

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
FIRST SESSION

VOLUME 115—PART 18

AUGUST 13, 1969, TO SEPTEMBER 10, 1969

(PAGES 23659 TO 25124)

SEC. 2. (a) The table of chapters at the beginning of the Truth in Lending Act is amended by adding at the end thereof the following:

"4. Credit reporting agencies ----- 161".

(b) The caption at the beginning of the Truth in Lending Act is amended to read as follows:

"TITLE I—TRUTH IN LENDING"

(c) Section 103(a) of the Truth in Lending Act is amended by striking out "The" and inserting in lieu thereof "Except as otherwise specifically provided, the".

(d) The first sentence of section 105 of the Truth in Lending Act is amended by inserting before the period the following: "except for chapter 4".

ADDITIONAL COSPONSORS OF BILLS

S. 60

Mr. SCOTT. Mr. President, on behalf of the Senator from Delaware (Mr. BOGGS) I ask unanimous consent that, at the next printing, the name of the Senator from California (Mr. MURPHY) be added as a cosponsor of S. 60, to create a catalog of Federal assistance programs, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 1362

Mr. SCOTT. Mr. President, on behalf of the Senator from Delaware (Mr. BOGGS) I ask unanimous consent that, at the next printing, the names of the Senator from Massachusetts (Mr. BROOKE), the Senator from Maine (Mr. MUSKIE), and the Senator from Indiana (Mr. BAYH) be added as cosponsors of S. 1362 to provide Federal financial assistance to Opportunities Industrialization Centers.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2636

Mr. SCOTT. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of S. 2636, to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2609, S. 2610, AND S. 2611

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. BAYH) I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maine (Mr. MUSKIE), be added as cosponsors of S. 2609, to increase the participation of small business concerns in the construction industry; and S. 2610, to amend section 3 of the Housing and Urban Development Act of 1968; and of S. 2611, to amend the act of Act of August 24, 1935—commonly referred to as the "Miller Act"—to exempt construction contracts not exceeding \$20,000 in amount from the bonding requirements of such act.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2701

Mr. SCOTT. Mr. President, on behalf of the Senator from South Dakota (Mr. MUNDT) I ask unanimous consent that, at the next printing, the names of the Senator from Wyoming (Mr. HANSEN) and the Senator from Tennessee (Mr. BAKER) be added as cosponsors of S. 2701, to establish a Commission on Population Growth and the American Future.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE RESOLUTION 255—RESOLUTION RELATIVE TO EXPENSES INCURRED BY THE COMMITTEE APPOINTED TO ARRANGE FOR AND ATTEND THE FUNERAL OF HON. EVERETT MCKINLEY DIRKSEN, LATE A SENATOR FROM THE STATE OF ILLINOIS

Mr. PERCY submitted a resolution (S. Res. 255) relative to the expenses incurred by the committee appointed to arrange for and attend the funeral of the Honorable Everett McKinley Dirksen, late a Senator from the State of Illinois, which was considered and agreed to.

(The remarks of Mr. PERCY when he submitted the resolution appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF RESOLUTION

S. RES. 243

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. BAYH) I ask unanimous consent that, at the next printing, the names of the Senator from Utah (Mr. BENNETT), the Senator from Nevada (Mr. BIBLE), the Senator from Kentucky (Mr. COOPER), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Oregon (Mr. PACKWOOD), the Senator from Rhode Island (Mr. PELL), the Senator from Vermont (Mr. PROUTY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from North Dakota (Mr. YOUNG), be added as cosponsors of Senate Resolution 243, to make it the sense of the Senate that the President should request the United Nations to take such steps as may be appropriate to bring about compliance by the Government of North Vietnam with its obligations under the Geneva Convention of August 12, 1949, relative to the treatment of prisoners of war.

The VICE PRESIDENT. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH—AMENDMENT

AMENDMENT NO. 146

Mr. MONDALE. Mr. President, on August 12, 1969, I submitted for myself and the Senator from New Jersey (Mr. CASE) amendment No. 136 to S. 2546, relating to the nuclear aircraft carrier designated as "CVAN-69." That amendment would delay authorization of funds for the carrier until the Comptroller General has submitted to the Congress a comprehensive study of the issues connected with the size and composition of our aircraft carrier force.

The Comptroller General has advised us that a number of the questions covered by the amendment go beyond the capacity of the General Accounting Office staff to study independently. However, he has indicated that he could, even in those cases, provide assistance to the Congress in reviewing and summarizing studies made by the executive branch.

It was, of course, our intention in submitting the amendment initially that the Congress would make the final judgment on the questions raised by it. Accordingly, and in light of the Comptroller General's advice, we have modified the amendment to:

First, make clear that the study called for by the amendment is to be made by the Congress;

Second, provide for a report by the Comptroller General to the Congress on those questions which he has said his Office is fully competent to handle; and

Third, provide for the Comptroller General to furnish to the Congress summaries of relevant studies made by the executive branch of the other questions raised by the amendment.

The distinguished chairman of the Armed Services Committee (Mr. STENNIS) has pointed out that the original amendment would bar further expenditures for CVAN-69's long lead-time items already obligated under fiscal year 1969 appropriations. That was not our intention, and I thank the Senator for calling this to our attention. We have also revised the amendment to avoid this effect.

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

The VICE PRESIDENT. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 146) is as follows:

S. 2546

On page 2, line 16, strike out "2,568,200,000;" and insert in lieu thereof "2,191,100,000;"

At the end of the bill add a new section as follows:

"Sec. 402. (a) None of the funds authorized to be appropriated by this Act may be expended in connection with the production or procurement of the nuclear aircraft carrier designated as CVAN-69; and no funds may be appropriated for any such purpose until after the Congress has completed a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. Such study and investigation shall, among other things, consider—

"1. What are the primary limited war missions of the attack carrier; what role, if any, does it have in strategic nuclear planning;

"2. To what extent and in what way is the force-level of on-station and back-up carriers related to potential targets and the number of sorties needed to destroy these targets;

"3. What is the justification for maintaining on continual deployment 2 carriers in the Mediterranean and from 3 to 5 in the Western Pacific;

"4. What is the over-all attack carrier force level needed to carry out these primary missions;

"5. Does the present 'one for one' replacement policy for these carriers have the effect of maintaining or increasing this force level, in light of the fact that the newer carriers and their aircraft are more expensive and have far more capability than the older carriers which they are now replacing;

"6. Would a policy of replacing two of the oldest carriers with one modern carrier maintain a constant force level;

"7. How many, if any, attack carriers and carrier task forces are needed to back-up a carrier task force 'on-the-line';

"8. What efficiencies, such as the Polaris 'blue and gold' crew concept, can be utilized to increase the time in which a carrier can stay 'on-the-line';

"9. What type of military threats are faced by the attack carrier; what proportion of the costs of a carrier task force are allocated to carrier defense; what is the estimated effectiveness of carrier defense against various types and levels of threats;

"10. To what extent does the carrier's vulnerability affect its capacity to carry out its missions; what are the plausible contingencies in which carriers may be committed;

"11. What type of resources should be devoted to carrier defense, considering the range of threats, the costs and effectiveness of the defense, and the plausible contingencies in which a carrier can be effectively used;

"12. To what extent can land-based tactical air power substitute for attack carriers; to what extent should the role of the attack carrier be restricted to the initial stages of a conflict;

"13. What are the comparative systems costs for land-based and sea-based tactical air power;

"14. What is the comparative cost effectiveness of land-based and sea-based tactical air power;

"15. How is the attack carrier being used in support of American foreign policy; if there is a need for a 'show of force' in support of foreign policy commitments, can this need be met by smaller carriers or other types of ships?

"(b) In order to assist the Congress in carrying out such study and investigation, the Comptroller General of the United States shall review and make a report to the Congress on items numbered '8' and '13' in subsection '(a)', above. He shall also review any studies which have been made, or may be made, by the Executive Branch which relate to the other items listed in subsection '(a)', above. He shall provide summaries of such studies, together with any appropriate com-

ments or questions, to the Congress. The report and summaries provided for by this subsection shall be furnished to the Congress not later than April 30, 1970."

CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENTS

AMENDMENTS NOS. 147 THROUGH 151

Mr. MONDALE. Mr. President, I submit five amendments to S. 1809, the bill introduced by the Senator from Wisconsin (Mr. NELSON), providing continuing authorization for the Economic Opportunity Act programs. These amendments are designed to eliminate the Governor's veto over legal services programs, to modify the criminal representation provisions in the present act, to reduce the local share of funding which must be provided through each legal services program, to increase the maximum salary limitations for staff attorneys, and to prevent delegation of the Office of Economic Opportunity's legal services to any other existing Federal agency.

I ask unanimous consent that the text of the amendments be printed in the RECORD at this point in my remarks.

The VICE PRESIDENT. The amendments will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 147 through 151), submitted by Mr. MONDALE, are as follows:

AMENDMENT No. 147

SEC. 10. Section 242 of the Economic Opportunity Act of 1964 is amended by deleting the last period of said section, and adding the following additional language to the present section: "or to any program funded under section 222(a) of this title."

AMENDMENT No. 148

SEC. 10. The last sentence of Section 222 (a) (3) of the Economic Opportunity Act of 1964 is amended by striking out "in extraordinary circumstances".

AMENDMENT No. 149

SEC. 10. The first sentence of Section 225 (c) of the Economic Opportunity Act of 1964 is amended by striking "for the period ending June 30, 1967," and "and thereafter shall not exceed 80 per centum of such costs." and adding a period at the end of the new sentence.

AMENDMENT No. 150

SEC. 10. Section 244(2) of the Economic Opportunity Act of 1964 is amended by changing the last period of the present section to a semi-colon, and thereafter adding the following: "provided that, the Director of the 'Legal Services' program may, at his discretion, fix the compensation, paid to attorneys in said program and provided by financial assistance given under this title, at levels above \$15,000, with a schedule of compensation competitive in the national market for legal personnel."

AMENDMENT No. 151

SEC. 10. The authority of Section 602(d) of the Economic Opportunity Act of 1964 shall not apply to the legal services program authorized under Title IX of such Act. The Director shall not delegate the program authorized under such Title IX to any other existing Federal agency.

Mr. MONDALE. Mr. President, the Governor's veto provision applies to the title II community action programs which include legal services. Although the Director of OEO has the statutory authority to override a Governor's veto, practical political pressures may make an override impossible. My amendment would eliminate Governor vetoes over legal services programs.

Exercise of the Governor's veto, or its threatened exercise, tends to interfere with the traditional attorney-client relationship and with right of access to the courts because political pressure may influence which clients or types of cases are taken by a local legal services program. Political interference becomes conflict of interest when the Governor holds veto power over a legal services program which may sue the State.

A recent New York Times article details the fear of California Rural Legal Services attorneys that California Gov. Ronald Reagan will veto the country's most effective OEO legal services program. A CRLA suit last year blocked Governor Reagan's attempt to drop 160,000 indigent people from Medi-Cal, the California version of Medicaid. I ask unanimous consent that an article entitled "Poverty Lawyers Make Coast Gains" from the Sunday, September 5, New York Times, be printed in the RECORD at this point in my remarks.

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

POVERTY LAWYERS MAKE COAST GAINS (By Steven Roberts)

LOS ANGELES, Sept. 5.—A local legal services program, which government lawyers said last week was subjected to political pressures, has won an important series of lawsuits against the state of California and some strong supporters of Gov. Ronald Reagan.

California Rural Legal Assistance, as the program is called, has handled 35,000 cases for poverty stricken clients in three years and has won 85 per cent of them. Their repeated successes have evoked angry protests from the Governor, Senator George Murphy, several Congressmen and the state's powerful agricultural establishment.

So it was not surprising to local observers that, when 100 Government lawyers expressed concern two weeks ago about political pressures against the nation's legal services program, they specifically mentioned the California agency.

Last year, Governor Reagan threatened to veto a \$1.5 million . . . California Rural Legal Assistance, which is financed through the Office of Economic Opportunity in Washington. But he backed down after the Federal Government said it would override his veto.

A POLITICAL ISSUE

This year, however, under the Nixon Administration, lawyers for California Rural Legal Assistance are afraid that they will not receive the same support from Washington for their efforts on behalf of the poor.

Their fears are enhanced by the fact that Governor Reagan is preparing to run for another term in 1970. They say he could try to make the legal services program a political issue.

Terry F. Lenzner, the national director of legal services, was in California this week, assuring anti-poverty lawyers that they would receive support from Washington. But officials of the local group remain wary.

"Any time a program is subject to political considerations, rather than merit, you have