the Director, the Secretary would—section 8—from time to time prescribe by regulation the chargeable premium rates for all types and classes of property for which disaster insurance is made available. He could if necessary fix the premium rates for the basic property values covered—noted above—at less than the estimated risk premium rates. Otherwise, the rates would have to be based, insofar as practicable, on the respective risks involved and would have to be adequate to provide reserves for anticipated losses. If the rates were fixed at a lower amount, they would have to be consistent with the objective of making disaster insurance available at reasonable rates in order to encourage its purchase by homeowners and others.

To provide working capital for the national disaster insurance program, the Secretary would be authorized—section 9—with the approval of the Secretary of the Treasury, to issues notes or other obligations in an amount not exceeding $500 million. The Secretary of the Treasury would determine the rate of interest for these notes or obligations, and would be authorized to purchase or sell them as public debt transactions.

The Secretary would also be authorized—section 10—to establish in the Treasury of the United States the national disaster insurance fund from which would be paid all claims, expenses, administrative costs, and debt redemption of the disaster insurance programs. The fund would be the repository for all funds which might be borrowed, appropriated by Congress, earned as interest on investments, derived from premiums, or received from other operations. If the Secretary should determine that the fund total would be in excess of current needs, he could request the Secretary of the Treasury to invest the amounts which the latter deemed advisable in obligations issued or guaranteed by the United States.

Claims for losses would be adjusted and paid for according to rules which the Secretary would be authorized—section 11—to prescribe. It would also be his duty—section 12—to inform the general public and any State or local official about the extent, objectives, and premium rates of the national disaster insurance system, including the basis for and the differences between the rates for the two categories of coverage.

As pointed out previously, the bill would prohibit—section 13—Federal disaster assistance to any eligible property owner for a real property loss to the extent that such loss would be either covered by a valid claim or could have been covered by a valid claim under disaster insurance which had been made

available in his area at least 1 year prior to the occurrence of the damage. On the surface this may appear to be a harsh provision, but it seems to me that it is essential if the program is to be made workable on a national basis without exorbitant rates for participants. If disaster insurance is provided for any area, an eligible property owner would have a grace period of 1 full year in which to secure protection; subsequently, he would have to absorb any loss caused by a disaster unless he had taken advantage of the insurance opportunity provided him. It should be noted that this caveat applies only to owners of real property, and does not exclude other types of Federal assistance such as loans for any amount of loss not recovered by disaster insurance or for the loss of personal property.

To prevent structures being rebuilt in areas which have proven to be disaster prone, the bill would prohibit—section 14—issuing new disaster insurance coverage for any property which the Secretary finds has been declared by a State or local government to be in violation of State or local laws, regulations, and ordinances intended to prevent land development or occupancy in those areas. In order that the disaster insurance system would be coordinated with other programs, the Secretary and the Director would be instructed—section 15(a)—to coordinate the administration of disaster insurance with the authority conferred on him by the National Flood Insurance Act of 1968.

He also would be directed—section 15(b)—to consult with other Federal, State, and local government departments and agencies having responsibility for disaster assistance. If any controversy should arise over the validity of any order issued under the act, provision is made for judicial review at the request of a petitioner within 60 days after the order would be made.

In general, the national disaster insurance system would be designed to provide basic, minimum protection against disaster losses to most homeowners and possibly to other property holders as well. It would enable them to contract in advance at reasonable cost for coverage not now widely available which would assure at least partial compensation for dwellings, other structures, and personal property damaged or destroyed by disasters. I believe that the American people on the whole would support a program whereby they could through a contributory system help share in the heavy burden which inevitably will fall on those unfortunate enough to be caught in the maelstrom of a natural catastrophe. Although the insurance plan may have certain unknown defects or omissions which will have to be corrected, it should provide a pattern for further discussion and the basis for a perfected program.

Mr. President, I ask unanimous consent that the full text of the bill and a section-by-section synopsis be printed in the RECORD at the conclusion of my remarks.

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

S. 903

A bill to provide for a national program of disaster insurance

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

PURPOSE

SEC. 2. It is the purpose of this Act to provide for a Federal insurance program covering property loss or damage resulting from a disaster if such insurance is not made available to the public at reasonable rates by the insurance industry.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "disaster" means any flood, high waters, wind-driven waters, tidal waves, drought, hurricane, tornado, earthquake, storm, or other catastrophe as defined by the Secretary in regulations issued pursuant to this Act;

(2) "United States" means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Canal Zone.

(3) "State" means each of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Canal Zone;

(4) "Governor" means the chief executive of any State; and

(5) "Secretary" means the Secretary of Housing and Urban Development.

BASIC AUTHORITY

SEC. 4. (a) The Secretary is authorized to establish and carry out a disaster insurance program which will enable interested persons to purchase insurance against loss resulting from physical damage to or loss of real property and personal property related thereto arising from any disaster occurring in the United States.

(b) In carrying out the disaster insurance program the Secretary shall, to the maximum extent practicable, encourage and arrange for—

(1) appropriate financial participation and risk-sharing in the program by insurance companies or other insurers; and

(2) other appropriate participation on other than a risk-sharing basis by insurance companies or other insurers, insurance agents and brokers, and insurance adjustment organizations.

SCOPE OF PROGRAM

SEC. 5. (a) In carrying out the disaster insurance program the Secretary shall initially make disaster insurance available to cover residential properties which are designed for the occupancy of from one to four families.

(b) If on the basis of—

(1) studies and investigations undertaken and carried out and information received or exchanged under section 7, and

(2) such other information as may be necessary, the Secretary determines that it would be feasible to extend the disaster insurance program to cover other properties, he may take such action under this Act as may be necessary in order to make disaster insurance available to cover, on such basis as may be feasible, any types and classes of—

(A) other residential properties;

(B) business properties;

(C) agricultural properties;

(D) properties occupied by private nonprofit organizations; and

(E) properties owned by State and local governments and agencies thereof.

Any such extensions of the program to any types and classes of such properties shall be established by order.

NATURE AND LIMITATION OF INSURANCE COVERAGE

SEC. 6. (a) The Secretary shall, after consultation with appropriate representatives of the insurance authorities of the respective States, provide by order for general terms and conditions of insurability which shall be applicable to properties eligible for disaster insurance coverage under section 5, including—

(1) the types, classes, and locations of any such properties which shall be eligible for disaster insurance;

(2) the nature of and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such insurance;

(3) the classification, limitation, and rejection of any risks which may be necessary;

(4) appropriate minimum premiums;

(5) appropriate loss-deductibles; and

(6) any other terms and conditions relating to insurance coverage or exclusion which may be necessary to carry out the provisions of this Act.

(b) In addition to any other terms and conditions under subsection (a), such orders shall provide that—

(1) any disaster insurance coverage based on chargeable premium rates (under section 8) which are less than estimated premium rates (under section 7(a)(1)), shall not exceed—

(A) in the case of residential properties which are designed for the occupancy of from one to four families;

(i) $15,000 aggregate liability for any dwelling unit, and $30,000 for any single dwelling structure containing more than one dwelling unit, and

(ii) $5,000 aggregate liability per dwelling unit for any personal property related thereto; and (B) in the case of any other properties which may become eligible for disaster insurance coverage under section 5, $30,000 aggregate liability for any single structure; and

(2) any disaster insurance coverage which may be made available in excess of any of the limits specified in subparagraphs (1) (A) and (B) of this subsection shall be based only on chargeable premium rates (under section 8) which are not less than estimated premium rates (under section 7(a)(1)).

ESTIMATES OF PREMIUM RATES

SEC. 7. (a) The Secretary is authorized to undertake and carry out such studies and investigations and to receive or exchange such information as may be necessary to estimate on an area, subdivision, or other appropriate basis—

(1) the risk premium rates for disaster insurance which—

(A) based on consideration of the risk involved and accepted actuarial principles, and (B) including—

(i) applicable operating costs and allowances which, in his discretion, should properly be rejected in such rates, and

(ii) any administrative expenses (or portion of such expenses) of carrying out the disaster insurance program which, in his discretion, should property be reflected in such rates,

would be required in order to make such insurance available on an actuarial basis for any types and classes of properties for which insurance coverage shall be available under section 5, and

(2) the rates, if less than the rates estimated under paragraph (1) which would encourage prospective insureds to purchase disaster insurance, and would be consistent with the purposes of this Act.

(b) In carrying out subsection (a), the Secretary shall, to the maximum extent feasible and on a reimbursement basis, utilize the services of the Department of the Army, the Department of the Interior, the Depart-

ment of Agriculture, the Department of Commerce, the Tennessee Valley Authority, and, as appropriate, other Federal departments or agencies, and for such purposes, may enter into contracts or other appropriate arrangements with any person.

ESTABLISHMENT OF CHARGEABLE PREMIUM RATES

SEC. 8. (a) On the basis of estimates made under section 7 and such other information as may be necessary, the Secretary from time to time shall, after consultation with appropriate representatives of the insurance authorities of the respective States, by order prescribe—

(1) chargeable premium rates for any types and classes of properties for which insurance coverage shall be available under section 5 (at less than the estimated risk premium rates under section 7(a)(1), if necessary), and

(2) the terms and conditions under which and areas (including subdivisions thereof) within which such rates shall apply.

(b) Such rates shall, insofar as practicable, be—

(1) based on a consideration of the respective risks involved,

(2) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses, or, if less than such amount, consistent with the objective of making disaster insurance available, where necessary, at reasonable rates so as to encourage prospective insureds to purchase such insurance, and

(3) stated so as to reflect the basis for such rates, including the differences (if any) between the estimated risk premium rates under paragraph (1) of section 7(a), and the estimated rates under paragraph (2) of such section. (c) If any chargeable premium rate prescribed under this section—

(1) is at a rate which is not less than the estimated risk premium rate under section 7(a)(1), and

(2) includes any amount for administrative expenses of carrying out the disaster insurance programs which have been estimated under clause (ii) of section 7(a)(1)(B),

a sum equal to such amount shall be paid to the Secretary, and he shall deposit such sum in the fund authorized under section 10.

TREASURY BORROWING AUTHORITY

SEC. 9. (a) The Secretary is authorized to issue to the Secretary of the Treasury from time to time and have outstanding at any one time, in an amount not exceeding $500,000,000 (or such greater amount as may be approved by the President), notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Administrator, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on the outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued under this subsection, and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations.

The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(b) Any funds borrowed by the Secretary under this authority shall, from time to time, be deposited in the Disaster Insurance Fund established under section 10.

DISASTER INSURANCE FUND

SEC. 10. (a) To carry out the disaster insurance program authorized by this Act, the Secretary is authorized to establish in the Treasury of the United States a Disaster Insurance Fund which shall be available, without fiscal year limitation—

(1) to repay to the Secretary of the Treasury such sums as may be borrowed from him (together with interest) in accordance with the authority provided in section 9 of this title; and

(2) to pay such administrative expenses (or portion of such expenses) of carrying out the disaster insurance program as he may deem necessary; and

(3) to pay claims and other expenses and costs of the disaster insurance program, as the Secretary deems necessary. (b) The fund shall be credited with—

(1) such funds borrowed in accordance with the authority provided in section 9 of this Act as may from time to time be deposited in the fund;

(2) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities;

(3) interest which may be earned on investments of the fund pursuant to subsection (c);

(4) such sums as are required to be paid to the Secretary under section 8 (c); and

(5) receipts from any other operations under this Act which may be credited to the fund (including premiums and salvage proceeds, if any, resulting from reinsurance coverage).

(c) If, after all outstanding obligations have been liquidated, the Secretary determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

PAYMENT OF CLAIMS

SEC. 11. The Secretary is authorized to issue orders establishing the general method or methods by which proved and approved claims for losses may be adjusted and paid for any damage to or loss of property which is covered by disaster insurance made available under the provisions of this Act.

DISSEMINATION OF DISASTER INSURANCE INFORMATION

SEC. 12. The Secretary shall take such action as may be necessary in order to make information and data available to the public and to any State or local agency or official, with regard to—

(1) the disaster insurance program, its coverage and objectives, and

(2) estimated and chargeable disaster insurance premium rates, including the basis for and differences between such rates in accordance with the provisions of section 8.

PROHIBITION AGAINST CERTAIN DUPLICATIONS OF BENEFITS

SEC. 13. (a) Notwithstanding the provisions of any other law, no Federal disaster assistance shall be made available to any owner of real property for the physical loss, destruction, or damage of such property, to the extent that such loss, destruction, or damage—

(1) is covered by a valid claim which may be adjusted and paid under disaster insurance made available under the authority of this Act, or

(2) could have been covered by a valid claim under disaster insurance which had been made available under the authority of this Act, if—

(A) such loss, destruction, or damage occurred subsequent to one year following the date disaster insurance was made available in the area (or subdivision thereof) in which such property or the major part thereof was located, and

(B) such property was eligible for disaster insurance under this Act at that date,

and in such circumstances the extent that such loss, destruction, or damage could have been covered shall be presumed (for purposes of this subsection) to be an amount not less than the maximum limit of insurable loss or damage applicable to such property in such area (or subdivision thereof) at the time insurance was made available in such area (or subdivision thereof).

(b) For purposes of this section "Federal disaster assistance" shall include any Federal financial assistance which may be made available to any person as a result of—

(1) a major disaster proclaimed by the President,

(2) a natural disaster, as determined by the Secretary of Agriculture pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), and

(3) a disaster with respect to which loans may be made under section 7 (b) of the Small Business Act, as amended (15 U.S.C. 636 (b)).

PROPERTIES IN VIOLATION OF STATE AND LOCAL LAW

SEC. 14. No new disaster insurance coverage shall be provided under this Act for any property which the Secretary finds has been declared by a duly constituted State or local zoning authority, or other authorized public body, to be in violation of State or local laws, regulations, or ordinances which are intended to discourage or otherwise restrict land development or occupancy in disaster-prone areas.

COORDINATION WITH OTHER PROGRAMS

SEC. 15. (a) The Secretary shall coordinate the administration of this Act with the authority conferred on him by the National Flood Insurance Act of 1968.

(b) In carrying out this Act, the Secretary shall consult with other departments and agencies of the Federal Government, and interstate, State, and local agencies having responsibilities for disaster assistance in order to assure that the programs of such agencies and the disaster insurance program authorized under this Act are mutually consistent.

(c) The Veterans' Administration, the Federal Housing Administration, and any other Federal agency administering a program under which loans or mortgages on residential or other structures are guaranteed or insured by the Federal Government, shall, by regulation, require that any such structure be insured under the disaster insurance program administered by the Secretary.

TERMINATION OF AUTHORITY

SEC. 16. The Secretary shall not establish or carry out the disaster insurance program authorized by this Act if he finds and certifies to the President and the Congress not later than June 30, 1973, that disaster insurance with coverage equal to or more extensive than that which would be provided under this Act has been made available on reasonable terms by private insurance companies. The provisions of this Act shall have no effect from and after such certification by the Secretary.

JUDICIAL REVIEW

SEC. 17. Orders under this Act shall be established and issued in accordance with the provisions of section 553 of title 5, United States Code. In case of controversy as to the

validity of any such order, a person who is adversely affected thereby may, at any time prior to the sixtieth day after such order is issued, file a petition with the United States District Court for the District of Columbia for judicial review of such order in accordance with the provisions of chapter 7 of such title.

IMPLEMENTATION

SEC. 18. After such consultation with representatives of the insurance industry as may be necessary, the Secretary shall implement the disaster insurance program unless he has certified to the President under section 16 that such program is unnecessary. In implementing such program, the Secretary is authorized, to the extent not inconsistent with this Act, to establish an industry program for disaster insurance with Federal financial assistance or a Government program for disaster insurance with industry assistance in the same manner and under the same terms and conditions as he is authorized to establish programs under chapter II of the National Flood Insurance Act of 1968.

PAYMENTS

SEC. 19. Any payments under this Act may be made (after necessary adjustment on account of previously made underpayments or overpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

GOVERNMENT CORPORATION CONTROL ACT

SEC. 20. The provisions of the Government Corporation Control Act shall apply to the program authorized under this Act to the same extent as they apply to wholly owned Government corporations.

FINALITY OF CERTAIN FINANCIAL TRANSACTIONS

SEC. 21. Notwithstanding the provisions of any other law—

(1) any financial transaction authorized to be carried out under this Act, and

(2) any payment authorized to be made or to be received in connection with any such financial transaction,

shall be final and conclusive upon all officers of the Government.

ADMINISTRATIVE EXPENSES

SEC. 22. Any administrative expenses which may be sustained by the Federal Government in carrying out the disaster insurance program authorized under this Act may be paid out of appropriated funds.

AUTHORIZATION OF APPROPRIATIONS

SEC. 23. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act, including sums—

(1) to cover administrative expenses of carrying out the disaster insurance program;

(2) to cover reimbursement of premium equalization payments made from the disaster insurance fund and reinsurance claims paid under excess loss reinsurance coverage; and

(3) to make such other payments as may be necessary to carry out the purposes of this Act.

(b) All such sums shall be available without fiscal year limitation.

SECTION-BY-SECTION ANALYSIS

SECTION 1—TITLE

The act could be cited as the Federal Disaster Insurance Act of 1971.

SECTION 2—PURPOSE

The purpose would be to provide for a Federal insurance program for disaster losses unless comparable coverage at reasonable rates is established by the insurance industry.

SECTION 3—DEFINITIONS

For the purposes of the Act, the Secretary of Housing and Urban Development would be empowered to define the damages which would be included for insurance coverage, including that caused by floods, high waters, wind-driven waters, tidal waves, droughts, hurricanes, tornadoes, earthquakes, storms and other catastrophes.

All States, Territories and possessions of the United States would be subject to the provisions of the act.

SECTION 4—BASIC AUTHORITY

Unless a suitable program is established by the private insurance industry by June 30, 1973, the Secretary of HUD would be authorized to establish a national disaster insurance program to enable the property owners to buy comprehensive disaster insurance.

SECTION 5—SCOPE OF PROGRAM

Dwellings in which are housed one to four families would be given priority for insurance. The Secretary would be authorized, however, to make disaster insurance available to other residential, business, agricultural, nonprofit, and publicly owned properties if studies have deemed such insurance would be feasible.

SECTION 6—NATURE AND LIMITATION OF INSURANCE COVERAGE

The Secretary, after consultation with appropriate State insurance authorities, would issue regulations for disaster insurance pertaining to the classes of property, damage covered, classification of risks, premium amounts, loss-deductibles, and other matters. Coverage provided by the bill would be divided into two categories: first, a basic minimum amount, the premiums for which could be fixed by the Secretary at a rate below established costs; second, amounts above the basic minimum, which would be charged at rates not less than those estimated to be needed for all costs of providing that protection.

The basic coverage for residential properties housing up to four families would be $15,000 aggregate liability for any single dwelling unit, $30,000 for any structure containing more than one dwelling, and $5,000 aggregate liability for the contents of any dwelling unit. If the Secretary should declare other types of property to be eligible for disaster insurance, any single structure in those specified categories would have an aggregate liability of $30,000.

SECTION 7—ESTIMATES OF PREMIUM RATES

The Secretary would be authorized to make studies and investigations which would enable him to estimate what the risk premium rates would be for various areas based on actuarial principles, operating costs and administrative expenses. He would also be directed to estimate what level of rates would be reasonable, would encourage prospective insurers to purchase disaster insurance, and would be consistent with the purposes of the act.

SECTION 8—ESTABLISHMENT OF CHARGEABLE PREMIUM RATES

The Secretary would from time to time prescribe by regulation the chargeable premium rates for all types and classes of property for which disaster insurance is made available. He could if necessary fix the premium rate for the basic property values covered (noted above) at less than the estimated risk premium rates. Otherwise, the rates would have to be based, insofar as practicable, on the respective risks involved and would have to be adequate to provide reserves for anticipated losses. If the rates were fixed at a lower amount, they would have to be consistent with the objective of making major disaster insurance available at reasonable rates in order to encourage its purchase by homeowners and others.

SECTION 9—TREASURY BORROWING AUTHORITY

The Secretary would be authorized with the approval of the Secretary of the Treasury, to issue notes or other obligations in an amount not exceeding $500 million. The Secretary of the Treasury would determine the rate of interest for these notes or obligations, and would be authorized to purchase or sell them as public debt transactions.

SECTION 10—DISASTER INSURANCE FUND

The Secretary would also be authorized to establish in the Treasury of the United States the Disaster Insurance Fund from which would be paid all claims, expenses, administrative costs and debt redemption of the disaster insurance programs. The Fund would be the repository for all funds which might be borrowed, appropriated by Congress, earned as interest on investments, derived from premiums or received from other operations. If the Secretary should determine that the Fund would be in excess of current needs, he could request the Secretary of the Treasury to invest the amounts which the latter deemed advisable in obligations issued or guaranteed by the United States.

SECTION 11—PAYMENT OF CLAIMS

The Secretary would be authorized to establish regulations for adjustment and payment of claims.

SECTION 12—DISSEMINATION OF DISASTER INSURANCE INFORMATION

The Secretary could make available to state and local agencies data and information with regard to the coverage, objectives and premium rates for disaster insurance programs.

SECTION 13—PROHIBITION AGAINST CERTAIN DUPLICATIONS OF BENEFITS

No property-owner would be eligible for disaster relief assistance if a person or business is covered for losses by insurance or could have been covered by disaster insurance which had been made available in his area at least one year prior to the occurrence of the damage.

SECTION 14—PROPERTIES IN VIOLATION OF STATE AND LOCAL LAW

No new disaster insurance would be provided for properties which the Secretary found to be in violation of State and local zoning laws and ordinances.

SECTION 15—COORDINATION WITH OTHER PROGRAMS

The Secretary would coordinate the new insurance program with the National Flood Insurance Act of 1968 and would consult with other departments and agencies of the federal, state and local agencies in order to coordinate the insurance program with their activities. Veterans Administration, Federal Housing Administration, and other federal agencies which guarantee or insure loans and mortgages would have to require that any such structures must be insured under the major disaster insurance program administered by the Secretary.

SECTION 16—TERMINATION OF AUTHORITY

The disaster insurance program would not be established if the Secretary determined that by June 30, 1973, private insurance companies have provided equivalent coverage on reasonable terms.

SECTION 17—JUDICIAL REVIEW

Standard provision would be made for judicial review of orders issued under the act.

SECTION 18—IMPLEMENTATION

Unless he determined such a program to be unnecessary, the Secretary would be directed to implement the act by establishing an industry disaster insurance program with Federal assistance or a Government disaster insurance program similar to that authorized by the National Flood Insurance Act of 1968.

SECTION 19—PAYMENTS

The Secretary would be authorized to make payments under the Act either in advance, as installments, or as reimbursements, and to fix conditions for those payments.

SECTION 20—GOVERNMENT CORPORATION CONTROL ACT

The provisions of the Government Corporation Control Act would be made applicable to the Disaster Insurance Act.

SECTION 21—FINALITY OF CERTAIN FINANCIAL TRANSACTIONS

Payments and financial transactions made under the Act would be final and conclusive on all Government officers.

SECTION 22—ADMINISTRATIVE EXPENSES

Authority would be made for payment from appropriated funds of any administrative expenses incurred in carrying out the disaster insurance program.

SECTION 23—AUTHORIZATION OF APPROPRIATIONS

Authorization would be made to appropriate funds needed for administrative expenses, premium equalization payments, reinsurance claims and other necessary costs of the disaster insurance program.

By Mr. BAYH (for himself and Mr. HARTKE):

S. 904. A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases. Referred to the Committee on Commerce.

Mr. BAYH. Mr. President, on behalf of myself and the senior Senator from Indiana (Mr. HARTKE), I am introducing today for appropriate reference a bill to amend the Uniform Time Act of 1966. The purpose of this measure is to permit those States which are divided into two or more time zones to exempt one or more such parts from the advanced time provisions of the act.

Let me emphasize at the outset that this proposed change would not in any way be counter to the basic goals and principles of the 1966 act. To the contrary, it seeks only to remedy unfair and difficult circumstances which may result from the application of the act in those few States which do not lie entirely within one time zone.

When I introduced a similar bill in 1967 there were 13 States which were cut into parts by time line zones. My own State of Indiana then was bisected almost in half. Since then, however, the time zone lines in Indiana have been moved westward so that only two pockets of six counties each, one in the northwest corner and the other in the southwest corner of the State are located within the central standard time area. All of the other 80 counties of the State are now within the eastern time zone.

Two years ago the Indiana General Assembly, acting under authority conferred by the 1966 Uniform Time Act, adopted a bill which would exempt the entire State of Indiana from observing daylight savings time from the last Sunday in April to the last Sunday in October. Because the Governor vetoed the bill, it did not become effective at that time. However, very recently the 1971 session of the legislature voted to override the gubernatorial veto, with the result that the bill has now become law.

This means, Mr. President, that the 12 counties located in the northwest and southwest sections of the State, which are officially on central time, will not be able to advance their clocks 1 hour during the summer months when the surrounding communities in the States of Illinois and Kentucky take that action and while the remainder of Indiana will also be 1 hour ahead on eastern standard time. This will cause great confusion and chaos in such cities as Hammond, East Chicago, Whiting, Gary, and Evansville, all of which have very close commercial, cultural, and other ties with near-by communities in adjacent States.

Consider for a moment the problems which will confront the inhabitants on these borders of my State during 6 months of the year. Late in April the neighboring States of Illinois and Kentucky will both switch to central daylight time and Michigan and the rest of the State of Indiana will remain on eastern standard time. The result will be an almost intolerable situation for these two pockets of six counties each in the northwest and southwest corners of Indiana. They will be completely isolated in time, being forced to operate 1 hour behind not only the other 30 counties of Indiana but also behind the other three adjacent States. They will be islands unto themselves, out of step with the economic, commercial, cultural, and social life of the people living in surrounding areas.

Mr. President, it is not difficult to imagine what is likely to happen unless the law is changed to permit uniformity in these two instances. Faced with impossible legal demands, many people in these areas will be forced to resort to the practice of advancing their own personal schedules 1 hour while retaining central standard time as the official clock time. Although all official functions will have to be scheduled according to CST, conditions will be such that many will have to carry on their everyday activities on central daylight time in order to accommodate to the prevailing time in nearby areas. Others may try to get along as best they can on official central standard time, with resulting confusion and mixups in family, business, social, and other schedules.

Mr. President, my proposed bill would simply permit States which have divided time zones to exempt one or more of the parts which are in different time zones from observing the same time year round when that State has decided not to adopt daylight savings time in the summer months. It would in the case of Indiana permit the 12 counties in northwest and southwest corners of my State to advance their clocks officially from late April until late October so that they could be in accord with the time observed then by all contiguous areas. It seems to me only sensible that the basic act should be amended to allow this exemption, and I hope that the issue can be considered promptly and resolved before chaotic time conditions ensue.

Mr. President, I ask unanimous consent that the text of this bill be printed in full in the RECORD at the conclusion of my remarks.

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

S. 904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by striking out all after the semicolon and inserting the following in place thereof: "however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable under this Act, during that period and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone;".

By Mr. PROXMIRE (for himself, Mr. MANSFIELD, Mr. MCGOVERN, and Mr. HUMPHREY):

S. 905. A bill to repeal certain provisions of law relating to the expenditure for military purposes in foreign countries of foreign currencies accruing to the United States under subsection (e) of section 505 of the Foreign Assistance Act of 1961, as amended. Referred to the Committee on Foreign Relations.

(The remarks of Mr. PROXMIRE when he introduced the bill and the text of the bill appear in conjunction with his remarks on S. 896.)

By Mr. HARTKE:

S. 906. A bill to amend the Social Security Act. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, I introduce at this time, for appropriate reference, the Omnibus Social Security Amendments of 1971, which are intended as a modernization of the Social Security Act.

The social security system today covers almost all workers, including those who are self-employed. Last year, 75 million people contributed to social security; some $200 billion has been paid to beneficiaries since its inception. Every month, more than 26 million social security benefit checks are issued. Ninety to 95 percent of all those reaching retirement age now are eligible for benefits. Presently, there are approximately 20 million Americans over the age of 65.

Despite the number of Americans and the amount of money involved, there has never been a full review of the social security system and its impact on the Nation. Not surprisingly, many anomalies, inequities, and injustices exist in the present law.

Today, Mr. President, I introduce a bill encouraging such a full-scale review of the entire social security and welfare system, and correcting some of the existing inequities.

The most urgent concern in any revision of the Social Security Act is to increase the benefits to meet the existing need. Inflation is rapidly eroding the gains of every American. In an inflation, the elder American living on social security is like a prisoner living in an ever-contracting cell. He paid his fair share, only to discover that his return frequently assigns him to a life of poverty.

As a distinguished task force reported to the Finance Committee:

The Social Security System has failed to keep up with the rising income needs of the aged.

To remedy this situation, my bill raises the minimum income benefit to at least $100, provides for a 20-percent increase

in existing benefits, and ties future increases to increases in the cost of living as determined by the Department of Labor.

The need for higher benefit levels is clearly revealed in the fact that the average social security payment to retired workers is now $98 a month, to aged widows $86, and to disabled workers $112. Of course, this means that many people receive lower amounts and about 2.8 million beneficiaries receive the minimum benefit. The minimum for a worker at age 65 or later is only $64. This was raised only last year from the minimum of $55. These meager amounts hardly mean a happy retirement.

I might point out to the Senate that when I introduced the $100 minimum in the Committee on Finance last year, we were not even able to receive enough votes to provide for $1,200 a year for a person on social security.

Providing a 20-percent increase in benefits and a minimum benefit of at least $100 a month as proposed by my bill will be an important step in assuring retired Americans an adequate income.

There is now, I believe, very widespread acceptance of the idea that social security benefits should be increased automatically as the cost of living rises. In 1968, both the Republican and Democratic Parties included proposals to do this in their platform. Since both parties would seem to be in agreement, there is little reason for not having tied benefit increase to cost of living by the time of adjournment of this Congress.

Our older people on social security have had $4 billion in purchasing power taken away by inflation from their pensions alone since 1965. These people should not have to wait 1, 2, or 5 years until Congress provides some form of relief. To give some indication of the urgency of the problem it is indicated that at the 1970 rate, price rises would wipe out the administration's proposed 6-percent increase even before it reaches social security beneficiaries.

By tying benefits to the cost of living, Congress can insure that older Americans' investment in their retirement is inflation proof.

Mr. President, my proposed bill also revises the funding formula for social security so that the employer, employee, and the Federal Government all would contribute a one-third share.

The probability that a contribution from general revenue would be required to finance the social security system has been acknowledged from the beginning. In 1935, the Committee on Economic Security which recommended the adoption of the social security system also recommended that the Federal Government make contributions. The 1938 and 1948 Advisory Councils on Social Security also supported a Federal contribution from general revenues. A Government contribution was enacted in the Social Security Act in 1943 but was eliminated in 1950.

I believe that a Government contribution to the social security system is necessary because:

First, any more increase in the payroll tax, which is essentially a regressive tax, would create an oppressive burden for the low-paid workers, the young workers, and the small businessmen;

Second, adequate benefits cannot be provided by raising payroll taxes;

Third, contribution by the Federal Government to the social security system should reduce the cost of other welfare programs.

One of the most self-defeating provisions of the present social security law is the limitation on earnings. It is indeed a bizarre paradox in America that a desire to work penalizes a man after a certain age. At the present time, a beneficiary who earns more than $1,680 a year receives a reduced social security benefit. I propose that Congress immediately increase the earnings limitation to $2,400 and over a period of 7 years eliminate it entirely. Older Americans should not be penalized for investing their retirement or discouraged from participating in our society. At the present time, 26 percent over the age of 65 are participating in either part-time or full-time employment.

The law in the medieval age treated woman as an inferior creature. They were denied many rights granted to men. Most of these feudalistic laws have been eliminated from our legal system but the concept of a woman's inferiority is alive and well in our social security system. Under present law, a man can draw 150 percent of his monthly benefits if he is married. If he is a widower, he receives his full benefits. But, if he leaves a widow, she can receive only 82½ percent of his total allotment. A widow's expenses are not less costly than a man's. A woman faces the prospect of not only losing her husband but almost half of her income. My legislation would eliminate this discrimination and allow a surviving spouse of a primary beneficiary to receive 100 percent of the social security benefits.

Mr. President, my bill would also provide the supplementary medical insurance program for the aged in the areas of eye, hearing, and dental care. It will include the provision of eyeglasses, hearing aids, dentures where they are needed, as well as the necessary attendant examinations and treatment of other conditions related to these. Studies reveal that the elderly have the greatest need for dental care and the least ability to pay.

In the area of eye care the basic facts are the same: it is the elderly who are in the greatest need because they have the greatest sight impairment, but because of their limited income they are far more likely to live with their disability rather than have it properly cared for to make their latter years as enjoyable as they might be.

I would imagine that a person like myself, who goes to the eye doctor for an annual examination, has to adjust his lenses every once in a while, so that it really means something to him personally when he receives that final examination for a special sight device.

This bill also removes the present exclusion in the area of hearing impairment.

The amount of hearing impairment is considerably greater than that of visual impairment, although I venture that most people, seeing so many more eyeglasses than hearing aids in use, would be surprised to know that fact. Whereas there are an estimated 5,390,000 persons in the Nation with eye problems at least severe enough to make them unable even with glasses to recognize a friend walking on the other side of the street, more than 8½ million have—by their own or family member's account in answering the health survey questions—deafness or serious trouble hearing with one or both ears.

Although I believe the greatest legislative accomplishment of the 89th Congress was the establishment of the social security-based health insurance program for persons over the age of 65, I also believe that this program must not remain limited only to elderly persons.

Rather, I believe this program must be changed and so expanded that beneficiaries of social security-provided disability insurance payments may share in its benefits, may be included in the Federal health insurance program.

To achieve this most worthwhile purpose, Mr. President, I am introducing a bill to provide that individuals entitled to disability insurance benefits—or child's benefits based on disability—shall be eligible for health insurance benefits under title XVIII of the Social Security Act.

Mr. President, just as the men and women who are elderly and retired on social security payments must live and manage on very limited income and have a great need that their health care costs be met by the social security method, so, too, it is most necessary that the health care costs of those who must live and manage on limited income because they are disabled, because they are beneficiaries of the disability insurance program, be met by the very same concept of social insurance enacted into Federal law.

REFUND OF THE PAYROLL TAX

With the steady increase in the taxable wage base, the social security payment is becoming increasingly regressive. The poor pay proportionately higher percentages of their income. Presently the payroll tax of the Social Security Act annually consumes $1.5 billion of the incomes of those families whose income falls below the poverty line. This collection of $1.5 billion a year from families below the poverty level conflicts with the avowed national policy of eliminating poverty.

Because the payroll tax is inequitable, the income tax law should be amended to provide a partial refund of social security taxes. I propose a formula in the bill today by which 90 percent of the payroll tax paid by workers in the lowest income groups would be refunded.

CONCLUSION

Mr. President, I have discussed briefly some of the major provisions of the bill I am introducing today. It is not my claim that the proposals contained in this bill are perfect, but I believe they represent a concern for the welfare of our elder citizens, a concern that should

be, and I trust will be, shared by Congress. I conclude my remarks by asking that the text of the entire bill be printed in the RECORD.

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

S. 906

A bill to amend the Social Security Act

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

SECTION 1. This Act may be cited as the "Omnibus Social Security Amendments of 1971".

TITLE I—OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

INCREASE IN BENEFIT AMOUNTS

SEC. 101. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

I	II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)	(Primary insurance amount under 1967 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—	Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least— But not more than—		At least—	But not more than—		
---------- $23.76	$80.80 or less	----------	$99	$100.00	$150.00
$23.77 24.20	82.30	$100	101	100.00	150.00
24.21 24.60	83.50	102	102	100.00	150.00
24.61 25.00	84.90	103	104	100.00	150.00
25.01 25.48	86.40	105	106	100.00	150.00
25.49 25.92	87.80	107	107	100.00	150.00
25.93 26.40	89.20	108	109	100.00	150.00
26.41 26.94	90.60	110	113	100.00	150.00
26.95 27.46	91.90	114	118	101.10	151.70
27.47 28.00	93.30	119	122	102.70	154.10
28.01 28.68	94.70	123	127	104.20	156.30
28.69 29.25	96.20	128	132	105.90	158.90
29.26 29.68	97.50	133	136	107.30	161.00
29.69 30.36	98.80	137	141	108.70	163.10
30.37 30.92	100.30	142	146	110.40	165.60
30.93 31.36	101.70	147	150	111.90	167.90
31.37 32.00	103.00	151	155	113.30	170.00
32.01 32.60	104.50	156	160	115.00	172.50
32.61 33.20	105.80	161	164	116.40	174.60
33.21 33.88	107.20	165	169	118.00	177.00
33.89 34.50	108.60	170	174	119.50	179.30
34.51 35.00	110.00	175	178	121.00	181.50
35.01 35.80	111.40	179	183	122.60	183.90
35.81 36.40	112.70	184	188	124.00	186.00
36.41 37.08	114.20	189	193	125.70	188.60
37.09 37.60	115.60	194	197	127.20	190.80
37.61 38.20	116.90	198	202	128.60	192.90
38.21 39.12	118.40	203	207	130.30	195.50
39.13 39.68	119.80	208	211	131.80	197.70
39.69 40.33	121.00	212	216	133.10	199.70
40.34 41.12	122.50	217	221	134.80	202.20
41.13 41.76	123.90	222	225	136.30	204.50
41.77 42.44	125.30	226	230	137.90	206.90
42.45 43.20	126.70	231	235	139.40	209.10
43.21 43.76	128.20	236	239	141.10	211.70
43.77 44.44	129.50	240	244	142.50	213.80
44.45 44.88	130.80	245	249	143.90	215.90
44.89 45.60	132.30	250	253	145.60	218.40
	133.70	254	258	147.10	220.70
	134.90	259	263	148.40	222.60
	136.40	264	267	150.10	225.20
	137.80	268	272	151.60	227.40
	139.20	273	277	153.20	229.80
	140.60	278	281	154.70	232.10
	142.00	282	286	156.20	234.30
	143.50	287	291	157.90	236.90
	144.70	292	295	159.20	238.80
	146.20	296	300	160.90	241.40
	147.60	301	305	162.40	244.00
	148.90	306	309	163.80	247.20
	150.40	310	314	165.50	251.20
	151.70	315	319	166.90	255.20
	153.00	320	323	168.30	258.40
	154.50	324	328	170.00	262.40
	155.90	329	333	171.50	266.40
	157.40	334	337	173.20	269.60
	158.60	338	342	174.50	273.60
	160.00	343	347	176.00	277.60
	161.50	348	351	177.70	280.80
	162.80	352	356	179.10	284.80
	164.30	357	361	180.80	288.80
	165.60	362	365	182.20	292.00
	166.90	366	370	183.60	296.00
	168.40	371	375	185.30	300.00
	169.80	376	379	186.80	303.20
	171.30	380	384	188.50	307.20
	172.50	385	389	189.80	311.20
	173.90	390	393	191.30	314.40
	175.40	394	398	193.00	318.40
	176.70	399	403	194.40	322.40
	178.20	404	407	196.10	325.60
	179.40	408	412	197.40	329.60
	180.70	413	417	198.80	333.60
	182.00	418	421	200.20	336.80
	183.40	422	426	201.80	340.80
	$184.60	$427	$431	$203.10	$344.80
	185.90	432	431	204.50	348.80
	187.30	437	440	206.10	350.40
	188.50	441	445	207.40	352.40
	189.80	446	450	208.80	354.40
	191.20	451	454	210.40	356.00
	192.40	455	459	211.70	358.00
	193.70	460	464	213.10	360.00
	195.00	465	468	214.50	361.60
	196.40	469	473	216.10	363.60
	197.60	474	478	217.40	365.60
	198.90	479	482	218.80	367.20
	200.30	483	387	220.40	369.20
	201.50	488	492	221.70	371.20
	202.80	493	496	223.10	372.80
	204.20	497	501	224.70	374.80
	205.40	502	506	226.00	376.80
	206.70	507	510	227.40	378.40
	208.00	511	515	228.80	380.40
	209.30	516	520	230.30	382.40
	210.60	521	524	231.70	384.00
	211.90	525	529	233.10	386.00
	213.30	530	534	234.70	388.60
	214.50	535	538	236.00	389.60
	215.80	539	543	237.40	391.60
	217.20	544	548	239.00	393.60
	218.40	549	553	240.30	395.60
	219.70	554	556	241.70	396.80
	220.80	557	560	242.90	398.40
	222.00	561	563	244.20	399.60
	223.10	564	567	245.50	401.20
	224.30	568	570	246.80	402.40
	225.40	571	574	248.00	404.00
	226.60	575	577	249.30	405.20
	227.70	578	581	250.50	406.80
	228.90	582	584	251.80	408.00
	230.00	585	588	253.00	409.60
	231.20	589	591	254.40	410.80
	232.30	592	595	255.60	412.40
	233.50	596	598	256.90	413.60
	234.60	599	602	258.10	415.20
	235.80	603	605	259.40	416.40
	236.90	606	609	260.60	418.00
	238.10	610	612	262.00	319.20
	239.20	613	616	263.20	420.80
	240.40	617	620	264.50	422.40
	241.50	621	623	265.70	423.60
	242.70	624	627	267.00	425.20
	243.80	628	630	268.20	426.40
	245.00	631	634	269.50	428.00
	246.10	635	637	270.80	429.20
	247.30	638	641	272.10	430.80
	248.40	642	644	273.30	432.00
	249.60	645	648	274.60	433.60
	250.70	649	653	275.80	435.60
		654	658	277.00	437.60
		659	663	278.00	439.60
		664	668	279.00	441.60
		669	673	280.00	443.60
		674	678	281.00	445.60
		679	683	282.00	447.60
		684	688	283.00	449.60
		689	693	284.00	451.60
		694	698	285.00	453.60
		699	703	286.00	455.60
		704	708	287.00	457.60
		709	713	288.00	459.60
		714	718	289.00	461.60
		719	723	290.00	463.60
		724	728	291.00	465.60
		729	733	292.00	467.60
		734	738	293.00	469.60
		739	743	294.00	471.60
		744	748	295.00	473.60
		749	750	296.00	474.40"

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for the month of January 1971 on the basis of the wages and self-employment income of such insured individual, such total of benefits for such month or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), as in effect prior to January 1971, for each such person for January 1971, by 110 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for the month of January 1971, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for January 1971, or".

(c) Section 215(b)(4) of such Act is amended to read as follows:

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) who becomes entitled, after December 1970, to benefits under section 202(a) or section 223; or

"(B) who dies after December 1970 without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be recomputed under subsection (f)(2)."

(d) Section 215(c) of such Act is amended to read as follows:

"PRIMARY INSURANCE AMOUNT UNDER 1967 ACT

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the enactment of the Social Security Amendments of 1971.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before the month of January 1971, or who died before such month."

(e) The amendments made by the preceding provisions of this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970 and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1970.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for the month of December 1970 and became entitled to old-age insurance benefits under section 202(a) of such Act for the month of January 1971, or who died in such month, then, for purposes of section 215(a)(4) of the Social Security Act (if applicable) the amount in column IV of the table appearing in such section 215(a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based.

(g)(1) Section 227(a) of the Social Security Act is amended by striking out "$40" and inserting in lieu thereof "$75", and by striking out "$20" and inserting in lieu thereof "$37.50".

(2) Section 227(b) of such Act is amended by striking out in the second sentence "$40" and inserting in lieu thereof "$75".

(3) Section 228(b)(1) of such Act is amended by striking out "$40" and inserting in lieu thereof "$75".

(4) Section 228(b)(2) of such Act is amended by striking out "$40" and inserting in lieu thereof "$75", and by striking out "$20" and inserting in lieu thereof "$37.50".

(5) Section 228(c)(2) of such Act is amended by striking out "$20" and inserting in lieu thereof "$37.50".

(6) Section 228(c)(3)(A) of such Act is amended by striking out "$40" and inserting in lieu thereof "$75".

(7) Section 228(c)(3)(B) of such Act is amended by striking out "$20" and inserting in lieu thereof "$37.50".

(8) The amendments made by this subsection shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970.

COST-OF-LIVING INCREASES IN BENEFITS

SEC. 102. Section 202 of the Social Security Act is amended by adding at the end the following new subsection:

"COST-OF-LIVING INCREASES IN BENEFITS

"(w)(1) For purposes of this subsection—

"(A) the term 'price index' means the annual average over a calendar year of the Consumer Price Index (all items—United city average) published monthly by the Bureau of Labor Statistics; and

"(B) the term 'base period' means the calendar year 1970, or if later, the calendar year preceding the year in which the most recent cost-of-living adjustment has been made in monthly benefits under this title by reason of the provisions of this subsection.

"(2) As soon after January 1, 1972, and as soon after January 1, of each succeeding year as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary shall determine the per centum of increase (if any) in the price index for the calendar year ending with the close of the preceding December over the price index for the base period. If the increase occurring in the price index for the latest calendar year with respect to which a determination is made in accordance with this paragraph over the price index for the base period is equal to at least 2 percent, there shall be made, in accordance with the succeeding provisions of this subsection, an increase in the monthly insurance benefits payable under this title equal to the percent rise in the price index adjusted to the nearest one-tenth of 1 percent.

"(3) Increases in such insurance benefits shall be effective for benefits payable with respect to months beginning on or after April 1 of the year in which the most recent determination pursuant to paragraph (2) is made.

"(4) In determining the amount of any individual's monthly insurance benefit for purposes of applying the provisions of section 203(a) (relating to reductions of benefits when necessary to prevent certain maximum benefits from being exceeded), amounts payable by reason of this subsection shall not be regarded as part of the monthly benefit of such individual.

"(5) Any increase to be made in the monthly benefits payable to or with respect to any individual shall be applied after all other provisions of this title relating to the amount of such benefit have been applied. If the amount of any increase payable by reason of the provisions of this subsection is not a multiple of $0.10, it shall be reduced to the next lower multiple of $0.10."

LOWERING OF AGE AT WHICH OTHERWISE UNINSURED INDIVIDUALS MAY BECOME ENTITLED TO BENEFITS

SEC. 103. (a) Section 228(a) of the Social Security Act is amended to read as follows:

"(a) Every individual who—

"(1) has attained the age of 65,

"(2) is a resident of the United States (as defined in subsection (3)), and is (A) a citizen of the United States, or (B) an alien lawfully admitted for permanent residence in the United States (as defined in section 210(i)) continuously during the 5 years immediately preceding the month in which he files application under this section, and

"(3) has filed application for benefits under this section,

shall (subject to the limitations in this section) be entitled to a benefit under this section for each month beginning with the first month after September 1966 in which he becomes so entitled to such benefits and ending with the month preceding the month in which he dies. No application under this section which is filed by an individual more than 3 months before the first month in which he meets the requirements of paragraphs (1) and (2) shall be accepted as an application for purposes of this section."

(b) Section 228(c)(1) of such Act is amended by striking out "The" and inserting in lieu thereof "Except as otherwise provided in subsection (i), the".

(c) Section 228 of such Act is further amended by adding at the end thereof the following new subsection:

"INDIVIDUALS EXEMPT FROM REDUCTION ON ACCOUNT OF GOVERNMENTAL PENSION SYSTEM BENEFITS

"(i) Notwithstanding the provisions of subsection (c), if at the beginning of any month an individual has not less than 4 quarters of coverage (whenever acquired), the benefit amount of such individual for such month under this section shall not be reduced on account of any periodic benefit under a governmental pension system for which he or his spouse is eligible for such month."

(d) The amendments made by this section shall be applicable with respect to benefits payable under section 228 of the Social Security Act for months after the month following the month in which this Act is enacted, but only on the basis of applications for such benefits filed in or after the month in which this Act is enacted.

LOWERING OF AGE AT WHICH ACTUARIALLY REDUCED BENEFITS MAY BE PAID

SEC. 104. (a)(1) Section 202(a)(2) of the Social Security Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(2) Section 202(b)(1) of such Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(3) Section 202(c)(1) and (2) of such Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(4)(A) Section 202(f)(1)(B), (2), (5), and (6) is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(B) Section 202(f)(1)(C) of such Act is amended by striking out "or was entitled" and inserting in lieu thereof "or was entitled, after attainment of age 62,".

(5)(A) Section 202(h)(1)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(B) Section 202(h)(2)(A) of such Act is amended by inserting "subsection (q) and" after "Except as provided in".

(C) Section 202(h)(2)(B) of such Act is

amended by inserting "subsection (q) and" after "except as provided in".

(D) Section 202(h)(2)(C) of such Act is amended by—

(i) striking out "shall be equal" and inserting in lieu thereof "shall, except as provided in subsection (q), be equal"; and

(ii) inserting "and section 202(q)" after "section 203(a)".

(b)(1) The first sentence of section 202(q)(1) of such Act is amended (A) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's", and (B) by striking out, in subparagraph (A) thereof, "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(2)(A) Section 202(q)(3)(A) of such Act is amended (i) by striking out "husband's, widow's, or widower's" each place it appears therein and inserting in lieu thereof "husband's, widow's, widower's, or parent's", (ii) by striking out "age 62" and inserting in lieu thereof "age 60", and (iii) by striking out "wife's or husband's" and inserting in lieu thereof "wife's, husband's, or parent's".

(B) Section 202(q)(3)(B) of such Act is amended by striking out "or husband's" each place it appears therein and inserting in lieu thereof ", husband's, widow's, widower's, or parent's".

(C) Section 202(q)(3)(C) is amended by striking out "or widower's" each place it appears therein and inserting in lieu thereof "widower's, or parent's".

(D) Section 202(q)(3)(D) of such Act is amended by striking out "or widower's" and inserting in lieu thereof "widower's, or parent's".

(E) Section 202(q)(3)(E) of such Act is amended (i) by striking out "(or would, but for subsection (e)(1) in the case of a widow or surviving divorced wife or subsection (f)(1) in the case of a widower, be) entitled to a widow's or widower's insurance benefit to which such individual was first entitled for a month before she or he" and inserting in lieu thereof "(or would, but for subsection (e)(1), (f)(1), or (h)(1), be) entitled to a widow's, widower's, or parent's insurance benefit to which such individual was first entitled for a month before such individual", (ii) by striking out "the amount by which such widow's or widower's insurance benefit" and inserting in lieu thereof "the amount by which such widow's, widower's, or parent's insurance benefit", (iii) by striking out "over such widow's or widower's insurance benefit" and inserting in lieu thereof "over such widow's, widower's, or parent's insurance benefit" and, (iv) by striking out "attained retirement age" each place it appears therein and inserting in lieu thereof "attained age 60 (in the case of a widow or widower) or attained retirement age (in the case of a parent)".

(F) Section 202(q)(3)(F) of such Act is amended (i) by striking out "(or would, but for subsection (e)(1) in the case of a widow or surviving divorced wife or subsection (f)(1) in the case of a widower, be) entitled to a widow's or widower's insurance benefit to which such individual was first entitled for a month before she or he" and inserting in lieu thereof "(or would, but for subsection (e)(1), (f)(1), or (h)(1), be) entitled to a widow's, widower's, or parent's insurance benefit for which such individual was first entitled for a month before such individual", (ii) by striking out "the amount by which such widow's or widower's insurance benefit" and inserting in lieu thereof "the amount by which such widow's, widower's, or parent's insurance benefit", (iii) by striking out "over such widow's insurance benefit" and inserting in lieu thereof "over such widow's, widower's, or parent's insurance benefit", (iv) by striking out "62" and inserting in lieu thereof "60", and (v) by striking out "attained retirement age" each place it appears therein and inserting in lieu thereof "attained age 60 (in the case of a widow or widower) or attained retirement age (in the case of a parent)".

(G) Section 202(q)(3)(G) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(3) Section 202(q)(5)(B) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(4) Section 202(q)(6) of such Act is amended (i) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's", and (ii) by striking out, in clause (III), "widow's, or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(5) Section 202(q)(7) of such Act is amended—

(A) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's"; and

(B) by striking out, in subparagraph (E), "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(6) Section 202(q)(9) of such Act is amended by striking out "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(c)(1) The heading to section 202(r) of such Act is amended by striking out "Wife's or Husband's" and inserting in lieu thereof "Wife's, Husband's, Widow's, Widower's, or Parent's".

(2)(A) Section 202(r)(1) of such Act is amended (i) by striking out "wife's or husband's" the first place it appears therein and inserting in lieu thereof "wife's, husband's, widow's, widower's, or parent's", and (ii) by inserting immediately before the period at the end thereof the following: ", or for widow's, widower's, or parent's insurance benefits but only if such first month occurred before such individual attained age 62".

(B) Section 202(r)(2) of such Act is amended by striking out "wife's or husband's" and inserting in lieu thereof "wife's, husbands, widow's, widower's, or parent's".

(d) Section 214(a)(1) of such Act is amended by striking out subparagraph (A), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting the following new subparagraphs (A) and (B):

"(A) in the case of a woman who has died, the year in which she died or (if earlier) the year in which she attained age 62,

"(B) in the case of a woman who has not died, the year in which she attained (or would attain) age 62,".

(e)(1) Section 215(b)(3) of such Act is amended by striking out subparagraph (A), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting the following new subparagraphs (A) and (B):

"(A) in the case of a woman who has died, the year in which she died or, if it occurred earlier but after 1960, the year in which she attained age 62,

"(B) in the case of a woman who has not died, the year occurring after 1960 in which she attained (or would attain) age 62,".

(2) Section 215(f)(5) of such Act is amended (A) by inserting after "attained age 65", the following: "or in the case of a woman who became entitled to such benefits and died before the month in which she attained age 62,"; (B) by striking out "his" each place it appears herein and inserting in lieu thereof "his or her"; and (C) by striking out "he" each place after the first place it appears therein and inserting in lieu thereof "he or she".

(f)(1) Section 216(b)(3)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(2) Section 216(c)(6)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(3) Section 216(f)(3)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(4) Section 216(g)(6)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(g)(1) Section 202(q)(5)(A) of such Act is amended by striking out "No wife's insurance benefit" and inserting in lieu thereof "No wife's insurance benefit to which a wife is entitled".

(2) Section 202(q)(5)(C) of such Act is amended by striking out "woman" and inserting in lieu thereof "wife".

(3) Section 202(q)(6)(A)(i)(II) of such Act is amended (A) by striking out "wife's insurance benefit" and inserting in lieu thereof "wife's insurance benefit to which a wife is entitled", and (B) by striking out "or" at the end and inserting in lieu thereof the following: "or in the case of a wife's insurance benefit to which a divorced wife is entitled, with the first day of the first month for which such individual is entitled to such benefit, or".

(4) Section 202(q)(7)(B) of such Act is amended by striking out "wife's insurance benefits" and inserting in lieu thereof "wife's insurance benefits to which a wife is entitled".

(h) Section 224(a) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(i) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970, but only on the basis of applications for such benefits filed after September 1970.

LIBERALIZATION OF EARNINGS TEST

SEC. 105. (a)(1)(A) Paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$200".

(B) The first sentence of paragraph (3) of such subsection (f) is amended by striking out ", except that of the first $1,200 of such excess (or all of such excess if it is less than $1,200), an amount equal to one-half thereof shall not be included".

(2) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$200".

(3) The amendments made by this subsection (other than the amendment made by paragraph (1)(B)) shall be effective only with respect to taxable years ending after December 31, 1970, and before January 1, 1973. The amendment made by paragraph (1)(B) of this subsection shall be effective with respect to taxable years ending after December 31, 1970.

(b)(1) Paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$250".

(2) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$250".

(3) The amendments made by this subsection shall be effective only with respect to taxable years ending after December 31, 1972, and before January 1, 1975.

(c)(1) Paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$300".

(2) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$300".

(3) The amendments made by this subsection shall be effective only with respect to taxable years ending after December 31, 1973 and before January 1, 1976.

SEC. 2. (a) Subsections (b), (d), (f), (h), (j), and (k) of section 203 of the Social Security Act are repealed.

(b) Subsection (c) of such section 203 is amended (1) by striking out "Noncovered Work Outside the United States or" in the heading, and (2) by striking out paragraph (1) thereof.

(c) Subsection (e) of such section 203 is amended by striking out "subsections (c) and (d)" and inserting in lieu thereof "subsection (c)".

(d) Subsection (i) of such section 203 is amended by striking out "subsection (b), (c), (g), or (h)" and inserting in lieu thereof "subsection (c) or (g)".

(e) Subsection (l) of such section 203 is amended by striking out "or (h)(1)(A)".

(f) The second sentence of paragraph (1) of subsection (n) of section 202 of the Social Security Act is amended by striking out "Section 203 (b), (c), and (d)" and inserting in lieu thereof "Section 203(c)".

(g) Paragraph (7) of subsection (t) of section 202 of the Social Security Act is amended by striking out "Subsections (b), (c), and (d)" and inserting in lieu thereof "Subsection (c)".

(h) Paragraph (3) of section 208(a) of the Social Security Act is repealed.

(i) The amendments made by this section (other than subsection (h)) shall apply only with respect to benefits payable for months beginning after December 31, 1975, and the amendment made by subsection (h) shall become effective on January 1, 1976.

CHILD'S BENEFITS FOR STUDENTS

SEC. 106. (a)(1) Section 202(d)(1)(B)(i) of the Social Security Act is amended by striking out "full-time student and had not attained the age of 22" and inserting in lieu thereof "qualified student and had not attained the age of 26".

(e) Section 202(d)(1)(E) of such Act is amended by striking out "full-time student" and inserting in lieu thereof "qualified student".

(3)(A) Section 202(d)(1)(F)(i) of such Act is amended by striking out "full-time student" and inserting in lieu thereof "qualified student".

(B) Section 202(d)(1)(F)(ii) of such Act is amended by striking out "22" and inserting in lieu thereof "26".

(4)(A) Section 202(d)(1)(G)(i) of such Act is amended by striking out "full-time student" and inserting in lieu thereof "qualified student".

(B) Section 202(d)(1)(G)(ii) of such Act is amended by striking out "22" and inserting in lieu thereof "26".

(b) Section 202(d)(6) of such Act is amended (1) by striking out "22" each place it appears therein and inserting in lieu thereof "26", and (2) by striking out "full-time student" each place it appears therein and by inserting in lieu thereof "qualified student".

(c)(A)(i) The first sentence of section 202(d)(7)(B) of such Act is amended (I) by striking out "full-time student" and inserting in lieu thereof "full-time student, or part-time student, as the case may be," and (II) by striking out "full-time attendance" each place it appears therein and inserting in lieu thereof "full-time or part-time attendance, as the case may be,".

(ii) The second sentence of section 202(d)(7)(B) of such Act is amended by striking out "full-time attendance" and inserting in lieu thereof "full-time or part-time attendance, as the case may be,".

(B) Section 202(d)(7) of such Act is further amended by adding after subparagraph (C) thereof the following new subparagraphs:

"(D) A 'qualified student' is an individual who—

"(i) is a full-time student or a part-time student, and

"(ii) is determined by the Secretary (in accordance with regulations prescribed by him) to be making satisfactory progress in the courses of study pursued by him in the educational institution in which he is enrolled;

except that no individual who has attained age 22 shall be a qualified student after the date he first becomes eligible for a baccalaureate degree from an educational institution in which he is or has been enrolled.

"(E) A 'part-time student' is an individual who is in attendance at an educational institution (as defined in subparagraph (C)) and is carrying a course load as determined by the Secretary (in accordance with regulations prescribed by him) which, in light of the standards and practices of the institution involved, is not less than one-half the course load which would be carried by a full-time student in such institution, except that no individual be considered as a 'part-time student' if he is paid by his employer while attending an educational institution at the request, or pursuant to a requirement of his employer."

(d) Section 203 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"DEDUCTIONS FROM CHILD'S BENEFITS OF PART-TIME STUDENTS

"(m)(1) Deductions, at such time or times as the Secretary shall determine, shall be made from any child's insurance benefit (under section 202(d)) to which an individual is entitled for any month in which such individual is a part-time student (as defined in section 202(d)(7)(E)), if such individual would not have been entitled, under section 202(d), to such a benefit for such month except for the fact that he was a qualified student (as defined in section 202(d)(7)(D)) during such month. For any month in which such individual is a part-time student carrying a course load in the educational institution in which he is enrolled of not less than three-fourths of a full course load (as determined by the Secretary under regulations prescribed by him), the deduction from the child's benefit of such individual shall be equal to one-fourth of the amount of such child's benefit, and, for any other month, the deduction from the child's benefit of such individual shall be equal to one-half of the amount of such child's benefit.

"(2) An individual referred to in paragraph (1) shall report to the Secretary such information as the Secretary shall by regulations prescribe to enable the Secretary to make deductions from such individual's benefits in accordance with such paragraph.

"(3) Whenever any individual, without good cause, fails or refuses to make any report required pursuant to paragraph (2), the Secretary may (in accordance with regulations prescribed by him for such purpose) make penalty deductions from the child's insurance benefits to which such individual is entitled. Any such penalty deduction shall not exceed the amount of the child's insurance benefit to which such individual is entitled for one month, and not more than one such penalty deduction shall be made for any one such failure or refusal."

(e) Section 222(b) of the Social Security Act is amended (1) by striking out "22" and inserting in lieu thereof "26", and (2) by striking out "full-time student" and inserting in lieu thereof "qualified student".

(f) The last sentence of section 225 of the Social Security Act is amended (1) by striking out "22" and inserting in lieu thereof "26", and (2) by striking out "full-time student" and inserting in lieu thereof "qualified student".

(g) The amendments made by the preceding provisions of this section shall apply with respect to monthly insurance benefits under section 202 of the Social Security Act for months after the month which follows the month in which this Act is enacted; except that, in the case of an individual who was not entitled to a child's insurance benefit under subsection (d) of such section for the month in which this Act is enacted, such amendments shall apply only on the basis of an application filed in or after the month in which this Act is enacted.

(h) Section 205 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"NOTIFICATION OF RECIPIENTS OF CHILD'S INSURANCE BENEFITS OF PROVISIONS RELATING TO STUDENTS

"(r) The Secretary shall establish and put into effect procedures designed to provide notification to individuals receiving child's insurance benefits under section 202(d) of the provisions of such section relating to eligibility for such benefits in the case of individuals who have attained age 18 and are qualified students. In the case of individuals who are receiving child's insurance benefits for the month in which they attain the age of 14, such notification shall be provided in such month, or, if that is not feasible, at the earliest time thereafter that is feasible. In the case of individuals who first become entitled to child's insurance benefits for a month after the month in which they attain the age of 14, such notification shall be provided in the month in which they first become entitled to such benefits, or, if that is not feasible, at the earliest time thereafter that is feasible."

DEFINITION OF DISABILITY

SEC. 107. (a) Section 223(d) of the Social Security Act is amended (1) by striking out paragraphs (2) through (4) thereof and (2) by redesignating paragraph (5) thereof as paragraph (2).

(b) The third sentence of section 216(i)(1) of such Act is amended by striking out "paragraphs (2)(A), (3), (4), and (5)" and inserting in lieu thereof "paragraph (2)".

(c) The amendments made by this section shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, and for disability determinations under section 216(i) of such Act, filed—

(1) in or after the month in which this Act is enacted, or

(2) before the month in which this Act is enacted if the applicant has not died before such month and if—

(A) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

(B) the notice referred to in subparagraph (A) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month.

USE OF COMBINED EARNINGS IN COMPUTATION OF BENEFITS FOR MARRIED COUPLES

SEC. 108. (a) Section 202(a) of the Social Security Act as amended by section 104 of this Act is further amended to read as follows:

"(a)(1) Every individual who—

"(A) is a fully insured individual (as defined in section 214(a)),

"(B) has attained age 60, and

"(C) has filed application for old-age insurance benefits or was entitled to disability insurance benefits for the month preceding the month in which he attained age 65,

shall be entitled to an old-age insurance benefit for each month beginning with the first month in which such individual becomes so entitled to such insurance benefits and ending with the month preceding the month in which he dies.

"(2) Except as provided in subsection (q), such individual's old-age insurance benefit for any month shall be equal to his primary insurance amount for such month as determined under section 215(a), or as determined under paragraph (3) of this subsection if such paragraph is applicable and its application increases the total of the monthly insurance benefits payable for such month to such individual and his spouse. If the primary insurance amount of an individual for any month is determined under paragraph (3), the primary insurance amount of his spouse for such month shall, notwithstanding the preceding sentence, be determined only under paragraph (3).

"(3) If both an individual and his spouse are entitled to benefits under this subsection (or section 223), or one of them is so entitled and the other would upon satisfying subparagraphs (A) and (C) of paragraph (1) be entitled to benefits under this subsection, then (subject to paragraph (4)) the primary insurance amount of such individual, and the primary insurance amount of such spouse (who shall be deemed to be entitled to benefits under this subsection, whether or not satisfying such subparagraphs, beginning with the later of the month in which such spouse attains age 60 or the month in which such individual became entitled to benefits under this subsection), for any month, shall each be equal to the amount derived by—

"(A) adding together such individual's average monthly wage and such spouse's average monthly wage, as determined under section 215(b),

"(B) applying section 215(a)(1) to their combined average monthly wage determined under subparagraph (A) (subject to the next sentence) as though such combined average monthly wage were such individual's average monthly wage determined under section 215(b), and

"(C) multiplying the amount determined under subparagraph (B) by 75 percent.

If the combined average monthly wage resulting under subparagraph (A) exceeds the average monthly wage (hereinafter referred to as the 'maximum individual average monthly wage') that would result under section 215(b) with respect to a person who became entitled to benefits under this subsection (without having established a period of disability) in the calendar year in which the primary insurance amounts of such individual and spouse are determined under this paragraph, and who had the maximum wages and self-employment income that can be counted, pursuant to section 215(e), in all his benefit computation years, then the determination under subparagraph (B) shall take into account only that part of such combined average monthly wage which is equal to the maximum individual average monthly wage but the amount determined under such subparagraph shall be increased by 25.88 per centum of the difference between such combined average monthly wage (or so much thereof as does not exceed 150 per centum of the maximum individual average monthly wage) and such maximum individual average monthly wage before applying subparagraph (C). The primary insurance amount of an individual and his spouse determined under this paragraph shall not be increased unless there is an increase in the primary insurance amount of either of them pursuant to provisions of this title other than this paragraph.

"(4) Paragraph (3) shall not apply—

"(A) with respect to any individual for any month unless, prior to such month, such individual and his spouse shall have each acquired, after attainment of age 50, not less than 20 quarters of coverage (counting as a quarter of coverage for purposes of this subparagraph any quarter all of which was included in a period of disability, as defined in section 216(i)),

"(B) with respect to any individual for any month unless there is in effect with respect to such month a request filed (in such form and manner as the Secretary shall by regulations prescribe) by such individual and his spouse that their primary insurance amounts be determined under paragraph (3),

"(C) with respect to any individual or his spouse for any month if such individual or his spouse shall have indicated, in such manner and form as the Secretary shall by regulations prescribe, that he or she does not desire a request filed pursuant to subparagraph (B) to be effective with respect to such month, or

"(D) for purposes of determining the amount of any monthly benefits which (without regard to section 203(a)) are payable under the provisions of this section other than this subsection on the basis of the wages and self-employment income of an individual or his spouse."

(b)(1) Section 202(e)(2) of the Social Security Act is amended by striking out "shall be equal to 82½ percent of the primary insurance amount of such deceased individual" and inserting in lieu thereof "shall be equal to the larger of (A) 82½ percent of the primary insurance amount of such deceased individual for such month as determined under section 215(a), or (B) 110 percent of the primary insurance amount of such individual as determined under subsection (a)(3) of this section (assuming for purposes of this clause that such subsection was applicable) for the month preceding the month in which he died".

(2) Section 202(f)(3) of such Act is amended by striking out "shall be equal to 82½ percent of the primary insurance amount of his deceased wife" and inserting in lieu thereof "shall be equal to the larger of (A) 82½ percent of the primary insurance amount of his deceased wife for such month as determined under section 215(a), or (B) 110 percent of the primary insurance amount of his deceased wife as determined under subsection (a)(3) of this section (assuming for purposes of this clause that such subsection was applicable) for the month preceding the month in which she died".

(c) Section 203(a) of the Social Security Act is amended by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or ", and by inserting after paragraph (3) the following new paragraph:

"(4) when the primary insurance amount of the insured individual is determined under section 202(a)(3), such total of benefits for any month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B)(i) the amount appearing in column V of the table in section 215(a) on the line on which appears in column IV the amount determined under subparagraph (B) of such section 202(a)(3) for such individual and his spouse, or

"(ii) if the amount so determined under such subparagraph (B) does not appear in column IV—

"(I) the amount appearing in column V on the line which appears in column IV the next higher amount, if the amount so determined under such subparagraph (B) is less than the last figure in column IV, or

"(II) an amount which bears the same ratio to the amount appearing on the last line of column V as the amount determined under such subparagraph (B) bears to the amount appearing on the last line of column IV, if the amount so determined under such subparagraph (B) is greater than the last figure in column IV."

(d)(1) Section 215(f)(1) of the Social Security Act is amended by inserting "(or section 202(a)(3))" after "determined under this section".

(2) The second sentence of section 215(f)(2) of such Act is amended by inserting before the period at the end thereof the following: ", or as provided in paragraph (3) of section 202(a) if such paragraph is applicable (but disregarding any increase which might result under the second sentence of such paragraph solely from changes in the maximum wages and self-employment income than can be counted in the years involved)".

(e) Section 223(a)(2) of the Social Security Act is amended by inserting after "section 215" the following: "or under section 202(a)(3)".

(f)(1) The amendments made by subsections (a), (b), and (c) of this section shall apply only with respect to monthly insurance benefits under title II of the Social Security Act for and after the second month following the month in which this Act is enacted.

(2) In the case of an individual or his spouse who became entitled to benefits under section 202(a) or section 223 of the Social Security Act prior to the second month following the month in which this Act is enacted (but without regard to section 202(j)(1) or section 223(b)(2) of the Social Security Act), the average monthly wage of such individual or spouse, as the case may be, for purposes of section 202(a)(3)(A) of the Social Security Act, shall be the figure in the column headed "But not more than" in column III of the table in section 215(a)(1) of the Social Security Act in effect immediately prior to the enactment of this Act on the line on which in column IV of such table appears the primary insurance amount of such individual or spouse, as the case may be, for the month in which this Act is enacted, unless the average monthly wage of such individual or such spouse, as the case may be, is, after the enactment of this Act, redetermined under section 215(b) of the Social Security Act.

INCREASE IN BENEFITS FOR WIDOWS AND WIDOWERS

SEC. 109. (a) Section 202(e)(1) and (2) of the Social Security Act is amended by striking out "82½ percent" wherever it appears therein and inserting in lieu thereof "100 percent".

(b) Section 202(b)(1) and (2) of such Act is amended by striking out "82½ percent" wherever it appears therein and inserting in lieu thereof "100 percent".

(c) The amendments made by this section shall apply with respect to monthly benefits under section 202 of the Social Security Act for months after the month following the month in which this Act is enacted.

ELIMINATION OF REMARRIAGE AS DISQUALIFYING EVENT FOR ENTITLEMENT TO WIDOW'S OR WIDOWER'S BENEFITS

SEC. 110. (a)(1) Section 202(e)(1)(A) of the Social Security Act is repealed.

(2) Section 202(e)(1) of such Act is amended by striking out "she remarries, dies, becomes entitled to an old-age insurance benefit" and inserting in lieu thereof "she dies, becomes entitled to an old-age insurance benefit".

(3) Section 202(e)(2) of such Act is amended by striking out "and paragraph (4) of this subsection".

(4) Section 202(e) of such Act is further amended by striking out paragraphs (3) and (4) thereof.

(b)(1) Section 202(f)(1)(A) of such Act is repealed.

(2) Section 202(f)(1) of such Act is amended by striking out "he remarries, dies, or becomes entitled to an old-age insurance benefit" and inserting in lieu thereof "he dies, becomes entitled to an old-age insurance benefit".

(3) Section 202(f)(3) of such Act is amended by striking out "and paragraph (5)".

(4) Section 202(f) of such Act is further amended by striking out paragraphs (4) and (5) thereof.

(c)(1) Section 202(s)(2) of such Act is amended by striking out "Subsection (f)(4), and so much of subsections (b)(3), (d)(5), (e)(3)" and inserting in lieu thereof "So much of subsections (b)(3), (d)(5)".

(2) Section 202(s)(3) of such Act is amended by striking out "(e)(3),".

(3) Section 202(k)(2)(B) of such Act is amended (A) by striking out "(other than an individual to whom subsections (e)(4) or (f)(5) applies)", in the first sentence, and (B) by striking out the second sentence thereof.

(4) Section 202(k)(3) of such Act is amended (A) by striking out the "(A)" at the beginning of paragraph (A) thereof, and (B) by striking out paragraph (B) thereof.

(d) The amendments made by this section shall apply with respect to monthly insurance benefits under section 202 of the Social Security Act beginning with the second month following the month in which this Act is enacted; but, in the case of an individual who was not entitled to a monthly insurance benefit under section 202 (e) or (f) of such Act for the first month following the month in which this Act is enacted, only on the basis of an application filed in or after the month in which this Act is enacted.

MINIMUM CHILD'S INSURANCE BENEFIT

SEC. 111. (a) The first and second sentences of section 202(d)(2) of the Social Security Act are each amended by inserting immediately before the period the following: ", or, if greater, $30".

(b) The last sentence of section 203(a)(3) of the Social Security Act is amended by adding immediately before the period the following: "; and except that if the total of benefits for such month includes any benefit payable to any individual under section 202(d) which is reduced below $30, then the benefit to which such individual is entitled under section 202(d), notwithstanding any other provision of this subsection, be increased to $30".

(c) The amendments made by this section shall be effective for months after the month following the month in which this Act is enacted.

ELIMINATION OF REDUCTION IN DISABILITY BENEFITS ON ACCOUNT OF RECEIPT OF WORKMEN'S COMPENSATION BENEFITS

SEC. 112. Effective with respect to benefits under title II of the Social Security Act for months after January 1971, section 224 of the Social Security Act is repealed.

CONTRIBUTIONS FROM GENERAL REVENUES TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND FEDERAL DISABILITY INSURANCE TRUST FUND

SEC. 113. In addition to the funds appropriated for each fiscal year to the Federal Old-Age and Survivors Insurance Trust Fund and to the Federal Disability Insurance Trust Fund, under section 201 of the Social Security Act, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year which ends June 30, 1972, an amount to each such fund which is equal to 50 per centum of the amount appropriated to such fund pursuant to such section.

TITLE II—HEALTH INSURANCE

INCLUSION OF CHIROPRACTORS, SERVICES

SEC. 201. (a) Section 1861(r) of the Social Security Act is amended (1) by striking out "or" at the end of clause (2), and (2) by inserting immediately before the period at the end of clause (3) the following: ", or (4) a chiropractor licensed as such by the State, but only for purposes of section 1861(s)(1) and 1861(s)(2)(A) and only with respect to functions which he is legally authorized to perform as such by the State in which he performs them".

(b) The amendments made by this section shall be effective with respect to services furnished after the month following the month in which this Act is enacted.

ENTITLEMENT OF DISABLED TO HOSPITAL INSURANCE BENEFITS

SEC. 202. (a)(1) Section 226(a) of the Social Security Act is amended to read as follows:

"(a) Every individual who—

"(1) has attained the age of 65 and is entitled to monthly insurance benefits under section 202,

"(2) is entitled to disability insurance benfits under section 223,

"(3) is entitled to child's insurance benefits under section 202(d) and is under a disability (as defined in section 223(c)) which began before he attained the age of 18, or

"(4) is a qualified railroad retirement beneficiary, shall be entitled to hospital insurance benefits under part A of title XVIII for each month for which he meets the condition specified in paragraph (1), (2), (6), or (4), whichever is applicable, beginning with the first month after June 1966 for which he meets such condition."

(b) Section 226(b) of such Act is amended—

(1) by striking out "after June 30, 1966, or on or after the first day of the month in which he attains age 65, whichever is later" in paragraph (1) and inserting in lieu thereof "on or after the later of (i) July 1, 1966, or (ii) the first day of the month in which he attained age 65 or the month in which his disability began, whichever is applicable"; and

(2) by striking out "under section 202" in paragraph (2) and inserting in lieu thereof "under section 202 or 223".

SEC. 2. (a) The heading of title XVIII of the Social Security Act is amended by striking out "FOR THE AGED" and inserting in lieu thereof "FOR THE AGED OR DISABLED".

(b) The heading of part A of title XVIII of such Act is amended by striking out "FOR THE AGED" and inserting in lieu thereof "FOR THE AGED OR DISABLED".

(c) Section 1811 of such Act is amended by inserting before the period at the end thereof the following: ", and for individuals who are under a disability and are entitled to benefits under section 223 or 202(d) of this Act or under section 2(a)5 or 5(c) of the Railroad Retirement Act of 1937".

(d)(1) The heading of part B of title XVIII of the Social Security Act is amended by striking out "FOR THE AGED" and inserting in lieu thereof "FOR THE AGED OR DISABLED".

(2)(A) Section 1831 of such Act is amended by striking out "individuals 65 years of age or over who" and inserting in lieu thereof the following: "individuals who are 65 years of age or over or are entitled to hospital insurance benefits on the basis of disability and who".

(B) The heading of section 1831 of such Act is amended by striking out "FOR THE AGED" and inserting lieu thereof "FOR THE AGED OR DISABLED".

(e) Section 1836 of such Act is amended to read as follows:

"ELIGIBLE INDIVIDUALS

"SEC. 1836. Every individual who—

"(1) is entitled to hospital insurance benefits under part A, or

"(2) has attained the age of 65 and is a resident of the United States, and is either (A) a citizen or (B) an alien lawfully admitted for permanent residence who has resided in the United States continuously during the 5 years immediately preceding the month in which he applies for enrollment under this part,

is eligible to enroll in the insurance program established by this part."

(f)(1) The first sentence of section 1837(c) of such Act is amended by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1) or (2)".

(2) The second sentence of section 1837(c) of such Act is amended to read as follows: "For purposes of this subsection and subsection (d), an individual who satisfies paragraph (1) of section 1836 but not paragraph (2) of such section shall be treated as satisfying such paragraph (1) on the first day on which he is (or on filing application would have been) entitled to hospital insurance benefits under part A."

(3) Section 1837(d) of such Act is amended—

(A) by striking out "paragraphs (1) and (2)", and inserting in lieu thereof "paragraph (1) or (2)", and

(B) striking out "such paragraphs" and inserting in lieu thereof "such paragraph".

(4) Section 1837 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) For purposes of subsections (b), (c), and (d) of this section (and for purposes of sections 1838(a) and 1839(c)), any enrollment under this part which terminates in the manner described in section 1838(c) shall thereafter be deemed not to have existed."

(g)(1) Section 1838(a) of such Act is amended—

(A) by striking out "paragraphs (1) and (2)" in paragraph (2)(A) and inserting in lieu thereof "paragraph (1) or (2)";

(B) by striking out "such paragraphs" in paragraph (2)(B) and inserting in lieu thereof "such paragraph";

(C) by striking out "such paragraphs" in paragraph (2)(C) and inserting in lieu thereof "such paragraph"; and

(D) by striking out "such paragraphs" in paragraph (2)(D) and inserting in lieu thereof "such paragraph".

(2) Section 1838 of such Act is further amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

"(c) In the case of an individual satisfying paragraph (1) of section 1836 whose entitlement to hospital insurance benefits under part A is based on disability rather than on age, and who ceases to be entitled to such benefits due to the ending of such disability (and the consequent termination of his entitlement to benefits under title II of this Act or the Railroad Retirement Act of 1937) before he attains 65 years of age, his coverage period (and his enrollment under this part) shall be terminated. The termination of a coverage period under the preceding sentence shall take effect on a date determined under regulations, which may be determined so as to provide a grace period (not in excess of 90 days) in which coverage may be continued."

(h)(1) Section 1840(a)(1) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(2) Section 1840(a)(2) of such Act is

amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(3) Section 1840(c) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(i) The Railroad Retirement Act of 1937 is amended by adding after section 21 the following new section:

"HOSPITAL INSURANCE BENEFITS FOR THE DISABLED

"SEC. 22. Individuals who are entitled to annuities under paragraph 5 of section 2 (a), and individuals who are entitled to annuities under section 5(c) and have a disability described in section 5(1)(1)(ii), shall be certified by the Board under section 21 in the same manner, for the same purposes, and subject to the same conditions, restrictions, and other provisions as individuals specifically described in such section 21; and for the purposes of this Act and title XVIII of the Social Security Act individuals certified as provided in this section shall be considered individuals described in and certified under such section 21."

ENTITLEMENT TO HEALTH INSURANCE BENEFITS FOR THE AGE OF 62 FOR WOMEN

SEC. 203. (a)(1) Section 226(a)(1) of the Social Security Act (as amended by section 202 of this Act) is further amended to read as follows:

"(1) has attained (i) in the case of a woman, the age of 62, or (ii) in the case of a man, the age of 65, and".

(2) Section 226(b)(1) of such Act is amended by inserting "(in the case of a man) or age 62 (in the case of a woman)" immediately after "65".

(b) Section 1831 of such Act is amended by inserting "(in the case of men), or 62 years of age or over (in the case of women)," immediately after "65 years of age or over".

(c) Section 1836(1) of such Act is amended to read as follows:

"(1) has attained (i) in the case of a woman, the age of 62, or (ii) in the case of a man of the age of 65, and".

(d)(1) Section 21 of the Railroad Retirement Act of 1937 (as added by section 105 of the Social Security Amendments of 1965) is amended by inserting "(in case of a man), or age 62 (in case of a woman)," after "age 65".

(2) Section 21(b)(1) of section 21 of such Act (as added by section 111(b) of the Social Security Amendments of 1965) is amended by inserting "(in case of a man), or age 62 (in case of a woman)" after "age 65".

(e) Section 103(a)(1) of the Social Security Amendments of 1965 is amended by inserting "(in the case of a man), or age 62 (in the case of a woman)" after "age 65".

(f)(1) Subject to paragraph (2) of this subsection, the amendments made by the preceding provisions of this section shall take effect on the first day of the second month following the month in which this Act is enacted.

(2) For purposes of section 1837 of the Social Security Act a woman, who, on the effective date of the amendments made by this section, has not attained age 65 but has attained age 62, shall be deemed to first have satisfied paragraph (1) of section 1836 of the Social Security Act on such effective date. No woman shall, by reason of the amendments made by this section, be entitled to any benefits provided under title XVIII of the Social Security Act or section 21 of the Railroad Retirement Act of 1937 for any period prior to such effective date.

COVERAGE OF PRESCRIBED DRUGS

SEC. 204. (a) Section 1832(a)(1) of the Social Security Act is amended to read as follows:

"(1) entitlement to have payment made to him or on his behalf (subject to the provisions of this part) for—

"(A) medical and other health services; and

"(B) prescribed drugs, except those described in paragraph (2)(B); and".

(b) Section 1932(a)(2)(B) of such Act is amended by inserting immediately before "furnished by a provider" the following: ", and prescribed drugs,".

(c) Section 1832(a) or such Act is further amended by adding at the end thereof (after and below paragraph (2)(B)) the following new sentence: "As used in this part (and in part C to the extent that it relates to this part), the term 'services', unless the context indicates, includes prescribed drugs.".

(d) Section 1833(b) of the Social Security Act is amended by striking out "$50" and inserting in lieu thereof "$75."

(e)(1) Section 1835(a)(2)(B) of the Social Security Act is amended by striking out ", such services" and inserting in lieu thereof "or prescribed drugs, the services".

(2) Section 1835(a) of such Act is further amended by adding at the end thereof the following new sentence: "In the case of prescribed drugs, the certification requirement of paragraph (2)(B) shall be satisfied by the physician's prescription.".

(f) Section 1861(m)(5) of the Social Security Act is amended by striking out "(other than drugs and biologicals)" and inserting in lieu thereof "(including prescribed drugs, but not including any other drugs and biologicals)".

(g) Section 1861(s)(2) of the Social Security Act is amended by striking out "(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)" each place it appears and inserting in lieu thereof "(including drugs and biologicals)".

(h)(1) Section 1865(t) of the Social Security Act is amended by adding at the end thereof the following new sentence: "The term 'prescribed drugs' means drugs and biologicals which require a prescription of a physician for the use of an individual.".

(2) The heading of such section 1861(t) is amended to read as follows: "DRUGS AND BIOLOGICALS; PRESCRIBED DRUGS".

POSTHOSPITAL EXTENDED CARE SERVICES

SEC. 205. (a) Section 1814(a)(2)(D) of the Social Security Act is amended to read as follows:

"(D) in the case of posthospital extended care services, such services are or were required to be given on an inpatient basis because the individual needs or needed skilled nursing care on a continuing basis for—

"(i) any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the requirements of paragraphs (6) and (8) of section 1861(e)) prior to transfer to the extended care facility or for a condition requiring such extended care services which arose after such transfer and while he was still in the facility for treatment of the condition or conditions for which he was receiving such inpatient hospital services, or

"(ii) any condition requiring such extended care services and the existence of which was discovered or confirmed as a result of findings made while the individual was receiving outpatient diagnostic services, or, in the case of an individual who has been admitted to an extended care facility for such a condition, any other condition arising while he is in such facility;".

(b) The first sentence of section 1861(i) of such Act is amended to read as follows: "The term 'posthospital extended care services' means extended care services furnished an individual (A) after transfer from a hospital in which he was an inpatient for not less than three consecutive days before his discharge from the hospital in connection with such transfer, or (B) after he has received outpatient hospital diagnostic services, if, after reviewing the findings revealed by such services, his physician and the hospital from which he received such services certify (not later than seven days after the termination of such services) that he is in immediate need of extended care services, and if he is admitted to an extended care facility within fourteen days after the date on which his need for extended care services was so certified."

COVERAGE OF DENTAL CARE, EYE CARE, DENTURES, EYEGLASSES, AND HEARING AIDS

SEC. 206. (a) Section 1861(r)(2) of the Social Security Act is amended by striking out "but only with respect to (A) surgery related to the jaw or any structure contiguous to the jaw or (B) the reduction of any fracture of the jaw or any facial bone".

(b) Section 1861(s)(8) of such Act is amended (1) by inserting "(A)" immediately after "(8)", and (2) by striking out "(other than dental)", and (3) by adding thereunder the following new subparagraph:

"(B) dentures, eyeglasses, hearing aids, and other prosthetic devices relating to the oral cavity, jaw, eyes, or ears, including replacement thereof; and".

(c)(1) Section 1862(a)(7) of such Act is amended to read as follows:

"(7) where such expenses are for routine physical checkups, or immunizations;".

(2) Section 1862(a) of such Act is further amended (A) by inserting "or" at the end of paragraph (11) thereof, (B) by striking out paragraph (12) thereof, and (C) by redesignating paragraph (13) thereof as paragraph (12).

(d) The amendments made by the preceding provisions of this section shall apply with respect to services furnished after the month which follows the month in which this Act is enacted.

(e)(1) The first sentence of section 1839(a)(2) of the Social Security Act is amended by striking out "one-half" and inserting in lieu thereof "one-third"

(2) Section 1844(a)(1) of such Act is amended by inserting "two times" after "equal to".

(3) The amendments made by this subsection shall be effective in the case of insurance premiums payable under the supplementary medical insurance program established by part B of title XVIII of the Social Security Act for months after June 1970.

(b)(1) Section 1861(r) of the Social Security Act is amended (A) by striking out "or" at the end of clause (2), and (B) by inserting immediately before the period at the end thereof the following: ", or (4) a doctor of optometry, but only for purposes of sections 1861(s)(1) and 1861(s)(2)(A) and only with respect to functions which he is legally authorized to perform as such by the State in which he performs them.

(2) Section 1862(a) of such Act (as amended by subsection (b) of the first section of this Act) is further amended (A) by striking out the period at the end of paragraph (12) (as redesignated by paragraph (2) of such subsection (b)) and inserting in lieu of such period "; or", and (B) by adding after such paragraph (12) the following new paragraph:

"(13) where such expenses constitute charges with respect to the referral of an individual to a physician (as defined in section 1861(r)(1)) by a doctor of optometry arising out of a procedure in connection with the diagnosis or detection of eye diseases."

(3) The amendments made by this subsection shall apply with respect to services furnished after the month which follows the month in which this Act is enacted.

AMENDMENT TO TITLE XIX OF THE SOCIAL SECURITY ACT

SEC. 207. (a) Section 1902(a)(17)(D) of the Social Security Act is amended by striking out "or is blind or permanently and totally disabled".

(b) The amendment made by this section shall apply to calendar quarters commencing after December 31, 1971.

CONTRIBUTIONS FROM GENERAL REVENUES TO FEDERAL HOSPITAL INSURANCE TRUST FUND

SEC. 208. In addition to the funds appropriated for each fiscal year to the Federal hospital insurance trust fund, under section 1817 of the Social Security Act, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year which ends with June 30, 1972, an amount to such fund which is equal to 50 per centum of the amount appropriated to such fund pursuant to such section.

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE

CREDIT FOR SOCIAL SECURITY TAXES

SEC. 301. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. SPECIAL CREDIT FOR SOCIAL SECURITY TAXES PAID BY LOW-INCOME INDIVIDUALS.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to his low-income credit for the taxable year as determined under subsection (b).

"(b) AMOUNT OF LOW-INCOME CREDIT.—

"(1) MARRIED INDIVIDUALS.—In the case of a husband and wife, the low-income credit for the taxable year is an amount equal to—

"(A) 90 percent of the social security taxes of such husband and wife for such taxable year, reduced (but not below zero) by

"(B) the amount (if any) by which the combined total adjusted incomes of such husband and wife exceed $1,600.

If a husband and wife each file a separate return for the taxable year, their low-income credit shall be apportioned between them in such manner as the Secretary or his delegate prescribes by regulations.

"(2) OTHER INDIVIDUALS.—In the case of any other individual, the low-income credit for the taxable year is an amount equal to—

"(A) 90 percent of the social security taxes of such individual for the taxable year, reduced (but not below zero) by

"(B) the amount (if any) by which the total adjusted income of such individual for the taxable year exceeds $1,600.

"(c) DEFINITIONS.—

"(1) TOTAL ADJUSTED INCOME.—For purposes of subsection (b), the total adjusted income of an individual (or of a husband and wife who file a joint return) for any taxable year is the adjusted gross income minus the deduction for personal exemptions provided in section 151.

"(2) SOCIAL SECURITY TAXES.—For purpose of subsection (b), the social security taxes of an individual for any taxable year is—

"(A) the sum of—

"(i) the tax imposed by section 3101 which is deducted and withheld from the wages paid to such individual during the taxable year, and

"(ii) the tax imposed by section 1401 on the self-employment income of such individual for the taxable year, reduced by

"(B) the amount allowable under section 6413 (c) as special refund of tax imposed on wages.

"(d) TREATMENT AS OVERPAYMENT OF TAX.—For treatment of the credit allowed by this section as an overpayment of tax, see section 6401(b)."

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

"Sec. 40. Special credit for social security taxes paid by low-income individuals.

"Sec. 41. Overpayments of tax."

(c) Section 6401(b) of the Internal Revenue Code of 1954 (relating to excessive credits) is amended to read as follows:

"(b) EXCESSIVE CREDITS UNDER SECTIONS 31, 39, AND 40.—If the amount allowable as credits under sections 31 (relating to tax withheld on wages), 39 (relating to certain uses of gasoline and lubricating oil), and 40 (relating to special credit for social security taxes paid by low-income individuals) exceeds the tax imposed by subtitle A (reduced by the credits allowable under subpart A of part IV of subchapter A of chapter 1, other than the credits allowable under sections 31, 39, and 40), the amount of such excess shall be considered an overpayment."

(d) The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 41

At the request of the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. ALLOTT), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Iowa (Mr. MILLER), the Senator from Minnesota (Mr. MONDALE), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 41, to establish a National Information and Resource Center for the Handicapped.

S. 142 AND S. 144

Mr. BYRD of West Virginia. Mr. President, at the request of my colleague from Wyoming (Mr. MCGEE), who is absent from this body on official business for the Appropriations Committee, I ask unanimous consent that the name of the Senator from Oklahoma (Mr. BELLMON) be added as a cosponsor of the bill to amend the Gun Control Act of 1968 to permit the interstate transportation and shipment of firearms used for sporting purposes and in target competitions (S. 142) and that the names of the Senator from Kentucky (Mr. COOK) and the Senator from Oklahoma (Mr. BELLMON) be added as cosponsors of the bill to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements (S. 144).

S. 674

At the request of the Senator from Missouri (Mr. EAGLETON), the Senator from Florida (Mr. CHILES) and the Senator from Kentucky (Mr. COOK) be added as cosponsors of S. 674, a bill to tighten controls over amphetamine and amphetamine-like subtances.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. EAGLETON). The Senator from Wisconsin will state it.

Mr. PROXMIRE. Are we still in the morning hour?

The PRESIDING OFFICER. We are still in the period for transaction of morning business.

Mr. PROXMIRE. I have already spoken once. Do I have the right to proceed again?

The PRESIDING OFFICER. Yes. The Senator has the right to proceed since no one else is seeking recognition.

Mr. PROXMIRE. I thank the Chair.

FARMERS DOWN—AGRICULTURE EMPLOYEES UP

Mr. PROXMIRE. Mr. President, every year there are complaints from taxpayers' groups and others that the Federal Government is growing too fast, that they are hiring too many employees, that we are imposing too much of a burden on the American taxpayer.

Some of these complaints are very well founded indeed. Of course, some of them are simply generalized complaints.

This year, however, I think we have good reason to be deeply concerned over the continued increase in the number of employees working for the Department of Agriculture.

For many years now, the farm population in this country has been declining. Since 1952, it has declined from more than 9 million to less than 4½ million.

A logical consequence of this decline should be diminution in the number of employees in the Department of Agriculture.

But what is the fact?

Almost every year as the farm population dwindles and the number of farms diminishes, the number of employees in the Department of Agriculture increases.

Back in 1952, there were some 64,000 employees in the Department of Agriculture. In the 1972 budget, we are asked to increase the number of employees in the Department of Agriculture to 87,000. This is an increase of about 3,000 over the number employed by the Department of Agriculture in 1971.

Mr. President, consider how ridiculous this has become.

In 1952 we had 140 farmers for every one Department of Agriculture employee. Now, in 1972, we are asked to provide a budget that will permit one Department of Agriculture employee for every 30 farmers.

My question is, when are we going to get to the point when we have more employees in the Department of Agriculture than we have farmers? It may well be that even in this administration that sad goal will be achieved.

When the Secretary of Agriculture, Mr. Hardin, came before the Joint Economic Committee a few days ago, I asked him about this matter and he excused the increase in the number of employees in his Department by saying that it deals most-

ly with the food programs, food stamp, and food distribution programs which are not part of the farm program at all. He also said that part of the increase is in the regulatory areas for meat and poultry inspection.

I asked the Secretary what would happen if Congress simply put a limit on the number of employees in the Department of Agriculture or reduced the number by 10 percent. He argued that a sharp cut could have adverse effects on farm income. He said that he would not say that some cuts could not be made.

Mr. President, here is an example—and I am sure there are others—of clear, conspicuous waste in our Federal Government. There can be no reason why it should take five times as many employees in the Department of Agriculture for every farm this year as it took in 1952. It is true that there have been a number of agriculture programs, food programs, and other programs—some of which are good and some of which cannot be justified—but there can be no reason for this overwhelming, irresistible increase in the bureaucracy.

The only way to stop it is to stop it.

Therefore I intend to take what legislative action I can this year to limit the number of employees in the Department of Agriculture and I would hope that the Congress will set a long-term goal of a steadily reduced number of employees that will at least roughly approximate the reduction in the number of persons who are in the agricultural sector of our economy.

In addition, in view of the alibi by the Secretary of Agriculture that the requirement for additional personnel comes from new food and inspection programs, the Congress should insist that any authorization for new programs should indicate not only the cost of the program but the number of additional personnel who would have to be hired by the Government to implement it.

Finally, Mr. President, I do hope that the reorganization of our Government proposed by President Nixon will not obscure the desirability of holding the executive branch to account for the number of persons employed in each department and for each function in relationship to the size of the job which is within their responsibility.

There can be all kinds of arguments, alibis, excuses for spending more money in any program or for any purpose but it simply makes no sense at all to this Senator that every year the number of farmers diminishes and diminishes sharply by tens of thousands, yet every year the number of employees in the Department of Agriculture increases by thousands. It makes no sense. It is time to stop it.

ADDITIONAL STATEMENTS

A CASE AGAINST AN ALL-VOLUNTEER ARMY

Mr. EAGLETON. Mr. President, I invite the attention of the Senate to an article entitled "The Case Against an All-Volunteer Army," written by Joseph A. Califano, Jr., and published in the Washington Post of Sunday, February 21, 1971.

In his article, Mr. Califano, a distinguished Washington attorney, a former Special Assistant to the Secretary of Defense, and later Special Assistant to President Johnson, spells out his objections to the creation of an all-volunteer army.

I found Mr. Califano's presentation to be most interesting and challenging and ask unanimous consent that it be printed in the RECORD.

Mr. SAXBE. Mr. President, the subject of an all-volunteer army is one of increasing debate, not only here in Washington, but across the land, as well. Those of us who are interested in our military forces and their future know there are many arguments on both sides of the issue.

In Sunday's Washington Post, Joseph A. Califano, Jr., offers a case against an all-volunteer army. I thought Mr. Califano's article was thoughtful and provocative and I agree with many of its points. I join the Senator from Missouri (Mr. EAGLETON) in asking unanimous consent that the article be printed in the RECORD.

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

THE CASE AGAINST AN ALL-VOLUNTEER ARMY

(By Joseph A. Califano, Jr.)

The decision to wage war is usually the most serious that any national leader makes during his public career. True as this has been throughout history, in the age of nuclear weapons any such decision is fraught with catastrophic undertones. It is thus important that every reasonable inhibition be placed on those who have the power to make the decisions of war and peace. There should be no cheap and easy way to decide to go to war in the 1970's.

The greatest inhibition on the decision of a democratically elected leader to wage war is the need to have the people's support. It took Roosevelt years of persuasion and the Japanese sneak attack at Pearl Harbor to bring the nation to a point where they were willing to wage war in the South Pacific, North Africa and Europe. Truman's decision to fight in Korea was one he had to make with the knowledge that as the war progressed, it would likely be unpopular and costly to the political fortunes of a party that depended upon the support of the American people in order to retain control of the White House.

The concept of a volunteer army—paid at a rate just high enough to attract those at the lower economic levels of our society and ending a draft which exposes every economic and social level to possible military service—lifts from the President the most potent inhibition on a decision to wage war. It is likely to produce a poor man's army fighting for decisions made by affluent leaders. It is unlikely that many of the senators, congressmen, presidents, cabinet officials and national security advisers who, in the first instance make the decision to wage war, will have sons who will choose a military career because it pays more. The economic incentives put forth by proponents of the volunteer army proposal are unlikely to attract many, if any, middle and upper class Americans with higher paying, less dangerous career alternatives.

It is remarkable to me that so many doves on both sides of the aisle have joined in support of President Nixon's proposal for a volunteer army. Indeed, some wish to put it into effect even faster than the President suggests. The broad base of support against the Vietnam war has come from those college students and their middle and upper-middle class American parents who are personally affected by the cold fact that the draft is color blind as far as economic and social status are concerned. These Americans simply will not permit their sons to die waging a war in which they do not believe.

Moreover, any President or national leader must constantly reassess his position today on the Vietnam war and any future adventures in armed conflict to make certain he can continue to make his case to the American people. He must have some hope that they will be with him, as President Lyndon Johnson used to say, on the landing as well as on the take-off.

This is the critical defect in the proposal for the volunter army: It could make it too cheap and easy for national leaders to make the initial decision to wage war. It is from that initial decision of one or a few men that it is so difficult for subsequent leaders and an entire nation to retreat, as we have seen through the administrations of four presidents who have struggled with the problem of Southeast Asia.

Much of the attitude of supporters of the voluntary army is similar to the thinking that has degraded the original concept of foreign aid. Our AID programs were begun as an act of magnificent humanity after World War II, when former enemies were accorded dignified treatment as human beings and given the assistance to rebuild their societies, preserve their national integrity and live in human decency. Piece by piece and chip by chip, foreign aid finally reached the point epitomized by Senate Minority Leader Hugh Scott's statement late last year in support of President Nixon's $255 million request for aid to Cambodia: "The choice here is between dollars and blood." Put another way, we can buy a war that others will fight for us; in Scott's case, the Cambodians. In short, let's make it *their* blood and *our* money.

It is largely this attitude which has permitted the Russians to be so adventurous since the end of World War II with few internal repercussions. The Chinese and North Koreans fought, with Russian financing, in the early 1950's. The North Vietnamese fight with Russian and Chinese aid in Southeast Asia. The Egyptians and Arabs fight with Russian arms in the Middle East. The Soviets in effect buy mercenary "volunteer" armies of citizens of other countries, just as our AID program has often been used to buy foreign mercenaries for us.

There are other problems with the volunteer army, not the least of which are the enormous financial costs and the dangers to a society of harboring 2 or 3 million men dependent solely for their livelihood on the most powerful military establishment in the history of mankind.

According to the report of the President's Commission on an All-Volunteer Force, chaired by former Defense Secretary Thomas Gates, to attract a volunteer force of 2 million men, the nation would have to pay $1.5 billion per year in addition to what it is now paying. To support a volunteer force of 2.5 million men, the nation would have to pay $2.1 billion per year in additional pay and allowances. To add an additional 500,000 men and support a volunteer force of 3 million men, the taxpayers would have to put up an additional $4.6 billion per year. That 20 per cent increase in manpower from 2.5 to 3 million men requires a staggering 100 per cent plus increase in the cost to the nation, from $2.1 billion to $4.6 billion each year.

In an age of urgent domestic needs, I would prefer to spend that $4.6 billion (or the lesser amounts) on any number of needs at home—

improving the delivery of medical services, housing, job training, anti-pollution efforts, education.

There also should be some concern in any democratic society at putting 2 or 3 million men throughout the most productive years of their lives in professional military careers. Several military officials have expressed precisely that concern to me. At the policymaking level, civilian control of the military is no easier than civilian control of the civilian bureaucracy or mayoral control of a local police force. As powerful and well connected as the military establishment is in the business community and in the Congress, there is at least the continuing check of a turnover in both the officer and enlisted corps of scores of thousands of men who enter and leave the military each year and make their careers in a variety of civilian professions. To take an extreme but actual case, what would the chances have been of exposing the Mylai massacre if the only Americans present had been soldiers who were totally dependent on the Army for their career and their retirement?

This is not meant as a commentary *a la* Eisenhower on the military-industrial complex. For the dangers of parochialism and stagnation from having the same people in the same jobs too long are apparent throughout our society: in the steel industry, the seniority system in the Congress, some labor unions and even on automobile assembly lines. Moreover, the learning process goes both ways. If any good can be said to come out of war, it is from the survivors (in and out of the military) whose experience tempers their willingness to wage war again and makes them reluctant to permit their sons to wage war. Finally, there is more truth than most people would like to admit in the affirmative aspects of discipline and training that a military organization provides not only for many enlisted men, but for a significant number of relatively affluent college graduates from middle America.

The arguments propounded for an all-volunteer army are not convincing to me. True, as the Gates Commission points out, we have had voluteer armies for the greater part of our history except during major wars and since 1948. But those volunteer forces were substantially smaller than they are today. The power and logistic capability of Presidents to station them in any part of the world and intervene in any war is markedly greater today. And hydrogen bombs were not an integral part of the military establishment before World War II.

True, as Senator Goldwater contends, it is increasingly difficult to make deferment determinations in conscientious objector cases since the Supreme Court decision last June. But judgments concerning a man's intent are made every day in the courts of our land and there is nothing so special about judging the sincerity of a man's intention in the context of the draft.

True, as so many liberal supporters of the volunteer army argue, this proposal would relieve the burden of military service from young men who prefer not to have their careers interrupted by even a few years service in the military. But I, for one, do not wish to lift from the President and the Congress the substantial irritant and inhibition of young men who do not want to be drafted to fight in a war unless they are convinced the cause is just. Most presidents are both lions and foxes and their decisions to make war, while founded in conscience for the good of the nation, are not taken without significant measures of shrewd calculation.

What are we to say of a society that can no longer inspire its young men to fight for its national security policies? Not simply (I hope) that it's fortunate that we have enough money to buy mercenary volunteers.

The very concept of a highly paid volunteer army reflects the continuing erosion of the will to sacrifice, particularly on the part of our affluent citizens. The prosperity of the 1960's certainly must increase our concern with the impact of affluence on the fiber of our society. Along with its vast benefits, the economic prosperity of the 60's brought self-centered cries of more and better and a greater reluctance on the part of the affluent to sacrifice for public purposes and the needs of our disadvantaged citizens. The wealthy have been able to leave the center city or to live there in such protected cocoons that they are immune to the dangers of crime and the human indignities of congestion and filth. The more affluent are able to hire the talent to avoid payment of fair shares of income taxes; indeed, many pay no taxes at all. To say to them that now we will lift from you any concern that your sons might have to fight a war is further to pander to the more selfish, baser instincts of their human nature.

What is of profound concern is that so many of our leaders eagerly support any move to ease the burdens of the affluent and make it easier politically to engage in military adventures abroad at a time when the nation desperately needs a real measure of sacrifice at home and the strictest kind of inhibitions on further military adventures in far-off lands.

FOOD ADDITIVES AND THE FDA

Mr. RIBICOFF. Mr. President, today's Washington Post article entitled "Food Firms Bar Curb of Additives" written by William B. Mead, is fresh evidence of just how wide is the protection gap for food safety. The use of chemical additives has increased 50 percent in the past decade. But only where the law requires a test of cancer-causing potential—as in new drug applications—does the Food and Drug Administration have any foundation for uniform testing and enforcement.

It is widely assumed that the existing mix of private sector activities and the status of Federal laws add up to practical and effective protection against chemical danger in food. The American people have generally assumed that new food additives have been tested by the Government and licensed as safe. This proves to be anything but the case.

As today's Washington Post article makes apparent, nothing is more damaging in the food safety area than the continued confusion over FDA's "Generally Recognized as Safe"—GRAS—list. The puzzle has become so complex not even the experts can settle it and the time has come for a major legislative review of food safety and testing. There is no doubt in my mind that the GRAS list, as concocted by the 1958 food additives amendment, has been the biggest contributor to the present bewilderment.

Under the present law, substances qualifying for GRAS status are those "generally recognized among experts qualified by scientific training and experience to evaluate safety." The question that has never been answered is, Which experts does the law intend? The food industry's or FDA's?

It has become imperative that Congress further examine the current system for evaluating risks of new chemicals and new uses and consider the need to develop and strengthen the present Food, Drug, and Cosmetic Act.

The Subcommittee on Executive Reorganization and Government Research plans to examine the question of "Chemicals and the Future of Man" just as soon as current Permanent Investigations Subcommittee hearings on the Armed Forces Clubs system are completed. It is apparent that priority must be assigned to the adequacy of food additive regulations and heath safeguards for the American people.

I ask unanimous consent that Mr. Mead's article be printed in the RECORD.

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

FOOD FIRMS BAR CURB OF ADDITIVES

(By William B. Mead)

Food industry leaders have bluntly told the Food and Drug Administration that they reserve the right to add chemicals and other substances to foods without even advising the government.

One group, the Food and Drug Law Institute, used the word "myth" to describe the public impression that the FDA's list of safe food substances includes all the chemicals added to the American food supply.

Fritzsche Dodge & Olcott, of New York, a manufacturer of food chemicals and flavorings, told the FDA:

"It should be clear that industry has the right to make its own decisions on the status of any substance whether or not the FDA has listed it, and that it is under no obligation to request the FDA to express an opinion on unlisted materials."

Similar comments were made by the National Canners Association, the Grocery Manufacturers of America, the Manufacturing Chemists Association, the Flavor and Extract Manufacturers Association, Procter & Gamble Co., R. T. French and other leading food firms and associations.

The industry comments were submitted in connection with the FDA's current consideration of tighter rules for determination of what food additives are "generally recognized as safe," or GRAS.

The FDA's current "GRAS list" includes more than 600 additives ranging alphabetically from aluminum calcium silicate to zinc fluoride.

The theme of the industry comments is that this list is merely partial and advisory. The law governing GRAS substances says approval is based on a favorable ruling by "experts qualified by scientific training and experience." If Congress meant FDA scientists, it would have said so, the industry contends.

James S. Turner, a Ralph Nader associate who wrote "The Chemical Feast," a book critical of FDA food additive regulations, told United Press International that the industry's comments "demonstrate conclusively how ineffective the food additive amendments are in practice."

"There may be many chemicals in our food which even the FDA is unaware of," he said.

Alan T. Spiher, Jr., project manager for the FDA's current GRAS list review, said food companies in practice do advise the FDA of new additives for which GRAS status is claimed.

"I don't have any reason to think there might be very many, if any, additives they've put in without telling us," Spiher told UPI.

BOB FEGAN, AIDE TO SECRETARY OF THE ARMY FOR KANSAS

Mr. PEARSON. Mr. President, Mr. Robert J. Fegan of Junction City, Kans.,

has recently been named as civilian aide to the Secretary of the Army for Kansas.

Bob Fegan is certainly an excellent choice for this position, and I know that he will carry out the duties of that position with distinction. Given his past efforts on behalf of civilian-Army relations, this is a most deserving recognition. Bob will have the full support of his local community as indicated by an editorial published recently in the Junction City Daily Union.

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

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

BOB FEGAN AN EXCELLENT CHOICE

The appointment of Robert J. Fegan as civilian aide to the Secretary of the Army for Kansas is a choice which should be applauded by everyone in this community.

Incidentally, it is a recognition of assistance to the Army which extends over more than half a century. Mr. Fegan's father, R. B. Fegan, was a close friend of many in both military and political service. He was a member of the Chamber of Commerce committee which went to Washington some 40 years ago to secure Congressional approval of the fine brick quarters built on Pershing avenue in Fort Riley. How unfortunate it is that they could not have secured more buildings of this type when construction costs were at rock bottom!

Bob Fegan thus grew in an atmosphere marked by cordial relations between the military and their civilian friends. It has continued throughout his life and in his military service. As president and general manager of the Junction City Telephone company he had the particularly hard task of maintaining telephone facilities when service was difficult to maintain and replacement parts almost impossible to secure.

Working in the interests of Fort Riley and this area, Bob Fegan has made many trips to Washington to maintain close friendships and work for the good of the community, Fort Riley, and the Defense department.

It is reassuring to know that his services will continue and that his abilities have been fully recognized.

HUMAN RIGHTS IN INTERNATIONAL LAW

Mr. PROXMIRE. Mr. President, since the founding of the United Nations there has been a marked increase in concern about effective guarantees of human rights through a system of international treaties and covenants. This concern has raised a fundamental question for the United States: Are the rights of the individual inside his own country within the scope of the treatymaking power of the United States?

One of the most profound developments in 20th-century international law is the increasing recognition of the human rights of the individual in international law. Traditional international law dealt with human rights only indirectly, seeing mistreatment of the national of another state as an affront only to that state; the latter then could object to such mistreatment of its nationals as denying them "justice" or violated rights specifically promised for them by treaty.

As late as 1948, a standard text on international law asserted that—

There is general agreement that, by virtue of its personal and territorial supremacy, a state can treat its nationals according to its discretion. (L. Oppenheim, International Law 279, 7th ed. H. Lauterpacht 1948).

However, the Berlin Treaty of 1878, for example, imposed on Turkey and the Balkan countries an obligation not to discriminate against religious minorities in their lands. Yet, the recognition of human rights as an international concern was slow in evolving.

The beginning of the contemporary concern for human rights began with the Allied Powers' treaty of peace with Poland. The first significant departure from traditional international law was the provision that the substantive obligations undertaken by Poland—the protection of racial, religious, and linguistic minorities—were "obligations of international concern." The second innovation was the formation of an international body, the Council of the League of Nations, which was given the responsibility of enforcement.

The pattern of the Polish convention was followed in other peace treaties formally concluding the First World War and in several collateral declarations and conventions. The responsibilities for implementing the minorities treaties was lodged with the Council of the League of Nations. Japan proposed that the covenant creating the League should itself contain provisions prohibiting discrimination on the basis of nationality, race, or religion, but the proposal was rejected. Nonetheless, the work of the League of Nations system in the administration of minorities' treaties, as well as the League's concern for humane treatment of the inhabitants of mandated territories, were important steps in the evolution of individual rights in international law.

As we all know, the atrocities committed by the Nazi's and the holocaust of two World Wars, led to the creation of the United Nations. The origins of U.N. concern for human rights lie not only in the human rights activities of the League of Nations systems, but also in the concerns of the allied powers during the course of the Second World War. These concerns were articulated in the Atlantic Charter, issued on August 14, 1941, which asserted the guarantee of human rights as one of the peace aims of the Allies.

Among the member nations of the United Nations, there was a consensus that a priority task of the new United Nations would be the formulation of an International Bill of Human Rights. The Charter of the United Nations was written to include among the organizations purposes and principles:

To achieve international cooperation in solving international problems of an economic, social, cultural or humanitariam character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

The Charter of the United Nations directly led to the formulation of the Universal Declaration of Human Rights. And from this declaration, international conventions or treaties on human rights have been promulgated, including those on genocide, slavery, refugees, political rights of women, marriage, discrimination in education, elimination of all forms of racial discrimination, and the two definitive human rights covenants adopted by the U.N. General Assembly in 1966.

I again urge this body to act favorably on the Genocide Convention. Its ratification will continue the evolution of concern for human rights in international law. It will hasten the day when peace and the guarantee of fundamental human rights become a reality in the world.

RESOLUTION OF NEBRASKA LEGISLATURE RELATING TO AGRICULTURE

Mr. CURTIS. Mr. President, on February 9, 1971, the Legislature of Nebraska passed Legislative Resolution No. 20. It was introduced by Senator Terry Carpenter, of the 48th district and relates to Nebraska's basic industry, agriculture. I ask unanimous consent that the resolution be printed in the RECORD.

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

LEGISLATURE OF NEBRASKA, EIGHTY-SECOND LEGISLATURE, FIRST SESSION

LEGISLATIVE RESOLUTION 20

Introduced by Terry Carpenter, 48th District

Whereas, the agricultural middle west was basically responsible for the election of this Administration, it does not necessarily mean that we will forever be that way when the Secretary of Agriculture is being used to harm, in whole or in part, the very programs necessary for our nationwide prosperity; and

Whereas, the farm population is gradually and consistently diminishing for the reason that, under the present programs and the present Secretary of Agriculture, this exodus can only be continued. If people are going to be taken off welfare and re-established on the farms, a sympathetic change must be effective immediately in order to reverse the trend; and

Whereas, abundant food production and maintenance of an efficient and prosperous agricultural economy are basic elements in the preservation of our domestic security and free world defense; and

Whereas, the dimensions of world food and population problems are unprecedented in the history of man; and

Whereas, this country has the capacity to feed the world.

Now, therefore, be it resolved by the members of the Eighty-second Legislature of Nebraska, first session:

1. That the proposed dismantling of the United States Department of Agriculture is contrary to the national interest and would deny agriculture its rightful rank as a basic cabinet level participant in Federal government councils.

2. That the President has the power, with the stroke of the pen, to make mandatory 90 per cent of 1910–14 parity on farm products under the act and we recommend that he does just that.

3. That the President direct the Secretary of Agriculture to establish for the 1971 crop season at 20 per cent on the feed grain program which is now stalled in the Administration.

FRANK MARSH,
President of the legislature.

I, Vincent D. Brown, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 20, which was passed

by the Legislature of Nebraska in Eighty-second Legislature, First Session, on the ninth day of February, 1971.

VINCENT D. BROWN,
Clerk of the legislature.

DEATH OF NEW YORK STATE SENATOR EDWARD J. SPENO

Mr. HART. Mr. President, last Wednesday, February 17, 1971, 112 million American motorists lost a champion, friend and expert advocate. Edward J. Speno, of East Meadow, L.I., a Republican member of the New York State Senate, died of a heart attack.

I have known of and admired the excellent efforts of this man in automotive safety, one particular area of the many significant interests pursued by Senator Speno.

Sometimes it appears to those of us in Washington that the Nation's problems can be more effectively dealt with at the national or Federal level. One may point to the successful activities of Mr. Speno at the local and State level and feel reassured that many of our common objectives can be accomplished there.

However, Senator Speno had a unique interest in and concern for the millions of motorists in New York State. He also was aware that these problems, frustrations, economic burdens, and unwanted social implications springing from our use and misuse of our private transportation system could not be dealt with solely within the boundaries of New York State. He had a real understanding of the great mobility of our Nation's primary mode of transportation—the private vehicle. He used this knowledge and his vigorous personal commitment to explore sensible and meaningful ways to assist all the motorists in the Nation. In the early 1960's Senator Speno was one of the few but effective spokesmen for automotive safety. He charted new thoughts and approaches toward securing the safety of the vehicle occupant. He was to a large degree responsible for the widespread industry acknowledgement and voluntary installation of seat lap belts. This safety device, the collapsible steering column, and other federally required safety standards have in large measure been responsible for the net decline in vehicle-accident-caused deaths during this past year.

I feel a personal loss in the passing of Senator Speno. He was a moving factor actively supporting, guiding, and inspiring the efforts of the National Motor Vehicle Safety Advisory Council. The final measure of Senator Speno's leadership in this valuable bipartisan council probably can never be measured. However, I do feel confident in saying that for countless millions of American motorists—now and for all our future—they will have safer, more economical and environmentally compatible motor vehicles due to the inspiration and personal dedication of Edward J. Speno.

I ask unanimous consent that an article relating to Senator Speno, published in the New York Times, be printed in the RECORD.

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

SENATOR EDWARD J. SPENO DIES; FAVORED PAROCHIAL SCHOOL AID

POWERFUL FIGURE IN ALBANY AN AUTO SAFETY CRUSADER—ACCUSED OVER LAND

ALBANY, Feb. 17.—Senator Edward J. Speno of East Meadow, L.I., one of the Republican leaders of the Legislature, died of a heart attack this morning at St. Peter's Hospital here. The 50-year-old Senator was taken to the hospital from the DeWitt Clinton Hotel, where he was staying for the legislative session.

Chairman of the Republican Conference of the Senate, he had represented the Fourth Senatorial District since its creation in 1954. He was serving his 10th consecutive term, having been re-elected last November in a campaign that featured his vote for abortion liberalization in 1970 and his real estate dealing in Nassau County.

In a tribute to the Senator, Governor Rockefeller spoke of his widespread humanitarian interests. These, the Governor said, "ranged from automobile and traffic safety, in which he was an acknowledged national pioneer, to cancer research and control."

Senator Earl W. Brydges, the Senate Majority Leader, mentioned in his statement that Mr. Speno had overcome cancer of the throat, and that he was active in anticancer legislation and antismoking campaigns.

His unexpired term will be filled in a special election.

CHAMPION OF SAFETY

In his 16 years in the Legislature, Senator Speno was known for his advocacy of state assistance to parents of nonpublic school children, and for championing automobile safety legislation.

At his death he was cosponsoring, with Assemblyman Alfred H. Lerner, a Queens Republican, the Speno-Lerner bill which would provide state aid of up to $250 annually a pupil to parents of parochial school children. The money was to go for tuition.

The bill, which had the backing of many powerful Roman Catholics, would have the effect of helping church schools in their present troubled condition. Many of these schools are hard-pressed financially. The controversial bill was strongly attacked a week ago by the Governor, who argued that it would undermine the public school system. Its legislative chances were believed in doubt at this session.

Senator Speno's interest in the parochial schools was also supported by Jewish groups in the state. These groups had worked with him in previous legislative sessions for bills that would allot money for textbook purchases.

Although the Senator, a Catholic, was identified with his church on school aid, he broke with the hierarchy last year and voted for abortion liberalization. He explained his stand by saying that he did not want to impose his personal beliefs on others.

Virtually from the outset of his Albany career, Mr. Speno battled for automobile safety laws. One result of his efforts was an agreement by car manufacturers in 1965 to install seat belts as standard equipment. This became a matter of law on the Senator's initiative. He was also responsible for legislation setting minimum standards for tires and for establishing periodic visual acuity examination for all motorists.

WON SAMARITAN LAW

Of the more than 300 laws attributed to him Mr. Speno guided more than 45 dealing with auto or traffic safety through the Legislature. One was the Good Samaritan Law, which frees physicians from liability suits, except for gross negligence, when they stop to render first aid at the scene of an accident.

Because of his knowledge of highway problems, Senator Speno was chairman of the Joint Legislative Committee on Transportation and Motor Vehicles. He was also chairman of the powerful Senate Codes Committee.

As chairman of the Republican Conference of the Senate, he was an ex-officio member of all joint legislative committees. Moreover, he was one of the insiders who ran the Senate. He was, in addition, leader of the Long Island delegation to the Legislature, an informal but nonetheless influential position.

In Albany and throughout the state Mr. Speno conducted a personal anti-cigarette campaign. He believed that cigarettes had caused his own cancer in 1959, and he often lectured aides and fellow lawmakers on the perils of smoking. At his own expense he conducted an annual Stop Smoking Clinic for state workers and reporters in the Capitol.

Outgoing and friendly, Mr. Speno was generally well liked in Albany, where he was considered an excellent speaker. Somewhat chunky in appearance, he was a careful dresser who favored youthful, sporty suits and shirts. Because of his six-foot height he was called "Big Ed." He seemed never to be without a tan.

Born in Syracuse on Sept. 23, 1920, Mr. Speno attended public and parochial schools in Auburn, N.Y. He was graduated from Niagara University and received his law degree from Cornell Law School. From 1947 to 1952 he was with the New York law firm of Donovan, Leisure, Newton, Lumbard & Irvine.

INTERNATIONAL PANCAKE DAY

Mr. PEARSON. Mr. President, Shrove Tuesday, February 23, 1971, marks the 22d Annual International Pancake Day celebrated by the communities of Liberal, Kans., and Olney, England. This annual event which features a pancake race between the housewives of Liberal and Olney has come to symbolize local initiative and good will and international friendship. The Kansas Legislature has, quite properly, commended the two sponsoring communities. I ask unanimous consent that Kansas House Resolution 1029 be printed in the RECORD.

Mr. DOLE. Mr. President, tomorrow is Shrove Tuesday, the day before Ash Wednesday and the beginning of Lent. It is also a traditional holiday in England, where in the town of Olney over 500 years ago the tradition of pancake racing began. This unique tradition was noted in the United States, and 22 years ago the city of Liberal, Kans., instituted its own pancake races and challenged the women of Olney to an international competition.

Over the past two decades the International Pancake Day races have themselves become a tradition and tomorrow they will be held again. The women of Liberal will be seeking a second victory in a row and an even 11–11 record in the series.

To mark the activities in Liberal and Olney, the Kansas congressional delegation has itself established a Shrove Tuesday tradition, the annual pancake breakfast. This year my colleague, the senior Senator from Kansas (Mr. PEARSON), is the host, and I would like to extend at this time an invitation on behalf

of him and the entire delegation to the Senate, Members of the House of Representatives, and all other connoisseurs of delicious gems of the griddle to the annual Kansas pancake breakfast starting at 8 a.m. in the visitors cafeteria of the New Senate Office Building. Kansas hospitality will be served with the pancakes and we hope everyone will be able to join us in this celebration.

I am pleased to join my senior colleague from Kansas in asking unanimous consent that Kansas House Resolution 1029 be printed in the RECORD.

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

HOUSE RESOLUTION No. 1029

A resolution commending the city of Liberal, Kansas and citizens of Olney, England on their observance of the Traditional Pancake Day, and urging members of the Legislature and public officials and employees of Kansas to attend the 22nd annual observance of this International Pancake Day Race on February 23, 1971; recommending that the annual event be continued.

Whereas, The 22nd Annual International Pancake Day Race will be held at Liberal, Kansas, on Shrove Tuesday, February 23, 1971; and

Whereas, This event marks another milestone in promoting good will between the people of England and the State of Kansas and indeed, the whole United States; and

Whereas, The residents of Olney, England, will also observe Shrove Tuesday as a part of their pre-Lenten activities; and

Whereas, This International Pancake Day Race between the housewives of Olney, England, and the housewives of Liberal, was originated and sponsored by the Liberal Junior Chamber of Commerce, beginning in 1950, has been held annually since, and receives world wide publicity, promotes better understanding between the people of this country and other countries and cemented friendships which have existed for years; and

Whereas, It is fitting that this Legislature should commend the City of Liberal, and in particular, the various Junior Chambers of Commerce who have worked so diligently to promote, sponsor and assure the annual success of this fine event, and further recommend that this International Pancake Day be continued as an annual affair; Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to:

The Honorable Richard M. Nixon, President of the United States, Washington, D.C.

Her Majesty, Queen Elizabeth, United Kingdom of Great Britain and Northern Ireland, London, England.

Members of the Kansas Congressional Delegation in Washington, D.C.

Hon. Robert B. Docking, Governor of Kansas

Hon. Merle Staats, Mayor, Liberal, Kansas

Canon Ronald B. Collins, Vicar of Olney, Bucks, England

Mr. John Elliott, President, Chamber of Commerce, Liberal, Kansas and to

Mr. Larry Swan, President, Junior Chamber of Commerce, Liberal, Kansas.

LITHUANIAN INDEPENDENCE DAY

Mr. BAYH. Mr. President, February 16, 1971, marked the 53d year since the Lithuanian people declared their independence from foreign rule and forged a separate Lithuanian state. For two decades and 2 years after that day of independence on February 16, 1918, the proud people of Lithuania were able to savor the reality of political self-determination before the clash of Nazi and Soviet armies turned Lithuania's dream of national emancipation into the nightmare of totalitarian occupation.

Despite this tragedy, the chronicle of Lithuania's historical achievements prior to the infamous date of annexation on August 3, 1940, is a source of inspiration not only for Lithuanians but for all of Western civilization as well. Without her valiant performance in the Middle Ages by checking the Teutonic drive to the west and thwarting the way of the "Golden Hordes" from the east it is unlikely that European civilization would have experienced the Renaissance so soon. To this end we owe the people of Lithuania an outstanding cultural debt.

On this day the United States can proudly claim more than 1 million citizens of Lithuanian descent. Sharing the American dream of human dignity, equality, and liberty, these American Lithuanians have helped sustain this Nation's vision of political freedom and social justice. This history gives us pause to realize that the struggle for these ideals is never easy. Lithuanian independence required a rich mixture of human spirit and personal sacrifice. We could well afford to take a lesson in dedication from the magnificent endeavor that culminated on February 16, 1918.

However, there is one aspect of this day which does not call for accolades. This is the chilling memory of Simas Kudirka's bid for freedom. Were it not for a ponderous and unresponsive bureaucracy, Simas Kudirka would be a free man today. No man who cherishes freedom can remain unmoved by the accounts of that desperate sailor doggedly resisting his Soviet captors, his desire for liberty rendering to inconsequence his physical well-being. His resistance was symbolic of the commitment to freedom which his ancestors made on their road to independence 53 years ago. For a brief but incandescent moment, on the decks of the *Vigilant* against insurmountable odds, the courage and determination which had sparked Lithuanian national liberation revealed a flame which the world has scarcely seen so vividly in the past 30 years of Soviet occupation. The bitter lesson which we learned from this affair is that indifference is not the fuel for freedom. It is a lesson which this Nation must not fail to learn again.

So on this day of solemnity and inspiration let us once more express our faith in the Lithuanian people and wish them well. Their history of achievement, love of human freedom, and commitment to human dignity makes them truly a people of destiny. Let us renew our pledge in support of their cause until the peoples of all the captive nations can again live in freedom.

ENMESHMENT OF THE UNITED STATES IN SOUTHEAST ASIA

Mr. PELL. Mr. President, the Washington Post of February 15, 1971, contains an excellent article by Nicholas Von Hoffman.

What he does is to compile a history of the enmeshment of our Nation in Southeast Asia over the last decade. And, when one assesses our long-time record there rather than being diverted by individual events, one can find even less justification or sense for what we are doing there or for our ever being there. For the interest of Senators, I ask unanimous consent that Mr. Von Hoffmann's article be printed in the RECORD.

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

ARMY "PRIDE" JUST WILL NOT SELL

(By Nicholas Von Hoffman)

WASHINGTON.—The Army is spending $3 million on prime-time TV spots to sell young men on joining up. This may be the ultimate test of Madison Avenue's efficacy. Who knows, maybe they can do it. If they could sell lung cancer why shouldn't they be able to merchandise a bullet in the head or loss of a leg?

What might these ads contain? They could have General Westmoreland doing a voice-over about pride in the military uniform while the video shows us reruns of those American soldiers disguised as civilians sneaking into Cambodia. Then they might cut to Melvin Laird snickering about the incident at a press conference.

If it exists, there's another piece of film footage that would go nicely with the pride in the uniform spiel: shots of the dead American soldier stuffed into a South Vietnamese uniform being bootlegged back across the border from Laos.

When the Russians invaded Czechslovakia it was some days before the Russian people were let in on it; the same holds for us. We had a better chance of learning what was going on by tuning in on a shortwave radio and dialing Hanoi or Peking than Washington. The Pentagon had embargoed its shame.

With Laos it had done so for many years. The lying, the misrepresenting, the playing cute with words and technical expressions have been going on for 15 years. In the spring of 1959, when we'd already been in Laos for four years, Walter S. Robertson, Eisenhower's assistant secretary of State for Far Eastern affairs, told a House subcommittee that we were subsidizing the entire cost of the Royal Laotian army "for one sole reason, and that is to try to keep this little country from being taken over by the Communists."

Ten years later William H. Sullivan, Nixon's deputy assistant secretary of state for East Asian and Pacific affairs, told the Senate we were secretly bombing Laos in order to reestablish operation of the 1962 Geneva agreement concerning that country's neutrality. This week's line is that we're doing it to save our boys' lives.

The impression Nixon seeks to give is we've only started bombing and sending in our horde of armed South Vietnamese houseboys after years of patiently watching the other side violate Laos neutrality. This is so much twaddle.

In all likelihood we violated Laos' neutrality long before Hanoi did. We can't be absolutely sure because most of the halfway reliable information we have about what goes on in that country comes from the other side. Washington has never come clean about the allegations that the CIA has pulled two coups d'etat there and has twice given out

completely fraudulent stories that Laos was being invaded by North Vietnam when it wasn't. That was in 1959 and in 1961.

What is beyond dispute is that in 1964—seven years ago—the United States began aerial heavy bombardment of Laos. The best estimates hold that we've dropped more tonnage on this poor country than on either North or South Vietnam. By 1968 we had a radar base at Pa Thi in northern Laos for the purpose of guiding our bombers on their runs into North Vietnam. The current South Vietnamese invasion represents the third mercenary army we've had in there, the first being a large force of Meo tribesmen and the second the Thai army.

Trampled on and invaded by Vietnam, North and South, Thailand, China and the United States, this innocent country has been turned into the Belgium of the Far East, decimated and ruined because it had the misfortune to sit on strategically interesting terrain. Decimated isn't too strong a word. The best figures we have say that 600,000 people or one quarter of the Laotian population have been turned into refugees by our bombardment. One hundred and fifty thousand were turned into wandering, homeless wretches in 1969 alone. (See "The Indo China Story," by the Committee of Concerned Asian Scholars, Bantam, 1970, $1.25.)

Here is a description of what's been done to a part of the country that's nowhere near the Ho Chi Minh Trail and North Vietnam's line of military supplies southward:

"It is an agony difficult for an outsider to imagine. American and Laotian officials estimate that over the last 10 years 20 per cent of the people of Northeastern Laos have died in these refugees marches. The verdant limestone mountains that seem to have been lifted from a delicate Chinese scroll are a cemetery for 100,000 peasants! Random air strikes are always a threat; countless unexploded bombs lie scattered half-buried in the hills; exhaustion claims the weaker marchers; epidemics, especially of measles, are common. And, of course, there is never enough food." ("The Laotian Tragedy; The Long March" by Carl Strock, originally printed in the New Republic, quoted here from "Conflict in Indochina" compiled by Marvin and Susan Gettleman and Lawrence and Carol Kaplan, Random House, 1970, $8.95.)

This is the reason for the mystery. Shame. This is the reason for embargoes on the news, for trying to keep reporters and TV cameramen out. Shame. They're ashamed and they don't want the world to know what they've done. They try to hide it, order our soldiers not to talk, put them in civilian clothes and wrap their dead bodies in foreign insignias.

But the truth will out and the truth is that our men are being ordered to commit acts too awful to be seen done in the uniform of our country.

SHORTAGE OF QUALIFIED DOCTORS

Mr. SAXBE. Mr. President, I have long been concerned about the Nation's health care system. One of the failures in this system is a shortage of qualified doctors. The Association of American Medical Colleges, in Washington, has estimated that 75 percent of those who apply are academically qualified by grades and test scores to get through the rigors of medical school. However, this year American medical schools will accept only 45 percent of those who apply. Lawrence Altman has graphically illustrated the crisis in medical education in an excellent article published in the New York Times of Sunday, February 21, 1971.

I ask unanimous consent that the article be printed in the RECORD.

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

MEDICAL SCHOOL APPLICATIONS UP DESPITE LAG IN FUNDS AND SPACE

(By Lawrence K. Altman)

American medical schools in the last 10 years have rejected nearly 100,000 applicants—twice what Federal officials say is the current national shortage of doctors—though admissions committees considered many of those who were turned down to be "eminently qualified" to be physicians.

A record number of college seniors are seeking admission to medical schools next fall. At the same time, doctors on admissions committees are seeing an unusually high number of new faces—those of Ph.D.'s and engineers displaced from other fields, socially conscious students and members of minority groups.

Because there are too few places available, medical school officials say, they are turning away more than half of all applicants at a time when competition is becoming increasingly intense for thousands of students whose grades and medical test scores are at peak levels.

In his health message to Congress Thursday, President Nixon tried to come to grips with the difficulties of adequately funding medical schools to train a sufficient number of doctors and of giving financial support to low-income students.

"The greatest barrier to admission is the lack of places available in medical schools," Dr. John M. Neff, a dean at Johns Hopkins Medical School, said in his office in Baltimore.

Dr. Neff, like other medical school officials, said that the $6,000 grant that President Nixon recommended be given each medical school for each doctor it graduated was not enough to help medical schools out of their financial plight. Further, he said, such aid would not be forthcoming for some time, even if Congress enacted the proposal.

During the last decade, the pattern of acceptance and rejection of applicants to medical schools has reversed. Whereas 10 years ago American medical schools accepted 60 per cent of those who applies to get an M.D., this year they will accept 45 per cent. Medical schools traditionally have rejected as many applicants as they have accepted.

BIDS TO MEDICAL SCHOOLS

Year	Total applicants	Average number of applications per individual	Accepted applicants	Accepted percent of applicants	Total medical school enrollment
1949–1950	24,434	3.6	7,150	29.3	25,103
1951–1952	19,920	3.5	7,663	38.5	27,076
1953–1954	14,678	3.3	7,756	52.8	28,227
1955–1956	14,937	3.6	7,969	53.3	28,639
1957–1958	15,791	3.9	8,302	52.6	29,473
1958–1959	15,170	3.9	8,366	55.1	29,614
1959–1960	14,952	3.9	8,512	56.9	30,084
1960–1961	14,397	3.8	8,550	59.4	30,288
1961–1962	14,381	3.7	8,682	60.4	31,078
1962–1963	15,847	3.7	8,959	56.5	31,491
1963–1964	17,668	4.0	9,063	51.3	32,001
1964–1965	19,168	4.4	9,043	47.2	32,428
1965–1966	18,703	4.7	9,012	48.2	32,835
1966–1967	18,250	4.8	9,123	50.0	44,423
1967–1968	18,724	5.0	9,702	51.8	34,538
1968–1969	21,118	5.3	10,010	47.9	35,828
1969–1970	24,465	5.6	10,547	43.1	37,756
1970–1971	[1] 26,000		[1] 11,800	[1] 45.3	

[1] Estimated.

Sources: Association of American Medical Colleges and American Medical Association.

The Association of American Medical Colleges in Washington has estimated that 75 per cent of those who apply are academically qualified by grades and test scores to get through the rigors of medical school. Thus, of the 14,200 who will be denied admission for next fall's class, perhaps 7,500 are probably qualified to enter.

In other words, just the cream of the qualified crop will get into medical school this year.

No one knows the fate of the qualified rejects, Dr. Henry Seidel of Johns Hopkins said. Upwards of 1,000 Americans each year are going to foreign medical schools such as those in Guadalajara, Mexico, or Bologna, Italy, to get their M.D.s. Some transfer later to American medical schools. A few gain admission by reapplying a year later. Many go into allied health professions such as psychology. But the vast majority never become physicians.

HAMPERED BY LACK OF FUNDS

In recent years, medical schools have made an effort to respond to demands that they develop better ways to deliver health care to the community, rather than to the individual patient. Such attempts, however, have been handicapped by declining Federal funds to medical schools are generally given for research projects, not for teaching medicine to students.

As a result, many medical schools are in financial trouble—some nearly bankrupt and just barely able to educate those students already enrolled.

Tuition covers just a small fraction of a medical student's increasingly costlier education. Some medical educators estimate the cost to be $60,000 for each student. Tuitions amount at most to $12,000 for the four-year course.

According to officials of one-quarter of American medical schools, applications are coming from the most representative cross-section of American society ever to have sought to become physicians.

And due to fiercer competition, students are applying to more medical schools—about seven on the average—than their predecessors did.

A new computer-assisted system, which the Association of American Medical Colleges administers in Washington, allows a prospective medical student to fill out one application form and thereby petition as many as 56 participating schools for an entering place. The total cost is $600—$10 a school plus a few extra expenses.

APPLICATIONS SHARPLY UP

This approach has sharply increased applications for next fall's classes at the participating schools. Harvard, for example, has received more than 3,000 applications for the M.D., nearly double the record 1,600 last year, according to Dr. Perry Culver. The 5,000 applications that Georgetown in Washington has received for 205 places is the most for any American medical school.

Though many students are applying to many medical schools, the total number of applicants is a record.

The medical college association estimates that 26,000 applicants, up from the record 24,465 last year, will compete for the 11,800 places available next fall in the 108 medical schools in this country. The schools are admitting about 3,000 more students each class than they did 10 years ago.

Why do so many seek to become physicians?

An increased social awareness among younger Americans and their desire for a measure of control over their destiny seem to be among the important factors. Further, medicine offers new opportunities for people with widely different educational and social backgrounds.

Specific motivations for choosing the life of a doctor are not easy to determine. Because medical schools consider applications confidential, interviews with a representative group of rejectees are difficult to obtain.

One successful applicant to the University of Indiana Medical School, Glen A. Brunk of Kokomo, for example, is taking five years to graduate from the Massachusetts Institute of Technology instead of four because he needed premedical courses. Mr. Brunk expects to receive a degree—in electrical engineering—this spring.

After spending a summer working for General Motors, where he felt he was "underutilized," Mr. Brunk said, "I decided that medicine had quite a bit more to offer than engineering. I could make money and help people, too, and it would be a lot more personal a sort of thing."

School officials said that some reasons for the popularity of medicine could be found in the fact that medicine provides a physician with a personal autonomy to pursue a career in a wide variety of intellectually stimulating fields from pure research to pure practice without necessarily becoming part of a large impersonal organization.

"It's a chance to become their own boss," Dr. Ralph Cazort of Meharry Medical College in Nashville said.

A growing number of clergymen are also applying to medical schools. "Seminarians are saying their field isn't scientific enough for them, and the engineers say theirs isn't people-oriented enough," said Dr. W. Albert Sullivan Jr. of the University of Minnesota Medical School.

As the frontiers of medicine expand scientifically and socially, and as doctors rely more on sophisticated instruments, a variety of fields open up for individuals with different backgrounds. Electronics engineers can apply computers to medicine, for example, and social scientists can study medical problems of the ghetto.

A LUCRATIVE LIFE

For some, practicing medicine can offer a lucrative, prestigious life.

"In spite of the fact kids deny it is their reason, medicine provides a very fine living," said Milton R. Geerdes of the Chicago University Medical School. "You don't see many physicians hurting these days."

Still, many physicians chose to practice, teach or do research in medical schools, where their incomes are generally one-half to one-fifth less than what they could be in private practice.

Intellectual dissatisfaction can also be a strong factor in a career change, particularly, for scientists who see federal support for science declining and who do not feel at home in private industry.

"Jobs they have now, or the ones that are theirs for the asking, do not meet their standards for achieving their scientific or personal potential," said Dr. David Tormey of the University of Vermont Medical School in Burlington. "They want something more than the fast buck and they no longer believe it's critical to their self-importance that they rise to industrial or business heights."

In universities, too, career switching is occurring among Ph.D.'s, including those with faculty appointments.

Several medical schools such as Albert Einstein, Harvard and the University of Southern California could more than fill next year's class just with Ph.D.'s.

At the University of Southern California Medical School in Los Angeles, for example, officials said that 5 percent of the 2,712 applicants for the 96 places there next fall were Ph.D.'s or Ph.D. candidates. Yet some schools have received no applications from Ph.D.'s.

Often Ph.D.'s, like other older students, get a cool reception from admissions committees, in part because not all Ph.D.'s have applied to medical schools with the idea of marrying their two specialties. Most schools said that they planned to accept just a few Ph.D.'s. At Columbia, for example, Dr. Frederick G. Hofmann said that less than 10 per cent of the incoming class of 137 students would consist of Ph. D.'s.

Many medical school faculty members said privately they believed that younger college students, with longer professional lives ahead of them, should not be deprived of a place in medical school to give older students a second career choice. Members of admissions committees said that they screened older applicants such as Ph.D.'s more strictly for economic motivations.

In the past, many Ph. D.'s have done poorly after entering medical school, in part because they have had difficulty in readjusting to the role of a student memorizing thousands of facts and in caring for patients through the long hours of many nights.

One Ph. D. dropped out of Chicago Medical School, an official said, "saying he could not take the amount of course work."

With the best of the highly qualified students being accepted, the drop-out rate from medical school is very low.

The cross-over of Ph. D.'s is not limited to those in science. Students with backgrounds in the humanities are also turning to medicine.

"You get very strongly the feeling that they are individuals who want to act out the helping of other people," Dr. Hofmann of Columbia said. "They want direct personal contact."

SOCIAL CONCERN RISES

Undergraduates are very sensitive to the difficulties that young engineers and Ph.D.'s are facing with declining Federal support and bleak job opportunities. As a result, Dr. Daniel Funkenstein, a psychiatrist at Harvard, said he had noticed that more undergraduates were changing career plans and considering medicine.

Students feel they cannot rely on Federal funds for career support, Dr. Bernard J. Fogel of the University of Miami Medical School said, and some fear that when they become scientists or engineers they will have to take any job available—not the one they would like to have.

For more and more students, doing what interests them means applying their medical knowledge to improve society.

"In the culture of today, many have discarded the old middle-class ethic of entering medicine as a means of moving upward in society," said Dr. LeRoy A. Pesch of the University of Buffalo.

"Students are making their own assessments of where the problems of today's society are," he said, "and in most cases, these problems come back to medicine. Population control, the squandering of natural resources, pollution—all of these are related to medicine. Health is involved in many social problems—poverty and malnutrition, for example." The change in the students is widespread.

At the University of Vermont, in Burlington, the contrast between the "far more liberal" freshman and their senior class colleagues "is almost a generation gap within the student society itself," Dr. Tormey said.

"Knowing that doctors are at the top of the social heap," he said, "they [students] believe that as doctors they can have an even greater impact on changing society."

At Einstein, Dr. Bertram A. Lowy noted that "if the students who come in now for interviews stick to what they claim they will do 10 years from now, then [many of] our problems about the delivery of health services may be solved because the majority are interested in community health. They're not concerned with a private lucrative practice. They just want to go into the poor areas of the country and help people who need the help and not worry about the financial reward."

Medical schools have become socially aware of their need to increase enrollment of students from minority groups, and the student bodies are reflecting this change.

Nationally, the percentage of black students enrolled is increasing. Whereas just 2 per cent of medical students were black until about 1968, now 4 per cent of the sophomore medical class and 6 per cent of the freshman medical school class is black. In 1968–69 the nation's medical schools had 783 black students. There are now 1,509 black students enrolled.

Similarly, in recent years the number of female medical students has increased. Women made up 11 per cent of the class that entered American medical schools last fall, compared to 9 per cent two years ago.

But the lack of "adequate financial support for scholarship funds to aid needy students," Dr. Neff of Johns Hopkins said, has hampered medical schools' attempts to enroll more students from minority groups and low income families.

PROBLEMS FACING MANKIND

Mr. PELL. Mr. President, the New York Times of February 18 there contains Dr. Aurelio Peccei's excellent summary of the problems facing mankind, of the quantum jump in technology which challenges the survival of our civilization. To survive, we must take the quantum jump and behave as human beings guided by ration rather than by emotion. We must stand up and subordinate technology to mankind rather than vice versa. Otherwise, whether it be because of weaponry, pollution, or other man-made developments, technology will swallow us.

In this regard, I am proud to be a member of the Club of Rome, founded by Dr. Peccei, which seeks solutions to our problems. For this reason I am particularly glad to request that Dr. Peccei's column be inserted into the RECORD following my remarks.

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

THE THREAT TO MAN IS MAN HIMSELF

(By Aurelio Peccei)

ROME.—The disorders of our age affect all societies, irrespective of their culture, political regime, social and economic philosophy and degree of affluence or paucity.

Everywhere the structures and modes of human organization are in a state of crisis and unable to handle the ever larger and more complex problems of the contemporary world. Government, the city, the school and the university, the church, the economy, our environment, science and technology, national and international life, we discover, can no longer be managed by the methods and techniques we have used so far.

Little constructive thinking is given to the reasons why this state of disarray exists precisely when our knowledge and information have reached an apex heretofore unimaginable, and we possess astounding capacity to accomplish exceptional feats. This is a crucial question. The future hinges on the answers we can give to it. And our answers depend on our capacity to understand the organic changes that have occurred in the human condition.

These are changes of scale and kind. And they have materialized in rapid succession, thoroughly upsetting the reference base on which centuries and millennia of past generations founded their intuition and behavior, built up their values and experience and tested their judgment and wisdom.

The most often quoted of such metamorphic changes is the tremendous nuclear energies man can now release at will, with pushbutton suddenness. Egocentrism and age-long discriminations between kin and foe prompted this fantastic development, only to be made worthless in the process—for nowadays everybody can be wiped out by the same stroke. Before this colossal investment in genocide starts paying off, our sphere of solidarity must acquire global dimensions and our political processes be radically reformed.

However, it is not enough to survive our own weapons. It is equally important to understand man's changed situation on his planet. Human evolution has been dominated by a growth syndrome—compounded and combined growths in numbers, expectations, land occupancy, production, consumption, wealth, speed, mobility, learning, etc.

In order to grow, the human species has overexploited and polluted its environment and outbred and decimated all other forms of life. But its terresterial domain is finite And disproportionate and disorderly human presence in this small world is utterly inconsistent with human fulfillment and happiness. Gone forever are the inexhaustible availability of pure air and water, and unclaimed green expanses, the wildernesses and the "new frontiers." Delicate balances in the biosphere have been subverted. Man has thus created a world so new and so intrinsically different that the reasoning and principles that guided him in the past are impotent to cope with it.

Our present predicament is thus rooted in those tendencies which have underpinned our ascent; and it is but a foretaste of tomorrow's truly desperate conditions should the customary trends continue. This will be the case of a world society of five, six or seven billion unrestrained and intolerant people, possessing ever more technologies and armaments than they can control, demanding ever more from each other and from nature, and ever more unable to comprehend the transformation they themselves bring about.

The earth is a closed system, which can accommodate this humanity if it behaves civilly and accepts a Spartan existence, without any profound gaps between the different peoples but which can support only a far smaller population if it wants to enjoy a high quality and standard of life, freedom of movement and opportunity.

A critical turning point has been reached. We and mankind generally must invent anew the modes by which to survive and progress on our changed planet, where we can no longer afford to grow exponentially, but must strive to reach a state of healthy, dynamic stability through continually adjusted balances between man, society and environment

THE CASE FOR 18-YEAR-OLDS VOTING

Mr. BAYH. Mr. President, I support Senate Joint Resolution 7, the proposed amendment to the Constitution which would lower the voting age to 18 for all elections. In recent years, we have achieved a nationwide political consensus favoring such a change in the voting age. In the extensive hearings conducted by my Subcommittee on Constitutional Amendments in the 91st Congress, the objective was agreed to by the Senator from Arizona (Mr. GOLDWATER) and the Senator from Massachusetts (Mr. KENNEDY), by Deputy Attorney General Richard Kleindienst, and by former Attorney General Ramsey Clark. This consensus has emerged from a solid series of arguments supporting an extension of the franchise to younger voters.

First, these younger citizens are fully mature enough to vote. There is no magic to the age of 21. The 21-year age of maturity is derived only from historical accident. In the 11th century 21 was the age at which most males were physically capable of carrying armor. But the physical ability to carry armor in the 11th century clearly has no relation to the intellectual and emotional qualifications to vote in 20th century America. And even if physical maturity were the crucial determinant of the right to vote, 18-year-olds would deserve that right: Dr. Margaret Mead and others have shown that the age of physical maturity of American youth has dropped more than 3 years since the 18th century. As Vice President AGNEW said recently in endorsing a lowered voting age:

> Young people today are better educated and they mature physically much sooner than they did even 50 years ago.

The simple fact is that our younger citizens today are mentally and emotionally capable of full participation in our democratic form of government. Today more than half of the 18- to 21-year-olds are receiving some type of higher education. Today nearly 80 percent of these young people are high school graduates. It is interesting to compare these recent statistics with some from 1920, when less than 10 percent went on to college and less than 20 percent of our youngsters actually graduated from high school.

Second, our 18-year-old citizens have earned the right to vote because they bear all or most of an adult citizen's responsibilities. Of the nearly 11 million 18- to 21-year-olds today, about half are married and more than 1 million of them are responsible for raising families. Another 1,400,000 are serving their country—serving all of us—in the Armed Forces. And tens of thousands of young people have paid the supreme sacrifice in the Indochina war over the past 5 years.

Today more than 3 million young people, ages 18 to 21, are full-time employees and taxpayers. As former Attorney General Ramsey Clark has pointed out:

> We subject 10–12 million young citizens between 17 and 21 years of age to taxation without representation. This is four times the population of the Colonies the night the tea was dumped in Boston harbor. . . . It exceeds the population of all but several of the States of the Union.

In 26 States, persons at the age of 18 can make wills. In 49 States, they are treated as adults in criminal courts of law. Can we justify holding a person to be legally responsible for his or her actions in a criminal court of law when we continue to refuse to consider that same person responsible enough to take action in a polling booth? Surely a citizen's rights in our society ought to be commensurate with his responsibilities. Our younger citizens have willingly shouldered the responsibilities we have put on them, and it is morally wrong to deprive these citizens of the vote. By their actions, they clearly have earned the right to vote.

Third, these younger voters should be given the right to full participation in our political system because they will contribute a great deal to our society. Although some of the student unrest of recent years has led to deplorable violence and intolerance, much of this unrest is healthy. It reflects the interest and concern of today's youth over the important issues of our day. The deep commitment of those 18- to 21-years-old is often the idealism which Senator BARRY GOLDWATER has said "is exactly what we need more of in the country—more citizens who are concerned enough to pose his social and moral goals for the Nation." As Prof. Paul Freund of the Harvard Law School recently wrote:

> I believe that the student movement around the world is nothing less than the herald of an intellectual and moral revolution, which can portend a new enlightenment and a wider fraternity, or if repulsed and repressed can lead to a new cynicism and even deeper cleavages. The student generation, disillusioned with absolutist slogans and utopian dogmas, has long since marked the end of ideology: wars of competing isms are as intolerable to them as wars of religion became centuries ago. Youth turned to pragmatism, to the setting of specific manageable tasks and getting them done. But that has proved altogether too uninspiring, and youth has been restless for a new vision, a new set of deals to supplant the discarded ideologies.

We must channel these energies into our political system and give young people the real opportunity to influence our society in a peaceful and constructive manner. The President's Commission on the Causes and Prevention of Violence explored the relationships between campus unrest and the ability of our younger citizens to take a constructive part in the political process:

> The nation cannot afford to ignore lawlessness . . . It is no less permissible for our

nation to ignore the legitimate needs and desires of the young . . .

. . . We have seen the dedication and conviction they have brought to the Civil Rights movement and the skill and enthusiasm they have infused into the political process, even though they lack the vote.

The anachronistic voting-age limitation tends to alienate them from systematic political processes and to drive them into a search for an alternative, sometimes violent, means to express their frustrations over the gap between the nation's ideals and actions. Lowering the voting age will provide them with a direct, constructive and democratic channel for making their views felt and for giving them a responsible stake in the future of the nation.

I believe that the time has come to extend the vote to 18-year-olds in all elections; because they are mature enough in every way to exercise the franchise; because they have earned the right to vote by bearing the responsibilities of citizenship; and because our society has so much to gain by bringing the force of their idealism and concern and energy into the constructive mechanism of elective government.

HEARINGS

The testimony presented at recent hearings of the Senate Subcommittee on Constitutional Amendments also provides strong and persuasive support for lowering the voting age. The subcommittee held a series of comprehensive hearings on May 14, 15, and 16 of 1968 in the 90th Congress, and on February 16 and 17 and March 9 and 10 of 1970, in the 91st Congress. At both sets of hearings we heard support for a lowered voting age from witnesses representing all parts of the political spectrum, as well as from representatives of a great variety of organizations.

Senator RANDOLPH was the first witness at the hearings in the 91st Congress. He described his efforts since 1943 on behalf of granting 18-year-olds the vote. He said that allowing participation by these younger voters would have the beneficial results of forcing us all to take a "fresh look" at our political system. He pointed out that the history of this country has to a great extent been a history of efforts to expand the franchise and to expand the political base of our democratic processes. He said:

We should extend our base by giving to young people not only the opportunity, but I repeat again and again, the responsibility for this active, this full participation. The future in large part belongs to young people. It is imperative that they have the opportunity to help set the course of that future.

Former Presidential Assistant Theodore Sorensen brought to the subcommittee's attention the conclusion of the Cox Commission which studied the student disruptions at Columbia University. That Commission called the present generation "the most intelligent," the "most idealistic," the "most sensitive to public issues," and with a "higher level of social conscience than preceding generations." Sorensen described the question of whether to lower the voting age as raising a "moral issue." He said:

For the very essence of democracy requires that its electoral base be as broad as the standards of fairness and logic permit.

Dr. W. Walter Menninger testified in support of lowering the voting age as a representative of the National Commission on the Causes and Prevention of Violence. He pointed out that the Commission in its final report had recommended a constitutional amendment to lower the voting age to 18. Dr. Menninger also reminded us about the statement Senator MANSFIELD had made during the subcommittee's 1968 hearings:

The age of 21 is not simply the automatic chronological door to the sound judgment and wisdom that is needed to exercise the franchise of the ballot.

He went on to point out that it is at 18 that young people traditionally "try it on their own," and "become responsible for themselves and others." It is at 18 that "the citizen has fresher knowledge and a more enthusiastic interest in government processes."

Dr. Menninger explored the experiences other jurisdictions have had with lowering the voting age. He said:

Nothing in the recent history of states which allow those under 21 to vote has indicated that the college-age vote is irresponsible or "radical."

And he pointed out that, according to the studies of the 1963 Commission on Voting:

Where 18-year-olds were allowed to vote, they voted in larger proportions than the remainder of the population.

He believed that this evidence supported his thesis that lowering the voting age would allow the younger voters to take an active part in the system when they are still subject to the stimulation of courses in citizenship and American history and reverse the presently poor turnout of voters in the 21-to-30 category.

Dr. S. I. Hayakawa, the president of San Francisco State University, stated:

Lowering of the voting age is just one of many measures that are necessary to involve young men and women from 18 years onward more and more into the life of government, of business, of the world of work in general, so that they have decisions to make that count in the world.

He said that the vote, aside from its role in the democratic process, had a symbolic meaning. For the young citizen, voting is like an initiation rite, acknowledging adulthood.

Deputy Attorney General Richard Kleindienst conveyed President Nixon's views about the wisdom of lowering the voting age. He said:

America's 10 million young people between the ages of 18 and 21 are better equipped today than ever in the past to be entrusted with all of the responsibilities and privileges of citizenship. Their well-informed intelligence, enthusiastic interest, and desire to participate in public affairs at all levels exemplifies the highest qualities of mature citizenship.

Kleindienst also pointed out to the subcommittee that those States that have had experience with voting at 18 have found that "their experience with young voters has been constructive and positive."

Former Attorney General Ramsey Clark urged speedy enactment of a constitutional amendment to lower the voting age. He pointed out that while the United States has allowed more citizens to participate in the democratic process over the years, it has done so only slowly, ineffectively, and begrudgingly. He thought that the amendment should be passed in the name of fairness and justice. And he added:

But there is a more urgent reason. That reason is need, and that need is to involve the young people in our processes and to learn the message that they have to tell us.

Mr. Clark believes that by letting young people vote soon after high school we can involve them in our system and keep them in meaningful participation in the system.

Senator GOLDWATER appeared and told us that as a result of his repeated travels to universities in every part of the country over the past few years, he is convinced:

This generation of young people is the finest generation that has ever come along.

He said:

To give a direct answer, I see no reason, from the point of judgment, why our young people should not be allowed to vote, and I am talking about 18-year-olds, in State as well as Presidential elections . . . I have confidence in these people.

Senator EDWARD M. KENNEDY said in his testimony that—

I believe the time has come to lower the voting age in the United States, and thereby to bring American youth into the mainstream of our political process. To me, this is the most important single principle we can pursue as a nation if we are to succeed in bringing our youth into full and lasting participation in our institutions of democratic government.

Dr. Margaret Mead, the noted anthropologist, appeared before the subcommittee and particularly emphasized the fact that today's young people "are not only the best educated generation that we have ever had, and the segment of the population that is better educated than any other group, but also they are more mature than young people in the past."

Testimony was heard and statements were received from individuals representing countless organizations, including: Youth Franchise Coalition; National Education Association; American Federation of Teachers; National Association for the Advancement of Colored People; American Civil Liberties Union; the American Jewish Committee; and the Association of the Bar of the City of New York.

OREGON AGAINST MITCHELL

On March 13, 1970, 3 days after the hearings were conducted, the Senate passed the Voting Rights Act of 1970, which contained a provision lowering the voting age to 18 in all elections by statute. In its meeting of July 28, 1970, the subcommittee reported the 18-year-old vote constitutional proposals to the full Judiciary Committee, with the understanding that they would remain in the full committee pending the outcome of the Supreme Court test.

Although the constitutionality of lowering the voting age by statue had been

explored at length in hearings before the Senate Subcommittee on Constitutional Amendments and on the floor of both Houses, some substantial doubt remained, and the Act provided for a rapid determination by the Supreme Court. On December 21, 1970, the Supreme Court ruled in Oregon against Mitchell that title III of the Voting Rights Act of 1970 is constitutional insofar as it applies to Federal elections, but that the Congress lacks power under the Constitution to lower the voting age by Federal statute in State and local elections. The Supreme Court's decision came too late in the Congress to allow action by either House before the end of the session.

The results of the Court's decision were immediately criticized by election officials and others, not merely because of the apparent inconsistency, but because it would require a dual-age system of registration and voting said to be expensive, confusing, and subject to other serious problems.

In response to these comments, I started preparing a report which would explore the scope and magnitude of these criticisms, collect and summarize the background material on the effort to lower the voting age, and survey the problems arising across the country as a result of Oregon against Mitchell. I sent telegrams to the chief election officials of each of the 50 States and election officials from some 35 major cities and counties, asking them to estimate the cost, confusion, and other problems they anticipated as a result of the dual-age voting. Newspaper reports of responses to the Court's decision were surveyed from across the country. The possibility of prompt State action to lower the voting age was analyzed for every State, and compared to the possibility of prompt ratification of a Federal constitutional amendment.

THE REPORT

In preparing that report I found that a a result of the decision in Oregon against Mitchell, 47 States face the possibility of having to administer the 1972 election under a system of dual-age voting—voting at age 18 in Federal elections and at a greater age in State and local elections. It is my belief that such a system of dual-age voting is morally indefensible and patently illogical; how can we deny younger voters a voice in local affairs when we allow them the right to participate in the selection of the Nation's highest officials? Moreover, according to the election officials I corresponded with, dual-age voting may also be dangerously complicated and inordinately expensive as well. These officials estimated costs amounting to at least $10 to $20 million. Last year Congress declared that every American over the age of 18 should be entitled to vote in all elections. It is my hope that the fact that dual-age voting is devoid of principle, and the fear that it may be unworkable in practice, will encourage the Congress to reaffirm that fundamental policy judgment by prompt passage of a Federal constitutional amendment for ratification by the States.

There is no basis whatsoever, in logic, in policy or in practice, for denying 18-year-olds the right to vote in State and local elections when they may vote in Federal elections. All of the arguments advanced in favor of lowering the voting age apply with equal force to State and local elections and to Federal elections. Indeed, many of the areas in which young people have expressed the greatest interest—for example, the quality of education and the state of the environment—are primarily matters of local concern. In a time of increasing interest in the decentralization of government programs and resources, there is simply no justification whatsoever for excluding young people from participation in State and local elective politics when we permit them full participation on the Federal level.

The administrative problems of creating and maintaining a system of dual-age voting have led election officials to raise the danger of profound confusion and delay in the election process. In the 47 States which have not yet extended the franchise to 18-year-olds, separate systems of registration and voting must be established for nearly 10 percent of the previous voting age population—more than 10 million young people. The attorney general of Oregon has characterized the result as "an intolerable administrative burden on the States." John D. Rockefeller IV, secretary of state of West Virginia, has said that the situation at the polling places on election day may amount to "a jumble of confusion." Louisiana State Attorney General Jack Gremillion fears "chaos and confusion" in the next general election. And a memorandum prepared for the secretary of state of Minnesota predicts "a nightmare at best" in the process of instructing voters in the 1972 elections.

I found that some jurisdictions expect to meet the problem primarily by the purchase of new voting machines. However, such a solution can create what one election official referred to as a "suffocating expense." And there is substantial doubt as to whether a sufficient number of machines could be ordered, financed, and delivered in time for the 1972 elections. Other jurisdictions expect to resolve the problem by the use of "lockout" devices on voting machines—where feasible—or the use of separate paper ballots. Both of these approaches will require a substantial increase in manpower, either to perform and supervise the lockout function or to administer the paper ballots. Moreover, the use of paper ballots—a possibility being considered by many jurisdictions, including the States of Michigan, Montana, and North Dakota and the city of Chicago—raise the possibility and the temptation of vote fraud often associated with the use of paper ballots.

Whatever approach individual jurisdictions take to meet the problem, many election officials fear that the confusion and complications of dual-age voting will lead to delay at the polls. James C. Kirkpatrick, the secretary of state of Missouri, has suggested that "probably most important of all" the consequences of dual-age voting is the possibility that "the confusion may well result in long lines at the polling places on election day," causing voters "to decide against voting rather than be forced to stand in line for a long time—especially in bad weather." It would be ironic indeed if in this manner the Voting Rights Act discouraged the exercise of the franchise.

Based on the estimates of election officials, the total cost of implementing a system of dual-age voting appears to be no less than $10 to $20 million—and may amount to substantially more. Such estimates vary widely among jurisdictions. Moreover, some State and local officials are just beginning to analyze the problems involved in depth and to canvass the possible solutions. In jurisdictions contemplating the use of separate voting machines, at a cost of approximately $2,000 apiece, the initial cost would be staggering—$1.3 million in Connecticut, $3.5 million in New York City. In jurisdictions choosing to use voting machine "lockout" where possible, or paper ballots, the costs are harder to estimate because they involve primarily the use of additional personnel; but election officials are nevertheless concerned about the magnitude of the expense required. A few examples of responses from election officials follow:

Paul Marston, recorder of Maricopa County—including Phoenix, Ariz., predicted a possible expense on the order of $60,000 resulting from dual-age voting.

California State Assemblyman John Briggs reported that, according to the California secretary of state, it would cost more than $1.5 million to implement dual-age voting in California. The registrar-recorder of Los Angeles County has estimated that "dual-age voting will cost approximately $400,000 to $500,000 additional" in the county.

Mrs. Gloria Schaffer, the secretary of state of Connecticut, has estimated that the State may have to spend $1,300,000 on voting machines alone to implement dual-age voting.

In Illinois, Secretary of State John W. Lewis estimated that there would be a 40- to 50-percent increase in election costs because of the need to keep two sets of registration books, two sets of ballots, and the like. The chairman of the Chicago Board of Election Commissioners puts the extra cost for his city alone at between $150,000 and $200,000.

The Indiana State Election Board has predicted that it will cost $170,000 for separate registration facilities, and for the printing and costing of paper ballots.

In Iowa, dual-age voting could cost $125,000 to $150,000, but Secretary of State Melvin D. Synhorst added that if voting machines had to be purchased, this figure "could rise considerably higher."

According to Allen J. Beerman, the secretary of state of Nebraska the implementation of Oregon against Mitchell could easily result in a 30-percent increase in election costs—an additional $300,000.

New Mexico Secretary of State Betty Fiorina expects the cost of implementing dual-age voting to total approximately $200,000.

Maurice J. O'Rourke, the president of the New York City Board of Elections

has stated that such a dual-age voting procedure "would cost the city $5,000,000 minimally. We would need 1,500 new voting machines, which cost $2,000 each, and we would have to spend at least $2,000,000 for additional permanent personnel to set up and maintain the two sets of registration books necessary for two categories of voters."

Ward Fowler, of Oklahoma's State Election Board, has predicted extra costs arising from dual-age voting of $50,000 to $150,000 per election year.

Rhode Island relies heavily on voting machines, and as a result Secretary of State August P. LaFrance expects that additional expenses could total nearly $2 million.

Director of Elections Jack M. Perry of Shelby County, Tenn., which includes Memphis, has made a rough estimate that the extra expenses of dual-age voting would amount to around $800,000.

A. Ludlow Kramer, Washington's secretary of state, gave a careful estimate of all the expenses that dual-age voting would entail and concluded that it would cost the State $425,000, a suffocating expense, especially when his State is desperately struggling to avoid bankruptcy.

The difficulty of determining just what constitutes a Federal election may lead to substantial disruption of State political party organization and prolonged confusion and delay in the courts. Oregon against Mitchell grants the right to vote in all Federal primary elections to all 18-year-old voters. However, in many States the selection of nominees for Federal office is not performed in a primary but by delegates elected to State conventions. Unless young voters are able to vote for these delegates, they will have no voice in the selection of the Federal nominees who will represent their party. However, many of these elected delegates also choose nominees for statewide office and perform other State functions, and 18-year-olds are precluded by law in 47 of the 50 States from voting for State officials. If excluded from party elections which affect—directly or indirectly—the choice of Federal officials, 18-year-old voters are certain to challenge their exclusion in court, and very substantial disruption and delay may result before the numerous separate and differing problems across the country are resolved.

POSSIBILITY OF LOWERING THE VOTING AGE

A Federal constitutional amendment offers the only realistic hope in most States for 18-year-old voting before the 1972 elections. Of the 47 States having voting age in excess of 18, only eight have reported that it would be possible to lower their voting age by State action before the 1972 general election without resorting to some extraordinary procedure, such as a special statewide election. Most of the remaining States face delays that would preclude final action lowering the voting age before that date. Ratification of a Federal constitutional amendment, on the other hand, appears to be a realistic possibility by 1972. At the present time it seems likely that at least 40 State legislatures will be meeting in 1972 alone, in the absence of any special sessions, and the reapportionment required by the 1970 census is likely to make the fall of 1971 and the spring of 1972 an active period for special sessions. The three amendments proposed by Congress in the 1960's—the 23d, 24th, and 25th—were ratified in an average time of approximately 15 months; an amendment lowering the voting age to 18 would stand an excellent chance of ratification within a similar period.

CONCLUSION

I have long been concerned with the need to extend the franchise to include our younger citizens. After chairing two sets of subcommittee hearings on this issue and after preparing this report, I am now convinced—more firmly than ever before—that the time has come to lower the voting age to 18 in every election across the land—because it is right. And if the many problems of dual-age voting force us to confront the question more promptly, so much the better. Lowering the voting age is sound principle, sound policy and sound practice. The Congress should complete its action at the earliest possible date, and send the amendment to the States for ratification.

FAR-REACHING SIGNIFICANCE OF NIXON PROGRAMS

Mr. COOPER. Mr. President, I ask unanimous consent that an article written by James Reston and published in the New York Times of Friday, February 12, 1971, be printed in the RECORD. The title of the article is "What of the Democrats?" The thrust of the article is expressed in its first two paragraphs, which I quote:

When President Nixon came into the White House he said, "We were elected to initiate an era of change. We intend to begin a decade of government reform such as this nation has not witnessed in half a century. . . . That is the watchword of this Administration: reform."

His new health program for the nation, sent to Congress this week, is only the latest evidence that he has kept his word. For more than a year now he has sent to Capitol Hill one innovative policy after another: on welfare reform, revenue-sharing reform, government reform, postal reform, manpower reform, Social Security reform, reform of the grant-in-aid system, and many others.

The programs which President Nixon has submitted to Congress are comprehensive, have far-reaching significance, and if enacted will make the Government of the United States responsive to the needs of our country and of our people. These proposals of the President must be made known to the people throughout the country. If they are I am sure he will have the support of the people of the country as he battles for them.

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

WHAT OF THE DEMOCRATS?

(By James Reston)

WASHINGTON, February 18—When President Nixon came into the White House he said, "We were elected to initiate an era of change. We intend to begin a decade of government reform such as this nation has not witnessed in half a century. . . . That is the watchword of this Administration: reform."

His new health program for the nation, sent to Congress this week, is only the latest evidence that he has kept his word. For more than a year now he has sent to Capitol Hill one innovative policy after another: on welfare reform, revenue-sharing reform, government reform, postal reform, manpower reform, Social Security reform, reform of the grant-in-aid system, and many others.

It is not necessary to agree with his proposals in order to concede that, taken together, they add up to a serious and impressive effort to transform the domestic laws of the nation, all the more remarkable coming from a Conservative Administration, and that they deserve a more serious and coherent response than they have got so far from the Democratic party and the Democratic majority in the Federal Congress.

What is the Democratic party's alternative? This we would like to know. There are alternatives from Democrats—a Kennedy alternative on health policy, the beginnings of a Wilbur Mills alternative to revenue sharing, a Muskie alternative to Vietnam policy—pick a date and get out—but as often as not the Democratic alternatives contradict one another, and the party as a whole seems to be settling for the old political rule that it is the business of the opposition party merely to oppose.

A party out of office, of course, always operates at a disadvantage. It lacks the authority and resources of the Presidency. It is usually leaderless and broke. Its power is dispersed among the committee chairmen, the rival candidates for Presidential nomination, the Governors, and the National Committee, the latter now meeting in Washington.

In the present case, the titular head of the Democratic party is Hubert Humphrey of Minnesota, a new boy in the back row of the Senate. When the National Committee meets, it usually concentrates on the party deficit and President Nixon, both of which they find disagreeable. But so far, about all they have been able to agree about is that they should not tear each other apart in public, which, come to think of it, is quite an achievement for Democrats.

Nevertheless, hard as it is to get an opposition party to agree on what it stands for, it would be reassuring to think that they got together once in a while and at least tried to define the broad outlines of a program for the future.

It is perfectly clear that many of the old Democratic programs of the fifties and sixties are no longer relevant to the problems of today, let alone tomorrow. In 1960 there were only 44 grant-in-aid programs for the states; now there are over 430; and even the Democratic Governors are bewildered by their complexity and inefficiency.

In the short time since President Nixon first came forward with his welfare reform bill, over 2 million people have been added to the welfare rolls, at an additional cost of $1.5 billion a year.

President Nixon has at least seen that this is dangerous nonsense and put forward a bold, if controversial, alternative that deserves to be voted up or down. As things now stand, the Democrats are demanding, and quite right too, that the scandal of campaign expenditure be corrected, but they cannot agree on how this should be done; and beyond that, they have not even managed to agree on how to pick their spokesmen if they do get free time on television.

The last time the Democrats were out of power, they at least recognized the problem

and organized a kind of brain-trust outside the Congress to question their old assumptions and write position papers on the main subjects coming up for decision. It wasn't much, and Lyndon Johnson and Sam Rayburn resented the experiment, but it started the process of revision and even of thought within the party.

What the Democrats are doing now is merely sniping at the President's programs and often saying some damn silly things in the process. Here is George McGovern, for example, normally a sensible man, proclaiming that Mr. Nixon is "flirting with World War III in Asia," and Ed Muskie calling in Pittsburgh the other night for a "new coalition" cutting across lines of race, geography and economics.

But to do what? In support of what programs? President Nixon has been singularly successful in ignoring old Republican taboos and prejudices, and if you want to be cynical about it, he may be putting up programs he knows the Democrats will probably knock down; but at least he has a program on the home front, which is more than you can say for the Democrats.

ORDER OF BUSINESS

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

The PRESIDING OFFICER (Mr. TUNNEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. TUNNEY). Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 601 (a), Public Law 91–513, the Speaker had appointed Mr. ROGERS and Mr. CARTER as members of the Commission on Marihuana and Drug Abuse, on the part of the House.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. TUNNEY). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day consideration of the motion of the Senator from Pennsylvania (Mr. SCOTT) to proceed to the consideration of Senate Resolution 9 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. Mr. President, I thank the Presiding Officer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, I am unalterably opposed to any liberalization of rule XXII of the Senate which would increase the power of the majority to gag a minority. This year there is again a proposal designed to simplify placing restrictions upon free and open debate in the Senate. In my opinion, if any change needs to be accomplished in the area of cloture, it is that cloture should be made more difficult to obtain or be completely done away with. Although many of the advocates of limited debate and close restrictions upon the right of free speech in the Senate argue to the contrary, for many years this body operated completely free of any debate limitations. Regardless of protestations to the contrary the "previous question rule" did not operate as a limit to free and open debate.

In the short period of slightly more than 178 years, the United States has grown and prospered from a group of scattered provincial settlements along the eastern seaboard into the foremost nation of the world. The population in this period increased from less than 4 million to over 200 million. Our people enjoy greater material abundance than any other people on earth and the highest standard of living in the world. Even more important, the individuals who comprise our Nation have throughout the period enjoyed freedom of thought, speech, and action, and it is this very individualism in which lies the secret of our national success.

The existence of individualism in the United States is no accident, but is a direct result accomplished by the system of government inaugurated through the Constitution. It would seem logical that all of us who share in the unsurpassed benefits of our governmental system would be both informed on the mechanics of its operation and jealous protectors of both the word and the spirit of its structure.

It is indeed a disillusioning experience to be confronted with such ignorance of the spirit of the Constitution, or disdain for its accomplishments, as that with which we are confronted in the U.S. Senate by this proposal to alter the Senate rules with regard to limitation on debate. We are confronted with arguments based on Rousseau's treacherous theory of "democracy"—a doctrine as alien to our system of government as any of the foreign "isms" which we find so repugnant. Rousseau's philosophy is no more or less than rule by the unbridled will of the majority, whether the majority be large or small, temporary or continuing. In essence it is the rule of emotion, providing neither protection for individual rights nor orderly conduct of society, which is the only reason for government's existence. Our Government is not "democratic," but is a federated constitutional Republic, and under the explicit terms of the U.S. Constitution, the National Government is charged with the responsibility of insuring to the people of each State a republican form of government, and thereby, charged with preventing the institution of a "democracy" in any State.

Individual rights cannot exist where the emotional will of the majority is absolute, and our governmental system rejects "democracy" for that reason. Throughout our entire structure of government there are checks instituted on the will of the majority. While these checks do not provide an aggressive weapon for the individual, or the individuals within a minority, they do insure the existence of a negative weapon by which individuals may defend their basic rights against assaults from even the majority.

One of the many of such checks on the will of the majority is embodied in the relative freedom of debate in the U.S. Senate. This check would be even more consistent with the purpose of our governmental structure were it to permit no cloture, whatsoever. The present rule provides a minimum protection, and a forum for those individuals who find themselves temporarily in a minority insofar as representation in the Senate is concerned, if not among the populace as a whole.

The design of the Senate as an institution was intended to provide a degree of stability through deliberation, which, in its absence, would have been missing from the governmental structure. No less an authority than the Father of our Country, himself, attested to this fact. It is related that shortly after adoption of the Constitution, Thomas Jefferson upon his return from France, breakfasted with George Washington, and their conversation centered on various aspects of the Constitution. During the course of the conversation, Jefferson protested to George Washington against the establishment of two Houses in the Congress. Washington asked: "Why did you pour that coffee into your saucer?" "To cool it," Jefferson replied. "Even so," said Washington, "we pour legislation into the senatorial saucer to cool it." Unfortunately, in the last few decades the Senate has abdicated its intended function as a damper on hasty, impetuous, and extreme actions by the Congress. There remains, however, by virtue of the relatively free debate permitted under rule XXII, a forum for those who cherish individualism and individual rights, even for those individuals represented by a minority in the U.S. Senate; and quite possibly, this remaining check serves as

a mitigant against the excesses of the majority.

The impetuosity which underlies the current effort to emasculate rule XXII constitutes more than an assault on the procedure of the Senate. This impetuosity is the embodiment of a completely radical, political philosophy, which is un-American to its very roots. Its immediate manifestation is in the form of an attack on a mode of procedure that is only one element—albeit an essential element—of the machinery by which individualism is protected in this country. It is the initial step in an effort to substitute conformity as a national characteristic for individualism, the very factor responsible for our Nation's success. It is the desire of the adherents of this new radical political philosophy to achieve absolute control of the National Government, and through its massive and numerous instrumentalities, to design a pattern of conduct for all Americans and enforce their conformity.

As novel as may be their approach, and despite their protests to the contrary, there is nothing new about the aim the conformists seek to achieve. It is as old as the writings of Lenin and Marx and is best known as "state socialism." Nothing could be more indicative of "state socialism" than the intolerance which is exhibited by the proponents of majority cloture in the U.S. Senate toward the expression of views by Senators opposed to the welfare state measures and to the destruction of federalism. I am optimist enough to believe that the Senate has not yet degenerated to a point at which it will renounce its intended purpose and responsibility, and abjectly surrender to the autocratic forces of state socialism, who implore us to sacrifice the protection of individualism on the treacherous and alien altar of majority rule.

There is no solace in the fact that those attempting to limit debate by a majority vote in the Senate are satisfied to do so by stages. At the beginning of the session in 1959, they succeeded in returning to a provision for cloture by the smallest number of Senators who have ever in the history of this body held such power and it is under that rule that the Senate now operates. Just as the Senate is a continuing body, the attempts to provide a cloture rule by a majority vote of Senators is a continuing effort. This effort has already been too successful and even were concessions made to the proponents of change at this session, they would be right back in January 1972, making the same fight. They will not be satisfied until the Senate can be controlled by a bare majority of Senators.

It is my firm opinion that the rule by which two-thirds of the membership can limit debate is as restrictive of free discussion as it can be, at the present time, without seriously infringing on the right of the minority to be heard, the right of the States to equal representation, and the preservation of the Senate as a great and unique institution.

The Senate is the last forum on earth where men can discuss matters of vital importance without severe restrictions on debate. This circumstance is one reason, perhaps the major reason, why the Senate has become known as the world's greatest deliberative body and why the great English statesman, Gladstone, described the Senate as "that remarkable body, the most remarkable of all inventions of politics."

I willingly accept the fact, so frequently pointed out by those who would impose gag rule on the Senate, that the rules of this body are unusual. Indeed, the Senate is unique among parliamentary bodies. It is a great legislative body, and all the greater because it has not been constrained to bend to any popular notion of what rules a parliamentary body should follow.

The roots of the Senate rules are founded in history. At the time our Constitution was being framed, there was a great reluctance, on the part of the individual States, to surrender any of their cherished liberties to a Federal Government.

At that time, there were some unusual laws and customs in most of the individual States. The people within these States were wary of surrendering State sovereignty to a Federal Government which might arbitrarily and hastily nullify State laws. They had recently freed themselves from tyranny and secured for themselves individual liberty in a great fight for independence. Consequently, numerous safeguards to protect the rights of the States were built into the Constitution. Before they would assent to the ratification of this supreme law, however, they won assurance of early approval of the first 10 amendments to the Constitution. These amendments, commonly referred to as the Bill of Rights, constitute the greatest set of civil and individual rights to be found anywhere.

In order to illustrate the value the people placed upon preserving their individual liberties and the rights of the States, I will briefly read to this body the Bill of Rights:

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

ARTICLE III

No soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner prescribed by law.

ARTICLE IV

The right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witness in his favor, and to have the Assistance of Counsel for his defence.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

One of the principal safeguards built into the original Constitution was the formation of a Senate in which every State was given equal representation. The Senate was envisioned, by the Founding Fathers, as a body where the rights of States, and the views of minorities, would be given unusual consideration. During the course of the debates of the Philadelphia Constitutional Convention of 1787, the delegates reached agreement upon a House of Representatives to be elected by the people every two years and based upon a population ratio divided into congressional districts. After this action was taken, the smaller of the participating 13 States wondered how their minorities could be adequately protected from the capricious whims of a majority in the House.

After long debate—I repeat, long debate—which was at times most acrimonious and which actually threatened to break up the Convention, the solution was offered by the wise and venerable Benjamin Franklin; namely, equal representation in the Senate for every State. And, to make sure that that representation would be of a character that would calmly consider and patriotically and unselfishly act on laws under which all the people would have to live, it was provided in the original instrument that

Members of the Senate should be elected by State legislators and not by popular vote and given a term of 6 years.

The Founding Fathers also wrote into the original Constitution other safeguards against what the advocates of a rules change term "majority rule." They provided in certain instances for votes requiring a majority of two-thirds. Here are some of these provisions as found in the Constitution:

Section 3 of article I of the Constitution provides that no person shall be convicted on a charge of impeachment without the concurrence of two-thirds of the members of the Senate present.

Section 5 of article I provides for a two-thirds vote for either House to expel a member of their body.

Section 7 of article I provides for the overriding of a Presidential veto of any legislation by a two-thirds vote of each body.

Section 2 of article II of the Constitution states that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

Article V of the Constitution empowers the Congress to propose amendments to the Constitution whenever two-thirds of both Houses deem it necessary.

Article V of the Constitution also authorizes the calling of a convention for proposing amendments on the application of the legislatures of two-thirds of the several States.

Article V provides that three-fourths of the several States are necessary to ratify a proposed amendment to the Constitution either in convention or by the legislatures thereof.

The 12th amendment of the Constitution provides that, when the choice of a President of the United States devolves upon the House of Representatives, a quorum of that body for the purpose of choosing a President shall consist of a member or members from two-thirds of the States.

Likewise, when the choice of a Vice President devolves upon the Senate, a quorum for the purpose consists of two-thirds of the whole number of Senators to be in accord with the 12th amendment.

It is easy to see from these numerous illustrations found in the Constitution that a simple majority was not held by our Founding Fathers to be sufficient in many instances to protect the populace and provide for the common good.

We can see from a glance back into history how concerned our forefathers were for protecting the rights of individuals, minorities, and the States in drafting the fundamental principles of our Government. From the start, too, our forefathers recognized that these rights could only be secured if adequate protection was provided by established rules of procedure. They had the wisdom to realize that substantive rights contained in the supreme law might be later mutilated or trammeled if procedural safeguards were not provided to insure long and careful deliberation of the legislative issues which, if approved, might restrict the rights of the individuals, minorities, and the States.

Thus we find the great statesman and political philosopher, Thomas Jefferson, saying in the preface to his Manual, which he deposited with the Senate and which became the recognized guide for all our legislative bodies:

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power. So far the maxim is certainly true, and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measure proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.

And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

On a subsequent occasion, Mr. Jefferson had this to say concerning the protection of minority interests:

Bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate would be oppression.

In accordance with the advice of Jefferson, the rules of the Senate were framed to provide for a check on the tyranny of the majority. The tradition has been preserved to the present day, although the rules of the Senate have been altered on some few occasions. Perhaps one of the best commentaries on how well the Senate rules have served their purpose in preserving minority rights without adversely affecting the rights of the majority was written by Mr. William S. White, distinguished journalist and author of the book, "Citadel—The Story of the U.S. Senate." It is appropriate that his conclusions be presented to the Senate at this time:

Conscious though one is of the abuse of Senatorial power, one glories nevertheless in the circumstances that there is such a place, where Big Senators may rise and flourish from small States.

For the Institution protects and expresses that last, true heart of democratic theory, the triumphant distinction and oneness of the individual and of the little State, the infinite variety in each of which is the juice of national life.

It is perhaps often forgotten that the democratic ideal is not all majority; that, indeed, at its most exquisite moments the ideal is not for the majority of all but actually for the minority of one.

The Senate, therefore, may be seen as a uniquely Constitutional place in that it is here, and here alone, outside the courts—to which access is not always easy—that the minority will again and again be defended against the majority's most passionate will.

This is a large part of the whole meaning of the Institution. Deliberately it puts Rhode Island in terms of power, on equal footing with Illinois. Deliberately by its tradition and practice of substantially unlimited debate, it rarely closes the door to any idea, however wrong, until all that can possibly be said has been said, and said again. The price sometimes is high. The time killing, sometimes, seems intolerable and dangerous. The license, sometimes, seems endless; but he who silences the cruel and irresponsible man today must first recall that the brave and lonely man may in the same way be silenced tomorrow.

For illustration, those who denounce the filibuster against, say, the compulsory civil rights program, might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority. They might recall, too, that the techniques of communication, and with them the drenching power of propaganda, have vastly risen in our time when the gaunt aerials thrust upward all across the land. They might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. . . .

It is, in the very nature of the Senate, absolutely necessary for the small States to maintain the concept of the minority's veto power, having in mind that it is only within the Institution that his power can be asserted or maintained. . . .

Where a powerful majority really wants a bill it will find means to have its way, cloture or no cloture.

Throughout the history of our country, majorities have assailed the rules of the Senate, because the rules of the Senate act as a brake on the will of the majority, especially a radical majority.

I shall not assign base motives to the various majorities who, down through the years, have attempted to change the rules of the Senate. Fortunately for the United States, there have been relatively few cases in which a group of Senators, pressing for legislation, was not motivated by a sincere desire to benefit the country. We can take it as a general rule that the majority always thinks it is right.

Believing themselves to be right, the majority side, in any issue, is naturally vexed and even angry when it finds its will frustrated by a minority. It resents seeing a group which it believes to be in the wrong obstructing and delaying the enactment of legislation it believes to be useful.

This is a frustration which can cause a great mind to go astray and fall into error.

I think of Woodrow Wilson, for example. Wilson was one of the great students of our Government long before his election to the Presidency. Writing in

1881, in his "Congressional Government," he observed:

The Senate's opportunities for open and unrestricted discussion, and its simple, comparatively unencumbered forms of procedure, unquestionably enable it to fulfill with every considerable success its high functions as a chamber of revision.

In further expressing his views on free debate in the Senate, Mr. Wilson made this statement:

It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct.

The informing function of Congress should be preferred even to its legislative function.

Mr. President, I repeat that—

The informing function of Congress should be preferred even to its legislative function.

Continuing the quotation:

The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but more than that, that the only really self-governing people is that people which discusses and interrogates its administration. The talk on the part of Congress which we sometimes justly condemn is the profitless squabble of words over frivolous bills or selfish party issues. It would be hard to conceive of there being too much talk about the practical concerns and processes of government. Such talk it is which, when earnestly and purposefully conducted, clears the public mind and shapes the demands of public opinion.

Long afterward, a minority of the Senate killed President Wilson's armed neutrality ship bill. We all remember, I am sure, his classic excoriation of the Senate:

The Senate of the United States is the only legislative body in the world which cannot act when the majority is ready for action. A little group of willful men, representing no opinion but their own, have rendered the great Government of the United States helpless and contemptible.

This is one example, a classic one. There have been many cases of Senators who have argued for greater restrictions on debate while pressing for a majority point of view, who changed their opinions when the heat of debate had cooled.

This point was deeply impressed on my mind when I recently made a thorough study of the issue of free debate in the Senate. I am sure that many others have come to this same conclusion after their research efforts on this subject. The late Senator from Georgia, Mr. Russell, one of the Senate's most able parliamentary experts of all time, made a very similar observation when testifying before the Senate Rules Committee in 1952. Here is what he had to say:

I have studied this question of the proposal to institute a more restrictive gag rule in the Senate. I once spent a couple of weeks in going back over the various occasions in the history of the Senate when these motions, these efforts, have been made to change the rules. I was interested to note two things: That almost always those who sought to change the rules to gag his adversary of the minority when he was in power became a great advocate of freedom of debate when he was translated from the majority to the minority. Further, almost invariably men who came to the Senate determined to change the Rules of the Senate, if they stayed there long enough, came to defend the rules.

Perhaps the best so-called "proof of the pudding" on this point lies in a statement made by a former President of the United States while serving as a member of this distinguished body during the period of 1915–20. Listen to these words of the late Warren G. Harding:

I have been hearing about the reformation of the Senate since I first entered politics; and it was rather an ironical thing the other day that one of the most emphatic speeches made in favor of the adoption of this rule was uttered by the very latest arrival in this body.

But the reformation of the Senate has long been a fad. I came here myself under the impression that there ought to be cloture and limitations on debate; and the longer I sit in this body, the more convinced do I become that the freedom of debate in the United States Senate is one of the highest guaranties we have of our American institutions.

Mr. President, before I take my seat I wish to say that the length of a speech is not the measure of its merit.

While the Senate may not listen, because the Senate does not listen very attentively to anybody, I discover, though Congress may not be apparently concerned and though the galleries of this body may not be filled to add their inspiring attention, I charge you now, Mr. President, that the people of the United States of America will be listening. This is the one central point, the one open forum, the one place in America where there is freedom of debate, which is essential to an enlightened and dependable public sentiment, the guide of the American Republic.

I repeat, those are the words of Warren G. Harding, former Senator and former President.

More than a half century ago, Senator Hoar, of Massachusetts, made this point on how experience can change minds:

There was a time in my legislative career when I believed that the absence of a cloture in the Senate was criminal neglect, and that we should adopt a system of rules by which business could be conducted; but the logic of my long service has now convinced me that I was wrong in that contention. There is a virtue in unlimited debate, the philosophy of which cannot be detected upon a surface consideration.

I believe that I understand the desire of some of my colleagues to change the rules of the Senate. They are anxious to rush into law certain proposals which they believe to be right and for which they believe they can count on the support of a majority of the Senate.

The most recent cloture vote, which was taken in 1962, and in which almost all of us participated, provides much food for thought. The Communications Satellite Act of 1962, which was the measure under consideration when cloture was invoked, was one of the few major proposals in recent years which met with almost unanimous bipartisan support. I am certain that none of us who played a part in considering this legislation were of the opinion that it was a perfect bill. Certainly there were areas in which the bill could have been improved even after it had undergone long and tedious hearings before three major committees of the Senate. All of these committees approved of the legislation which attests to the fact that it was basically sound and responsible. Yet this bill was subjected to extended debate on the floor of the Senate by a group of Senators, a distinct minority, who favored the basically different approach of public ownership rather than the private ownership of the communications satellite corporation which the bill established. After consuming some 500 pages of the CONGRESSIONAL RECORD with floor debate on this legislation, rule XXII, as it presently reads, was successfully resorted to to prevent dilatory tactics by the opponents of this measure.

Many lessons can be learned from this incident. First and foremost, the success of this attempt at cloture proves that the present rule XXII is operable and provides sufficient protection when the measure under consideration is thoroughly worthwhile. It also proves that an erstwhile majority can become completely vexed and thwarted in their efforts by a rule against which they continually inveigh when they are suddenly transformed into a vocal minority. It also proves that the cloture rule is indeed a two-edged sword and the prospects of its implementation are not so endearing to the liberal block when they must bear the brunt of its enforcement. In simple and colloquial terminology things are not quite so nice when the shoe is on the other foot.

Although this was the first successful attempt at cloture since February 28, 1927, and only the fifth time in the history of rule XXII that cloture has been invoked, it is by no means the only attempt to invoke cloture. Altogether there were four separate attempts to limit an open debate in the Senate during the 87th Congress. By way of attempting to arrive at some conclusion as to why cloture was successfully invoked on this one occasion I would like to briefly discuss the other attempts at cloture during the 87th Congress. This comparison might provide some insight as to the reasons behind the success of this particular attempt.

The first attempt to invoke cloture during the 87th Congress was on September 19, 1961. The majority leader and the minority leader and 19 other Senators offered a cloture motion to close debate on the motion to take up Senate Resolution 4, which was a resolution to amend the cloture rule by providing for adoption by a three-fifths vote of those present and voting rather than the present two-thirds vote. On this particular occasion the motion was

rejected by a vote of 37 in favor and 43 against, 20 Senators not having voted. On the Democratic side of the aisle 48 percent of those voting or 26 Senators voted in the affirmative and on the Republican side of the aisle 42 percent of those voting or 11 Senators voted in the affirmative. Fifty-two percent of the Democratic Senators who voted, or 28 Senators in all, voted in the negative while 58 percent of the Republicans voting, or 15 Senators in all, voted "no." Of the 20 Senators who did not vote the total was equally divided between Democrats and Republicans.

A somewhat cursory glance at the voting records indicates that on a regional basis the Northeastern and North Central States provided the most support for the cloture motion while the Southern and Western States were the primary regions whose Senators voted in the negative.

The issue on that occasion was one on which the administration had taken no official or announced stand.

The next occasion on which cloture was attempted was May 9, 1962. The issue under discussion at that time was the patently unconstitutional literacy test proposal. Once again the cloture motion was offered by the majority and minority leaders and on this occasion 29 other Senators joined them in signing the motion.

In addition to the unquestionable lack of constitutional authority for this proposal, the procedure followed in bringing this matter before the Senate and was most unusual and completely out of accord with the normal procedures of the Senate. This measure, which was offered as an amendment to a noncontroversial bill, was at that time being considered by a duly constituted subcommittee of the Judiciary Committee and the hearings were not yet completed.

The attempt at cloture failed of passage on this occasion by a vote of 43 years and 53 nays, four Senators not having voted. Fifty percent of the Democrats voting, 30 in number, joined with 36 percent of the Republicans voting, 13 in number, in voting affirmatively.

Fifty percent of the Democrats voting, 30 in all, joined with 64 percent of the Republicans voting, 23 in all, in casting negative votes on this cloture petition. Of the four Senators not voting all were Democrats.

This measure had been recommended by the administration and therefore their position was in favor of cloture.

Five days later on May 14 a second attempt to obtain cloture failed by a vote of 42 yeas to 52 nays, six Senators not being recorded. On this occasion 31 Democrats or 51 percent of those Democrats voting joined with 11 Republicans or 33 percent of those Republicans voting in casting affirmative ballots in favor of closing debate on the subject. Thirty Democrats or 49 percent of those voting joined with 22 Republicans or 67 percent of those voting in defeating this second cloture motion on the literacy test proposal. The six Senators not voting were equally divided between Republicans and Democrats.

While it is true that based on regional considerations the southern and western Senators provided the major opposition to cloture, there were a number of Senators from other regions who joined with them in voting against cloture on this patently unconstitutional legislation. Likewise, while those who supported the cloture motion represented States in the Northeast and North Central States, a number of Senators from other areas joined with them in seeking to limit free debate on this subject.

There have been many attempts by Senators who seek to place restrictions upon free and open debate in the Senate to categorize supporters or opponents of cloture on a regional basis. However, a careful study of previous attempts at cloture, including the successful one of the last session of Congress, reveals that regional considerations are not the primary factor involved. It should be evident to anyone that the overriding factor which ultimately determines the success or failure of a cloture motion hinges upon the subject being debated. The communications satellite legislation was one in which the country as a whole had a great stake. It was constructive legislation and not pointed at any one section of the country in an attitude of vindictiveness or reprisal. On the occasions when the attempts at cloture were unsuccessful the vindictive nature of the proposals under discussion can hardly be questioned.

Mr. President, I believe that the attitude of the Senate with regard to cloture was best summed up last year following the successful cloture vote by the senior Senator from New York (Mr. JAVITS). On that occasion, he said:

Let the country take note that when the Senate wants to vote cloture, it votes cloture.

I commend the Senator from New York for expressing in clear and concise terms the true attitude of the Senate of the United States.

With this expression in mind, perhaps it would be beneficial to mention the four other occasions in the history of rule XXII in which cloture has been successfully invoked. On November 15, 1919, the Senate invoked cloture by a vote of 78 yeas and 16 nays during the discussion of the Treaty of Versailles. On January 25, 1926, the Senate invoked cloture by a vote of 68 yeas to 26 nays during a discussion of the U.S. adherence to the World Court. The third issue on which cloture was successfully invoked was on a bill concerning branch banking. On this question a cloture was invoked on February 15, 1927, by a vote of 65 yeas to 18 nays.

The fourth instance on which cloture was invoked was on the subject of the Bureau of Customs and Prohibitions. This vote took place on February 28, 1927, and cloture was invoked successfully by a vote of 55 yeas to 27 nays.

It will be noted that on the five occasions on which cloture has been successfully invoked since the adoption of rule XXII, the measure under discussion was one of general overall interest and had no particular application to any one section of the country. The Senate has declined on all occasions to invoke cloture on any measure which runs counter to the interests and longstanding traditions of any area or group of States. Therefore, I believe that the statement by the senior Senator from New York that—

Let the country take note that when the Senate wants to vote cloture, it votes cloture.

Is particularly astute.

Mr. President, much has been spoken and written concerning the procedures of the Senate, and in particular, procedures invoking cloture since the founding of our Nation. Particularly interesting is a column written by one of the most well-known of all liberal columnists, Mr. Walter Lippmann. Mr. Lippmann is considered by many to be the dean of American liberal commentators. In 1944 during an earlier attempt to modify rule XXII, Mr. Lippmann wrote a particularly astute column which I would like to read at this time:

Although the question before the Senate is whether to amend the rules, the issue is not one of parliamentary procedure. It is whether there shall be a profound and far-reaching constitutional change in the character of the American Government. The proposed amendment to rule XXII would enable two-thirds of the Senate to close the debate and force any measure, motion, or other matter to a vote. If the amendment is carried, the existing power of a minority of the States to stop legislation will have been abolished.

"Stripped of all mumbo-jumbo and flag waving," says the New York Times, "the issue is whether the country's highest legislative body will permit important measures to be kept from a vote through the activities of a few leather-throated, iron-legged Members who don't want democratic decision."

This is an unduly scornful and superficial way to dispose of a great constitutional problem. For the real issue is whether any majority, even a two-thirds majority, shall now assume the power to override the opposition of a large minority of the States.

In the American system of government the right of democratic decision has never been identified with majority rule as such. The genius of the American system, unique I believe among the democracies of the world, is that it limits all power—including the power of the majority. Absolute power, whether in a king, a president, a legislative majority, a popular majority, is alien to the American idea of democratic decision.

The American idea of a democratic decision has always been that important minorities must not be coerced . . .

When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision . . . to respect the opposition and then to accept the burden of trying to persuade it . . .

For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce.

The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision . . .

For that reason, it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been ob-

tained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.

This is the issue in the Senate. It is not whether there shall be unlimited debates. The right of unlimited debates is merely a device, rather an awkward and tiresome device . . . to prevent large and determined communities from being coerced.

The issue is whether the fundamental principle of American democratic decision—that strong minorities must be persuaded and not coerced—shall be altered radically, not by constitutional amendment but by a subtle change in the rules of the Senate.

The issue has been raised in connection with the civil rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on a majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is conserved.

For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it is now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

Mr. President, I believe that in this article Mr. Lippmann has hit upon the crux of the matter at issue. The Senate of the United States was designed to be and still remains as the last stronghold of the beleaguered minority. While I am not one of those who believes that the Senate rules in and of themselves are sacred, I do believe that these recurrent attempts to enforce rule by a transient majority in the Senate violates the cardinal principle upon which the Senate itself is founded.

There inevitably come times when the majority is dead wrong, and these are times when the will of the majority, if unchecked, can destroy our American Government. Some of the best examples of majority mistakes and wrongs were best summed up by former Senator James A. Reed of Missouri during the 1917 debate over rule XXII with these words:

Majority rule! Where is the logic or the reason to be found back of majority rule except in the mere necessity to dispatch business? The fact that a majority of 1 or 10 vote for a bill in the Senate is not a certification that the action is right. The majority has been wrong oftener than it has been right in all the course of time. The majority crucified Jesus Christ. The majority burned the Christians at the stake. The majority drove the Jews into exile and the ghetto. The majority established slavery. The majority set up innumerable gibbets. The majority chained to stakes and surrounded with circles of flame martyrs through all the ages of the world's history.

Majority rule without any limitation or curb upon the particular set of fools who happen to be placed for the moment in charge of the machinery of a government! The majority grinned and jeered when Columbus said the world was round. The majority threw him into a dungeon for having discovered a new world. The majority said that Galileo must recant or that Galileo must go to prison. The majority cut off the ears of John Pym because he dared to advocate the liberty of the press.

Many other such examples could be cited down through the years of history. Since Senator Reed made his great fight to preserve free debate in the Senate, an outstanding example of majority action has cost the world the most devastating war of all times. I refer to the action of the majority in placing Hitler in power. Soon after this occurred he had a 100-percent majority in the German Parliament, but even this did not make Hitler's policies right. Nor does the alleged 99-percent votes of the people of Soviet Russia in support of the Communist Party—together with the unanimous approval of the Supreme Soviet Presidium—make the policies of the Kremlin leaders best for the people or right, in sense of the word.

There is no worse form of tyranny than the tyranny imposed by 51 percent of the people on the other 49 percent.

The Senate rules, as they stand, are an important safeguard to individual liberty.

It is also obvious to anyone who calmly appraises the actions of the U.S. Senate, without merely attempting to reach a predetermined conclusion, that the Senate operates very well within the framework of the rules now in existence.

The Senate rules operate as a safeguard not only to the many diverse minority groups and small States of this Union, but they operate also as a safeguard to the rights of each individual Senator. Any Senator has the opportunity as well as the right to champion an unpopular cause on the Senate floor if he remains within the bounds of the Senate rules and specifically rule XIX.

If the idea of majority rule should prevail in this instance, who or what is to prevent it from prevailing over the rights of an individual Senator? If this improbable but possible circumstance comes about, who then would feel the freedom to champion any cause which he felt to be unpopular at the moment and risk retaliatory action by the majority?

There is no escaping the fact that proposals for further limiting debate in the Senate would have the effect of negating the power and the prestige of the Senator as an individual officeholder. Perhaps even more important than this, however, is the effect which it would have on the Senate as a whole. The Senate would be relegated to a position akin to, if not inferior, to, that of the House of Representatives and would no longer maintain its position as a protective instrumentality within the framework of the National Government. During the last quarter of a century, there has been an unending encroachment on the powers of Congress by both the executive and judicial branches of the Government. One by one the powers of Congress have been dissipated both by delegation and by acquiescence. Congressional power over the purse strings has been challenged. Just last year Congress completely abdicated its constitutionally delegated responsibility to regulate trade with foreign countries. Many other powers and phases of Government operation have slipped away or have been greatly reduced.

If we of the Senate knowingly limit the right of free and open debate, we shall be party to the further diminution to the powers and prerogatives of the Senate. Rather than see this trend continue unabated, we should stand firm and refuse to surrender the right of freedom of speech on the floor of the Senate.

Mr. President, much has been said in debate as to whether the Senate is or is not a continuing body.

Mr. CURTIS. Mr. President, will the distinguished Senator yield, with the unanimous-consent arrangement that he not lose the floor?

Mr. THURMOND. Mr. President, I shall be pleased to yield to the able and distinguished Senator from Nebraska with the understanding that I do not lose my right to the floor, and that upon resuming it shall not be counted as a second speech on this legislative day. Under those conditions, I would be pleased to yield.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CURTIS. I thank the distinguished Senator.

I think it should be stated for the RECORD that the distinguished Senator from South Carolina, now speaking, is also an experienced and distinguished judge. I ask him, is there any jurisdiction within the United States where a jury can bring in a vote by merely a majority of the jurors agreeing?

Mr. THURMOND. In response to the distinguished Senator's question, Mr. President, I would say that I know of no jurisdiction where the situation exists as propounded by the Senator from Nebraska. When a man is charged with a crime, he goes before a panel of his fellow countrymen, generally 12 in number, and there must be a unanimous verdict to send that man to prison. It is not the majority. And I think our form of government is most wise in providing for that protection. The majority might hastily go in and reach a verdict one way or the other, whereas, if it takes all of the jury to agree, one juror might be able, through his arguments, after several days, to convince that majority that they are wrong. That has happened, and we are proud that in this country minorities are so protected.

Mr. CURTIS. I ask the distinguished Senator, is that not also true in reference to a minor offense, a misdemeanor? I will direct my question as to the distinguished Senator's own State of South Carolina. Can a majority of a jury bring in a verdict in a case other than a felony, a misdemeanor?

Mr. THURMOND. Mr. President, in response to the question propounded by the distinguished Senator from Nebraska, the Senator from South Carolina would answer and say that there is no such provision under the law of his State, or in its constitution, that he

knows about, that would permit that to happen. Even for a minor offense, even in a municipal court, with a jurisdiction within my State runs $100 or 10 days, or a magistrate's court, with a similar jurisdiction, there must be complete concurrence of the entire jury. Every member of that jury in my State, which in the magistrate's court generally has six members and in the municipal court varies in number, must agree. If any one member of the jury does not concur with the majority, there is no verdict. The minorities are protected, and that protection is embodied not only in the judicial system, but, as I have stated earlier in my speech today, in many places in the Constitution, where two-thirds is required to take action rather than a simple majority.

Mr. CURTIS. I ask the distinguished Senator concerning a jury trial in a civil matter, where no one is charged with a crime: Can a bare majority of a jury bring in a verdict in the Senator's State?

Mr. THURMOND. Mr. President, in response to that inquiry, the Senator from South Carolina would answer that the same rule applies with regard to cases tried in the court of common pleas, as we call it in our State, or in civil court, as it is commonly known.

Mr. CURTIS. I might say to the distinguished Senator that in the State of Nebraska there is a provision whereby five-sixths of the jury can bring in a verdict in a civil case, but even that is far from majority action.

I ask the distinguished Senator, about this practice of requiring unanimous decisions of juries, or nearly so, if that were abolished it would probably save time for the courts, would it not?

Mr. THURMOND. In response to the distinguished Senator's question, Mr. President, I would answer "Yes," it probably would save time.

Mr. CURTIS. And if we measured efficiency, not on the scales of justice, but merely on how quickly we could dispose of public matters, then in that sense it might be said that that would make for more efficient court procedure; is that right?

Mr. THURMOND. I would agree with the Senator from Nebraska that that could be argued, yes, that it would save time. But in the end, the question is, Does it promote justice? And that is the point that the Senator from Nebraska is making so ably.

Mr. CURTIS. In other words, it is not true that the rule of the Senate requiring a two-thirds majority to bring debate to a close stands out like a sore thumb and is contrary to everything in our American tradition, is it?

Mr. THURMOND. In response to the distinguished Senator's question, I would say that the rules of the Senate protecting a minority by not allowing a majority to run roughshod over them is in consonance with our entire form of government. It is at the very bedrock and grassroots of our Government. As I said a few minutes ago, the Constitution repeats time after time instances where a majority cannot act. For instance, to expel a Member, to pass legislation over a Presidential veto, and I could go on and repeat those I have mentioned earlier in my address today.

The idea, as I have concluded from studying the history of this Government, was to set up a form of government in which the majority would not run roughshod over a minority. Otherwise, it would be a pure democracy, which to me is abhorrent. Therefore, our forefathers established a republican form of government, where minorities could be protected, not only in the passage of legislation by Congress, but also in the judicial system and the courts of this country.

Mr. CURTIS. I ask the distinguished Senator if a majority of U.S. Senators can ratify a treaty.

Mr. THURMOND. In response to the question of the able Senator from Nebraska, I would answer no, a majority of the Members sitting in this body cannot ratify a treaty. Two-thirds of those present and voting are required to ratify a treaty, showing again that a majority is not permitted to act in certain cases, and this is one of those cases, outlined in the Constitution, where it specifies that there must be two-thirds of those present and voting to act favorably on a treaty.

Mr. CURTIS. I ask my distinguished friend if a majority of the States of the Union, by their act of ratification of an amendment to the Constitution—can they ratify an amendment to the Constitution submitted to them?

Mr. THURMOND. Mr. President, in response to the question of the able and distinguished Senator from Nebraska, the Senator from South Carolina will say that not only can a majority not submit a constitutional amendment, but also, a majority of the States cannot ratify a constitutional amendment. Two-thirds of not one body of Congress but both bodies of Congress are required to propose an amendment to the States. If two-thirds of both bodies propose an amendment to the States, three-fourths of the States are required then to ratify such an amendment, showing again the importance of not allowing a majority to control a situation.

When the forefathers wrote the Constitution, they wanted to be sure that the rights of the individual were protected. They wanted to be sure that the rights of the States were protected.

Therefore, when anyone offers a constitutional amendment in the Congress of the United States, he knows that he must get two-thirds of those voting in the House to adopt it and two-thirds of those voting in the Senate to adopt it, before this amendment can even be proposed to the States. Once it goes to the States, three-fourths—not a majority, not even two-thirds can do it, but three-fourths—of the States are required to ratify a constitutional amendment.

Mr. CURTIS. I should like to ask the distinguished Senator this question: If we were to have a system whereby a majority of each of the two Houses could submit to the States a constitutional amendment and the States could cause that amendment to be a part of our Constitution upon ratification by a majority of the States, would that speed up the progress of amending the Constitution? I am directing my question just to the time element.

Mr. THURMOND. Mr. President, in response to the question of the able Senator from Nebraska, the Senator from South Carolina will say that if a mere majority could propose a constitutional amendment in Congress, and a mere majority of the States could ratify such an amendment of Congress, undoubtedly it would speed up the process of getting the Constitution amended.

Mr. CURTIS. Does the distinguished Senator believe, then, that the mere saving of time is or should be the primary objective in reference to actions that vitally affect our form of government and vitally affect the rights of our citizens?

Mr. THURMOND. Mr. President, in response to the question of the able Senator from Nebraska, the Senator from South Carolina would say that even though time might sometimes be saved in allowing a majority to pass legislation through Congress or a majority of the States to ratify amendments, it is his opinion that this would practically nullify and destroy the safeguards which our forefathers attempted to imbed in the Constitution as some of the most cardinal principles contained in the Constitution.

Yes, save a little time. And, frequently, people who are for legislation here or for amendments and have a noble purpose in mind do not want to take the time that a constitutional amendment would require; because in order to get a constitutional amendment passed, by having to get two-thirds of both bodies of Congress to approve and three-fourths of the States to act favorably, it makes the individual proposing the legislation and those who are acting upon the legislation stop, look, and listen.

I think that was the purpose of our forefathers, who embodied these principles in the Constitution, to say, "We have thought over this Constitution well; we have spent weeks and weeks working on this Constitution; we have endeavored here to come up with an instrument to protect the rights of the individual—the people, so to speak—and the rights of the States; and now we are not going to allow it to be amended lightly, in a very quick manner, even though it does save time." The purpose there is to take time. The very purpose was to do the opposite from saving time. The purpose was to take time, so that the great issues of the day, the issue of amending the Constitution, which is so important a document in our form of government, should take time.

To take away the right of Senators to debate and to set down a large segment of the Senate and stop them from debating the issues of the day and informing the public, bringing facts to the attention

of the public, so that public opinion could crystallize and form on these issues, would destroy the very bedrock of the Constitution.

Mr. CURTIS. I should like to ask the distinguished Senator another question. Is it impossible for the Senate to vote to end debate under the present cloture rule?

Mr. THURMOND. Mr. President, in response to the question of the able Senator from Nebraska, the Senator from South Carolina would respond by saying that, in his opinion, no important piece of legislation has ever been stopped in Congress because of the cloture rule.

As I quoted the Senator from New York (Mr. JAVITS) a few moments ago, he has said that when the Senate is ready to act, the Senate will act, in spite of cloture. So if there is enough sentiment in the Senate to pass a piece of legislation—and there certainly will be and ought to be enough if the legislation is important enough—the Senate will act, and it has the power to act. But it should not act unless at least two-thirds of the Members of this body are in favor of that point of view. Otherwise, a large segment of the country could be cut off and not allowed to be heard until all the facts are presented to the Senate and to the Nation.

Mr. CURTIS. As a matter of fact, has not cloture been voted on several occasions in recent years?

Mr. THURMOND. Mr. President, in response to the question of the able Senator from Nebraska, the Senator from South Carolina would say that cloture has been voted time and again. In my speech, I have given instances and years in which it was acted upon favorably. There is no question that cloture can be applied if the Senate is of the mind to do it, under the present rule. If the Senate is not of the mind to do it under the present rule, in the humble judgment of the Senator from South Carolina, it would be a mistake to do it, because we cannot afford to go back to majority rule.

I feel that the effort now is to bring us to majority rule, which would be similar to the situation in the House of Representatives. Then we would destroy the Senate as a great deliberative body. Effort after effort is made to chip off, chip off, and weaken this great deliberative body. If the Senate should now apply cloture and we should amend the rule and allow three-fifths of the Senators to stop debate, the next step would be to weaken it still more, until finally we get to majority rule, which would be a great mistake.

Mr. CURTIS. I should like to ask the distinguished Senator from South Carolina if, in his opinion, even though ultimately the Senate may have invoked cloture, the existence of the unlimited debate practice in the Senate, unlimited as near as it is, if this has resulted in preventing the Senate from passing unwise legislation?

Mr. THURMOND. In answer to the distinguished Senator from Nebraska, the Senator from South Carolina feels that the present rule we now call unlimited debate, which is really not unlimited, because two-thirds of Senators can stop debate at any time, is a safe procedure to follow, is a safe course to follow. But when we begin to chip off the rule and finally come to majority rule—that is what the effort now is—to go to three-fifths now, another day we will go still further, and another day we will go to a majority.

I repeat, the Senator from South Carolina asserts that no important piece of legislation has ever failed to pass the Senate because of the present cloture rule. In my opinion, no important piece of legislation will fail to pass the Senate in the future because of the present rule. But we must allow the Nation to be heard and to be heard through its representatives here in the Senate. We must allow the minority to express itself and to express itself fully and then, if the Senate wishes to stop debate, it can do so by two-thirds of Senators applying the cloture rule, as has been done in many instances in the past.

Mr. CURTIS. Would the distinguished Senator agree with me that if it had not been for the right of extended debate in the last Congress, very likely there would have been submitted to the States a constitutional amendment that would have permitted the election of a President by as small as a 40-percent majority vote of the people.

Mr. THURMOND. In response to the distinguished Senator's question, the Senator from South Carolina would say that probably that would and could have happened there.

Mr. CURTIS. Would the distinguished Senator agree with me that had it not been for the right of extended debate in the last Congress, it could well have happened that there would have been submitted to the States for ratification a constitutional amendment that would have required, in the absence of a candidate for President, getting the required number of votes, and that there be held a second national election in order to choose a President. Is that not right?

Mr. THURMOND. In response to the question of the distinguished Senator from Nebraska, the Senator from South Carolina agrees with the statement the Senator has made, and feels that such a proposal which could have been submitted to the people of this Nation, in his opinion, would have been a very unwise proposal.

Mr. CURTIS. I thank the distinguished Senator for yielding to me. I feel so strongly about this. Under the guise of electoral reform, a provision was advanced and might have passed which could have produced chaos not only in this country but also in the world. We might have had a situation where we would have had to go through a costly second national election, taking months and months, while the people of this country and around the world wondered who would head our Government.

We were saved from that error because it was debated until that error was exposed.

Again I thank the distinguished Senate for yielding to me and I commend him on his very knowledgeable speech, one that does credit to the Senate.

Mr. THURMOND. Mr. President, I wish to thank the able and distinguished Senator from Nebraska—who is one of the most knowledgeable men in this body on the Constitution of the United States, who has served here for many long years, faithfully and ably, and is a credit to his State—for bringing out the points he has today in this debate.

Now, Mr. President, although I intend to discuss this particular point at more length later, there is one aspect of the problem which I feel needs discussing at this time.

I hardly see how intelligent men can study the rules, procedures and precedents of the Senate without arriving at the conclusion that the Senate was intended to be and is a continuing body and that its rules carry over from one session to the next. In recent days the proponents of majority cloture have taken obviously inconsistent positions on this question. Insofar as they have deemed it to be to their own benefit they have decided that certain rules of the Senate are in effect but that the rules with which they disagree have yet to be adopted under the pertinent provision of the Constitution. This absurd proposal must not go unchallenged.

Article 1, section 3, of the Constitution provides for election of one-third of the Senate every 2 years. This provision is in direct contrast to that in the Constitution which requires biennial election of all House Members. Ever since the Senate organized for the first time in 1789, there has always been more than a majority of sitting Senators. Article 1, section 5, of the Constitution provides that—

> A majority of each shall constitute a quorum to do business.

Thus the Senate has always been able to carry on the business of the Senate since it has always had a quorum as required under the Constitution. The Senate also has responsibility for certain executive functions, as well as legislative functions. This attests to the fact that the Senate is a continuing body.

The Federalist Papers, which are the most authoritative interpretation of the Constitution, bear out this conclusion. In discussing the role of the Senate, the Federalist No. 62 says:

> It ought, moreover, to possess great firmness, and consequently ought to hold its authority by a tenure of considerable duration.

In the Federalist No. 63 the author states that—

> It is sufficiently difficult, to preserve personal responsibility in the members of a numerous body, for such acts of the body as have an immediate, detached and palpable operation on its constituents.
>
> The proper remedy for this defect must be an additional body in the legislative department, which having sufficient permanency to provide for such objects as require a con-

tinued attention, and a train of measures, may be justly and effectually answerable for the attainment of those objects.

The Senate, as an institution, settled all questions as to its continuing status when it adopted rule XXXII. The proponents of majority cloture will have to accept the existence of this and all other rules of the Senate if they will accept any portion of the rules. It is impossible for them to point to selective parts of the Senate rules and say "These we will accept, but to these others we deny any essence of validity." I believe that by their very actions they have evidenced their belief in the continuing nature of the Senate and in the fact that the Senate rules do carry over from session to session, thereby guaranteeing orderly procedure.

This is a proposition not unlike that which would arise if an individuality, upon being appointed or elected to an important position, decided to accept the perquisites of the office but to reject the attendant responsibilities. This just cannot be done, Mr. President, as all Members of the Senate well know. The opponents of free debate cannot establish their own set of rules and expect undeviating adherence to them by the Members of this body. By attempting to do so they cast a reflection upon themselves and upon the Senate. The ground rules of this encounter are already well established and it is imperative that they be strictly adhered to, not just in part, but in toto.

If the Senate were not operating under rules at the present time, the confusion which would exist is beyond the imagination of ordinary men. The emergencies of the country, both domestic and foreign, would have to run their course while we of the Senate wrangled in an attempt to extricate ourselves from a self-made jungle of parliamentry confusion.

Nor would that be the end. Should we so abandon order for confusion, a precedent would be set for future Congresses, many of which would then want to assert their independence and draft their own rules. Each group could flex its muscles and determine its gain or loss of strength among new Members. It is conceivable to me that eventually the first year of each session would have to be set aside for the Senate to make its rules under which to act on substantive matters during the second year of the session. It may be said that this is the wildest sort of speculation—and it is. That is just the point. We are asked to sacrifice the traditionally orderly procedure of the Senate for something as to the nature of which we can only speculate; and I may add that the only guide that is offered to limit our speculation is our individual imagination.

I sincerely hope and trust that the Senate has not degenerated to the point at which it will, at one grand sweep, shatter the cornerstone of its existence. It deserves a better fate than strangulation in a pariamentary jungle of its own making.

TEN SUGGESTIONS TO SENATORS

Mr. BYRD of West Virginia. Mr. President, the leadership has prepared a memorandum entitled "Ten Suggestions to Senators."

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

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

TEN SUGGESTIONS TO SENATORS

1. Please do not seek unanimous consent for additional time beyond the 3 minutes allotted during morning business.

2. Speeches up to 15 minutes in length may be arranged for the first part of the day if Leadership is notified during the previous day's session. The Senate will come in early to accommodate a Senator who wants to make such a speech. The Senate will come in early for colloquies of longer duration than 15 minutes if the Leadership is notified during previous day's session. Please contact the Leadership on the Floor or have your staff call Extension 53735 for an allocation of time. Please keep length of speeches and colloquies within the time requested by you.

3. Speeches of more than 15 minutes duration should be made toward the late afternoon.

4. Please observe the Pastore Rule concerning germaneness. It runs for 3 hours following "the conclusion of the morning hour or after the unfinished business or pending business has first been laid before the Senate on any calendar day." (Rule VIII.)

5. Please use your microphone. This will help the visitors in the galleries to better understand what is being said.

6. In debate, the rules prohibit addressing another Senator in the second person. He must be addressed in the third person.

7. No Senator shall introduce to or bring to the attention of the Senate during its sessions any occupant in the Senate galleries.

8. When presiding, remember that it shall be the "duty of the chair to enforce order on his own initiative and without any point of order being made by a Senator." (Rule XIX.)

9. Clerks to Senators are allowed the privilege of the Floor only "when in the actual discharge of their official duties." (Rule XXXIII.) A special gallery is set aside to accommodate Senators' staff members.

10. Twenty minutes is the maximum allotted for a yea and nay vote. A warning bell will ring at the end of 15 minutes to indicate that the vote will be announced 5 minutes hence.

With appreciation from the Leadership.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 o'clock a.m., following a recess.

Following the approval of the Journal, if there is no objection, and the recognition of the two leaders under the standing order previously entered, there will be a period for the transaction of routine morning business not to exceed 15 minutes, with statements limited therein to 3 minutes.

Immediately thereafter, the able Senator from Arkansas (Mr. MCCLELLAN) will be recognized for not to exceed 15 minutes; to be followed by the able Senator from Maryland (Mr. MATHIAS) for not to exceed 15 minutes; to be followed by the able Senator from Illinois (Mr. PERCY) who will be recognized for a period not to extend beyond 12 o'clock meridian.

The operation of rule XXII, under the previous order, will be suspended until 12 o'clock meridian on tomorrow. The 1 hour for debate under the rule, on tomorrow, beginning at 12 o'clock meridian, and ending at 1 o'clock p.m., will be equally divided between the able Senator from Idaho (Mr. CHURCH) and the equally able Senator from North Carolina (Mr. ERVIN).

Under rule XXII, at the close of the hour a quorum call is mandatory. When the Chair has ascertained the presence of a quorum then, under the rule, a yea-and-nay vote on the motion to invoke cloture is mandatory. Therefore, a vote by rollcall on the motion to invoke cloture will occur at circa 1:15 p.m. tomorrow.

RECESS UNTIL 11 A.M.

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 recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 8 minutes p.m.) the Senate recessed until tomorrow, Tuesday, February 23, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate, February 22 (legislative day of February 17), 1971:

NATIONAL TRANSPORTATION SAFETY BOARD

John H. Reed, of Maine, to be a member of the National Transportation Safety Board for the term expiring December 31, 1975 (reappointment).

U.S. PATENT OFFICE

Rene Desloge Tegtmeyer, of Virginia, to be an Assistant Commissioner of Patents, vice John Henry Schneider.

SUBVERSIVE ACTIVITIES CONTROL BOARD

Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board for the term expiring August 9, 1975 (reappointment).

CONFIRMATION

Executive nomination confirmed by the Senate February 22 (legislative day of February 17), 1971:

UPPER GREAT LAKES REGIONAL COMMISSION

Thomas F. Schweigert, of Michigan, to be Federal Cochairman of the Upper Great Lakes Regional Commission.