SENATE

THURSDAY, JUNE 23, 1966

The Senate met at 11 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Lord our God, whose love is so gracious and tender that it passeth understanding, we bow before Thee in gratitude at the remembrance of Thy mercies. Bring us, we beseech Thee, into the quiet sanctuary of Thy presence that we may be still and know that Thou art God.

In spite of all the evil that stalks the earth with shackles and chains, we thank Thee for human kindness, for hope that shines undimmed, for faith that is dauntless, and for all the qualities of high personality that cannot be bought. Let Thy beauty, O Lord, be upon us, that our spirits may be radiant as in Thy strength we face the perplexities of these troubled days. Use us, we pray Thee, as ambassadors of good will. At the end, without stumbling or stain, strengthen our arms as in all the world we fight for righteousness and justice and truth.

We ask it in the name of that One who is the life and truth and the way. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, June 22, 1966, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting nominations, was communicated to the Senate by Mr. Jones, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 12270) to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the 12th Boy Scouts World Jamboree and 21st Boy Scouts World Conference to be held in the United States of America in 1967, and for other purposes.

The message also announced that the House had passed a bill (H.R. 15119) to extend and improve the Federal-State unemployment compensation program, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 1582. An act to remove a restriction on certain real property heretofore conveyed to the State of California;

H.R. 3438. An act to amend the Bankruptcy Act with respect to limiting the priority and nondischargeability of taxes in bankruptcy;

H.R. 7371. An act to amend the Bank Holding Company Act of 1956; and

H.R. 10721. An act to amend the Federal Employees' Compensation Act to improve its benefits, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 15119) to extend and improve the Federal-State unemployment compensation program, was read twice by its title and referred to the Committee on Finance.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the speech to be delivered by the distinguished junior Senator from Michigan [Mr. GRIFFIN], which I understand is not to exceed 45 minutes, there be a period for the transaction of routine morning business, with statements to be limited to 3 minutes.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, once again I wish to state that after the Senate disposes of the metal and nonmetallic mine safety bill, which will be the pending business at the conclusion of the morning hour, it is our intention to take up tomorrow the Traffic Safety Act. I urge all Senators to be in the city and available for attendance in the Chamber, because there may be amendments to be voted on.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Michigan.

(At this point Mr. MCGEE assumed the chair as the Presiding Officer.)

UNITED STATES ECONOMIC ASSISTANCE TO VIETNAM

Mr. GRIFFIN. Mr. President, I rise to make my first speech in this Chamber, at an hour of testing in the history of the Republic.

Ten thousand miles from this Chamber, on the other side of our planet, more than 300,000 young Americans are engaged in fighting an enemy who is everywhere and nowhere—an enemy who walks barefoot through the rice paddies of the Mekong Delta and rides through the streets of Saigon on a bicycle carrying a bomb.

Mr. President, I served 14 months overseas during World War II, and I do not claim to be a military expert. Recently, I spent 5 days, from May 9 to May 14, in Vietnam as a member of the House Subcommittee on Foreign Operations and Government Information, studying the commodity import program of the U.S. Agency for International Development. I do not come back and profess to be an expert on all the problems of Vietnam. During my visit in Vietnam, I had an opportunity to meet and engage in discussions with our top military, political, and economic representatives, with our soldiers in the field, and with the Vietnamese people themselves.

With all humility, I offer some assessments and conclusions. I earnestly hope that they will contribute to a better understanding of the problems we face in Vietnam. For one need not be an expert to realize that in Vietnam we are confronted with a new and terrible kind of war—terrorism that makes pawns of the innocent, and severely tests the morale, the loyalty, and the steadfastness of the civilian population.

In Vietnam the economic and political know-how of the 20th century is struggling to bring nationhood out of subversion, and some order out of chaos.

Whether South Vietnam, with the military and economic help of the United States, will be able to survive this ordeal, no one can predict with certainty. Militarily speaking, I believe we can see some light at the end of the tunnel; however, the possibility continues that the tunnel may cave in before we reach the end.

THE CHALLENGE OF COMMUNIST TERROR

I should like to suggest that two wars are raging in Vietnam today: one is the war to defeat the Communist Vietcong in the countryside and in the villages of the south and to repel overt aggression from the north; the other is the war to win the people, so that they can create a viable political, social, and economic order—in short, so that they can build a nation.

South Vietnam is a relatively small country. Its trained leaders are even fewer in relation to its size. Yet, in a period of 2 years, more than 600 village headmen and civil servants were killed by the Communist Vietcong, and over 1,400 kidnaped. Imagine the sense of terror which would pervade America if every good mayor and every good public servant in the United States risked death or kidnaping at the hands of Communist gangsters. Yet, this is the situation in South Vietnam.

In its total context, the war in Vietnam cannot, and will not, be won merely by dropping bombs or by taking over Vietcong territory. In the final analysis, to win this total effort, a nation must be rebuilt out of the chaos, confusion, and corruption left in the wake of 25 years of continuous strife and conflict. To succeed, we must be as skillful and ingenious with the tools of nation building as our fighting men are skillful and ingenious with the weapons of battle.

No matter how many military engagements are won by American soldiers, the war will surely be lost if our civilian personnel fail in their education, health, and economic programs—in the nation building aspects of the total effort. And,

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every shortcoming and failure in our economic assistance and development program serve only to prolong the war.

THE WEAKEST LINK

In my judgment, based on my recent visit to Vietnam, the weakest link in U.S. activities is, inexcusably, the economic one. I am very much disturbed to report that our largest economic assistance program in Vietnam has not been well handled. As a result of serious mismanagement and ineffective controls, U.S. import subsidies have brought boom to the black markets of Saigon; they have made the rich richer and the poor poorer; and they have indirectly routed American supplies into the hands of the Communist Vietcong.

The program to which I refer is the commodity import program. Through it the U.S. Agency for International Development—AID—provides indirect budget support for financing the importation into Vietnam of capital goods, raw materials and consumer goods.

Over the years, the commodity import program has grown to the point where it represents the major portion of our foreign aid package in Vietnam. For the current fiscal year, approximately $370 million has been budgeted for the commodity import program in Vietnam—well over half of our total economic aid commitment to that country. Unfortunately, the rapid expansion of this program, which has resulted in an almost unmanageable influx of commodities, has not been accompanied by an equivalent expansion in the number of competent AID administrators, or in the system of controls.

The commodity import program was originally designed, first, to shore up the Vietnamese Government's foreign currency reserves by cutting down on their foreign expenditures; second, to provide additional government revenues to balance their budget; and third, and most important, to help combat inflation in Vietnam.

This well-intentioned but, unfortunately, not well-administered program works something like this:

First. The Saigon Government maintains a list of approved importers in Vietnam. A firm or individual on the list has a tremendous opportunity for realizing profit, licit and illicit.

Second. Only approved importers are eligible to apply for a license to import particular goods. Yet our AID officials have paid little or no attention to the list of approved importers, or to the granting of import licenses. There has been no reliable system of checking on the backgrounds, honesty, loyalties or secret connections of the import applicants. Administration of the import licensing system has been left almost entirely to Vietnamese officials. Although licenses are supposed to be issued without charge, it is common knowledge in Saigon that an "under the table" payment to the appropriate local official is "part of the game."

Third. By using his privileged authority, a Vietnamese importer can obtain an import license—say, for the import of $10,000 worth of cement—by paying the Vietnamese Government in local currency at the "pegged" bargain rate of 60 piasters to $1. I am speaking here of the period prior to last week's devaluation of the piaster. The exporter, who may be in the United States or a third country, is paid by the U.S. Government in dollars.

Fourth. Upon obtaining the imported goods, the importer remains virtually unchecked—at least, this has been the case in the past—in his methods of disposal. He can—and often does—sell the goods on the Saigon black market where the going exchange rate has ranged between 160 and 180 piasters to the dollar. The spread between the official rate and the "down on the corner" exchange rate insures a real windfall profit for the importer. He can nearly triple his original investment in piasters.

But he need not stop there. Other avenues for profiteering have been open to the resourceful importer.

By working through a "cooperative" foreign sales agent, the importer can arrange for the seller to make a kickback to him on a part of the sales price. Overstatement of invoice prices, short shipments, or shipment of inferior goods are other devices for realizing profits from a generous Uncle Sam. Kick-back payments may actually go to the importer in Saigon through a sales representative, or they may take the form of a transfer of funds between foreign banks.

A large percentage of the goods brought into Vietnam under the commodity import program are supposed to be purchased from the United States. But if Uncle Sam is paying no attention, shipping documents can easily be falsified as to the country of origin. This makes it simpler to get dollars into French or Swiss banks.

In a recent series of syndicated columns on the profiteering in Vietnam, economics consultant Eliot Janeway has written:

> The business of latching on to war dollars has grown into the only really big business there (in Vietnam). . . . Of the $600 million outflow to Vietnam, nearly half (roughly 20 percent of our worrisome [balance of] payments deficit) goes right back to France as ammunition for her war against the dollar. Back when the French were paying for their own war in Vietnam, they complained against the profiteering there which created a vested interest in keeping troops bogged down in Vietnam.

DIVERSION OF U.S.-FINANCED IMPORTS TO THE ENEMY

Profiteering by unscrupulous importers and, in some cases, exporters is not the only shocking example of laxity of control over the administration of the commodity import program. Expansion of the program at a faster rate than AID could recruit qualified administrators has apparently resulted in the most outrageous attack upon the taxpayers' dollars yet—the diversion of the U.S.-financed imports to the enemy and the smuggling of supplies out of Vietnam for resale in other areas.

For example, on May 9 the New York Times reported:

> The possibility that United States taxpayers may indirectly be financing the Viet Cong through the import program is a continuing headache to AID officials. Enough diverted supplies have been recovered from the Viet Cong to suggest that much more has gone the same route.

Evidence has been presented in the press and elsewhere, including the committee in the other body on which I served, to substantiate these reports. For example, there is reason to believe that American steel has been used to re-enforce Vietcong bunkers; that American steel has been used by the Vietcong to fashion homemade mortars; that small machine equipment, medicines, and other items have been pilfered from the docks in Saigon—actually under the noses of AID officials—and transferred to the Vietcong; and that rice, imported from Texas and Louisiana, has been smuggled from Vietnam into Cambodia, making that country, according to the New York Times, "the fastest growing exporter of the staple in southeast Asia."

In the May 10 issue of the New York Times Felix Belair, Jr., wrote:

> Nobody in the Agency for International Development here (in Washington) or in Saigon knows on anything like a current basis how much (of the imports) has arrived or where it went.
>
> In the circumstances, "estimates" that 20 percent of AID-financed shipments are stolen in transit or from the docks and warehouses or otherwise diverted go unchallenged because there are no figures to refute them.

THE NEED TO HELP THE 80 PERCENT OF THE PEOPLE

The profiteering by unscrupulous elements in the cities and ports of Vietnam is naturally demoralizing to the great mass of the people faced with suffering and terrorism inflicted by the Communist Vietcong. It must be stopped if we are going to win the 80 percent of the Vietnamese population who live as peasants in the countryside.

In the May 5 issue of the Reporter magazine, Stanley Andrews, a noted authority on rural development who spent a number of years in Vietnam, said:

> Perhaps no more than 10 to 20 percent of American aid has trickled down to the hamlets in a way the peasants can relate to either the United States or their own Government . . . Most of the aid has benefited the elite and the urban middle class.

WHO IS TO BLAME?

A good part of the blame for the past and present situation in Vietnam must be laid at the door of top AID officials.

Consider these facts about the AID mission in Vietnam:

First. On March 26, 1966, AID mission personnel in Vietnam totaled approximately 2,800, which is nearly the number stationed in Washington. However, until recently there were only a handful of American AID employees in Vietnam whose principal concern was the administration of the commodity import program. A year ago there was only one such employee.

Second. While I was in Vietnam, four key administrative posts, including the position of Deputy Director, were vacant.

Third. There have been four different Directors of the Vietnam AID mission during the past 4 years.

Fourth. There have been few audits of the AID operation in Vietnam. At the

time of our visit, there had been no audits of the operation by AID-Washington since 1961. Controls and supervision over the commodity import program by Washington or Saigon have been minimal or nonexistent.

In other words, the AID agency in Washington and Saigon has been "looking the other way." Its personnel policies have been inadequate. During the past 5 years there have been no meaningful measures to check or audit this vital program.

Since the House Foreign Operations Subcommittee took an interest in this problem several months ago, however, I am pleased to report that the attitude in Washington has been changing. In recent weeks three high-level teams have been dispatched to Saigon to investigate, including the Inspector General for Foreign Assistance, the Controller of AID, and a high-level team from the General Accounting Office.

These are important—although disastrously late—first steps toward improving the administration of the commodity import program. I trust these first-hand observations will help to spur meaningful reforms.

WHAT SHOULD BE DONE?

In the long run, peace in South Vietnam means political security and economic progress for the people. The United States, alone, cannot supply these vital commodities under any foreign aid program, but we can help the Vietnamese if they will help themselves.

Our military men are doing their job. But when soldiers are dying in battle for the cause of South Vietnam's freedom, our civilian personnel must also perform up to the same standards. In many respects, their responsibilities are more subtle, more complex, and more difficult than military objectives. One thing is certain, this economic and social challenge will not be met just by throwing U.S. funds around as if they were hand grenades in a battle.

Specifically, I would recommend four steps to be taken right now to upgrade our civilian programs in Vietnam.

First, I propose the establishment of an Executive Service Corps patterned along the lines of the Peace Corps. I believe greater incentives must be provided to attract businessmen and others with special training and experience to serve as civilians in the "other war" in Vietnam. We need to put to work the best talents and the genius of American enterprise in this total effort.

I envision a program that would stimulate greater interest among American businessmen to serve their Government on a longer term basis than is currently the case.

The program might involve an expansion of principles and guidelines already laid by the successful International Executive Service Corps, which is a private nonprofit group of volunteer businessmen who have served in such countries as Iran and Taiwan, but not in Vietnam.

The Executive Service Corps should encourage executives to take a 1- to 3-year leave from their businesses—without loss of position or status—to serve the country overseas while enlarging their own administrative experience. Such an infusion of talent would provide a real "shot in the arm" for the AID program in Vietnam and, at the same time, it could open the way for more meaningful cooperation between the business community and Government in the whole field of economic development.

Second, a team of auditors and investigators must be stationed in Vietnam—not to execute the profiteers, but to show simply and firmly that the United States insists upon honest accounting for its funds. By cutting back and stopping the "under the table" profits in Saigon, we would help significantly to combat the traditional country-city hostility in Vietnam and spread the benefits of U.S. aid more equitably among the South Vietnamese people.

Third, career incentives should be developed to attract the most competent and dedicated AID personnel to serve in Vietnam. This could be accomplished by requiring successful service in a crisis area like Vietnam as a condition of promotion above a certain level, or by permitting AID or Foreign Service personnel with responsibilities in Vietnam to be eligible for promotion within a shorter period, or by screening AID personnel for Vietnam so carefully that such an assignment would be considered an indication of superior ability. There are many ways, within the AID organization, to insure that only the best are sent to Vietnam, but so far, to my knowledge, these methods have not been fully employed.

Fourth, additional programs are needed to reach the rural areas—which, after all, contain 80 percent of the Vietnamese people. They must be programs that do not pour black market money into the countryside. Such programs should offer realistic and practical help in farming, irrigation, transportation, health, and the like. Community clinics for such endemic ills as trachoma, and sympathetic treatment for civilians wounded by military actions, for example, would have a far-reaching impact upon the South Vietnamese people.

THE ULTIMATE OBJECTIVE

The ultimate objective for South Vietnam is nationhood. But the South Vietnamese, not the United States, must build it. As Americans strive and look forward to peace and a day when meaningful elections will be held—when the South Vietnamese will freely select their own government—we must not forget that in the long run the United States cannot rule the Vietnamese people—we cannot govern for them.

Mr. President, while I was in Vietnam, I spent a part of a day with the U.S. Marines in the Da Nang area visiting a small village—actually a hamlet—where about 35 or 40 people live. The marines had helped to build a very crude school for the youngsters in that hamlet; it was apparent that the Marine Corps is concentrating particular attention on the Vietnamese children. Throughout the Da Nang area our marines are taking a very real personal interest in the people of the villages and hamlets, working with them on their agricultural problems, helping them find ways to irrigate the fields and to grow more rice, and helping to provide security during the harvest. At a nearby children's hospital built and operated by our marines, Vietnamese nurses were being paid by the marines out of their own pockets.

The marines that I visited in the Da Nang area represent the kind of example that Americans must hold out to the people of Vietnam. Surely, it is not asking too much to expect that U.S. civilian personnel in the "other war" will demonstrate a comparable interest and competency, and that our AID programs will be administered efficiently and effectively. This is the least that American civilians can do while American servicemen are sacrificing their lives. At present, unfortunately, it is more than we are doing.

Mr. KUCHEL. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I am happy to yield to the Senator from California.

Mr. KUCHEL. Mr. President, I would like to say, with respect to the lucid address to which the Senate has just listened, that as an American, I am delighted to greet our new and able colleague from Michigan.

As a Republican, I am particularly grateful that one with his background in American government now graces this Chamber.

I believe it was my late, great, and illustrious predecessor, Hiram Johnson, who on one occasion said, "In war, the first casualty is truth." It is an aspect of this problem which the distinguished junior Senator from Michigan has outlined so carefully to the Senate today. I trust that his message will carry beyond this Senate to the executive branch of the Government. These problems have arisen in the heat of conflict; a conflict which certainly involves the honor and integrity of the American system. They must be brought to the attention of the American people. Action must be taken to increase our scrutiny of the manner in which our commodity import program is being conducted in South Vietnam today.

In view of the gravity of the charges which have been made and the specific recommendations which our able colleague has laid down, there is, I believe, a duty incumbent upon the executive branch of the Government to respond to this challenge posed by the Senator from Michigan. It should indicate to the Senator and to the Senate how it intends to improve the procedures and how it intends to remove the apparently tremendous opportunity for corruption that exists in the use of the commodity import program.

I would also like to state to my able friend from Michigan that I thoroughly applaud his excellent and constructive suggestion that businessmen in America devote their knowledge and experience to the business of the Government of the United States for a temporary period of time. In this manner, they can bring their unique and successful qualifications under the free enterprise system to bear in the exceedingly important cause of freemen 10,000 miles from this Chamber.

There is also a great deal of pride for all Americans, to be found in what our young men in the U.S. Marine Corps did with respect to the civilian population of South Vietnam. The Senator from Michigan has ably drawn our attention to the outstanding efforts of our fighting men in the small hamlets and villages in the rural part of that tragic and melancholy land. I was particularly proud to know that our men in uniform have assisted young people in constructing schools and the local, indigenous population in improving agriculture.

Now I should like to ask the Senator a question. In the Senator's opinion, is our civilian aid program working with the civilian aims of our military personnel in that country?

Mr. GRIFFIN. Mr. President, first, I thank my distinguished colleague from California for his very kind observations.

I think, generally speaking, that there is close cooperation and liaison between our AID agency in Vietnam and our military. I elaborate on my statement by emphasizing that my criticism is not focused, or is not intended to be focused, on all aspects of our AID program in Vietnam. I am particularly pointing out the commodity import program.

I also want to emphasize that we have many fine, competent, dedicated people in Vietnam in the AID agency. They are not all incompetent, by any means. Particularly in the pacification program, for example, we have people in the AID agency who are out in the countryside, incurring considerable personal risk, and who are doing a very fine job in some of the same areas in which the marines are doing it. When I mentioned the marines, I do not wish to imply that that is the only part of the military that is doing this work with the people there. It just happens that I had an opportunity to be in the field with the marines.

I hope, with that elaboration, perhaps the address I have made today will be placed in a proper perspective.

Mr. KUCHEL. The Senator has indeed done just that. What prompted my interest was an opportunity I had to speak with some returning military and civilian personnel over the last year. Our conversations reflected the views of the able Senator in that we do have excellent and able American civilians in that area. Some of them raised considerable question, in connection with our Appropriations Committee function, that perhaps there was not sufficient attention given to the problems of the civilian population. As the Senator has said, 80 percent of the people in Vietnam live in rural areas. It is in these small villages and hamlets, where such problems as inadequate sanitation and antiquated techniques of agriculture and the like, offer a tremendous opportunity for this fine program to help the civilian population and the cause for freedom.

I would like to thank the Senator for his admirable presentation and for his lucid response to my question. I would again like to welcome the Senator from Michigan to the Senate and to thank him for his able and constructive speech.

Mr. GRIFFIN. I thank the Senator.

I also wish to express appreciation to the majority leader for making it possible for me to make this speech at this time.

Mr. MANSFIELD. I am glad we had the opportunity to have the Senator make his speech.

Mr. PEARSON. Mr. President, let me say that I regret that committee assignment responsibility prevented me from being on the floor when the distinguished Senator from Michigan [Mr. GRIFFIN] addressed the Chamber. His experience in that troubled area, his great record in Congress, have enabled him to give to our own colleagues, and indeed to the Nation, a great insight into the problems to which he has directed attention.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Kansas [Mr. PEARSON] be allowed to speak for 5 minutes, and I also ask unanimous consent that thereafter the Senator from Alaska [Mr. BARTLETT] may be allowed to speak for 30 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

VIETNAM CREDIBILITY GAP

Mr. PEARSON. Mr. President, on May 29 Radio Moscow devoted some attention to the speech I made on this floor on May 27 wherein the Soviets indicated that yet another U.S. Senator had criticized the President for his Vietnam policy.

I would not expect to be correctly reported or correctly interpreted by Radio Moscow, but I shall not let their misrepresentation go without response.

Mr. President, I support a policy aimed at the containment of communism in southeast Asia; the halting of Communist aggression and the guarantee of an independent and a peaceful South Vietnam.

But, Mr. President, what I sought to interpret on May 27 is some meaning as to why the American people are concerned and confused about our commitment and about our participation in Vietnam. For the truth of the matter is that our Nation is at war. Our objectives are honorable and worthy. The American people genuinely want to support the President in any international crisis.

Yet to the average citizen whose support is so vital in our democratic system we appear to be helpless victims of a situation we cannot control; that the most powerful Nation in the world cannot determine its own destiny; and that while we know where we have been, it is impossible to guess where we will be in the future.

Why is there such uncertainty and confusion? Why do the polls and the surveys indicate a lack of support for the President who acts as the Commander in Chief of a nation which has always responded with great unity in times of international confrontations?

The inevitable answer was that the administration's position was not believable. There was a lack of credibility. And in the Washington lexicon of the day there existed a "credibility gap."

With some due candor I would assume that this is a result of partisan politics in an election year. Yet the most vociferous critics are members of the President's party. And one cannot overlook the fact that there continue to be a growing number of newspaper editors and columnists who are constrained to question our policy.

So, while the ever-present partisan politics is always present, this lack of belief in the administration's policy must be caused by something else. And that something else is a mismatch between words and deeds, a contradiction between ends and means and a conflict in statements and actions which have existed over a long period of time and which in turn brings about that slow erosion of public confidence.

Therefore, the tragedy of the most agonizing episode in the midsixties for all Americans may be that our Vietnam policy may fail—not because they are wrong, but because our people are confused and disillusioned.

Mr. President, this confusion stems, it seems to me, from three administration weaknesses regarding our policy in Vietnam. The first is the administration's unhealthy obsession with a notion that it is always right and never wrong—or that, at least, it should so present itself.

And second is the administration's overpowering urge to be "all things to all men," to govern by consensus not only in domestic, but in foreign policy. The emphasis, therefore, has been on nullifying domestic and international criticism rather than following a policy best designated to achieve the objectives sought.

And third is what appears to be the administration's aversion to long-range planning, a predisposition of "playing things by ear," of responding rather than taking the initiative.

If one asserts that such weaknesses exist, there is, of course, the responsibility to offer some documentation.

Mr. President, in recent weeks there have been repeated stories of shortages of war materials in Vietnam. Now if we know anything about past military buildups of this sort, we know that such shortages inevitably occur. And if these shortages are not the result of gross mismanagement then they constitute only another of harsh facts of war—which is organized confusion at best.

But what has been the administration's response to, first, the press disclosures of these shortages and later confirmation by congressional committees?

At first they were categorically denied. The Secretary of Defense described them as "baloney," an extreme example of the administration's overreaction of critics and an administration that admits no mistakes; and administration policy which seeks to discredit critics, but which finally only raises new doubts.

And then there was the speech by the distinguished junior Senator from New York [Mr. KENNEDY], who suggested that the United States should negotiate with the Vietcong.

The administration's overreaction once again proposed that, first, they were in agreement; second, that they were in complete disagreement; and, third, that they were "very close to Mr. KENNEDY's views."

This is another illustration of an administration trying to cover all bets, attempting to be all things to all people at all times. But in the meantime, what is our policy? New doubts are raised. New confusions are created.

In the order of things these may be matters of small circumstance, but let us go on to review issues of greater consequence.

In the administration's explanation of the basic reasons as to why we are in Vietnam they speak in generalities.

The administration spokesmen talk of defending freedom and democracy in South Vietnam. These are admirable causes. The very basic tenants of our foreign policy are to expand the boundaries of freedom by means of halting aggression and by means of peaceful persuasion. But admirable as they may be, who among us now really believes there is any real meaningful freedom and democracy in Vietnam or indeed in southeast Asia?

The administration speaks in terms of narrow legalisms, of honoring commitments, of contending that we are bound by the SEATO Treaty. But if we are, other treaty members apparently do not appear to believe that they are so bound. And apparently the administration does not either for it has never really consulted with our allies regarding Vietnam policies. It talks to them in terms of more men and material commitment, but it does not discuss policy or SEATO Treaty obligations.

The administration talks about our commitment by past administrations, by the Kennedy administration and by the Eisenhower administration. These commitments supposedly are binding upon our Government and on our people for which we are honorbound. The truth of the matter is that the Eisenhower commitment was nothing more than a letter to the Diem Government offering economic and technical assistance upon the condition that there would be achieved certain social, economic and political reforms.

Mr. President, the real reason we are in South Vietnam today is to prevent the spread of imperialistic, totalitarian communism into South Vietnam and into the rest of southeast Asia which threatens the peace of the world. This has been a cornerstone of our foreign policy for two decades. It is the basis of the Marshall plan; it was the reason we instituted the airlift into Berlin; that we resisted Soviet-sponsored thrusts into Greece, Iran, and Turkey; it is the reason we opposed conventional warfare in Korea; it is the reason we reacted to the missile crisis in Cuba; and indeed it is the reason we are committed in southeast Asia. And the administration ought to say so. The American people would understand. But to talk about our presence there in terms of treaty commitments, legalistic arguments and talk of a war for freedom and democracy clouds the real reason and creates doubt and confusion.

Let me make reference to another phase of this problem which has long been difficult for the American people to understand. This is our position in regard to negotiations with the Communists. In May 1965 the President, in his now famous Johns Hopkins speech, said we would negotiate anywhere at any time without prior conditions. We then immediately imposed a condition ourselves and that was that we would not negotiate with the Vietcong. Now, Mr. President, there may have been good and valid reasons why we should not negotiate with the National Liberation Front. Certainly we should not negotiate only with the Communists in South Vietnam as Hanoi and Peking would suggest. But here again is more uncertainty.

Note also that every time we escalate our peace effort we also escalate, in like manner, our military effort. One dilutes the other.

In relation to the so-called peace feelers, I would remind the Senate that after our declaration that we would explore all possibilities of negotiation, the American people learned of the overtures through the United Nations, through the Italian Foreign Minister and others only after evidence had come forth to the extent that the administration could no longer deny that they existed. Again these overtures may not have been worthy of consideration. The administration's position may have been absolutely sound. But the administration was discredited when they first denied their existence and then had to acknowledge such contacts after public disclosure.

I make reference also to the so-called peace offensive of January 1966. At that time all will recall that the bombing had stopped. Ambassador Harriman was sent to Poland, Yugoslavia, and India; Mr. McGeorge Bundy went to Ottawa; Ambassador Goldberg was sent to the Vatican, Rome, Paris, and London; the Vice President toured the Far East capitals; Ambassador Kohler called upon those in authority in the Soviet Union; Mr. G. Mennen Williams contacted several African nations; and Mr. Thomas Mann went to Mexico.

This was a massive peace offensive. A great political display. But even at the time it was underway many felt that the objective was to nullify criticism rather than to find a response to our peace offensive.

The point is if in the past months we had been making the proper diplomatic efforts then this diplomatic spectacular would have been unnecessary. And if we had not been making the proper diplomatic efforts for peace then this jet diplomacy would convince no one.

Let me make reference to the severe problem of government stability in South Vietnam. A great cloud hangs over America's involvement with the numerous Saigon governments.

I specifically make reference to the Honolulu Conference. The situation at that time was that the peace offensive had failed, the bombing had been resumed in the north, the desperately needed economic, social, and political reforms had not taken place, criticism of the administration's position was increasing as manifested by the Senate Foreign Relations Committee hearings. It was precisely at this point that the President, together with his top advisers, went off to a conference with Premier Ky, and here again the general feeling among many was that this was to nullify criticism at home rather than to extend a long-range policy.

Secretary McNamara's recent offhand comment that the conflict between the Ky regime and the Buddhists was a healthy sign was either thoughtless or naive.

Now, Mr. President, one can understand the niceties of diplomacy and the delicate circumstances of international relations. But if the United States approves and supports each government, we, in turn, compound the confusion in the minds and in the consciences of our people.

Mr. President, the great confusion lies in the mismatched words and deeds of the administration.

Mr. President, if we are to reduce this to a single proposition, looking back over the long and troubled past, one will see that the administration from time to time has taken a public position that we would commit ourselves only so far, and at the same time the administration asserted that there were certain actions which we would not do and that this scope of commitment would achieve the objectives that we seek. Then inevitably conditions change and the administration does the very act that they promised not to do, whether it be increased troop commitment or some other action. But now they say this new escalation, this new commitment, will solve the Vietnam problem. Yet the solution never comes.

Let me illustrate. In 1964 the President said our objectives can be achieved without American troops. Today there are over 400,000 American troops in North Vietnam.

In 1964 the President indicated that there would be no bombing north of the 17th parallel. At a later time air strikes into North Vietnam became necessary to cut the supply lines, yet supplies continue to flow over the Ho Chi Minh trail in ever-increasing volume.

If the administration really thought that a limited action and a limited commitment would suffice, then the result is a misjudgment. But if the administration thought that the limited commitments previously made would never suffice, then it constitutes deception. But, in any event, the result is confusion and doubt on the part of the American people.

Mr. President, once again, I say that I will support the position of the administration which is, as I understand it, to be goals of halting Communist aggression in Vietnam and southeast Asia and in securing a free and independent South Vietnam. As I stated, I am persuaded that the American people want to support the administration. I am persuaded that our objectives are right and honorable and worthy. I am convinced that the administration will receive the support

of our people if it will only clearly state the reasons for our commitment.

The people of this land are wise enough and strong enough to understand that the lessons in South Vietnam in 1966 are the same lessons of Munich in 1939. I think they are wise enough to understand that freedom of South Vietnam is not the same kind of freedom that we would have for our land and for our people, and they know and expect that the unexpected will occur.

Mr. President, I think the American public can understand a policy of limited action for limited objectives, that they can understand that there is a new concept of victory in a nuclear age and that they are willing to do what is necessary in these times.

Mr. President, one last point. The great wrong of the administration's policy of seeking a consensus in foreign affairs is that not only doubt and confusion have resulted, but it is in the fact that in this doubt and confusion many people have been driven to extreme positions. The simplistic approach of all-out war on one hand or complete withdrawal on the other gains popularity every day. The broad body of thought which understood that there are no simple answers for Vietnam; that understood that there is no "yes or no" answer; that understood that solutions do not appear in black or white shades now is dissolved and the administration's mismatch of words and deeds has led an ever-increasing number of people into extreme positions which can only give way to extreme solutions.

For America, in the midsixties the agony of Vietnam could be the trial for this generation. What we need today is reason, understanding and patience and, Mr. President, these will exist if our goals are clear and if we know where we are going.

CONTAMINATION OF THE COLORADO RIVER BASIN

Mr. BARTLETT. Mr. President, repeatedly in recent years I have spoken to the Senate about the increasing hazards to man and his progeny caused by radioactive contamination and pollution of the air we breathe, the water we drink and the food we eat. I will continue to speak out on this subject.

Radiation exposure is cumulative and it comes from many sources. We are receiving ever greater exposures from the known sources of radiation. We are ever finding new, hitherto unsuspected, sources of radiation. The more monitoring and surveillance of the environment we undertake the more we find which needs to be done.

The newspapers, in a paragraph here, a paragraph there, report these increases: We read of Columbia River oysters contaminated by the Hanford Laboratory in Washington, we hear of Eskimos exposed to unusual amounts of radiation in the Arctic, we learn the tributaries of the Colorado River are polluted by the tailings of uranium mills, the American Academy of Pediatrics warns us against use of the fluoroscope and the British medical journal Lancet warns us against unnecessary diagnostic X-rays.

All of this is reported; yet it is buried in the rush of the day-to-day news. Nowhere is it all put together. Nowhere are the full implications of the increasing radioactive burdens to man and his environment made clear.

When the test ban treaty was ratified, Federal interest—especially congressional interest—in radiation hazards seemed to fade away. This is unfortunate for as the National Advisory Committee on Radiation pointed out in its report to the Surgeon General this April:

> Although the nuclear weapons test ban appeared to reduce the need for environmental surveillance for a time, current world conditions make a continuing effort in this field essential.

Essential as our efforts in this field may be, they are not now even remotely adequate to the problem. It is true that the test ban treaty cut down on the amount of radioactivity released in the air through atmospheric testing by the great powers. It did not reduce, however, the amount released through inadvertent "venting" from underground tests. Neither France nor Red China are affected by the terms of the treaty and both are mounting atmospheric testing programs this summer. The extent and use of radioactive substances in medicine increase substantially each year. The full extent of the ability of certain food chains to absorb radioactive materials is only now being determined. The difficulty of safely disposing of radioactive waste products has yet to be solved. The Federal and State responsibilities in all these fields are unclear and unsettled.

In reviewing these and other matters the National Advisory Committee on Radiation in its report to the Surgeon General has proposed a greatly increased Federal effort to strengthen our research and training programs in radiology, to strengthen our laboratory and statistical resources and to develop standards of acceptable radiation exposure that make clear "the balance of profit and risk" involved in all matters pertaining to the human application of ionizing radiation. The present guidelines are drawn without adequate knowledge and without adequate consultation with representatives of the life scientists. Until now the safety standards on radiation exposure have been administered largely by the men who make the radiation. They are hardly unbiased.

The Advisory Committee report is important, its recommendations are vital. I intend to make sure that it is heard.

Radiation contamination is a problem facing all mankind. It is especially pressing in the United States because of the ever-increasing military, medical, and industrial uses we are making of radiation materials. In order to draw Senators' attention to the problem, I intend, over the next 3 weeks, to speak on three particularly distressing cases of excessive radiation exposure. In location these range from New York to Arizona, from the Arctic to the Gulf of Mexico.

In the Colorado River Basin, of Colorado, New Mexico, and Utah there are 33 uranium ore-processing mills. Some of these are now shut down; some of these are still open. Beside each there are piles of mill tailings. These are heavily radioactive and in some cases they have seriously contaminated the area about them. Today let me draw the attention of the Senate to two particular examples: the contamination of the San Miguel and the Animas Rivers.

The mills along these two rivers are AEC licensed. This means that they are required by their license to abide by the so-called part 20 regulations which limit the amount of concentrations of radioactivity which can be released from mill sites. These regulations were proposed in 1955 and were adopted in 1957.

Let us see how well they were regarded.

The Federal Government has promulgated radiation protection guides which are to be used in evaluating radiation contamination hazards from peacetime uses of atomic energy. The guides clearly state that radiation exposure should be kept as low as possible. They set forth three ranges of exposure. The first, range I, calls for "periodic confirmatory surveillance as necessary." The second, range II, provides for "quantitative surveillance and routine control." The purpose of this control is defined as providing "reasonable assurance that average rates of intake by a suitable sample of an exposed population group, averaged over the sample and averaged over periods of time of the order of 1 year, do not exceed the upper value of range II."

Range III calls for "evaluation and application of additional control measures as necessary." It is presumed that lengthy exposure to range III levels of radiation would call for active counter measures in the community or the area: food exchange, crop storage, water treatment, and so forth.

The principal radionuclide released from the uranium mill pilings has been radium 226. The FRC guide for radium specifies that exposure from 0 to 2 picocuries of Ra^{226} is in range I; exposure from 2 to 20 picocuries of Ra^{226} is in range II and exposure from 20 to 200 of Ra^{226} is in range III.

An average person drinks and eats about 2.2 liters of water a day.

Keep these facts in mind.

In 1955 the San Miguel River contained concentrations of radium 226 as high as 88 picograms per liter. If any one had been drinking water from this river at that time he would have absorbed 193.6 picograms of radium a day. This is at the upper limit of range III.

The Animas River in 1959 contained 24 picograms of radium per liter. A person drinking from this river would have received 52.8 picograms of radium per day. Again this is a level well within range III.

A polluted river does damage to the entire river environment. For example, the sport fish disappeared from both rivers during the years of maximum pollution. Some hardy fish remained. Minnows taken downstream from the uranium mills in 1958 contained, on an average, 18 times the natural background level of radium contamination. Some

samples contained as much as 48 times the natural background level.

Fish taken from the San Miguel River in 1956 and 1957 were as much as 98 times more radioactive than they should have been.

Bottom fauna taken from the Animas River in 1961 contained radium contaminations as much as 30 times greater than normal. Bottom fauna taken from the San Miguel River at the end of 1962, 7 years after the maximum contamination period, still retained concentrations of radium 226 20 times greater than normal.

The radium content of algae from these two rivers was even greater. In 1959 algae taken from the Animas River contained 888 picocuries of radium 226 per gram ashed weight. Compare this with samples of unpolluted algae taken from above the radium mill which contained an average of 4 picocuries per gram. Algae taken from the San Miguel River in 1957 ranged as high as 3,560 picocuries of radium 226 per gram of ashed weight. This is 890 times the level of the unpolluted samples of algae.

There are approximately 25,000 persons living in the Animas River Basin. Fewer persons live along the banks of the San Miguel River. Even so, these people have been drinking treated or untreated river water and have been irrigating their crops with water taken from these rivers. Radiation contamination of alfalfa and hay grown along the Animas River averaged about nine times the normal expected level during the period of maximum contamination. Now several years after, the levels of contamination stand at 70 picocuries per kilogram, about four times the natural concentration of radium 226.

Uranium mills have been operating in the Colorado River Valley since the Second World War. The Atomic Energy Commission began studying the radiation safety aspects of mill operations only in 1957. The AEC began its study of closed mill pilings only in 1963. By that time much water, much radiation, had flowed over the dam.

It may be that the AEC part 20 regulations are adequate to the task of prohibiting such contamination as I have outlined. It may be, but I doubt it. Most of the contamination in the Animas and San Miguel Rivers occurred after the part 20 regulations had been promulgated.

It may be that the pilings at the closed mill sites are properly banked and that there is no danger of their contaminants leaching into the streams or draining into the water table. It may be, but I am not sure of this.

The problem is very real at the closed mill sites in the Colorado River Valley. Radium 226 has a half life of 1,620 years. We must have more than the present temporary measures to guard against the long-lived hazard caused by radium contaminated mill pilings. This problem may become even more important in the years ahead. Uranium is basically a scarce material and uranium production can be expected to rise substantially in the years ahead. It is expected that world demand for uranium will reach about 60,000 tons a year in 1980, a 50-percent increase over present capacity. To meet this demand, it will be necessary to open new mines and mills and to reopen old ones. There is a great deal more uranium in the United States to be mined and prospecting is now going on at a lively level.

Because contamination from pilings is a real and continuing problem, I am pleased that the junior Senator from Maine [Mr. MUSKIE] is holding hearings on the subject before his Subcommittee on Air and Water Pollution.

Much valuable evidence has been obtained at these hearings. I am told the subcommittee intends to continue its study and I here pledge to give the committee every assistance and support that I can.

The Colorado River Basin is but one of many hot spots. We are learning only slowly and very tardily how to measure and evaluate the extent of the contamination in the biological food chain and our environment generally. We must train the men, provide the laboratories, and finance the research needed to insure that with the increasing use of radiation products mankind does not inadvertently do his world grave and permanent harm.

Mr. President, I ask unanimous consent that a letter of questions which I sent to the chairman on the pollution of the Colorado River Basin as well as replies to these questions from the AEC and the Federal Water Pollution Control Administration and also an article on the increased demand for uranium from May 14 issue of the Economist may be made a part of the RECORD at this time.

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

MAY 6, 1966.

Honorable EDMUND S. MUSKIE,
Chairman, Subcommittee on Air and Water Pollution, Committee on Public Works, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I deeply regret that I am unable to appear before your subcommittee as it begins its study of the hazards caused by uranium mill tailings piles in the Colorado River basin and as it considers what public policy should be on such matters. I congratulate you and your subcommittee for undertaking what is a most complicated and dreadfully important inquiry.

As you know, for several years I have worked to expand and improve our research programs on radiation protection. We spend many billions of dollars a year building nuclear weapons; we spend very few dollars a year investigating their effects on man and his environment—both potential and real.

Radiation contamination is of particular concern to Alaskans. The Arctic food chain is highly susceptible to contamination from radioactive fallout. This fallout comes to earth and settles on the Arctic mosses and sedges. These plants receive their nourishment from the air and not from the earth. They live for many years and fallout remains upon them. The mosses are eaten by the wandering herds of caribous, and the caribous become heavily radioactive. The inland Eskimos, citizens of Alaska and the United States of America, are dependent in large part for their protein on caribou meat. And as a result, the ingestion of radionuclides by the inland Arctic Eskimos is many times greater than the average for Americans across the 48 United States. It approaches, indeed sometimes exceeds, the maximum permissible levels as set by the Radiation Protection Guide. Attached to this letter you will find several speeches which I have given to the Senate discussing this problem in great detail. I would ask that the subcommittee make these speeches a part of its hearing record.

As a result of these speeches and the concern of scientists and others, I have been successful in obtaining improved monitoring and surveillance programs for Arctic Alaska. The situation is being closely watched and counter measures are being studied so that we will be prepared to insure the safety and health of the Alaska Eskimos.

Alaska is not the only place where radiation problems cause concern. The appalling amounts of Iodine 131 which have fallen over parts of Nevada and southern Utah are only now being fully investigated. It may well be that the levels absorbed by the children in that area of the country have been sufficiently great to cause measurable somatic effects.

Your subcommittee, Mr. Chairman, today is taking up a problem no less grave. The pollution by way of uranium mill tailings sliding into the tributaries of the Colorado River apparently has been—and may well still be—extensive. A close reading of the report of the Federal Water Pollution Control Administration indicates that in three rivers at least, levels of radiation have been reached which exceed the so-called maximum permissible levels as established by the National Council on Radiation Protection.

In 1955 the San Miguel River contained concentrations of radium-226 as high as 88 picograms per liter. In 1961 South Creek had concentrations measured at 27 picograms per liter. In 1959 the Animas River contained 24 picograms per liter of radium-226. According to the Radiation Protection Guide anything more than 2 picocuries of radium-226 absorbed per day by a large scale of population group would call for federal "quantitative surveillance and routine control." According to the Guide, anything more than 20 picocuries per day would call for "evaluation and application of additional control measures"—this is commonly taken to mean the application of counter measures.

A picogram of radium-226 taken internally will produce the equivalent of a picocurie of radiation.

An average person drinks and eats about 2.2 liters of water a day.

If a person were to drink water from the Animas River during its period of high radium contamination he would have absorbed 52.8 picocuries of radium-226 a day. This is well within Range 3.

If a person were to drink South Creek water during its period of high radium contamination he would have absorbed 59.4 picocuries a day. This also is well within Range 3.

If a person who lived along the San Miguel River drank its water in 1955, he would have absorbed 193.6 picocuries of radium a day—an amount at the very upper limit of Range 3.

I do not know whether there were people drinking water from these rivers during these periods. I do not know whether the Atomic Energy Commission knows but I would like to find out.

I would appreciate it if the subcommittee would ask the Commission witnesses the following questions in my behalf, I am very much interested in having their replies.

The rivers and wells in the area have been polluted with radioactive contamination. The food chain has been polluted too. I am

informed that alfalfa and hay are particularly susceptible and as a result the cattle feed for the area is unusually radioactive.

What are the figures for the radium-226 content of alfalfa and hay in the area?

Are the dairy cattle in the area of radioactive contamination?

Is radium-226 concentrated in the milk?

What is the radioactive content of the sport fish of the three streams?

What is the radioactive content of the algae and other marine plants in the streams?

How many human beings live in the contaminated area and drink water from the contaminated wells and rivers?

How much is known of the doses received by the people drinking it and using the water?

What is the maximum dose recorded in each of the river basins?

What is the average of each of the three?

As part of this area is within the wind pattern of the Las Vegas test site, it may be that some persons have received similar exposure from fallout as well as from radium in the water.

Have any studies been made of the total dose from all sources absorbed by the people who live along these rivers?

I know that there are difficult questions and that they must in large part be answered by estimation but I believe that they are important questions.

I deeply appreciate whatever the subcommittee and the Atomic Energy Commission can do to provide their answers.

Sincerely yours,

E. L. BARTLETT.

ATTACHMENT 1

RESPONSE TO QUESTIONS RAISED IN SENATOR BARTLETT'S LETTER FROM AEC

The following discussion is given in response to the various questions presented in Senator BARTLETT's letter.

Senator BARLETT's letter refers to concentrations of radium-226 in the Animas River, San Miguel River and South Creek. With respect to the Animas River, Senator BARTLETT's comments refer to a situation which existed in 1958 when a uranium mill at Durango, Colorado, was discharging solids and liquids containing concentrations of radium-226 and other radioactive materials directly to the Animas River. In 1959, as a result of AEC and Public Health Service actions, the mill discontinued releasing solid tailings to the river and minimized, through construction of settling ponds, liquid effluents being released to the Animas River. Similarly, action was also taken by the mills located near the San Miguel River and South Creek to prevent discharge of solid waste tailings into these streams. As a result of these actions, the concentrations of radium-226 and other radioactive materials in these streams steadily declined to their present low levels.

To illustrate this decline in radium-226 concentrations, the average radium-226 concentration in the Animas River at the Colorado-New Mexico state line below the mill at Durango was 7.6 picocuries per liter in 1958 when both solid waste tailings (15 tons per day) and untreated liquid wastes (300 gallons per minute) were being released to the river. In 1959 when solid tailings were no longer released, the radium-226 concentration dropped to 1.4 picocuries per liter. During the period 1961–1963 when the major part of liquid wastes was not being released to the river, the average radium-226 concentration was 0.32 picocuries per liter. Following the closing of the mill in 1963, the radium-226 concentration decreased to 0.13 picocuries per liter. The average radium-226 concentration for the period March through July, 1965, was 0.09 picocuries per liter or about 1/100 of the AEC Part 20 standards.

The maximum concentration of radium-226 reported for the Animas River from a one day sample collected in 1959 was 24 picocuries per liter, and for the San Miguel River from a sample collected in 1955 was 88 picocuries per liter. The maximum radium-226 concentration reported for South Creek was 27 picocuries per liter. These values represent single samples and not average radium-226 concentrations which were not determined at that time. However, the data in the FWPCA Radium Monitoring Network Data, Release No. 8, for the period February to August, 1965, show that the average radium-226 concentration in the San Miguel River below Uravan, an operating mill, was 0.29 picocuries per liter or about 1/33 of Part 20 standards. The average concentration of radium-226 in South Creek below the Monticello tailings in 1964 was 0.97 picocuries per liter or about 1/10 of Part 20 standards.

The higher radioactivity concentrations referred to above were not due to erosion of tailings piles into rivers and streams, but rather to direct discharges of waste materials. These situations have long since been corrected and are not likely to re-occur.

The Public Health Service conducted surveys of the Animas River area in 1958–1959 during the time of waste discharges into the Animas River. Similar surveys were not conducted in the San Miguel or South Creek areas. These waters were not being consumed by people. The Animas River surveys included assays of treated water supplies, raw water from the Animas River, crops irrigated with Animas River water, stream biota and milk. Based on the data from these surveys, estimates were made of exposures to people in the area from stronium-90 (which came from fallout, not mill operations) and radium-226, the isotopes of principal interest. These surveys represent the only information available on overall exposures of individuals to all sources of radioactivity.

The data reported (in May 1959) as a result of these surveys showed that the average radium-226 concentration in raw Animas River water downstream from the mill was 7.6 picocuries per liter and the concentration in treated water at Aztec and Farmington, New Mexico, was 3.6 and 2.6 picocuries per liter, respectively. The estimated daily intake of individuals in the area of radium-226 and strontium-90 from foods was 4.4 and 39 picocuries per day, respectively. The reported strontium-90 content in the Animas River water was about 1 picocurie per liter. For persons who may have consumed the treated water at Aztec and Farmington, the estimated exposure would have been at that time 64% and 58%, respectively, of the upper limit of Range II of the present Federal Radiation Council (FRC) guides (the FRC guides had not been issued at that time). It is doubtful that persons would have consumed untreated water at that time because of its poor quality from a chemical standpoint. However, even if an individual had consumed untreated water, the estimated exposure would have been 88% of the upper limit of Range II of the present FRC guides. These estimates are based on the standard daily intake values for water recommended by the International Commission on Radiological Protection of 2.2 liters (1.2 liters from drinking water and the remainder from food). Less than 30,000 people were estimated to be residing in the Animas River area at that time. Regulatory action taken by the AEC which resulted in the mills discontinuing release of solid wastes and minimizing dischange of liquid wastes was also in May 1959.

The FRC Radiation Protection Guides are based on radiation exposures throughout a person's lifetime. Also, for purposes of evaluating radiation exposures in terms of the FRC Guides, individual determinations of intake of radioactive material may be averaged over periods of time not exceeding one year. Thus, temporary increases in the amount of radioactivity ingested (or inhaled) are not necessarily significant. What is important is the average intake over longer periods of time. For administrative purposes, exposures may be averaged over one year periods.

With regard to the effects of the mill effluent on fish and other biota in the Animas River, it was found in 1958 that the chemical toxicity of the wastes, particularly the organic raffinate, had practically eliminated such life from the stream for some distance below the discharge point. Following the corrective actions taken by the mill, the stream biota in the Animas became evident again. Surveys have not been made of radium-226 in stream biota in the San Miguel River or South Creek.

As part of the 1958–1959 Animas River study, the Public Health Service determined concentrations of radium-226 in crops and milk. The PHS studies of crops generally indicated higher levels of radium in those crops irrigated with Animas River water below the mill discharge location than similar crops irrigated by Animas River water upstream from the mill, and that certain crops, such as hay and alfalfa, had a tendency to concentrate radium-226 more than other crops. The reported concentration of radium-226 in one alfalfa sample taken upstream from the Durango mill was 13 picocuries per kilogram. The reported concentrations of radium-226 in two samples taken downstream from the Durango mill were 12 and 27 picocuries per kilogram. However, interpretation of these studies was complicated by the discovery at a later date that certain fertilizers used on the crops contained significant concentrations of radium-226. Because of the fertilizer influence, it became difficult to relate radium-226 in crops to the discharge of mill tailings. The Public Health Service also reported in this regard that, in general, the radium content of the crops appeared to be related primarily to top soil rather than to irrigation water radium concentrations, which would tend to support the possibility of fertilizer influence on radium-226 in crops. We have no information from the PHS which indicates any attempt was made to relate the radium-226 concentrations in the hay and alfalfa to radium in milk or to human exposure.

The Public Health Service reported, as a result of the Animas River study, that concentrations of radium in river organisms were somewhat higher downstream than upstream. Limited data on such biota as continued to exist immediately downstream from the mill indicated maximum concentrations of radium-226 in fish of 24 picocuries per gram of ash, in algae of 530 picocuries per gram of ash, and in other stream biota of 160 picocuries per gram of ash. However, these radium-226 concentrations were not examined in relation to human exposure and we are not aware of further studies in this regard.

With respect to concentrations of radium in milk, the Public Health Service reported, as a result of the Animas River survey, a value of 0.37 picocuries per liter. The general background radium level in milk averages about 0.25 picocuries per liter. Radium is not concentrated in milk, as evidenced by studies which have shown that only about ¼ of the radium in the diet appears in the milk. We have no information which would indicate dairy cattle are grazing on lands significantly contaminated with radioactivity.

In view of the present low radium-226 concentrations in the Colorado River Basin, if a further study were undertaken, it would undoubtedly show radium-226 concentra-

tions much lower than those found during the Animas River survey.

ANSWERS TO QUESTIONS BY SENATOR BARTLETT FROM WATER POLLUTION CONTROL ADMINISTRATION WITH REFERENCE TO SAN MIGUEL, SOUTH CREEK, AND ANIMAS RIVERS, MAY 13, 1966

1. (Q) What are the figures for the radium-226 content of alfalfa and hay in the area?

(A) The Federal Water Pollution Control Administration's data on alfalfa and hay are primarily from the Animas River and San Miguel River vicinities. In general, alfalfa and hay at locations not subject to uranium mill pollution averaged about 18 picocuries of radium-226 per kilogram of live material. In contrast, alfalfa and hay samples from farms that were exposed to uranium mill waste contaminated irrigation water averaged 170 picocuries of radium-226 per kilogram and ranged as high as 1160. These results represent the late 1950's and early 1960's, and are associated with pollution by operating uranium mills rather than tailings piles at closed mills. Samples collected today would probably contain lower levels of radioactivity, but would still indicate higher than normal levels and the ability to concentrate radioactivity when it is available, as do other media such as fish, stream organisms, and marine plants. Hay samples collected from the San Miguel and Dolores River area in 1964 contained as much as 70 picocuries of radium-226 per kilogram of live material.

2. (Q) Are there dairy cattle in the area of radioactive contamination?

(A) To the best of our knowledge there is only a limited number of dairy cattle in these areas which have been exposed to the effects of uranium mill pollution. We know of no large commercial dairly herds in the effected areas. A small number of cattle bone samples were analyzed about three years ago, and bones from cattle not exposed to uranium mill waste pollution effects averaged 0.5 picocuries of radium-226 per gram of ash; 4 samples from cattle from exposed locations averaged about 4 picocuries of radium-226 per gram of ash, with one result as high as 10.

3. (Q) Is radium-226 concentrated in the milk?

(A) In the early 1960's a few samples of milk were analyzed for radium-226. Whole unpasteurized milk from cattle not exposed to uranium mill pollution contained an average of 0.15 picocuries of radium-226 per liter of milk. Three samples of whole unpasteurized milk from cattle exposed to uranium mill pollution contained an average of 2.7 picocuries of radium-226 per liter of milk with one result as high as 4.8.

In 1964, several milk samples from the Durango, Colorado area showed concentrations of about 0.1 picocuries of radium-226 per liter of milk from cattle not exposed to uranium mill pollution. In contrast, a June 1964 milk sample from a ranch located on the Dolores River downstream from the Uravan mill contained 0.7 picocuries of radium-226 per liter of milk and a September 1964 sample contained 3 picocuries of radium-226 per liter of milk. In this case, the prime source of radium intake for the cows is believed to be from eating hay irrigated with contaminated river water, and that a substantial part of the contamination may be due to residual effects of gross contamination occurring during the late 1950's.

4. (Q) What is the radioactive content of the sport fish of the 3 streams?

(A) The San Miguel River and South Creek have not contained much by way of sport fish in the area of contamination. The Animas River did not have sport fish for many miles below the uranium mill until some two years after mill pollution was abated. It is our understanding that sport fish returned to this section of the river in approximately 1961 or 1962. Therefore, no samples of sport fish from contaminated areas have been analyzed for radium-226 contents. However, samples of nonsport fish (suckers, etc.) were obtained in earlier years and were analyzed for radium-226. In 1958 samples of minnows from locations upstream of the uranium mill on the Animas River contained approximately 0.5 picocuries of radium-226 per gram of ash. Comparable samples from downstream locations contains approximately 9 picocuries of radium-226 per gram of ash with results as high as 24. It should be noted that these were primarily minnow samples that were homogenized and analyzed as paste in toto. Radium-226 is a boneseeker, and it is probable the majority of radium-226 referred to here was contained in the skeleton rather than in the flesh.

Similar results were obtained for fish taken from the San Miguel River above and below the Naturita and Uravan uranium mills in 1956 and 1957, with results ranging as high as 49 picocuries and of radium-226 per gram of ash in that case.

Fish (dace) collected from the San Miguel River in 1963 indicated radium-226 content of 0.008 picocuries per gram of live weight in fish above the Naturita and Uravan mills, and up to 0.423 picocuries in fish collected below the mills. These were from samples in toto. Skeletons from 1963 San Miguel fish samples contained 0.14 picocuries of radium-226 per gram of bone ash in fish collected above the contaminated area, and up to 0.68 picocuries in fish collected downstream from the mills. Fish flesh samples also indicated the ability to concentrate radium-226 with contents ten times as high in fish collected downstream as those found in upstream fish.

5. (Q) What is the radioactive content of the algae and other marine plants in the stream?

(A) The radium content of algae and other aquatic plants was analyzed in the late 1950's on the San Miguel River and the Animas River. In 1958 and 1959, algae taken from the Animas River below the Durango, Colorado uranium mill contained as much as 880 picocuries of radium-226 per gram of ashed weight. Algae samples from an unpolluted location above the uranium mill contained an average of 4 picocuries of radium-226 per gram of ashed weight. Algae taken from the San Miguel River in 1957 contained similar quantities of radium-226 as those found for locations below the Durango uranium mill on the Animas River, with the exception of one sample which ranged as high as 3560 picocuries of radium-226 per gram of ashed weight.

No recent results are available for radium content of algae. Similar samples taken at this time would undoubtedly show very low concentrations of radium compared to the earlier data. This is because of the extensive abatement program undertaken by the industry in terms of the control of liquid effluent.

Bottom fauna samples from the Animas River in August 1961 indicated radium-266 concentrations of up to 30 times higher in samples collected downstream from the then operating Durango uranium mill than in samples collected upstream. November 1962 samples indicated concentrations in downstream specimens of up to 15 times those found in upstream specimens. Dolores and San Miguel bottom animal specimens below operating mill waste discharges indicated radium-226 concentrations up to about 20 times those found in upstream specimens in November 1962.

6. (Q) How many human beings live in the contaminated area and drink water from the contaminated wells and rivers?

(A) Except for the Animas River Valley below Durango, we do not have accurate survey numbers for the population living in that contaminated area and drinking water from the contaminated wells and rivers. In the case of the Animas River, the rural and urban populations of Farmington and Aztec, New Mexico have been involved, and the total population involved is of the order of 25,000 persons. In the case of South Creek the exposed population would be very limited, if existent at all, as only two or three ranches have been in use along South Creek below the Monticello uranium mill. South Creek joins the San Juan River above Mexican Hat, Utah and receives great dilution at that point. Several ranches are located along the contaminated portion of the San Miguel River, particularly in the near upstream vicinity of Gateway, Colorado, and the population of this area, while quite limited in numbers, must be considered exposed.

To our knowledge there are no domestic wells being used with radioactivity contamination concentrations above recommended maximum permissible limits. The one known domestic well with concentrations above recommended drinking water limits is near the Monticello, Utah tailings pile in the South Creek area. The well is located on an abandoned farm and is not currently used for domestic purposes.

7. (Q) How much is known of the doses received by the people using and drinking the water?

(A) Knowledge of the dose received by people using the water (drinking, irrigation, stock-watering, etc.) is limited. So far as the Animas River is concerned, thorough surveys were made of radiation dose due to the boneseekers radium-226 and strontium-90 in 1958, and in that case this dose is considered well known. However, no similar studies were made of persons in the vicinity either of South Creek or the San Miguel River.

It should be carefully noted that the radiation dose referred to above pertains only to the skeletal dose due to the presence of radium-226 and strontium-90. No estimates were made of radiation dose either on the Animas River or elsewhere by the Federal Water Pollution Control Administration or the Public Health Service regarding exposure to other radioisotopes commonly found in fallout and affecting other critical organs of the body.

To the best of our knowledge the one other survey involving radiation dose to people of this area has been the limited studies of food and water intake of radium-226 conducted by the Public Health Service, Division of Radiological Health. We are not aware that any other such radiation dose surveys have been conducted.

8. (Q) What is the maximum dose recorded in each of the river basins?

(A) "The maximum dose recorded" in regard to uranium mill wastes is, to the best of our knowledge, the estimated average dose of approximately three times the allowable amount for radium-226 and strontium-90 received by persons in the Animas River Valley who consumed raw Animas River water for drinking and domestic purposes prior to 1959. This figure is recorded in the report of survey of the Animas River. It should be emphasized that this figure represents an estimated average exposure of that group of people, and does not necessarily represent maximum exposure received by any individual in that population group. It is in fact likely that occasional individuals within that population group received somewhat higher radiation doses. To the best of our knowledge, there are no other recorded estimates of radiation dose received by people in these areas.

9. (Q) What is the average of each of the 3?

(A) We cannot give an average maximum dose for each of the three river basins because no such studies were conducted for the San Miguel or South Creek Basins.

10. (Q) As part of this area is within the wind pattern of the Las Vegas test site, it may be that some persons have received similar exposure from fallout as well as from radium in the water.

Have any studies been made of the total dose from all sources absorbed by the people who live along these rivers?

(A) We do not know of any studies that have been made of the "total dose from all sources absorbed by the people who lived along these rivers." The only accurate dose estimates that we are aware of are those that have been made and recorded in the Animas River studies of the late 1950's. As has been noted above, those studies estimated radiation dose only for radium-226 and strontium-90, and did not include dose estimates for the other constituents of fallout from weapons tests at the Nevada Test Site or other locations. Of course the incidence of weapons tests has been greatly reduced in the past few years.

[From the Economist, May 14, 1966]

CALLING OUT THE PROSPECTORS

Prospectors are blowing eight years' of accumulated dust off their Geiger counters, and the search for uranium is on again for the first time since the bottom fell out of the market for nuclear power. Encouraging deposits have been found in Tunisia and in the United States, the Atomic Energy Commission's director of raw materials has revised—upwards—his department's estimates of cumulative home demand over the next 15 years and arrived at a figure higher than present proven American reserves. Euratom has done the same sort of calculations and also called for more prospecting which is one reason why the AEC has warned that the United States cannot rely on importing uranium to fill the gap. What this will show is who is right: the Canadian mining lobby which has maintained right through the slump that uranium is basically a scarce material and prices must go up, or the British negotiators who have held that uranium only looks scarce because prospecting ceased when production fell.

Demand for uranium only recovered last year, when atomic costs in Britain and the United States—the two countries where design is most advanced—began to match those of ordinary, thermal electricity. The break-through, when it came, was sudden. Only eighteen months ago, the AEC was estimating that between 6,000 and 7,000 megawatts of atomic plant would be installed in the United States by 1970; now it is fairly clear that atomic capacity by that date will be around 10,000 MW, 3040 per cent greater than estimated. Capacity by 1980, previously vaguely guessed at between 60,000 MW and 90,000 MW, is now being fixed much more firmly at around 90,000 MW. On this revised estimate, cumulative American requirements to 1980 will be about 170,000 tons of natural uranium, with demand by the end of the period running at 27,000 tons a year. But the latest estimate of American reserves is 145,000 tons.

Euratom puts cumulative requirements of the EEC countries by the same date at 176,000 tons. Add to this British requirements (covered already by long-term contracts) and previous estimates of a world market for 50,000 tons annually by 1980 begin to look on the low side. What is impossible to say is how easily the mines can increase their output of relatively low cost uranium at $8 a pound and under, in response to a demand around 60,000 tons a year. World capacity before the slump was 42,000 tons a year, with Canada and the United States as the world's main producers. The Americans came late to the business, it is by no means certain that all of the United States' resources of uranium had been discovered. Now prospecting is re-starting in earnest, there is no guessing what, if any, fresh deposits will be located in the United States and elsewhere, nor what their quality will be. The only available estimates of world uranium reserves have all been prepared by the producing countries, even those figures put out by the European Nuclear Energy Agency, and much doubt has been thrown on their accuracy. The mines have an obvious vested interest in making their reserves look as low as possible.

Mr. BARTLETT. Mr. President, that concludes my remarks at this time on the subject of radiation hazards. As I mentioned at the outset, I shall speak further about this subject in the future, because I believe it is a grave problem, an important problem, and one to which we should devote more rather than less attention.

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

Mr. BARTLETT. I yield.

Mr. DOMINICK. Mr. President, I do not know how much time the Senator from Alaska has remaining under his unanimous-consent request, but I should like several minutes of his time, if I may, to comment on his presentation.

Mr. BARTLETT. I yield for that purpose.

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from Alaska yield?

Mr. BARTLETT. I have yielded initially to the junior Senator from Colorado, and after he speaks, I shall be prepared to yield to the senior Senator from Colorado.

The PRESIDING OFFICER. The Chair is advised that the Senator from Alaska has 10 minutes remaining of his unanimous-consent time.

Mr. BARTLETT. I yield 5 minutes to each Senator from Colorado.

Mr. ALLOTT. Mr. President, I shall be happy if the Senator from Alaska yields all his time to the junior Senator from Colorado. However, I ask unanimous consent that at the conclusion of the remarks of the junior Senator from Colorado, I may address myself to the same subject for a period of 15 minutes.

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

Mr. DOMINICK. Mr. President, I thank the distinguished Senator from Alaska for yielding time to me on this subject.

Frankly, I was concerned when I read the statement of the Senator from Alaska. The difficulty with the statement, as I see it, is that he refers to so-called conditions in 1955, and 1959, and he makes the general implication that the same conditions still prevail today, in 1966.

I believe that the uncontroverted evidence which was given to the distinguished Senator from Maine [Mr. MUSKIE] in the hearings before the Subcommittee on Air and Water Pollution of the Committee on Public Works, on May 6, 1966, refute this statement. I believe that this evidence should be a part of the record, because it shows clearly, in my mind, that the problems which the Senator from Alaska has referred to have already been anticipated, and that the corrective actions have already taken place.

The first statement to which I desire to refer is that of Mr. Murray Stein, who is the Chief of the Enforcement Program of the Federal Water Pollution Control Administration in the Department of Health, Education, and Welfare. This evidence appears, as I have said, in the hearing record of May 6, 1966. In part, he said:

In 1960, a conference was held on all of the Colorado River Basin at the request of six of the seven States involved, and the Animas River pollution problems were incorporated into this enforcement conference. The Colorado River Basin water quality control enforcement project was then established and included in its work were studies of other sources of radioactive waste discharged to basin streams. The Colorado conference has met in five sessions, and recommendations have been made to abate radioactive and other sources of pollution.

Uranium mill waste discharges have been substantially reduced. This was achieved through the joint efforts and cooperation of the States involved, the Federal water pollution control program, the Atomic Energy Commission, and the uranium milling industries themselves.

I desire to emphasize the next statement:

We believe the control and prevention of radioactive pollution in the Colorado River Basin has been one of the significant success stories in pollution abatement in this country. When we first began to deal with this problem in several areas, the radioactive levels were several times the maximum permissible concentration.

I believe that testimony supports the original statement that the Senator from Alaska made:

We found evidence of disturbingly high radium levels in two municipal water supplies. Now we are happy to say that radium levels in the Colorado River are about one-third of the amount considered permissible by the Public Health Service drinking-water standards. In addition, there have been established structural requirements for uranium tailings lagoons which minimize the possibility of breaks, and an alerting system designed to protect downstream water supplies and water uses in the event of an accidental break or spill.

Mr. Chairman, I might say we have also cleaned up a dearth of fish life in the Animas River. I think we have had in this area one of the most exciting pollution control detective stories rivaling scientific detective stories of the best type. When we first discovered pollution below the Durango mill, we asked our biologist to get out on the stream to find us some fish. We wanted to examine the bowels of the fish and see if the uranium was present in the fish. Lo and behold, for about 50 miles below the mill he could not find any fish. Then he looked further, and he could not find any food that the fish lived on. He found a biological desert. It was obvious that some other pollutant was affecting the fish life in the stream.

After very exhaustive study in the evaluation of the mill process, they found that organic reaffinate, a waste, used to extract the ores, was being discharged into the

stream and that infinitely small quantities of this were lethal to fish.

The Senator from Alaska will notice that this was another pollutant. This was not radioactive waste:

They took the fish to a fish hatchery at Durango, put some on the fish and the fish would immediately die. Then they would dilute it and the fish would die; dilute it again, and the fish would still die. When we called this to the attention of the mill and that it was coming out of a relatively small pipe, the reaction was, "My gosh, that stuff is expensive." It was stopped immediately and within a year or two the fish began to reappear.

I am glad to say that that stream is totally restored to its former biological characteristics. The fish and the rest of the biota are present in the stream now.

Senator MUSKIE. When were the corrective measures taken?

Mr. STEIN. They were taken in the late 1950's, about 1959, sir.

This is about the end of the period to which the Senator from Alaska has referred. I invite attention to the fact that the fish life is back to normal, as is the fish food.

Later, Mr. Klashman, who is the Regional Director, Federal Water Pollution Control Administration of HEW, in Denver, also testified before this committee, and in part he referred to the following matters:

The cooperative industry-Government radioactive pollution abatement program has been eminently successful. Early studies had indicated that the tailings solids were the major source of stream contamination, and hence the industry instituted waste treatment practices that successfully captured and retained these settleable solids. Our surveillance network demonstrates clearly that for all practical purposes surface waters of the entire basin are now free of recent bottom deposits of mill tailings. In addition, where needed, the industry installed additional chemical treatment facilities to remove substantial quantities of radium dissolved in the liquid wastes before release of the latter to the surface streams. In earlier years, also, the industry had been plagued by a series of accidents in which the occasional rupture of earthen tailings pond dikes released large quantities of radioactive wastes to the water environment. Better dikes construction and maintenance has essentially solved this problem.

Our surveillance program demonstrates that as a result of this abatement program, the surface waters of the Colorado Basin have for several years contained no more than one-third of the quantity of radium that is regarded as safe. This is a precedent-setting case in which an entire industry has cooperated in reducing pollution to a level sharply below that which has been regarded as acceptable.

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

Mr. DOMINICK. I am happy to yield.

Mr. BARTLETT. I merely desire to say that the figures that I presented in my remarks came from the Federal Water Pollution Control Administration. It is no secret to any of us that the various agencies involved with this subject give different interpretations. They vary widely in their estimates.

I do not mean to imply that poisons are running wild through these Colorado rivers in other basins and areas that I intend to discuss later. I desire, chiefly, to point out the inherent dangers and the possibility that accidents that have happened in the past may be repeated in the future.

The Senator mentioned that the water now contains one-third of the amount of radium that is considered to be dangerous; and, again, another agency might place a different interpretation. There is a high state of confusion here. This is one of the things that I believe we should resolve.

Mr. DOMINICK. I thank the Senator for bringing up those points.

The comments I have made are from, first, Mr. Stein, who is chief of the enforcement program of the Water Pollution Control Administration, from which he derived his figures; and secondly, Mr. Klashman, who was the regional director of the Federal water pollution program. Both of these men are active in the same agency.

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

Mr. DOMINICK. Mr. President, I ask unanimous consent that I may proceed for an additional 5 minutes.

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

Mr. DOMINICK. Also in the record of the hearings there is a statement by Dr. Morris, Director, Division of Operational Safety of the Atomic Energy Commission. I will not read the entire statement but I do wish to say a few things about his remarks. On page 17 of this record he states that he joins with Mr. Stein and Dr. Tsivoglou, to say:

We have done a wonderful job in the Colorado River Basin. We think the levels are one-tenth, not just one-third of permissible levels.

He goes on to refer to the report which was issued by the Public Health Service entitled "Disposition and Control of Uranium Mill Tailing Piles in the Colorado River Basin" issued in March of 1966.

This report states, and he quotes it:

There is currently no significant immediate hazard associated with uranium milling activities anywhere in the Colorado River Basin.

He goes on to say:

We agree with the conclusion in the PHS report that there is currently no significant hazard associated with uranium milling activities in the Colorado River Basin.

He anticipates that some question would be raised as to future hazards. In connection with that he says:

However, we do not think that data available at this time support a conclusion that there is a long-term radiological hazard. The report conjectures that the radiological situation could deteriorate in the future, but there is no present indication that this will occur.

I mention these matters inasmuch as I think they are important because of the activity which has been involved in trying to reach the problem referred to in the past by the Senator from Alaska [Mr. BARTLETT].

I wish to refer to the Senator a letter which was sent to the Senator from Maine [Mr. MUSKIE] under date of May 23, and an order of our Colorado State Department of Public Health, which was adopted May 9, 1966, to become effective 30 days later, which would be June 10, 1966, a short time ago.

Mr. President, I ask unanimous consent to have printed in the RECORD the order adopted May 9, 1966, by the Colorado State Department of Public Health.

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

It is hereby declared to be the order of the Colorado State Board of Health that the owners, operators and other persons or corporations having or claiming to have a legal interest in the premises where tailing piles from uranium or thorium mills are situated, or persons having responsibility for the operation of the mill, submit to the State Department of Public Health within ninety (90) days after the effective date of this regulation a written report setting forth plans and measures employed by them to stabilize such tailing piles and what further plans and measures, if any, are proposed to accomplish the purposes of this regulation.

The effective date of this regulation will be thirty (30) days from and after the date of adoption hereinafter set forth.

ROY L. CLEERE, M.D., M.P.H.,
Secretary, Colorado State Board of Health.
Adopted May 9, 1966.

Mr. DOMINICK. I shall read for the benefit of the Senator from Alaska [Mr. BARTLETT] the actual order that was put into effect:

It is hereby declared to be the order of the Colorado State Board of Health that the owners, operators and other persons or corporations having or claiming to have a legal interest in the premises where tailing piles from uranium or thorium mills are situated, or persons having responsibility for the operation of the mill, submit to the State Department of Public Health within ninety (90) days after the effective date of this regulation a written report setting forth plans and measures employed by them to stabilize such tailing piles and what further plans and measures, if any, are proposed to accomplish the purposes of this regulation.

The effective date of this regulation will be thirty (30) days from and after the date of adoption hereinafter set forth.

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

Mr. DOMINICK. The State of Colorado is going forward on this. I yield to the Senator from Alaska.

Mr. BARTLETT. The record of Colorado in this regard is outstanding. As a matter of fact, Colorado, I am informed, is the only State, of all the States, which has issued regulations on this particular subject.

The people of the State of Colorado are to be congratulated and I do congratulate them.

Mr. DOMINICK. I thank the Senator from Alaska. I certainly share his commendation for the Department of Public Health of the State of Colorado and its cooperation between industry, the Public Health Service, and the Federal Water Pollution Control. I believe they have done a fabulous job in the entire area.

I do not wish to close without saying this. The activities that went on in Colorado in the process of mining uranium have been of enormous importance

to this country, not only in the defense and security of this country, but in the health and well-being of the country, by providing a raw material from which we have been able to develop isotopes, methods of treating food, and providing raw material for the nuclear field over the world.

I do not wish to leave the impression that the operation of uranium is something which should be disgraceful, downgraded, or anything of that kind.

What the Senator from Alaska [Mr. BARTLETT] is trying to do, and I applaud his effort, is to call attention to the fact that there are byproducts involved in this which are of concern to many people.

I believe that Colorado has done a good job to reduce this concern to a minimum in a nation which, according to the Federal Water Pollution Control, is somewhat lacking in this area at this time.

I thank the Senator from Alaska.

Mr. ALLOTT and Mr. YOUNG of Ohio addressed the Chair.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Under the previous order, the Senator from Colorado [Mr. ALLOTT] is recognized for 15 minutes.

Mr. ALLOTT. Mr. President, I wish to address myself to the same subject which the Senator from Alaska [Mr. BARTLETT] and my colleague [Mr. DOMINICK] have been discussing for the last few moments.

I shall not burden the RECORD unnecessarily, particularly with repetition of statistical data, which my colleague has supplied and which he has, with his usual clarity and insight, explained to the Senate.

I wish to comment on this subject generally. I have long been personally concerned with the problem of water and air pollution and to the end that I have cosponsored two important measures in this Congress dealing with the problem. One measure is S. 2947, which modifies and beefs up considerably the Clean Water Act of 1965. The distinguished Senator from Alaska [Mr. BARTLETT] is also a cosponsor of that bill. The full committee has held an executive session on the measure today. The second bill which I have cosponsored is S. 2857, which would allow double the modernization tax credit to industry for pollution abatement in equipment purchased and installed.

With respect to the statements made by the distinguished Senator from Alaska [Mr. BARTLETT] a few moments ago, I happen to have personal knowledge of the situation back in the fifties, because I was involved in the instigation of the investigation of the rivers in southwest Colorado.

The point which my colleague made is very well taken. There should be no stigma here that the participation in the production of uranium, either by mining or processing, should have any cloud over it. The vitality of our uranium industry enabled us to end World War II in short order. It has provided a nuclear umbrella for us and deterrents for some 20 years, and accounts for our strong military position in the world.

Then, subsequently, it has also permitted the great and almost fantastic development of nuclear power for the production of electricity, as well as almost infinite applications of this rare mineral in the area of medicine.

The State of Colorado has taken the lead and has imposed regulations to deal with this problem of stream pollution by mill tailings. I say this to the Senator from Alaska, who has been kind enough to remain in the Chamber, because a casual or hasty reading of his statement might lead to the inference by someone who did not read it carefully that the situation still exists in Colorado and that there is actually a radiological problem on the rivers of southwest Colorado and the Colorado River basin.

Regulations were issued this year, May 9, after public hearings, and became effective on June 10, 1966. These regulations require that the mill operators submit plans within 90 days showing what has been done to stabilize the tailings and what future measures will be taken, which are all subject to the review of the Director of Public Health.

Earlier, I made a statement before a subcommittee of the Public Works Committee, of which the junior Senator from Maine is the chairman, on S. 2947, and I should like to refer to it to show what the State of Colorado has actually done in this area. It has created a State Water Pollution Commission which is responsible for, one, general supervision over administration and enforcement; two, adopting stream water quality standards in accordance with criteria established in the act and satisfactory to Federal requirements where interstate streams are involved; three, accepting and allocating loans and grants; four, adopting, modifying, and enforcing rules and orders pertaining to water pollution control; and, five, employing technical personnel and hearing officers, and other general responsibilities.

I have previously paid tribute to the Legislature of the State of Colorado—both Republicans and Democrats. Under the leadership of Governor Love, I believe the Colorado Legislature led the way in the field this year by the passage of this Antipollution Act. I pay tribute to them again for this constructive and forwardlooking measure.

Mr. President, since my statement before the Air and Water Pollution Subcommittee may be of interest to others, 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. ALLOTT. In conclusion, I wish to say that there is, of course, some difference of opinion between the agencies most directly involved.

Mr. Murray Stein, who is the chief of the enforcement program, Federal Water Pollution Control Administration, made one statement. Peter A. Morris, Director of the Division of Operational Safety on Atomic Energy, drew a slightly more optimistic picture than did Mr. Stein. However, it might be enlightening to look at the record and see what was said.

The Senator from Maine [Mr. MUSKIE] asked Dr. Morris—and Murray Stein was there at the time:

> Senator MUSKIE. How about the use of these piles—

The word usually used is "tailings"—as a child's sandpile?

> Dr. MORRIS. I think this allowable averaging applies directly. If the Boy Scouts camped on it for one night, there would be no danger whatsoever.
>
> Senator MUSKIE. How many nights could they camp on it safely?
>
> Dr. MORRIS. We could ask about the boy who slept there every night. My rough calculation shows if one was there 40 hours a week, he would get about four times the annual permissible dose.
>
> Again, this is close to levels for which there is no observable biological effect.
>
> We certainly would not recommend it, either.

Then later, the Senator from Maine [Mr. MUSKIE] said:

> As father of five kids, I can say those are just the places that the kids would use, the uninviting ones.
>
> Mr. MORRIS. But they grow up, and they go away. It is not a hazard in terms of short-term exposure. In terms of long-term mechanisms or some flash flood or geological change, again the immediate effect would be temporary.
>
> So that it is difficult for us to conceive of some mechanism where there would really be a radiological hazard, by our current standards.

Then, skipping a few questions, Dr. Morris said:

> We felt that simply as a matter of good housekeeping prudence in being a good neighbor, we should stabilize that pile, and return the land to its natural state.

Mr. President, so far as anyone camping on these piles, it is inconceivable that anyone would want to camp on what amounts to a large pile of blow sand, because all of these piles of tailings, where they occur, are in areas where there are dozens of much more preferable camping sites. There is a definite feeling, in view of beautification and the good-neighbor policy, that they should be stabilized and plantings made. With that I can agree. They are not a beautiful sight, but neither are mine tailings in my friend's State, or the refuse from mines which is dumped out into the valley. Thus, we have the same situation there. We are now taking a more enlightened attitude toward these things, I believe, and will take care of them.

I repeat, I take the floor merely because I would not wish anyone to draw a hasty conclusion from the technical matters in my friend's statement, that there was any danger on the Colorado River Basin today.

Mr. BARTLETT. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I am happy to yield to the Senator from Alaska.

Mr. BARTLETT. I did not intend to so imply. Obviously, the record is clear that no dangers are to be encountered by anyone at this time. One could go to

the Arctic as a tourist, where there has been a peculiar situation in connection with radioactive fallout, and eat caribou meat and there would be no danger at all, or any dire consequences. We are not so sure, yet, that the Eskimos, who subsist on caribou meat day in and day out, are not in some danger even now, although several years have passed since tests have been made in the outer atmosphere.

I wish to assure my friend from Colorado that I am not talking today and shall not talk later as an alarmist. We have mined uranium in the past. We have processed uranium in the past. We are going to continue to do so. As suggested in my statement, our production of uranium is likely to be greatly increased in the years immediately ahead because of the accelerated rate in the use of this material for peaceful purposes.

All I believe we should be sure of, and all I believe we should insist upon, is that every possible safeguard be established to protect the population in the future, whether it be in Colorado, Alaska, or wherever any possible danger may exist. I know that my friend from Colorado will join me in an expression of that hope.

Mr. ALLOTT. The Senator is entirely correct.

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

Mr. ALLOTT. I ask unanimous consent to have 2 additional minutes.

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

Mr. ALLOTT. The Senator is entirely correct. Every sign points to greatly increased production and refinement of uranium and its use in the coming years. This is something about which we cannot afford to be complacent. On the other hand, we do not want to get those who are easily alarmed in a state of alarm over the matter.

Mr. President, I wrote a letter to Dr. Seaborg, Chairman of the Atomic Energy Commission, on April 29, with respect to the pollution situation in Colorado and the Colorado River. He replied to me by letter of June 7, 1966. I ask unanimous consent that it may be placed in the RECORD at this point.

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

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., June 7, 1966.

Hon. GORDON ALLOTT,
U.S. Senate.

DEAR SENATOR ALLOTT: I am pleased to provide in response to your letter of April 29, 1966, the Commission's views relative to the recommendations contained in the report entitled, "Disposition and Control of Uranium Mill Tailings Piles in the Colorado Basin" issued by the Federal Water Pollution Control Administration (FWPCA).

As you know, the water pollution hearings held by the Subcommittee on Air and Water Pollution, Senate Committee on Public Works, included on May 6, 1966, a discussion of the FWPCA report. A statement (copy enclosed) of the views of the AEC on the matter of disposition and control of uranium mill tailings and the FWPCA report was presented at the May 6 hearings.

The FWPCA report, which deals with potential effects of uranium mill tailings on rivers and streams in the Colorado River Basin, states, "there is currently no significant immediate hazard associated with uranium milling activities anywhere in the Colorado River Basin". However, the report recommends that because of the long half-life of radium-266—the isotope of principal interest in the tailings from a water standpoint—and the uncertainties regarding changes that may occur over centuries in things such as river hydrology and the uses of water, measures should be taken to prevent the erosion, spread and distribution of tailings and that binding agreements should be reached as soon as possible regarding long term public and/or private responsibility for adequate maintenance of the tailing piles.

We agree with the conclusion in the FWPCA report that there is currently no significant hazard associated with uranium milling activities in the Colorado River Basin. The evidence available at the present time does not support a conclusion that the uranium mill tailings piles represent a radiation hazard to their environment. The exposure of persons to concentrations of radioactive material in the vicinity of tailings piles would be only a small fraction of the concentrations allowed by applicable standards.

We recognize, however, that in their gross physical aspects the uranium mill tailings piles are unsightly, are sources of disagreeable dust and, in general, constitute a nuisance to those communities which are adjacent to them. Amelioration of such nuisances would, of course, reduce any radiation now present. We share with others the desire that appropriate actions be undertaken. Through its Division of Raw Materials the Commission has taken action and will continue to take action that involves the cooperative efforts of both the milling industry and state agencies. This includes the encouragement of voluntary control by the milling companies and support for the development of adequate and effective state regulations compatible with Executive Order 11258 on abatement of water pollution by Federal activities. These actions are producing results in that a number of mill owners have already stated publicly their decision to stabilize their tailings piles and have initiated appropriate engineering studies. The Commission plans to continue its cooperative effort with Federal, State and local authorities and with the milling industry to achieve adequate pollution control. The Commission will continue to participate in special studies, special surveillance or other technical assistance that may be appropriate.

As you know, on May 9, 1966, the State of Colorado Board of Health adopted regulations concerning the handling and disposition of radioactivity-bearing ore materials. The regulations which become effective June 10, 1966, require mill owners to submit to the State of Colorado health authorities within ninety days from that date a written report on measures taken to stabilize tailings piles together with any further actions proposed. We think the approach adopted in the Colorado regulations is a good one.

Please let me know if you would like any further information.

Cordially,

GLENN T. SEABORG,
Chairman.

Enclosure: AEC Statement on Mill Tailings.

Mr. ALLOTT. Mr. President, I yield the floor.

EXHIBIT 1

[From the office of GORDON ALLOTT, U.S. Senator, 5229 Senate Office Building, Washington, D.C.]

WATER POLLUTION STATEMENT BEFORE THE SUBCOMMITTEE ON AIR AND WATER POLLUTION OF THE SENATE COMMITTEE OF PUBLIC WORKS

Mr. Chairman, as a cosponsor of S. 2947 I appreciate having this opportunity to make this statement before the Committee. As you know, S. 2947 is designed to broaden and increase the authorization of the basic act, the Federal Water Pollution Control Act (Public Law 84-660), and the Water Quality Act of 1965 (Public Law 89-234). The 1965 Act, among other things, set up the Federal Water Pollution Control Administration. As is the case with most new agencies this one has had its difficulties.

One of the less serious problems has been with switchboard operators. Recently, these young ladies were called together by their supervisor who said: "Please, ladies, when you answer the phone you are to say 'Federal Water Pollution Control Administration.' A bad impression is created when you answer the phone and say 'Dirty Water.'"

This humorous little story does point out one thing however, "dirty water" has created a nation-wide bad impression—and rightly so. There is a public awareness of the problem of dirty water, and the fine work of this Subcommittee on Air and Water Pollution has assisted immeasurably in developing it. The water shortage in New York City vividly exemplified the unfortunate situation of a city on the banks of one of the Nation's mightiest rivers and yet not able to put that great resource to use because of pollution. The time when we could afford to be careless with our great water resources has passed, and the time for judicious water management is here.

Of necessity, we of the arid and semi-arid Western States have been conscious of the necessity for water management. We were not blessed with abundant rainfall that fill the many great streams of the Eastern States. But our efforts have been in the direction of diverting and storing water for future use. Some attention has been given to pollution abatement, but not enough. Westerners know, however, that the future of their country depends upon an adequate supply of uncontaminated water. For the last 100 years "water has been king" in the West. Now, because the requirement for water in the Eastern States has expanded to such an extent, this precious resource has become monarch in the East also.

The problem is the same both in the East and in the West: "How do we make our water resources effectively yield maximum benefits?" Obviously, pollution control and abatement is an essential element of judicious water management. Patience has run out, people are no longer going to put up with having to drink the sewerage of their upstream neighbors. There is a moral obligation to treat waste waters. No civilized person throws trash in his neighbor's yard. Why would a community discharge its wastes into a neighboring community's water source?

Can a community afford to build sewers and a treatment plant? Sewage treatment is one of the cheapest services a local government provides for its citizens. In one State, sewage treatment costs about five cents per day per family. A community of 50,000 may pay $102 per person for hospitals and $303 for schools, but invests only $36 per person for secondary sewage treatment. The cost is lowered to about $12 per person in an area with one million people. The larger the community the lower the per person cost of sewage treatment; and conversely, the smaller

the community the higher the per person cost. From this it would appear that the smaller communities will require the greater proportionate financial and technical assistance.

The backbone of any water pollution prevention and abatement success story rests with the local government. The national water pollution crisis is really many local problems put together. The national crisis will disappear when all local governments solve their separate local pollution problems. In the final analysis, it is essentially the municipality, the special district, or the county which must plan, finance, build, and operate the treatment facilities. The State and Federal governments can provide assistance of various kinds, but the responsibility for the initiative and the day-to-day operation will fall upon the shoulders of the local community. It will take informed and dedicated local officials to adequately mobilize effective pollution abatement programs, because waste waters must be discharged around the clock, and only the removal of pollutants and contaminants by a correctly built, maintained and operated treatment facility will reduce pollution.

Some may point to the State and local governments and say, "But they have had all this time and the problem still exists." Well, first, nearly everything—inadequate as it may be—that has been done to date to abate pollution has been done by the State and local governments. It is estimated that in Colorado alone communities have invested over $47 million in the construction of 102 sewage treatment plants. In addition, just two of Colorado's major industries have spent upwards of $10 million in reducing or eliminating pollutants.

And second, the Federal Government cannot point to its own record with pride. S. 560, a bill designed to take positive steps to stop pollution by Federal installations, sponsored by Senator MUSKIE, the able chairman of this subcommittee; Senator BOGGS, who first suggested such legislation; and several others, has yet to be enacted into law. The bill passed the Senate on March 25, 1965, but has languished in committee in the House of Representatives ever since. Until Congress removes the mote from the "Federal eye" it is not seemly for us to complain too loudly about the State and local governments.

But the purpose of these hearings is to find answers—to come up with an effective mechanism with which to combat pollution—not to engage in recriminations. To do this the problem must first be analyzed.

The first question is: "What is pollution?" Pollution is different things to different people. What may be pollution to one person may not be pollution to another. The public health officer, the fisherman, the farmer, the industrialist, and the outdoor recreationist all have differing concepts of pollution. To most of us, however, pollution is that which we dislike seeing, smelling, tasting, or even thinking exists in the stream, lake, or other body of water. In short, it is "dirty water." It would be unrealistic to simply ban all forms of pollution, for in order to enforce such a ban we would all have to discontinue the use of water. Obviously, enforcement agencies must have a more precise definition with which to work than just "dirty water." Realistic and enforceable standards must be established. The Water Quality Act of 1965, which was signed into law just seven months ago, has helped to put the necessary machinery into action to develop such standards. States are "gearing up" now. The 1965 Act is an "or else" mandate to the States: "Establish water quality standards and enforcement procedures acceptable to the Secretary by June 30, 1967, 'or else' the Secretary will establish them for you."

My own State of Colorado has created a State Water Pollution Commission which is responsible for:

1. general supervision over administration and enforcement,
2. adopting stream water quality standards in accordance with criteria established in the Act and satisfactory to Federal requirements where interstate streams are involved,
3. accepting and allocating loans and grants,
4. adopting, modifying and enforcing rules and orders pertaining to water pollution control,
5. employing technical personnel and hearing officers, and other general responsibilities.

The new commission is composed of eleven members: four from State Agencies, one each from industry, municipal or county governments, and agriculture, and four from the public at large. Seven of the members are appointed by the Governor.

The commission is already hard at work on fulfilling the responsibilities I have just enumerated.

The second question is: "Who are the polluters?" Man, of course, contributes most to pollution; however, Nature contributes her share. Floods pick up tremendous amounts of silt, brush, and other "natural" pollutants in addition to man-made debris and other pollutants and eventually discharges this polluted water into major water courses and lakes. Fish and wildlife also contribute some pollution. So, there are at least three classes of polluters: first, those we can and wish to control, this includes both man and Nature, but the control of Nature is limited to our ability to control floods and other natural causes of pollution; second, those we cannot control which includes the natural forces and wildlife elements beyond our present ability to control; and third, those we do not wish to control because control would do violence to other public policies and we have decided to accept that degree of pollution in the furtherance of those other policies.

In our efforts to control the first class of polluters recognition is essential of the fact that while some of man's activities create much more pollution than others, all of us contribute to the problem. The housewife grinding garbage down the disposal or washing laundry, the factory discharging waste materials into a nearby stream, the camper carelessly discarding his refuse into a stream, the farmer whose irrigated field drains into a watercourse; all of these activities have one thing in common: they cause some degree of water pollution. So long as man is on Earth, man-made pollution cannot be totally eliminated. But, it can be limited and kept within tolerable limits.

It has been said that ". . . no one has a 'right' to pollute water." This, however, comes into conflict with man's superior right to live, since the mere act of living necessarily causes pollution. Perhaps it could be better said this way: "No one has a right to allow his pollutants to enter a stream, lake, or other body of water without first having taken all reasonable steps of pollution abatement."

The question then becomes: "What are the reasonable steps of pollution abatement?" The answer will depend on many factors, some of which are:

1. The nature of the pollution;
2. The assimilative capacity of the receiving body of water;
3. Present technology—the state of the art of removing pollutants;
4. The existence and development of alternative methods of disposing of waste materials;
5. The economics of abatement;
6. The location of new potential sources of pollution.

Obviously, there is no easy answer; just as there is no single standard that can be applied to all areas and all conditions. Pollution abatement will take many different forms in different places.

Our technology has many rivers yet to cross. For example, even though secondary sewage treatment is considered by many as the best practical method of treatment now available, secondary treatment still leaves 15% of the nuisance and oxygen demanding pollutants in the effluent.

The other day I came across a news article in the Wall Street Journal which mentioned the ZIMPRO Process of burning "wet" sewage sludge. In responding to my inquiry, Dr. J. Mark Hiebert, Chairman of the Board of Sterling Drug Inc., furnished me with several interesting brochures and technical papers. According to these materials the ZIMPRO Process oxidizes the sewage sludge in a completely contained unit. In effect the sludge is "burned in water," and the exhaust gases are free of both fly ash and objectionable odor. According to one brochure, the large continuous operating unit utilizes the gases and steam produced by the Process to operate the plant. The required heat necessary for start-up is obtained from an outside source, but once started, no external heat is needed to maintain "burning." Even the exhaust gases are used to power an expansion engine which operates the air compressor. The residue is completely sterile and can be used for fill material. Units are already in use in Chicago, Wheeling, West Virginia, and Rye, New York.

Recently, a ZIMPRO Batch unit was installed and tested in South Milwaukee. This unit is designed to meet the needs of smaller communities with populations of from 2,000 to 40,000. The Batch unit can operate on an intermittent basis, storing the sludge in a tank until there is sufficient to warrant starting up the plant. While it does not have the advantages of the larger unit in utilizing waste products as a source of power, there is less proportionate initial investment because of the simpler installation.

I wish to make it perfectly clear that I have no interest in, nor do I have any connection with the manufacturers of the ZIMPRO Process. I have mentioned these developments merely as an example of the imaginative research and development work private industry has been doing in the field of pollution abatement and which should not be overlooked in our quest for clean water.

The task of pollution abatement is an immense job and cannot be achieved by government action alone. Everyone has a part to play. One needs only to look at the litter thrown into our streams to conclude that a big dose of ordinary manners is needed by many of our people. But, beyond that, industry alone can take a giant step towards our objective of clean water.

It seems to me that one of the quickest and most economical methods of abating industrial pollution is through the tax credit technique.

Last February I joined Senator COOPER and others in sponsoring legislation which would increase industry's investment credit allowable on equipment for the control and abatement of water and air pollution.

As the members of the Subcommittee know, industry is presently allowed a 7% tax credit on the first $25,000 it spends for modernization equipment, and 7% on 25% of all it spends above that amount in a year. The proposal I sponsored would double the tax credit, to 14%, on just that equipment purchased for air and water pollution abatement.

It is unrealistic to assume that either an individual industry or the Federal government can stand the entire financial gaff for this expensive but vital equipment, because installation does not produce additional profits for industry nor as a result does it

produce additional revenues for the Federal government.

The plan would reduce Federal tax revenues by approximately $25 million the first year $30 million the second year, and would ultimately average about $50 million annually. The tax revenue reduction seems insignificant when compared with what we proposed to spend in S. 2947.

I realize that income tax matters are not within the jurisdiction of this subcommittee; however, I believe that no discussion of pollution abatement is complete without the mention of tax incentives. In this regard, the Twenty-First report of the Committee on Government Operations states on Page 15 that ". . . In general, the State Governors favored Federal tax incentives for this purpose, and saw no conflict between a Federal tax incentives program and any similar State programs." I also note the support of the tax incentive approach by this Subcommittee in its excellent report entitled "Steps Toward Clean Water."

The ink was hardly dry on the Water Quality Act of 1965 when I joined the distinguished chairman of this Subcommittee in sponsoring S. 2947. I joined 46 of my colleagues in cosponsoring S. 2947 because I was convinced that while the 1965 Act was a good approach it was limited. In other words, we need more, and S. 2947 gives us more.

Recent projections indicate that our population will increase from an estimated 195 million in 1965 to an estimated 362 million in the year 2000. Our need for water will also increase, but it will increase at a rate greater than our population increase. In 1965 approximately 325 billion gallons of water are used each day, but by the year 2000 our need for water will have increased to around 900 billion gallons per day. So that while our population will have increased by about 85%, our requirement for water will have increased by about 177%. The West alone, whose population is expected to reach 108 million by the year 2000, will require 365 billion gallons of water per day, which is about 40 billion gallons more than the whole nation requires now. We cannot hope to meet the soaring demands for clean water with half-hearted efforts. Nor can we hope to meet the challenge by restricting ourselves to the use of only part of our talent, experience, and resources.

We cannot afford to get bogged down in bureaucratic in-fighting, which wastes too much time, energy, and talent in determining who is going to be in the "drivers seat," at the expense of getting the job done.

Centralization may be a good thing when we know precisely what course we intend to take. But, at the present time we only know the ultimate objective; we do not know the shortest and best route to take to achieve that objective. Exploration by many and in many directions is essential at this stage. In an operation too highly centralized, one pet approach will tend to monopolize the field. We cannot allow ourselves to become so heavily committed to one approach that we cannot back off and take a new direction, if one is indicated by technological advances. There is urgency in getting on with pollution abatement, but let us not be panicked into heading down the wrong road.

I believe S. 2947 is the right road. It achieves the flexibility so necessary to an all-out attack on pollution instead of just a Federal attack on pollution. With dynamic administration and adequate funding, together with the whole-hearted cooperation of State and local governments and a sensible tax incentive program for industry, I believe we can expect to see some exciting results in the near future. And, we must have results.

Mr. ANDERSON. Mr. President, after I have had an opportunity to study fully the statement made by the distinguished Senator from Alaska, I may have some additional comments. For the moment I would like to say the following. The Senator has made several important points in his talk concerning the threat of radiation. He has cited two reports: an April 1966 report by the National Advisory Committee on Radiation, chaired by Dr. Russell Morgan, and issued as an advisory report to the U.S. Public Health Service and a report on the disposition and control of uranium mill tailings piles in the Colorado River Basin.

I am acquainted with Dr. Morgan's report and I would like to add to what my distinguished colleague has said by pointing out that, in my view, the main thrust of the Morgan committee's report is to draw attention to the increasing use of radiation sources such as radioisotopes and X-rays in diagnostic and therapeutic medical practice and a consequent growing demand for trained specialists in the field of radiology. The Morgan committee specially urges that the Public Health Service—page iii—

> Take the initiative in the formulation and promulgation of (a) standards dealing with the qualifications of personnel who operate X-ray equipment or who use radioactive materials not regulated by the Atomic Energy Commission; (b) design standards for sources containing radium and other radioactive materials that are not reactor byproducts; and (c) standards for the premarketing clearance of X-ray equipment used in the health professions and in industry.

I certainly agree that in this time of increasing utilization of X-ray machines, radioisotopes and other sources of radiation, that it is important that our Public Health Service play a major role in setting necessary standards to insure that the risks associated with these activities be well defined and that appropriate standards and criteria be established in order to provide necessary guides for industry and for public health officials at all levels of government.

In connection with the problem of uranium mill tailings which the Senator from Alaska has mentioned, I would like to quote briefly from a report on this subject issued by the Department of Health, Education, and Welfare, Federal Water Pollution Control Administration, in March of this year. The report states on page ii:

> To determine the degree of hazard associated with these tailings piles is no simple problem. If you think in terms of immediate hazards, or in terms of hazards this year, it is very difficult to show that there is a problem. What has concerned us right along has been the long-lived nature of the radioactivity involved.

The report makes it clear that it is not especially concerned with immediate hazards from uranium mill tailings, rather it is concerned with the potential problems that may result in the long term. This means that there is adequate time for evaluation and a deliberate course of action.

It is my belief that corrective action can be taken to insure that the radium content of the uranium mill tailings piles is not allowed to enter into adjacent rivers or water supplies in excessive amounts. There are a number of possible control measures which have been suggested. These include fertilization and cultivation of the top and side surfaces of the piles in order to effect stabilization. Also suggested is the building of dikes to insure that nearby water cannot erode the tailings piles.

It is my understanding that the State of Colorado has adopted a regulation requiring millowners to submit in a report to the State their plans for controlling their uranium mill tailings piles in order to insure that these materials do not enter water supplies in excessive amounts. The control of radium historically has been left to the States. Radium is not an isotope regulated by the Atomic Energy Commission. It appears that the State of Colorado recognizes the problem and is moving toward the necessary solution to insure that the health of the people in the surrounding area will be protected. I believe this body should follow closely their progress in dealing with this problem.

I would like to conclude with a few remarks concerning the radiation protection guides which the Senator from Alaska has mentioned during the course of his statement.

The Joint Committee on Atomic Energy has followed closely the development of radiation guides from the very beginning of the atomic energy program. There is a long history of development of these guides from work done by the National Committee on Radiation and finally the Federal Radiation Council which has promulgated the guides in their present form. The guides are intended to apply to normal peacetime uses of atomic energy. In addition the council has published protective action guides intended for use in the case of fallout and certain other sources of radiation contamination. The Joint Committee was instrumental in drawing attention to the need for a Federal body which would have the responsibility of advising the President concerning radiation matters. The Federal Radiation Council was established in 1959 to fulfill this purpose. On recommendation of the Joint Committee on Atomic Energy during my chairmanship, the Federal Radiation Council was made statutory by Public Law 86-373, through amendment to the Atomic Energy Act of 1954. Subsequently, the Council published a series of reports recommending criteria and standards for radiation which have been approved by the President for guidance to the executive agencies of the Government.

I would particularly like to call attention to the fine work of the Subcommittee on Research, Development and Radiation of the Joint Committee on Atomic Energy, under the chairmanship of Congressman MEL PRICE. Much of the information developed and made public through the years has come from hearings of that subcommittee. A great deal

of credit should go to Congressman PRICE for bringing attention to the need for criteria and for the actual establishment of the radiation guides.

For those who may be interested in the full and complete background on the development of standards for radiation, I would refer them to hearings before the Subcommittee on Research, Development and Radiation on the Joint Committee on Atomic Energy which have been held in order to obtain information for the Congress and in part to provide an open forum so that representatives of all phases of government, industry, and the general public would have an opportunity to be heard concerning the suitability of radiation guides. I ask unanimous consent that a listing of these publications be printed at the conclusions of my remarks. It is my belief that these hearings and reports by the Joint Committee have served to educate the public and the Members of Congress on this important subject matter.

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

JOINT COMMITTEE ON ATOMIC ENERGY HEARINGS ON RADIATION PROTECTION STANDARDS

Hearings before the Special Subcommittee on Radiation of the Joint Committee on Atomic Energy, "Radiation Protection Criteria and Standards: Their Basis and Use." May 24, 25, 26, 31, June 1, 2, and 3, 1960.

Summary-Analysis of Hearings May 24, 25, 26, 31, June 1, 2, and 3, 1960, Special Subcommittee on Radiation of the Joint Committee on Atomic Energy, "Radiation Protection Criteria and Standards: Their Basis and Use." October 1960.

Index to Hearings and Selected Materials of May 1960, Special Subcommittee on Radiation of the Joint Committee on Atomic Energy, "Radiation Protection Criteria and Standards: Their Basis and Use," June 1961.

Hearings before the Subcommittee on Research, Development, and Radiation of the Joint Committee on Atomic Energy, "Radiation Standards, Including Fallout," June 4, 5, 6, and 7, 1962, Part I.

Hearings before the Subcommittee on Research, Development, and Radiation of the Joint Committee on Atomic Energy, "Radiation Standards, Including Fallout," Part 2, Appendix.

Summary-Analysis of Hearings Held on June 4, 5, 6, and 7, 1962 before the Subcommittee on Research, Development, and Radiation of the Joint Committee on Atomic Energy, "Radiation Standards, Including Fallout," September 1962.

Hearings before the Subcommittee on Research, Development, and Radiation of the Joint Committee on Atomic Energy, "Fallout, Radiation Standards, and Countermeasures," June 3, 4, and 6, 1963, Part I.

Hearings before the Subcommittee on Research, Development, and Radiation of the Joint Committee on Atomic Energy, "Fallout, Radiation Standards, and Countermeasures," August 20, 21, 22, and 27, 1963, Part 2.

Hearings before the Subcommittee on Research, Development, and Radiation of the Joint Committee on Atomic Energy, "Federal Radiation Council Protective Action Guides," June 29 and 30, 1965.

ADDITIONAL JOINT COMMITTEE HEARINGS ON TOPICS RELATED TO RADIATION EXPOSURE

Hearings before the Special Subcommittee on Radiation of the Joint Committee on Atomic Energy, "The Nature of Radioactive Fallout and its Effects on Man," May 27, 28, 29, and June 3, 1957, Part I.

Hearings before the Special Subcommittee on Radiation of the Joint Committee on Atomic Energy, "The Nature of Radioactive Fallout and its Effects on Man," June 4, 5, 6, and 7, 1957, Part 2.

Hearings before the Special Subcommittee on Radiation of the Joint Committee on Atomic Energy, "The Nature of Radioactive Fallout and its Effects on Man," May 27, 28, 29, June 3, 4, 5, 6, and 7, 1957, Part 3, Index.

Summary-Analysis of Hearings May 27–29, and June 3–7, 1957, Special Subcommittee on Radiation of the Joint Committee on Atomic Energy, "The Nature of Radioactive Fallout and Its Effects on Man," August, 1957.

Hearings before the Joint Committee on Atomic Energy, "Problems of the Uranium Mining and Milling Industry," February 19, 24, and 25, 1958.

Joint Committee on Atomic Energy, "Selected Materials on Employee Radiation Hazards and Workmen's Compensation," February 1959.

Hearings before the Subcommittee on Research and Development of the Joint Committee on Atomic Energy, "Employee Radiation Hazards and Workmen's Compensation," March 10, 11, 12, 17, 18, and 19, 1959.

Summary-Analysis of Hearings March 10, 11, 12, 17, 18, and 19, 1959 of the Joint Committee on Atomic Energy, "Employee Radiation Hazards and Workmen's Compensation," September 1959.

Hearings before the Special Subcommittee on Radiation of the Joint Committee on Atomic Energy, "Fallout from Nuclear Weapons Tests," May 5, 6, 7, and 8, 1959, Volume I.

Hearings before the Special Subcommittee on Radiation of the Joint Committee on Atomic Energy, "Fallout from Nuclear Weapons Tests," May 5, 6, 7, and 8, 1959, Volume 2.

Hearings before the Special Subcommittee on Radiation of the Joint Committee on Atomic Energy, "Fallout from Nuclear Weapons Tests," May 5, 6, 7, and 8, 1959, Volume 3.

Index to Hearings before the Special Subcommittee on Radiation of the Joint Committee on Atomic Energy, "Fallout from Nuclear Weapons Tests," May 5, 6, 7, and 8, 1959, Volume 4.

Summary-Analysis of Hearings May 5–8, 1959 of the Joint Committee on Atomic Energy, Special Subcommittee on Radiation, "Fallout from Nuclear Weapons Tests," August 1959.

Mr. YARBOROUGH. Mr. President, I want to congratulate my distinguished colleague, the Senator from Alaska [Mr. BARTLETT], for bringing to the attention of the Senate and his country the facts he has provided us with today concerning the contamination of our environment by radioactivity from sources of which we are not always aware.

The report of the National Advisory Committee on Radiation to the Surgeon General which Senator BARTLETT brings to our attention is vital reading, and with him I commend it to all. Its recommendations for a greater Federal effort which would lead to better standards of acceptable radiation are worthy of the most serious consideration.

My able colleague is to be commended for his concern in this matter, and I look forward to his further reports in the coming weeks on the problems of radioactive contamination.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Alaska [Mr. BARTLETT], who sparingly takes the floor, but, when he does, always has something worthwhile to say. By the same token, I commend the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK] for pointing out the situation in their State and also for making clear for the RECORD what the Public Health Service has done in Colorado. Moreover, I wish to commend the distinguished senior Senator from New Mexico [Mr. ANDERSON] for offering this astute appreciation of the problem and for sharing with the Senate his vast knowledge of the situation.

I desire to take particular note however of the fact that the Senator from Alaska [Mr. BARTLETT] has assembled in his speech the fragments of information on this subject that occasionally appear in the newspapers, and has given us not only a clear picture but a fine perspective; he has performed a great service.

I hope he will continue his research on this important subject. Nevertheless, while he says he is not an alarmist—and he is not—this topic or subject is of such importance to all the American people that we cannot afford to sleep while this matter which may be so detrimental to certain people or to areas of the country goes without proper and careful attention.

Mr. BARTLETT. I thank the distinguished majority leader.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senate will now return to the transaction of routine morning business, with a 3-minute limitation on statements.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT ON EXPORT-IMPORT BANK INSURANCE AND GUARANTEES ON U.S. EXPORTS TO YUGOSLAVIA

A letter from the Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, that the amount of Export-Import Bank insurance and guarantees on U.S. exports to Yugoslavia for the month of May 1966, not previously reported, totaled $660,482; to the Committee on Appropriations.

REPORT ON PROJECTS FOR AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, on additional projects proposed to be undertaken for the Air National Guard; to the Committee on Armed Services.

AMENDMENTS TO REGULATIONS GOVERNING THE REPORTING OF BOATING ACCIDENTS BY UNINSPECTED NUMBERED VESSELS

A letter from the Assistant Secretary of the Treasury, transmitting, pursuant to law, a certified copy of amendments to the regulations governing the reporting of boating accidents by uninspected numbered vessels (with an accompanying paper); to the Committee on Commerce.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the purchase of title insurance on properties acquired in the

State of Florida under the loan guarantee programs, Veterans' Administration, dated June 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of repair practices relating to single-family properties acquired through mortgage insurance programs, Federal Housing Administration, Department of Housing and Urban Development, dated June 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of eligibility of veterans for total disability insurance, Veterans' Administration, dated June 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements in the budget presentation of proposed major capital expenditures, the Alaska Railroad, Department of the Interior, dated June 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the equipment modification program for M-48A1 tanks, Department of the Army, dated June 1966 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 261. Resolution providing for the printing of a revised edition of the document "History of the Senate Seals" (Rept. No. 1297);

S. Res. 271. Resolution to provide additional funds for the Committee on Interior and Insular Affairs;

S. Res. 272. Resolution to print as a Senate document a compilation on the history of the Senate Committee on Commerce (Rept. No. 1298); and

S. Res. 274. Resolution to provide additional funds for the Committee on Appropriations.

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Con. Res. 98. Concurrent resolution to provide for the printing of additional copies of the pamphlet entitled "Our Capitol" (Rept. No. 1299).

By Mr. LONG of Louisiana, from the Committee on Finance, with amendments:

H.R. 14347. An act to liberalize the provisions for payment to parents and children of dependency and indemnity compensation, and for other purposes (Rept. No. 1300).

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

S. 3052. A bill to provide for a coordinated national highway safety program through financial assistance to the States to accelerate highway traffic safety programs, and for other purposes (Rept. No. 1302).

Mr. METCALF subsequently said: Mr. President, I ask unanimous consent that at its next printing, the names of Senators BAYH and BOGGS be added to Senate bill 3052, reported today from the Committee on Public Works.

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

By Mr. ROBERTSON, from the Committee on Banking and Currency, without amendment:

H.R. 14025. An act to extend the Defense Production Act of 1950, and for other purposes (Rept. No. 1303).

By Mr. BARTLETT, from the Committee on Commerce, with amendments:

S. 2720. A bill to authorize the Secretary of the Interior to develop, through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate (Rept. No. 1304).

APPOINTMENT OF A SENATE DELEGATION TO ATTEND A MEETING OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION—REPORT OF A COMMITTEE

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported the following original resolution (S. Res. 276); which was referred to the Committee on Rules and Administration:

Resolved, That the President of the Senate is authorized to appoint four Members of the Senate (at least one of whom shall be from the Committee on Foreign Relations) as a delegation to attend the next general meeting of the Commonwealth Parliamentary Association, to be held in Ottawa, Ontario, Canada, at the invitation of the Canadian Branch of the Association, and to designate the chairman of said delegation.

SEC. 2 (a). The expenses of the delegation, including staff members designated by the chairman to assist said delegation, shall not exceed $10,000 and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

(b) The expenses of the delegation shall include such special expenses as the chairman may deem appropriate to carry out this resolution, including reimbursements to agencies for compensation of employees detailed to the delegation and expenses incurred in connection with providing appropriate hospitality to foreign delegates.

(c) Each member or employee of the delegation shall receive subsistence expenses in an amount not to exceed the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88-633, approved October 7, 1964.

DOROTHY L. JOHNSTON—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 277); which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Dorothy L. Johnston, widow of Joel H. Johnston, an employee of the Senate at the time of his death, a sum equal to eleven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MARY L. HARRIS—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 278); which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary L. Harris, widow of Joseph W. Harris, Sr., an employee of the Senate at the time of his death, a sum equal to ten months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

TRAFFIC SAFETY ACT OF 1966—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT NO. 1301)

Mr. MAGNUSON. Mr. President, from the Committee on Commerce I report favorably, with amendments the bill (S. 3005) to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce traffic accidents and the deaths, injuries, and property damage which occur in such accidents, and I submit a report thereon.

I ask unanimous consent that the report be printed, together with individual views.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

S. 3538. A bill for the relief of Venanzio Falzetti; and

S. 3539. A bill to confer jurisdiction upon the U.S. District Court for the District of Montana to hear, determine, and render judgment upon certain claims of Ramona Bible Swingley, on behalf of herself or her four minor children; to the Committee on the Judiciary.

S. 3540. A bill to authorize Rural Housing loans to lessees of nonfarm rural land, and for other purposes; to the Committee on Banking and Currency.

S. 3541. A bill to amend the Public Works and Economic Development Act of 1965 in order to allow more flexibility in the designation of redevelopment areas; to the Committee on Public Works.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3542. A bill providing that certain privately owned irrigable lands in the Milk River project in Montana shall be deemed to be excess lands; to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (by request):

S. 3543. A bill to repeal the prohibition upon the fixing of collection of fees for certain services under the navigation laws; and

S. 3544. A bill to amend the Intercoastal Shipping Act of 1933 to provide for accounting at the expiration of a rate suspension; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bills, which appear under separate headings.)

By Mr. MOSS:

S. 3545. A bill for the relief of Jin Suk Yang; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 3546. A bill to permit certain service-connected disabled veterans to use commissary stores operated for military personnel; to the Committee on Armed Services.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

Mrs. NEUBERGER (for herself and Mr. MORSE):

S. 3547. A bill to make certain expenditures of the city of Portland, Oreg., eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. ANDERSON:

S. 3548. A bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

(See the remarks of Mr. ANDERSON when he introduced the above bill, which appear under a separate heading.)

By Mr. TYDINGS (for himself and Mr. KENNEDY of New York):

S. 3549. A bill to amend certain provisions of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, relating to landlords and tenants; to the Committee on the District of Columbia.

(See the remarks of Mr. TYDINGS when he introduced the above bill, which appear under a separate heading.)

By Mr. BURDICK (for himself and Mr. METCALF):

S. 3550. A bill to provide for the issuance by the Secretary of Agriculture of a 25-cent per bushel export marketing certificate on wheat for the 1967, 1968, and 1969 crops of wheat; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. BURDICK when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLAND (for himself, Mr. ALLOTT, Mr. CURTIS, Mr. DOMINICK, Mr. HRUSKA, Mr. ROBERTSON, Mr. TOWER, and Mr. YOUNG of North Dakota):

S.J. Res. 171. Joint resolution to require the removal of certain agricultural products from negotiation of tariff reductions under the Trade Expansion Act of 1962, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. HOLLAND when he introduced the above bill, which appear under a separate heading.)

RESOLUTIONS

APPOINTMENT OF A SENATE DELEGATION TO ATTEND A MEETING OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 276) authorizing the appointment of a Senate delegation to attend a meeting of the Commonwealth Parliamentary Association, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. FULBRIGHT, which appears under the heading "Reports of Committees.")

DOROTHY L. JOHNSTON

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 277) to pay a gratuity to Dorothy L. Johnston, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under the heading "Reports of Committees.")

MARY L. HARRIS

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 278) to pay a gratuity to Mary L. Harris, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under the hearing "Reports of Committees.")

DESIGNATION OF YORK, PA., AS HONORARY CAPITAL OF THE UNITED STATES ON JULY 4, 1966

Mr. SCOTT submitted a resolution (S. Res. 279) to express the sense of the Senate that on July 4, 1966, the city of York, Pa., should be deemed to be the honorary Capital of the United States, which was referred to the Committee on the Judiciary.

(See the above resolution printed in full when submitted by Mr. SCOTT, which appears under a separate heading.)

REPEAL OF PROHIBITION UPON FIXING OF COLLECTION OF FEES FOR CERTAIN SERVICES UNDER NAVIGATION LAWS

Mr. MAGNUSON. Mr. President, I introduce, at the request of the Secretary of the Treasury, a bill to repeal the prohibition upon the fixing or collection of fees for certain services under the navigation laws. I ask unanimous consent that the letter and memorandum on the proposed fee schedule from the Secretary be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter and memorandum will be printed in the RECORD.

The bill (S. 3543) to repeal the prohibition upon the fixing of collection of fees for certain services under the navigation laws, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter and memorandum, presented by Mr. MAGNUSON, are as follows:

THE SECRETARY OF THE TREASURY,
Washington.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To repeal the prohibition upon the fixing or collection of fees for certain services under the navigation laws."

The proposed legislation would repeal the statute prohibiting the charging or collection of fees for certain services rendered to vessel owners by the United States Coast Guard. The services involved include the shipping or discharging of seamen, the inspection, examination and licensing of steam vessels, and the licensing of masters, engineers, pilots, and mates of vessels. The Department has previously forwarded a proposal introduced in the Senate as S. 1875 which would repeal a portion of the section that the accompanying proposal would repeal in its entirety. A proposal identical to S. 1875 has been introduced in the House of Representatives as H.R. 726. In neither of these bills, however, were the services performed by the Coast Guard included in the part to be repealed.

The repeal of the section would enable the Secretary of the Treasury to impose charges for the services mentioned in accordance with the standards set forth in 5 U.S.C. 140, the latter stating the sense of Congress, generally, that services provided by the government to identifiable recipients shall be self-sustaining to the full extent possible. In this connection, it should be observed that authority presently exists to impose fees for similar services performed for small passenger carrying vessels and it is somewhat anomalous that the government, expanding a greater effort in performing these services for larger vessels, should be prohibited from imposing a charge when it is determined to be appropriate.

Should this legislation be enacted, charges would be imposed only after public hearings in compliance with the requirements of the Administrative Procedure Act had been held at which, it is assumed, the viewpoints of all interested parties will be presented. There is attached, however, a memorandum containing preliminary determinations regarding the magnitude and range of fees which would form the basis of proposals to be considered at hearings.

It would be appreciated if you would lay the proposed bill before the Senate. A similar bill has been forwarded to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that the enactment of the proposed bill would be consistent with the Administration's objectives.

Sincerely yours,

HENRY H. FOWLER.

MEMORANDUM—USER CHARGE FEE SCHEDULE, PROPOSED MARCH 1, 1966

If 46 U.S.C. 331 is repealed, user charges which are now prohibited could be imposed in the following areas:

a. Certificate of Inspection.

b. Amendments to certificates of Inspection.

c. Permits to Proceed.

d. Excursion Permits.

e. Permits to carry persons in addition to the crew.

f. Permits to carry additional persons on tugboats and fishing boats.

g. Letters of Certification of Stability.

h. Approval of Plans of Vessels.

i. Factory and shop inspections of equipment.

j. Officers' Licenses.

k. Seamen's Documents.

l. Shipment and Discharge of Merchant Seamen.

m. Approvals or Acceptances and Certificates of Approvals.

The fee schedule which follows represents an initial judgment as to reasonable fees which should be imposed having in mind the criteria established in 5 U.S.C. 140. The amount of revenue which could be expected if these charges were in effect cannot be definitely ascertained at the present time; however, estimates have been made in broad terms as follows:

a. Vessel Certificate Inspections, $1,000,000.

b. Factory Inspections of Merchant Vessel Equipment, $400,000.

c. Type Approvals of Required Merchant Vessel Equipment, $75,000.

d. Licenses and Certificates for Merchant Marine Personnel, $500,000.

e. Shipment and Discharge of Seamen, $400,000.

f. Approval of Plans for Vessels, $400,000.

I. Certificate of inspection, initial, passenger vessels, ocean and coastwise:

Fee schedule (gross tons)

Under 100 tons	$50
Over 100 tons to 250 tons	100
Over 250 tons to 500 tons	125
Over 500 tons to 750 tons	150
Over 750 tons to 1,000 tons	175
Over 1,000 tons to 1,500 tons	200
Over 1,500 tons to 2,000 tons	240
Over 2,000 tons to 3,000 tons	285
Over 3,000 tons to 4,000 tons	320
Over 4,000 tons to 6,000 tons	390
Over 6,000 tons to 8,000 tons	470
Over 8,000 tons to 10,000 tons	525

Over 10,000 tons to 20,000 tons 600 plus $35 each 1,000 tons over 10,000. Over 20,000 tons to 30,000 tons, $900 plus $25 each 1,000 tons over 20,000. Over 30,000 tons, $1,150 plus $22 each 1,000 tons over 30,000.

II. Certificate of inspection, annual, passenger vessels, ocean and coastwise:

Fee schedule (gross tons)

Under 100 tons	$50
Over 100 tons to 250 tons	80
Over 250 tons to 500 tons	100
Over 500 tons to 750 tons	120
Over 750 tons to 1,000 tons	140
Over 1,000 tons to 1,500 tons	165
Over 1,500 tons to 2,000 tons	200
Over 2,000 tons to 3,000 tons	235
Over 3,000 tons to 4,000 tons	270
Over 4,000 tons to 6,000 tons	320
Over 6,000 tons to 8,000 tons	350
Over 8,000 tons to 10,000 tons	430

Over 10,000 tons to 20,000 tons, 430 plus $25 each 1,000 tons over 10,000. Over 20,000 tons to 30,000 tons, $680 plus $22 each 1,000 tons over 20,000. Over 30,000 tons, $900 plus $19 each 1,000 tons over 30,000.

III. Certificate of inspection, initial, passenger vessels, lakes and inland; ferries:

Fee schedule (gross tons)

Under 100 tons	$50
Over 100 tons to 250 tons	90
Over 250 tons to 500 tons	105
Over 500 tons to 750 tons	130
Over 750 tons to 1,000 tons	145
Over 1,000 tons to 1,500 tons	170
Over 1,500 tons to 2,000 tons	200
Over 2,000 tons to 3,000 tons	235
Over 3,000 tons to 4,000 tons	270
Over 4,000 tons to 6,000 tons	320
Over 6,000 tons to 8,000 tons	350
Over 8,000 tons to 10,000 tons	430

Over 10,000 tons, $430 plus $25 each 1,000 tons over 10,000.

IV. Certificates of inspection, annual, passenger vessels, lakes and inland; ferries:

Fee schedule (gross tons)

Under 100 tons	$50
Over 100 tons to 250 tons	75
Over 250 tons to 500 tons	90
Over 500 tons to 750 tons	105
Over 750 tons to 1,000 tons	120
Over 1,000 tons to 1,500 tons	140
Over 1,500 tons to 2,000 tons	165
Over 2,000 tons to 3,000 tons	195
Over 3,000 tons to 4,000 tons	220
Over 4,000 tons to 6,000 tons	260
Over 6,000 tons to 8,000 tons	285
Over 8,000 tons to 10,000 tons	330

Over 10,000 tons, $330 plus $22 each 1,000 tons over 10,000.

V. Certificate of inspection, initial, tank ships, all cargo ships and miscellaneous ships, ocean and coastwise:

Fee schedule (gross tons)

Under 100 tons	$50
Over 100 tons to 250 tons	75

Fee schedule (gross tons)—Continued

Over 250 tons to 500 tons	$100
Over 500 tons to 750 tons	125
Over 750 tons to 1,000 tons	150
Over 1,000 tons to 1,500 tons	180
Over 1,500 tons to 2,000 tons	210
Over 2,000 tons to 3,000 tons	250
Over 3,000 tons to 4,000 tons	300
Over 4,000 tons to 6,000 tons	360
Over 6,000 tons to 8,000 tons	420
Over 8,000 tons to 10,000 tons	500
Over 10,000 tons to 20,000 tons	560

Plus $25 each 1,000 tons over 10,000.

Over 20,000 tons to 30,000 tons, $800 plus $21 each 1,000 tons over 20,000.

Over 30,000 tons, $990 plus $18 each 1,000 tons over 30,000.

VI. Certificate of inspection, annual or biennial, tank ships, all cargo ships and miscellaneous ships, ocean and coastwise:

Fee schedule (gross tons)

Under 100 tons	$50
Over 100 tons to 250 tons	65
Over 250 tons to 500 tons	85
Over 500 tons to 750 tons	105
Over 750 tons to 1,000 tons	125
Over 1,000 tons to 1,500 tons	150
Over 1,500 tons to 2,000 tons	180
Over 2,000 tons to 3,000 tons	210
Over 3,000 tons to 4,000 tons	250
Over 4,000 tons to 6,000 tons	300
Over 6,000 tons to 8,000 tons	350
Over 8,000 tons to 10,000 tons	390
Over 10,000 tons to 20,000 tons	390

Plus $21 each 1,000 tons over 10,000.

Over 20,000 tons to 30,000 tons, $600 plus $18 each 1,000 tons over 20,000.

Over 30,000 tons, $780 plus $16 each 1,000 tons over 30,000.

VII. Certificate of inspection, initial, cargo ships and miscellaneous ships, lakes and inland:

Fee schedule (gross tons)

Under 10 tons	$50
Over 100 tons to 250 tons	75
Over 250 tons to 500 tons	95
Over 500 tons to 750 tons	115
Over 750 tons to 1,000 tons	135
Over 1,000 tons to 1,500 tons	160
Over 1,500 tons to 2,000 tons	185
Over 2,000 tons to 3,000 tons	220
Over 3,000 tons to 4,000 tons	255
Over 4,000 tons to 6,000 tons	305
Over 6,000 tons to 8,000 tons	355
Over 8,000 tons to 10,000 tons	400

Over 10,000 tons, $400 plus $21 each 1,000 tons over 10,000.

VIII. Certificate of inspection, annual or biennial, cargo ships and miscellaneous ships; lakes and inland:

Fee schedule (gross tons)

Under 100 tons	$50
Over 100 tons to 250 tons	60
Over 250 tons to 500 tons	70
Over 500 tons to 750 tons	85
Over 750 tons to 1,000 tons	95
Over 1,000 tons to 1,500 tons	110
Over 1,500 tons to 2,000 tons	130
Over 2,000 tons to 3,000 tons	150
Over 3,000 tons to 4,000 tons	175
Over 4,000 tons to 6,000 tons	200
Over 6,000 tons to 8,000 tons	230
Over 8,000 tons to 10,000 tons	260

Over 10,000 tons, $260 plus $18 each 1,000 tons over 10,000.

IX. Certificate of inspection, initial, barges:

Passenger barges

Under 100 tons	$50
100 tons to 500 tons	60
500 tons and over	80

Tank barges

Under 100 tons	$50
100 tons to 500 tons	60
500 tons and over	80

Seagoing barges

100 tons to 500 tons	$70
500 tons and over	100

X. Certificate of inspection, annual or biennial, barges:

Passenger barges

Under 100 tons	$50
100 tons to 500 tons	55
500 tons and over	65

Tank barges

Under 100 tons	$50
100 tons to 500 tons	55
500 tons and over	65

Seagoing barges

100 tons to 500 tons	$60
500 tons and over	75

XI. Certificate of inspection, initial, freight motorboats; 15 gross tons and over, $50.

XII. Certificate of inspection, biennial, freight motorboats; 15 gross tons and over, $50.

XIII. Certificate of inspection, initial, steam tug and towboats:

Seagoing	$160
Inland	95

XIV. Certificate of inspection, biennial, steam tug and towboats:

Seagoing	$110
Inland	60

XV. Certificate of inspection:

Initial, oceanographic vessels	$75

XVI. Certificate of inspection:

Biennial, oceanographic vessels	$50

XVII. Miscellaneous:

Amendments to certificates of inspection	$10
Permits to proceed	25
Excursion permits	25
Permits to carry persons in addition to the crew	50
Permits to carry additional persons on tugboats and fishing boats	25
Certificates of seaworthiness for change of name	50
Certificate of seaworthiness for carriage of dry or perishable cargo	50
Certified copy of certificate of inspection	5

XVIII. Letters of certification of stability (including experiment observed and calculations review by Coast Guard, passenger vessels:

Fee schedule (gross tons)

Under 100 tons	$50
Over 100 tons to 250 tons	65
Over 250 tons to 500 tons	90
Over 500 tons to 750 tons	135
Over 750 tons to 1,000 tons	185
Over 1,000 tons to 1,500 tons	245
Over 1,500 tons to 2,000 tons	295
Over 2,000 tons to 3,000 tons	410
Over 3,000 tons to 4,000 tons	520
Over 4,000 tons to 6,000 tons	670
Over 6,000 tons to 8,000 tons	900
Over 8,000 tons to 10,000 tons	1,130

Over 10,000 tons $1,130 plus $90 per 1,000 tons over 10,000.

XIX. Letters of certification of stability (including experiment observed and calculations reviewed by Coast Guard), cargo, tank, and miscellaneous vessels:

Fee schedule (gross tons)

Under 100 tons	$50
Over 100 tons to 250 tons	65
Over 250 tons to 500 tons	75
Over 500 tons to 750 tons	85
Over 750 tons to 1,000 tons	100
Over 1,000 tons to 1,500 tons	125
Over 1,500 tons to 2,000 tons	150
Over 2,000 tons to 3,000 tons	190
Over 3,000 tons to 4,000 tons	230
Over 4,000 tons to 6,000 tons	280
Over 6,000 tons to 8,000 tons	340
Over 8,000 tons to 10,000 tons	390

Over 10,000 tons, $390 plus $21 per 1,000 tons over 10,000.

Letters of certification of stability when inclining experiment is performed and data calculated by the Coast Guard. Charges to be based on actual cost calculated at the rate of $12 each hour for each Coast Guard officer or agent engaged.

XX. Duplicate letters of certification of stability (for issuance to sister ships of a vessel on which full stability data has been calculated):

Fee schedule (gross tons): All vessels 1,000 tons and under, $20; over 1,000 tons to 10,000 tons, $20 plus $10 each 1,000 tons over 10,000. Over 10,000 tons, $120 plus $10 each 2,500 tons over 10,000.

New vessels or conversions (46 CFR 31.10–5, 71.65–1, 91.55–5) where plans have prior approval of a classification society.

XXI. Approval of plans of vessels:

Fee schedule (gross tons)

Under 100 tons	$50
Over 100 tons to 250 tons	60
Over 250 tons to 500 tons	70
Over 500 tons to 750 tons	85
Over 750 tons to 1,000 tons	95
Over 1,000 tons to 1,500 tons	110
Over 1,500 tons to 2,000 tons	130
Over 2,000 tons to 3,000 tons	150
Over 3,000 tons to 4,000 tons	175
Over 4,000 tons to 6,000 tons	200
Over 6,000 tons to 8,000 tons	230
Over 8,000 tons to 10,000 tons	260

Over 10,000 tons, $260 plus $18 each 1,000 tons over 10,000.

NOTE 1.—For passenger vessels proposed to carry more than 100 passengers, an additional fee of $50 for each additional 100 passengers or portion thereof proposed to be carried is to be prescribed.

NOTE 2.—In 46 CFR 31.10–5, 71.65–1 and 91.55–5 certain plans are marked which may have prior approval of a classification society. When plans are received without prior approval of a classification society, the applicable fee based on the above fee schedule shall be increased by 50 percent.

NOTE 3.—Approval of cargo gear plans required when plans are not approved by a classification society (46 CFR 31.37–15, 71.47–15, and 91.37–15) the fee shall be $100, which is in addition to the applicable fee in above fee schedule.

XXII. Factory and shop inspections of equipment (a minimum fee of $20.00 shall be charged for each visit made by a Coast Guard Officer or agent for the purpose of conducting shop or factory inspections):

Buoyant apparatus, $3.00.

Buoys, life, ring, $0.75.

Davits (set), $30.00.

Doors, watertight, sliding, including controls, $15.00.

Ladders, embarkation-debarkation (flexible), $0.75.

Lifeboats: 40 persons or less, $22.00; 41 to 85 persons, $30.00; over 85 persons, $37.50.

Motor Lifeboats or lifeboats fitted with hand propelling gear: 40 persons or less, $37.50; 41 persons to 85 persons, $45.00; over 85 persons, $52.50.

Life Floats, $4.50.

Life preservers, fibrous glass, Models 51, 52, 55 and 56, $0.15.

Life preservers, kapok, Models 2, 3, 5 and 6, $0.15.

Life rafts, $22.50.

Line throwing appliances, impulse-projected rocket type, and equipment, $1.50.

Signal pistols for parachute and flare distress signals, $0.75.

Signals, distress combination flare and smoke, hand, $0.40.

Signals, distress, flare, red, hand, $0.40.

Signals, distress, hand-held rocket-propelled parachute and flare, $0.40.

Signals, distress, smoke, orange, floating, $0.40.

Signals, distress, smoke, orange, hand, $0.40.

Winches, lifeboat, $45.00.

Boilers: 3000 sq. feet heating surface and under, $15.00; over 3,000 to 10,000 sq. feet heating surface, $60.00; over 10,000 sq. feet heating surface, $90.00.

Air tanks (receivers, storage): 100 cu. feet volume and under, $7.50; over 100 cu. feet to 300 cu. feet volume, $15.00; over 300 cu. feet volume, $22.50.

Heat Exchangers (feed-water heaters, fuel oil heaters, evaporators, etc.): 18 inches outside diameter and under, $30.00; over 18 inches outside diameter, $60.00.

Cargo tanks (liquefied petroleum gas): 60 inches outside diameter and under, $90.00; over 60 inches outside diameter, $180.00.

Class "A" Materials: Boiler plates, $1.35 per Short Ton; rivets, $1.35 per Short Ton; structural shapes, $1.35 per Short Ton.

Furnaces, dished or flanged plates (at places other than boiler or pressure vessel fabricating shop), $7.50.

XXIII. Officers' Licenses:

License, Master, Steam/motor, Ocean, $50.00.

License, Master, Steam/motor, Coastwise, $40.00.

License, Master, Sail, Ocean/Coastwise, $20.00.

License, Master, Yachts, Ocean/Coastwise, $40.00.

License, Master, Steam/motor, Great Lakes, $40.00.

License, Master, Steam/motor, Lakes, Bays, Sounds, $40.00.

License, Master, Steam/motor, Rivers, $40.00.

License, Master, Steam/motor, Ferries, $20.00.

License, Master, Yachts, Lakes, Bays, Sounds, Rivers, $30.00.

License, Master, Passenger Barges, $20.00.

License, Master, Vessels operating under special conditions, $30.00.

License, Chief Mate, Steam/motor, Ocean, $40.00.

License, Chief Mate, Steam/motor, Coastwise, $40.00.

License, 2nd Mate, Steam/motor, Ocean, $30.00.

License, 2nd Mate, Steam/motor, Coastwise, $30.00.

License, 3rd Mate, Steam/motor, Ocean, $20.00.

License, 3rd Mate, Steam/motor, Coastwise, $20.00.

License, Mate, Inland or rivers, $20.00.

License, Mate, Vessels operating under special conditions, $20.00.

License, Pilot, 1st or 2nd Class, $30.00.

License, Pilot, Steam yachts; lakes, Bays, Sounds, or Rivers, $20.00.

License, Pilot, Tank vessels not over 150 gross tons, $20.00.

License, Pilot, Vessels operating under special condition, $20.00.

License, Chief Engineer, Steam Vessels, $50.00.

License, Chief Engineer, Motor Vessels, $50.00.

License, 1st Ass't Engineer, Steam Vessels, $40.00.

License, 1st Ass't Engineer, Motor Vessels, $40.00.

License, 2nd Ass't Engineer, Steam Vessels, $30.00.

License, 2nd Ass't Engineer, Motor Vessels, $30.00.

License, 3rd Ass't Engineer, Steam Vessels, $20.00.

License, 3rd Ass't Engineer, Motor Vessels, $20.00.

License, Engineer of Motor Vessels operating on Puerto Rican or Hawaiian Waters, $20.00.

License, Radio Officer, $10.00.

License, Master, Motor/Sail, uninspected vessels, $30.00.

License, Mate, Motor/Sail, uninspected vessels, $10.00.

License, Chief Engineer, Motor, uninspected vessels, $30.00.

License, Ass't Engineer, Motor, uninspected vessels, $10.00

Lifting of limitations on licenses, $10.00.

Removal of restriction on licenses, $10.00.

Endorsements extending routes on licenses, $15.00.

Endorsements as pilot on licenses, $15.00.

Renewal of licenses, $10.00 (when no examination is required).

Renewal of licenses, $15.00 (when examination is required).

XXIV. Seamen's Documents:

Certificates, Staff Officers, $10.00.

Continuous Discharge Books, $10.00.

Merchant Mariners' Documents, $10.00.

Endorsements requiring examinations on Merchant Mariners' Documents, $10.00.

Endorsements not requiring examinations on Merchant Mariners' Documents, $5.00.

XXV. Shipment and Discharge of Merchant Seamen:

Shipping Articles, including shipment and discharge services by Shipping Commissioners; Shipments or Discharges (charges to be established at shipment, and to include both shipment and discharge services):

Fee schedule: Minimum of $15.00 with 100 Men or or less, $1.00 for each man; over 100 Men to 500 Men, $100.00 Plus; $0.75 for each Man over 100; over 500 Men, $400.00 Plus; $0.50 for each Man over 500.

XXVI. Approvals or Acceptance and Certificates of Approvals:

Certification or acceptance of an item of equipment or material as authorized for use on vessels in accordance with law or rules and regulations in 46 CFR Chapter I. In those instances where charges based on actual costs have been made for tests and examinations conducted by Government agencies or commercial organizations at the request of the Coast Guard, such charges will continue in addition to the fees indicated below. For the renewal of a certification or the approval of an alteration of an approved item requiring reissuance of a certificate of approval, the fee is to be $12.00. The fee to obtain each initial certification or acceptance is to be as follows:

a. Appliances, liquefied flammable gas (46 CFR 38.10–1): $40.00.

b. Boilers, auxiliary, automatically controlled, packaged, for merchant vessels (46 CFR 162.026): $352.00.

c. Boilers, heating (46 CFR 52.01–15): $183.00.

d. Bulkhead panels (46 CFR 164.008); $52.00.

e. Buoyant apparatus (46 CFR 160.010); $112.00.

f. Buoyant cushions (46 CFR 160.048, 160.049); $31.00.

g. Buoyant vests (46 CFR 160.047, 160.052, 160.060): $31.00.

h. Buoys, life, ring, for merchant vessels and motorboats (46 CFR 160.009, 160.050): $56.00.

i. Compasses, lifeboat (46 CFR 33.15–10(e), 75.20–15(e), 94.20–15(e)): $62.00.

j. Containers, emergency provisions (46 CFR 33.15–10, 75.20–15, 75.20–20, 94.20–15, 94.20–20); $54.00.

k. Containers, water (46 CFR 160.026): $54.00.

l. Davits, gravity type (46 CFR 160.032): $322.00.

m. Davits, quadrantal or sheath screw type (46 CFR 160.032): $241.00.

n. Deck coverings (46 CFR 164.006): $52.00.

o. Desalter kits (46 CFR 160.058): $31.00.

p. Fire extinguishing systems, fixed (46 CFR 34.05–5(a), 76.05–20(a), 95.05–10(a)): $172.00.

q. Fire protective systems (46 CFR 161.002): $472.00.

r. Fishing tackle kits (46 CFR 160.061): $31.00.

s. Flame arresters, backfire (for carburetors) (46 CFR 162.041, 162.042, 162.043): $35.00.

t. Flame arresters for tank vessels (46 CFR 162,016): $56.00.

u. Flashlights, electric hand (46 CFR 161.008): $67.00.

v. Fusible plugs (46 CFR 162.014): $12.00.

w. Gas masks, self-contained breathing apparatus, and supplied air containers (46 CFR 160.011): $30.00.

x. Gaging devices, liquid level, liquefied compressed gas (46 CFR 38.10–20, 40.05–45, 98.25–45): $34.00.

y. Hand propelling gear, lifeboat (46 CFR 160.034): $262.00.

z. Hatchets, lifeboat and liferaft (46 CFR 160.013): $26.00.

aa. Incombustible materials (46 CFR 164.009): $52.00.

ab. Indicators, boilers, water-level, secondary type (46 CFR 52.70–50): $45.00.

ac. Jacknife, with cap opener (46 CFR 160.043): $30.00.

ad. Kits, first-aid, for inflatable liferafts (46 CFR 160.054): $60.00.

ae. Kits, first-aid (46 CFR 160.041): $60.00.

af. Ladders, embarkation-debarkation (flexible) (46 CFR 160.017): $77.00.

ag. Lamps, safety, flame (46 CFR 160.016): $30.00.

ah. Lifeboats (46 CFR 160.035): $212.00.

ai. Lifefloats (46 CFR 160.027): $112.00.

aj. Life preservers, fibrous glass, Models 51, 52, 55, and 56 (46 CFR 160.005): $70.00.

ak. Life preservers, kapok, Models 2, 3, 5, and 6 (46 CFR 160.002): $70.00.

al. Life preservers, repairing, and cleaning (46 CFR 160.006): $45.00.

am. Life preservers, unicellular plastic foam (46 CFR 160.055): $70.00.

an. Liferafts (46 CFR 160.018): $142.00.

ao. Liferafts, inflatable (46 CFR 160.051): Initial approval $200.00; Periodic inspection and tests $50.00.

ap. Lights, water, electric, floating, automatic (with bracket for mounting), for merchant vessels (46 CFR 161.001): $137.00.

aq. Lights, water, self-igniting (calcium carbide-calcium phosphide type), for merchant vessels (46 CFR 160.012): $82.00.

ar. Line-throwing appliance, impluse-projected rocket type (and equipment), for merchant vessels (46 CFR 160.040): $127.00.

as. Line-throwing appliance, shoulder gun type (and equipment), for merchant vessels (46 CFR 160.031): $127.00.

at. Loudspeaker system, emergency (46 CFR 113.50–5): $472.00.

au. Mechanical disengaging apparatus, lifeboat, for merchant vessels (46 CFR 160.033): $262.00.

av. Mirrors, signaling (emergency) (46 CFR 33.15–10(v), 75.20–5(v), 75.20–20(f), 94.20–15(v), 94.20–25(f)): $37.00.

aw. Nozzles, fire hose, combination solid stream and water spray (1½-inch and 2½-inch), for merchant vessels (46 CFR 162.027): $45.00.

ax. Pumps, bilge-lifeboat (46 CFR 160.044): $77.00.

ay. Rescue boat (46 CFR 160.056): $60.00.

az. Sea anchors, lifeboat (46 CFR 33.15–10 (ee), 75.20–15(ff), 94.20–15(ee)): $34.00.

ba. Searchlights; motor lifeboat (46 CFR 161.006): $66.00.

bb. Signal pistols for parachute red flare distress signals (46 CFR 160.028): $67.00.

bc. Signals, distress, combination flare and smoke, hand (46 CFR 160.023): $72.00.

bd. Signals, distress, flare, red, hand (46 CFR 160.021): $72.00.

be. Signals, distress, hand-held rocket-propelled parachute red flare (46 CFR 160.-036): $72.00

bf. Signals, distress, pistol-projected parachute red flare (46 CFR 160.024): $72.00

bg. Signals, distress, smoke, orange, floating (46 CFR 160.022, 160.057): $72.00.

bh. Signals, distress, smoke, orange, hand (46 CFR 160.037): $72.00

bi. Structural insulation (46 CFR 164.-007): $52.00.

bj. Tanks, portable, for combustible liquids (46 CFR 98.35–7): Initial approval $200.00; Periodic test and inspection $50.00.

bk. Telephone systems, sound-powered (46 CFR 113.30–25): $125.00.

bl. Valves, pressure-vacuum, relief and spill, for tank vessels (46 CFR 162.017): $67.00.

bm. Valves, relief, hot water heating boilers (46 CFR 162.013): $56.00.

bn. Valves, safety, power boilers (46 CFR 162.001): $67.00.

bo. Valves, safety, steam heating boilers (46 CFR 162.012): $56.00.

bp. Valves, safety relief, liquefied compressed gas (46 CFR 162.018): $56.00.

bq. Welding electrodes (46 CFR 56.01–20): $12.00.

br. Winches, lifeboat (46 CFR 160.015): $322.00.

bs. Work vests, unicellular plastic foam (46 CFR 160.053): $31.00.

Approval of plans of repairs or minor alterations. No fees are to be prescribed.

AMENDMENT OF INTERCOASTAL SHIPPING ACT OF 1933, RELATING TO ACCOUNTING AT THE EXPIRATION OF A RATE SUSPENSION

Mr. MAGNUSON. Mr. President, I introduce, at the request of the Federal Maritime Commission, a bill to amend the Intercoastal Shipping Act of 1933 to provide for accounting at the expiration of a rate suspension. I ask unanimous consent that the letter from the Chairman of the Federal Maritime Commission together with a statement of the bill's needs and purposes prepared by the Commission be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter and statement will be printed in the RECORD.

The bill (S. 3544) to amend the Intercoastal Shipping Act of 1933 to provide for accounting at the expiration of a rate suspension, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter and statement, presented by Mr. MAGNUSON, are as follows:

FEDERAL MARITIME COMMISSION,
Washington, D.C., June 10, 1966.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are submitted herewith four copies of a proposed bill, to amend the Intercoastal Shipping Act of 1933, to provide for accounting at the expiration of a rate suspension.

The need for and purpose of the proposed bill are set forth in the accompanying statement.

The Federal Maritime Commission urges enactment of the bill at the second session of the 89th Congress for the reasons set forth in the accompanying statement.

The Bureau of the Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

JOHN HARLLEE,
Rear Admiral, U.S. Navy (Retired)
Chairman.

(Enclosures.)

STATEMENT OF PURPOSES AND NEED FOR THE BILL TO AMEND INTERCOASTAL SHIPPING ACT OF 1933 TO PROVIDE FOR ACCOUNTING AT THE EXPIRATION OF A RATE SUSPENSION

The bill would amend section 3 of the Intercoastal Shipping Act, 1933, and authorize the Federal Maritime Commission to require a carrier to keep a detailed account of its charges when a suspended rate goes into effect prior to the conclusion of a hearing as to its lawfulness. In addition, in the event the proposed increased rate is found unlawful, the Commission would be authorized to order refunds, with interest, to shippers who have paid the proposed increased rates. This amendment is similar to language contained in the Interstate Commerce Act with respect to accounting for the monies and would offer similar protection to shippers.

COMMISSARY PRIVILEGES FOR DISABLED VETERANS

Mr. BARTLETT. Mr. President, I introduce, for appropriate reference, a bill to permit certain service-connected disabled veterans to use commissary stores operated for military personnel.

A short time ago, the Eielson Area Post of the Veterans of Foreign Wars, Alaska, suggested to me that veterans with disability ratings of 50 percent or more were in dire need of commissary privileges in order to make the best use of their monthly compensation checks. Upon discussing this proposal with the director of the National Legislative Service of the Veterans of Foreign Wars here in Washington, I found enthusiastic support for the proposal.

In addition, the Alaska State Legislature, on April 14 of this year, passed Senate Joint Resolution 107 in support of commissary privileges for service-connected disabled veterans with disability of 50 percent or more. I ask unanimous consent that Senate Joint Resolution 107 of the Alaska State Legislature be printed in the RECORD following my remarks.

I am pleased to sponsor this measure because I think it has considerable merit and I am sure it will attract the support of other Senators.

Mr. President, I ask unanimous consent that the text of the bill also be printed in the RECORD following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and joint resolution of the Alaska State Legislature will be printed in the RECORD.

The bill (S. 3546) to permit certain service-connected disabled veterans to use commissary stores operated for military personnel, introduced by Mr. BARTLETT, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 3546

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That chapter 147 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 2483. Commissary stores: disabled veterans

"Under such regulations as may be prescribed by the Secretary of Defense, any veteran (as defined in section 101(2) of title 38, United States Code) who has a service-connected disability of 50 per centum or more, as determined by the Administrator of Veterans' Affairs, shall be granted the privilege of using the services and facilities of commissary stores operated for the benefit of military personnel."

SEC. 2. The section analysis at the beginning of chapter 147 of title 10, United States Code, is amended by adding at the end thereof the following:

"2483. Commissary stores: disabled veterans."

The joint resolution, presented by Mr. BARTLETT, is as follows:

"SJR 107

"Joint resolution relating to commissary privileges for the service-connected disabled veteran

"Be it resolved by the Legislature of the State of Alaska:

"Whereas veterans that have a service-connected disability rating of 50 per cent or more are forced to the lower end of our economic and social scale, because 50 per cent or more of their ability to earn a living has been forfeited; and

"Whereas commissary privileges would allow the service-connected disabled veteran to utilize his compensation check to the fullest extent and help to ensure such veterans an adequate standard of living; and

"Whereas our moral obligation to the service-connected disabled veteran is no different than to a medically discharged or retired veteran;

"Be it resolved, That members of the Alaska delegation to the Congress of the United States introduce legislation granting commissary privileges to veterans having a service-connected disability rating of 50 per cent or more, or otherwise take appropriate action."

Copies of this resolution shall be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable William Driver, Administrator of Veterans' Affairs; the Honorable E. L. BARTLETT and the Honorable ERNEST GRUENING, U. S. Senators, and the Honorable RALPH J. RIVERS, U. S. Representative, members of the Alaska delegation in Congress.

AUTHENTICATION

The following officers of the Legislature certify that the attached enrolled resolution, SJR 107, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

Passed by the Senate, April 14, 1966.

ROBERT J. MCNEALY,
President of the Senate.

Attest:

EVELYN K. STEVENSON,
Secretary of the Senate.

Passed by the House, April 16, 1966.

MIKE GRAVEL,
Speaker of the House.

Attest:

NADINE WILLIAMS,
Chief Clerk of the House.

WILLIAM A. EGAN,
Governor of Alaska.

PROPOSED AMENDMENTS TO PRICE-ANDERSON ACT—ANNOUNCEMENT OF HEARINGS

Mr. ANDERSON. Mr. President, last year the Joint Committee on Atomic Energy recommended a 10-year extension of the Price-Anderson nuclear indemnity legislation, which was subsequently enacted as Public Law 89–210. In its report recommending this extension, the committee stated there are a number of problems involving the Price-Anderson legislation which warrant further review by the executive and legislative branches. Among these are the adequacy of State tort law applicable to nuclear incidents, and the desirability of amending the Price-Anderson Act to establish the basis of liability for such incidents and to assure an effective means of consolidation of suits resulting therefrom. The committee further stated that it expected to conduct hearings on this subject as early as practicable.

Since last year considerable study has been given to this matter by representatives of private industry in close cooperation with the staff of the Atomic Energy Commission and the Joint Committee. As a result of this cooperative effort, a proposed bill has been drafted which Representative MELVIN PRICE and I are introducing today. I believe this bill is a constructive step toward resolving some of the major problems specified in the Joint Committee's 1965 report. This proposed legislation should also serve as a suitable basis for the hearings which the Joint Committee intends to conduct. I particularly want to commend the initiative of those in private industry and the Government who have come forward with this proposal.

I have discussed this matter with the chairman of the Joint Committee, Representative CHET HOLIFIELD, and we have agreed that the committee's hearings on this bill should commence July 19.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3548) to amend the Atomic Energy Act of 1954, as amended, was received, read twice by its title, and referred to the Joint Committee on Atomic Energy.

HOUSING BILL FOR DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, all of us who live and work in Washington are aware of the difficult, often deplorable and sometimes desperate conditions under which many of our fellow citizens are housed.

Last week I visited sections of Washington where thousands of people live in perpetual squalor; in houses and apartments often without paint or screens, sometimes without electricity, and all too frequently with plumbing in a bad state of disrepair. There is virtually no insulation in many of these houses. Garbage and refuse is strewn in the streets and yards. The occupants' constant companions are rodents and vermin. And the smell of poverty is everywhere.

No doubt these slum conditions are in part caused by housing shortages which crowd too many human beings into one small room or apartment. No doubt also, attitudes of despair and frustration of many slum dwellers and slum property owners also cause some houses to fall into disrepair and eventual condemnation by local authorities. This in turn, creates additional housing shortages.

One thing is clear: We cannot promise a life of dignity for all of our citizens without, at the very least, enabling them to live in decent houses.

There are several ways to cope with this problem: urban renewal is one. Providing for repair by the District of Columbia at the expense of the owner of buildings violating the housing regulations is another. This last approach is taken in S. 2331, a bill introduced last year by the Senator from New Jersey [Mr. CASE]. Greatly expanded reporting, inspecting and citing of housing code violations is still another way to grapple with the problem.

A fourth approach is incorporated in a bill which I am introducing today on behalf of the Senator from New York [Mr. KENNEDY], and myself. This bill is patterned after a bill drafted by the Washington Planning and Housing Association. For the past few months our offices have met with representatives of the Washington Planning and Housing Association and have discussed their draft bill with representatives of the Washington Board of Realtors; the District of Columbia Department of Licenses and Inspections; judges and officials of the Court of General Sessions; civil rights organizations; the Home Builders Association of Metropolitan Washington; National Association of Housing and Redevelopment officials; housing officials in other cities and persons in academic life knowledgeable in this area. The bill we introduce today is a result of these discussions. Senator KENNEDY and I plan to hold hearings in the Business and Commerce Subcommittee of the District of Columbia Committee later this month on Senator CASE's bill and on the bill which we introduce today.

In general outline, this bill does seven things:

First, it authorizes "rent trusteeships." Under such an arrangement rents are paid into a court-administered trust, which is then used to effect the necessary repairs. A rent trusteeship could be established by court order when a landlord fails to respect a final administrative order to remedy a housing code violation.

Second, it discourages landlords from evicting tenants or increasing their rent in retaliation for a tenant's lodging of a complaint under the housing regulations. A landlord is prevented from evicting or increasing the rent of a tenant for 9 months after the lodging of such a complaint; except for specified legitimate purposes, such as to obtain possession for his own personal use. While retaliatory evictions or increases may not be widespread, they do occur, and it is thought that the possibility that a land-

lord may retaliate discourages tenants from bringing legitimate violations to the attention of the authorities.

Third, it prevents landlords from attempting to shift to their short-term tenants the obligation to make repairs, unless such repairs are made necessary by the tenant's negligence.

Fourth, the bill clarifies the Commissioner's current authority to repair unsafe structures and to charge the costs of such repairs to the property owner. Senator CASE's bill would grant the District Commissioners similar authority.

Fifth, tenants are, for the first time, made statutorily responsible for exercising reasonable care in keeping their dwellings clean and sanitary. The bill would authorize the Commissioners to establish a housing education program to help owners and occupants meet their responsibilities. An owner or occupant who fails to keep his dwelling clean could be required to participate in a housing education program. The concept is similar to sending a negligent driver to driving school.

Sixth, some procedural reforms are made which should discourage landlords from filing suits in landlord-tenant court before making an effort to collect delinquent rents. The judge sitting in the landlord-tenant court is given wider discretion to conciliate controversies between the landlord and tenant.

Seventh, the bill provides that a landlord who fails to comply with deficiency notices of the Housing Division 30 days after the violation has been turned over to the corporation counsel for enforcement will be penalized $3 per day for each such unremedied violation. All violations are made to run against the property, so that violations will not lapse when it is sold, mortgaged, or leased. This would close a serious loophole in existing law.

Mr. President, I want to emphasize that our purpose in introducing this bill is to put before the District of Columbia Committee a number of concrete proposals which responsible members of the community, knowledgeable on housing matters, believe to be useful in meeting some of the housing problems of the District.

The purpose of the bill is not to take sides in the often emotional interaction between landlords and tenants. The purpose of the bill is not to castigate landlords as selfish or tenants as irresponsible. Rather, the purpose of the bill is to provide a vehicle for an in-depth analysis of the extent of substandard housing in the District of Columbia and a study of what legislation might be useful to improve existing housing. Our basic objective is to find practical means of bringing more of our present housing supply up to adequate standards of health and safety.

This bill and the hearings that will be held in the coming weeks are only first steps. They deal primarily with existing housing and not with the equally, if not more, serious problem of increasing the housing supply. The housing problem is immense and I have no illusion that we will solve all the problems in 1 month or 1 year and certainly not in one set of hearings. But if we are able even partially to ameliorate the conditions of ill housing that still affect many thousands of residents of this Capital City, our efforts will not be in vain.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

(The bill (S. 3549) to amend certain provisions of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, relating to landlords and tenants, introduced by Mr. TYDINGS (for himself and Mr. KENNEDY of New York), was received, read twice by its title, and referred to the Committee on the District of Columbia.

Mr. KENNEDY of New York. Mr. President, I am glad to cosponsor the legislation which Senator TYDINGS has introduced today. I think it is time that we in Congress take a careful look at the housing situation here in the District, and this bill will give us a chance to do that. I look forward to participating in the hearings and to examining and analyzing the bill in detail. I want to emphasize that I am not necessarily committing myself to each and every provision of the bill. It is long and complex, and should undoubtedly be strengthened in some ways and modified in others. In particular, I have some doubts about the tenant responsibility and housing school provisions of the bill. We can explore this matter in our hearings, as well as the possibility that tenants should be afforded a private remedy against abuses by landlords, in addition to the other remedies contemplated by this bill. I look forward to hearing the testimony of those who will appear before our subcommittee, so that we can develop the bill's proposals further and discuss the housing problem in the District generally. We will want to know about the administration of the District's housing law and the enforcement of its codes. We will want to examine landlord and tenant relationships and practices. With the information that we develop in the hearings, we can take further action to perfect the bill which the Senator from Maryland introduces today, and to improve housing code enforcement and administration in the District.

REMOVAL OF CERTAIN AGRICULTURAL PRODUCTS FROM CONSIDERATION FOR TARIFF REDUCTION UNDER THE TRADE EXPANSION ACT OF 1962

Mr. HOLLAND. Mr. President, on behalf of myself and Senators ALLOTT, CURTIS, DOMINICK, HRUSKA, ROBERTSON, TOWER, and YOUNG of North Dakota, I introduce, for appropriate reference, a joint resolution and ask that it lie on the table for 1 week for additional cosponsors, and be printed in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD, and remain at the desk for 1 week for additional cosponsors, as requested by the Senator from Florida.

The joint resolution (S.J. Res. 171) to require the removal of certain agricultural products from negotiation of tariff reductions under the Trade Expansion Act of 1962, and for other purposes, introduced by Mr. HOLLAND (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S.J. RES. 171

Whereas more than two years have expired since public hearings were held by the United States Tariff Commission and the Committee for Trade Information with respect to the President's List of Articles for Possible Consideration in Trade Agreement Negotiations; and

Whereas domestic growers and producers of certain agricultural products testified at the public hearings in opposition to further tariff reductions on the ground of the then existing vulnerability of many domestic crops to import competition; and

Whereas returns to growers and producers have decreased and costs to consumers have increased since the public hearings were closed because of the unavailability of an adequate supply of qualified domestic labor to harvest crops resulting in losses and increased costs of production; and

Whereas there has been a virtual prohibition since January 1965 of the employment of foreign supplemental labor theretofore admitted to the United States for the harvesting of many crops in the absence of an adequate supply of qualified domestic labor; and

Whereas these conditions which have arisen since the public hearings have increased the vulnerability of many domestic crops to import competition, and may be expected to stimulate domestic investment in foreign agricultural enterprises, while simultaneously hastening the further mechanization of domestic planting and harvesting operations, to the detriment of agricultural employment: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall reserve from negotiation under title II of the Trade Expansion Act of 1962, for the reduction of any duty or other import restriction or the elimination of any duty, any agricultural article which the Secretary of Agriculture certifies was grown, produced, or harvested in the United States during the three-year period 1962 to 1964 with the substantial use of labor of aliens lawfully admitted to the United States for such purpose.

SEC. 2. Within thirty days after the date on which this joint resolution is agreed to, the Secretary of Agriculture shall certify to the President, and publish in the Federal Register, those agricultural articles which were grown, produced, or harvested in the United States during the three-year period 1962 to 1964 with the substantial use of labor of aliens lawfully admitted to the United States for the purpose of performing services in connection with the growing, producing, or harvesting of such agricultural articles.

Mr. HOLLAND. Mr. President, this joint resolution provides for the removal of certain agricultural products from the Presidential list of items to be considered for tariff reduction under the Trade Expansion Act of 1962.

Florida is one of the leading producers of fruits and vegetables in this country. It is primarily an agricultural State and its economic well-being and prosperity are overwhelmingly linked to products of the soil.

The immediate as well as the long-range effect of certain national policies that have been or are about to be implemented either by legislation or administrative action are of deep concern to all agricultural interests.

The first of the adverse actions that affected the fruit and vegetable growing in my State, was the virtual elimination of imported workers who prior to 1965 had been brought into the State under appropriate regulations to help in the growing and harvesting of various crops. Severe hardship was caused by the precipitate manner of the cutoff and the inflexibility of the Department of Labor in acceding to emergency needs.

The second dark cloud is in the form of the pending minimum wage bill with its provisions for extended coverage of farmworkers.

Already there have been outcries from the public against the rise in food prices in this country since a year ago. I have reliable reports to the effect that farm wages in Florida have risen some 20 to 40 percent since last year in efforts to attract additional domestic labor. At the same time, the growers have been plagued with a higher labor turnover and lower productivity per man-day or man-week.

The overall net effect has been to increase the cost of production and to stimulate imports. Not only have imports increased but acreage devoted to fruit and vegetable crops in Mexico and the Caribbean Islands and Central America has been rising sharply.

As if this were not enough to bring discouragement to Florida growers or to lure them to offshore plantings of their own, the tariff on fruits and vegetables under the so-called Kennedy round, which is under negotiation in Geneva, might be reduced a full 50 percent across the board with a bare minimum of exceptions.

Mr. President, I confess to an inability to understand the reason for this triple assault on the fruit and vegetable industry. What has this industry done to incur so high a degree of hostility from our Government and administrative officials? I believe that it is imperative if our fruit and vegetable industry is to survive that these policies be reviewed in the light of their effects on this branch of agriculture that is so important to the consumer health of this country.

Florida is the source of a high proportion of our citrus products, in the form of oranges, grapefruit, limes, and tangerines. It also contributes heavily to the supply of tomatoes and a large variety of other vegetables such as green beans, cabbage, celery, cucumbers, strawberries, sweet corn, green peppers, and so forth. These items are all recognizable as elements of the national diet of which they are a vital constituent.

The question is threefold:

First. Are we in the United States to continue using our land resources to their best advantage in growing such crops or is an increasing part of the supply to be shifted to low-wage areas that lie close at hand across our national boundaries or offshore at no great distances?

Second. Is the American housewife to be saddled with the higher costs forced by the cutoff of imported workers and the extension of minimum wages to farm labor, thus again increasing costs?

Third. Are we to hasten the mechanization of growing and harvesting of our crops to the point of displacing farm workers more rapidly than production expands, in feverish efforts to meet import competition?

Let me say a word about each of these three questions. As for the utilization of our land resources to their best advantage in producing fruits and vegetables, this will be greatly discouraged by strong impetus, already felt, that will send more and more dollars into farm purchase and operation in Mexico and the islands and lands in or adjacent to the Caribbean and the gulf.

In a recent report of the Foreign Agricultural Service of the U.S. Department of Agriculture—May 1966—it is estimated that planting of orange trees in Mexico has doubled in the past 5 years. Several reasons are given for this expansion, one being the "many press articles on the problems in harvesting U.S. citrus following the end of the bracero program." Another reason is given as "the need in Mexico for crops that require more hand labor than the basic field crops."

The attraction to American capital is obvious. The same report gives the minimum wages paid in various parts of Mexico per 8-hour day. For 1965–66 these are reported as $1.72 per day on the west coast of Mexico, $1.48 in Veracruz and $1.42 in Montemorelos. Social security adds about 10 percent to these rates, the report says. Skilled wages are higher, it adds, but few are paid over $3 per day.

Compare this pay with the domestic wages and we find that hourly wages on farms in Florida are nearly as high as the daily wages in Mexico.

The upsurge in citrus production—oranges and tangerines—in Mexico is illustrated by the jump of the number of trees from 14,500,000 trees in 1961 to 34,900,000 in 1966. Over half of these are concentrated in the State of Veracruz and close to water transportation to this country.

The expansion aimed at the American market is, however, not confined to citrus crops. Fresh tomato production has also climbed sharply and other vegetable products are on the upgrade. Fresh tomato exports from Mexico rose to a record high of 265 million pounds in 1965 and is estimated by our Department of Agriculture to grow from 30 to 40 percent in 1966. This estimate is supported by the import statistics during December–March 1965–66 compared with the same period in 1964–65. Imports from Mexico in poundage increased 29.5 percent in those two 4-month periods.

The trend in strawberry production in Mexico is equally alarming for our growers. Mexican production has more than doubled in the last 4 years, moving from 25,400 short tons during the 1961–62 season to 55,000 short tons during the 1965–66 season. U.S. imports of frozen strawberries have risen from 23 million pounds in 1959–61 period to 51.8 million pounds in 1965. In the first 2 months of 1966 they have been running well ahead of 1965. Meantime Mexico is pushing us out of the Canadian market.

Mr. President, what more do we need to point up the trend which I believe to be a direct result of the policies adopted by our Government toward our growers? The outlook for greater expansion in nearby countries and islands is very bright. The outlook for the American grower is proportionately bad.

The answer to my first question then is that a growing share of the American consumption of fruits and vegetables of the kind grown in Florida, with the intensive utilization of the State's land resources, will in the future shift beyond our boundaries if present policies are allowed to continue.

The second question has to do with higher costs. Unquestionably increased costs in the past year have been sufficient to denote a trend. This will be aggravated as a result of the minimum wage legislation if it is passed in its present form. Costs will rise, and this will produce two effects that will be injurious to our farm labor. One of these is feverish exertion to achieve greater mechanization of both growing and harvesting operations, thus leading to massive displacement of workers. The other will be acceleration of investment of American capital in farming operations in Mexico and the islands and other areas already mentioned. This is already well under way. It means essentially that while we have virtually cut off the access of foreign workers to our farms, we are taking our work to them on their home grounds.

This course of investment effectively circumvents the higher costs incurred in this country by the policies designed in theory to help American farm labor. Thus do we produce some bizarre effects through legislative and administrative action that refuses to be guided by the facts in the premises.

Mr. President, it seems unthinkable that on top of this evidence of rising imports and increasing farm costs in this country, it would be proposed to cut our tariffs on fruits and vegetables. Yet, under the Kennedy round, and under the ground rules agreed to in Geneva, we are committed to a 50-percent tariff cut "across the board with a bare minimum of exceptions."

I must repeat that I find it difficult to believe that we should knowingly commit ourselves to such a course as I have described. Therefore, I have introduced the joint resolution, cosponsored by some of my colleagues, that would remove all agricultural products that prior to 1965 were grown or harvested with the substantial help of foreign workers admitted lawfully into this country for the purpose, from the possibility of further tariff reductions.

DESIGNATION OF YORK, PA., AS HONORARY CAPITAL OF THE UNITED STATES ON JULY 4, 1966

Mr. SCOTT. Mr. President, I submit for appropriate reference a resolution de-

claring that it is the sense of the Senate that on July 4, 1966, the city of York, Pa., should be deemed to be the honorary Capital of the United States.

The idea that some means might be found to designate York Capital for a day, was originally suggested to me by York's State Senator, Robert O. Beers.

York was, in fact, our Nation's Capital when, following the British capture of Philadelphia, the Continental Congress sat there from September 30, 1777 until June 27, 1778. During that period the Continental Congress adopted the Articles of Confederation and transmitted them for ratification to the original thirteen States. News of the French Alliance, which many historians believe to have been a decisive factor in bringing our war for independence to a successful conclusion, was received by the Continental Congress in York.

York, the oldest settlement in Pennsylvania west of the Susquehanna, is now celebrating the 225th anniversary of its founding. York's 200th anniversary occurred during World War II and, because the city fathers felt that it would be inappropriate to have a celebration at that time, the celebration was officially deferred for 25 years.

The original town of York was laid out in 1741 under the authority of the members of the Penn family who were the colonial proprietors of Pennsylvania. Today, York is the center of one of the richest farming areas in the country. It is a vibrant and thriving community which produces industrial machinery, many kinds of paper, textile products, cement, lime, candy, furniture, and good cigars.

The citizens of York are conducting a series of ceremonies and events marking their anniversary. The final day of this celebration will be this July 4th, the anniversary of the Declaration of Independence.

Because of York's important role in the founding of the United States under a constitutional form of government, and in conjunction with that historic city's anniversary celebration, I believe that it would be particularly fitting for the Senate to resolve that York should be deemed honorary Capital of the United States on July 4, 1966.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 279) was referred to the Committee on the Judiciary as follows:

S. RES. 279

Whereas the calendar year 1966 marks the two hundred and twenty-fifth anniversary of the establishment of the city of York, Pennsylvania; and

Whereas from time to time in this year of 1966 the citizens of York, Pennsylvania, are conducting appropriate ceremonies and events in celebration of this historic anniversary; and

Whereas the city of York, Pennsylvania, has played a significant role in the founding of the United States under a constitutional form of government; and

Whereas from September 30, 1777, until June 27, 1778, the Continental Congress sat at York, Pennsylvania; and

Whereas it was during this period that the Articles of Confederation were adopted by the Continental Congress and transmitted for ratification to the original thirteen States: Now, therefore, be it

Resolved, That the Senate hereby extends to the city of York, Pennsylvania, its most cordial greetings and felicitations upon the occasion of the two hundred and twenty-fifth anniversary of the establishment of such city; and be it further

Resolved, That it is the sense of the Senate that on July 4, 1966, the city of York, Pennsylvania, should be deemed to be the honorary Capital of the United States.

CONGRESS MUST ACT TO PRESERVE AMERICA'S PARKS FROM DESTRUCTION BY HIGHWAYS

AMENDMENT NO. 616

Mr. YARBOROUGH. Mr. President, the highway program of the United States has made a magnificent contribution to the economy of the country. It has provided the Nation with the greatest freedom of mobility of people and goods. It has ribboned the land with a magnificent network of roads, making freely accessible farm and factory, home and business, workplace and play place, providing the ultimate transportation of door-to-door service.

The work of our highway planners and engineers has been a notable achievement. State and Federal Governments have on the whole performed superbly in building the highway system. The people of the country want the highways, use them and pay for them willingly.

Yet in recent years, it must be recognized, there has arisen some sharp discontent—not with the highway system as a whole, but with a series of specific cases in which the highway threatens to become a destroyer rather than a creator, to rob assets rather than add them, to blight rather than build.

These situations have multiplied to an alarming extent and threaten the yet unfinished task of completing the kind of highway system the country needs and wants.

Up to now the highway system has moved well in the open countryside where more elbow room, less costly land rights-of-way and lower density of population have given the highway planner the opportunity to lay out modern highways with least hurt to other interests and maximum gain to all.

But the highways run up against the urban centers and metropolitan areas. What has happened is that the highway planners and engineers have tried to apply what can be well, effectively and most easily done in the open countryside, to the more heavily built-up and populated areas. They have slashed through residential neighborhoods, cut across college campuses, invaded parks and parkland.

Most of the time, they have invaded open spaces on the grounds that these are "free" spaces, despite the fact that the lands themselves have cost money, their development as parks cost more money, they have created important values of all kinds, and most important of all, they are needed by people. They are needed especially by people who have no great estates of their own, no large houses with ample grounds, no elegant and privileged country clubs.

It is ironic that at the same time the Congress has encouraged and provided funds for the acquisition and development of parks and other open spaces, it has permitted the highway program to take away just such spaces. It hardly seems consistent to pay Paul while robbing Peter.

Now, fine statements have been made about the desirability and virtue of respecting open spaces and parks while planning highways. Yet, curiously enough, there always seem to be overriding reasons why the highway through the park is more economical, that automobiles must be taken care of no matter what else. The reality is that the statements are fine but the parks are being lost, sometimes in the face of sound if not better alternate plans and routes.

The trouble is that the highway people have no guiding policy that will not only make them respect these parklands, college campuses, and other open spaces, but give them support in avoiding them to save the precious assets of the people.

In no other time, in the great surge of a population explosion, in the vastly increased demand for facilities for the use of leisure time, in the prevention and elimination of air pollution, has there been an equal need for more rather than less park and open green space. We cannot sit idly by while parks are gobbled up.

This is not a little wayside problem. This is a crisis. The threat to the Brackenridge Park system by a highway in San Antonio, the threat to other parks and historic places elsewhere are symbolic for the whole country. To let the present situation continue will make things worse. We cannot wait until it is too late.

It is still not too late to save some dreadful situations—such as that of Brackenridge Park. The people and the future will thank us for foresight if we declare forthrightly that these parklands must be protected and saved and for making the public policy clear. The highway people too will thank us so that they can go about their business of planning and building highways and not destroying parks, college campuses, and historic treasures. The only assurance that the people of this country can be given is the word of Congress.

Therefore, I am submitting an amendment to the Federal Highway Act, S. 3155, which would declare a national policy that in carrying out the provisions of the Federal-aid highway program maximum effort should be made to preserve Federal, State, and local government parklands and historic sites and the beauty and historic value of such lands and sites. The Secretary of Commerce is authorized to cooperate with the States in developing highway plans and programs which carry out this policy. After July 1, 1968, the Secretary shall not approve any Federal-aid highway program under section 105 of title 23, United States Code, which requires the use of any land from a Federal, State, or local government park or historic site

unless: First, there is no feasible alternative to the use of such land; second, the program includes all possible planning to minimize any harm to the park or site resulting from such use; and, third, where possible and appropriate substitute land will be provided for the park or site.

This amendment is consistent with the philosophy of the Federal-aid highway program, which is a program of close Federal-State cooperation. The amendment is patterned after section 134, title 23, United States Code, which was added to the Federal Highway Act in 1962 and which requires transportation planning in urban areas of over 50,000 population.

Adding this amendment to the law will work a hardship on no one and will benefit every man, woman, and child in this country. On behalf of all who value America's parklands, I ask for its acceptance.

I ask unanimous consent that the text of the amendment be printed at the conclusion of my remarks.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 616) was referred to the Committee on Public Works, as follows:

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

"PRESERVATION OF PARKLANDS

"SEC. 8. (a) Chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"'P 137. Preservation of Parklands

"'It is hereby declared to be the national policy that in carrying out the provisions of this title maximum effort should be made to preserve Federal, State, and local government parklands and historic sites and the beauty and historic value of such lands and sites. The Secretary shall cooperate with the States in developing highway plans and programs which carry out such policy. After July 1, 1968, the Secretary shall not approve under section 105 of this title any program for a project which requires the use for such project of any land from a Federal, State, or local government park or historic site unless (1) there is no feasible alternative to the use of such land, (2) such program includes all possible planning to minimize any harm to such park or site resulting from such use, and (3) where possible and appropriate substitute land will be provided for such park or site. Any additional project costs incurred for the purpose of acquiring any such substitute lands shall be considered to be included in "costs of rights-of-way" for the purpose of this title.'

"(b) The analysis of such chapter is amended by adding at the end thereof the following:

"'137. Preservation of Parklands.'"

HIGHWAY SAFETY ACT OF 1966—AMENDMENTS

AMENDMENTS NOS. 617 THROUGH 619

Mr. RIBICOFF. Mr. President, I submit three amendments, intended to be proposed by me, to S. 3052, the so-called "Highway Safety Act of 1966." I stated on June 9, 1966, that a stronger Federal role in traffic safety is required than that provided in the bill reported by the Public Works Committee. Accordingly, my first amendment will restore the authorizations for sections 402 and 403 to the amounts and duration originally proposed in the bill. My second amendment authorizes $400 million in aid to the States for driver education and training. The third amendment provides $36 million to assist the States in establishing and improving motor vehicle inspection facilities. I ask unanimous consent that the amendments be printed at this point in the RECORD. I plan to offer these amendments when the bill is before the Senate.

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table; and, without objection, the amendments will be printed in the RECORD.

AMENDMENT NO. 617

On page 17, line 1, strike out "and".

On page 17, line 2, immediately before the period, insert a semicolon and the following: "$80,000,000 for the fiscal year ending June 30, 1970; $80,000,000 for the fiscal year ending June 30, 1971; and $100,000,000 for the fiscal year ending June 30, 1972".

On page 17, line 7, strike out "and".

On page 17, line 8, immediately before the period, insert a semicolon and the following: "$30,000,000 for the fiscal year ending June 30, 1970; $35,000,000 for the fiscal year ending June 30, 1971; $40,000,000 for the fiscal year ending June 30, 1972".

AMENDMENT NO. 618

On page 8, after line 16, insert after "403. Highway safety research and development." the following: "404. Grants for State motor vehicle inspection programs."

On page 12, between lines 5 and 6, insert the following new section:

"§ 404. Grants for State driver education and training programs

"(a) From sums appropriated pursuant to the Highway Saftey Act of 1966 to carry out the provisions of this section for the fiscal year ending June 30, 1968, and for the four succeeding fiscal years, the Secretary is authorized to make grants to States to pay up to 50 per centum of the cost of developing, establishing, and improving programs for driver education in accordance with the provisions of this section. The Secretary shall determine the amount of the Federal share of the cost of such programs for each fiscal year based upon the funds appropriated therefor for that fiscal year and the number of participating States.

"(b) Any State desiring to participate in the grant program under this section shall submit through its State educational agency, a State plan which shall—

"(1) provide for the initiation of a State program for driver education or for a significant expansion and improvement of such a program already in existence;

"(2) include provisions for the training of qualified instructors and their certification;

"(3) provide for adequate research, development, and procurement of practice driving facilities, simulators, and other similar teaching aids;

"(4) include provision for financial assistance by the State to institutions of higher education for research in driver education testing, curriculum, and methods of instruction;

"(5) provide that the State will pay from non-Federal sources the cost of such program in excess of amounts received under this section;

"(6) provide adequate State supervision and administration of such driver education;

"(7) provide that the State agency will make such reports, in such form and containing such information as the Secretary may require; and

"(8) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this section.

"(c) Prior to prescribing regulations under this section the Secretary shall consult with the Secretary of Health, Education and Welfare.

"(d) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b).

"(e) For the purpose of this section, the term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the governor or by State law."

On page 17, between lines 11 and 12, insert the following new sections:

"SEC. 105. For the purpose of carrying out section 404 of title 23, United States Code, there is hereby authorized to be appropriated the sum of $60,000,000 for the fiscal year ending June 30, 1968, $70,000,000 for the fiscal year ending June 30, 1969, and $90,000,000 for each of the three succeeding fiscal years."

On page 17, line 12, strike out "Sec. 105" and substitute "Sec. 106", and redesignate the succeeding sections accordingly.

AMENDMENT NO. 619

On page 8, after line 16, insert after

"403. Highway safety research and development."

the following:

"404. Grants for State motor vehicle inspection programs."

On page 12, between lines 5 and 6, insert the following new section:

"§ 404. Grants for State motor vehicle inspection programs

"(a) From sums appropriated pursuant to the Highway Safety Act of 1966 to carry out the provisions of this section for the fiscal year ending June 30, 1968, and for the four succeeding fiscal years, the Secretary is authorized to make grants to States to pay up to 20 per centum of the cost for the establishment or improvement of State programs for motor vehicle inspection in accordance with the provisions of this section. The Secretary shall determine the amount of the Federal share of the cost of such programs for each fiscal year based upon the funds appropriated therefor for that fiscal year and the number of participating States.

"(b) Any State desiring to participate in the grant program under this section shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency, a State plan which shall—

"(1) set forth a program for establishing, or improving (in the case of a State which already has in operation a State administered motor vehicle inspection program), State supervised motor vehicle inspection at garages or other suitable facilities certified by the State for that purpose;

"(2) agree to accept and apply such minimum standards for highway traffic safety with respect to inspection as the Secretary shall by regulation prescribe;

"(3) provide that the State will pay from non-Federal sources the cost of such program in excess of amounts received under this section;

"(4) set forth provisions for the financing of such plan without Federal assistance beginning with the fiscal year ending June 30, 1973;

"(5) contain satisfactory evidence that the State agency will adequately supervise such program;

"(6) provide that the State agency will make such reports, in such form and containing such information as the Secretary may require; and

"(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this section.

"(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b)."

On page 17, between lines 11 and 12, insert the following new section:

"SEC. 105. For the purpose of carrying out section 404 of title 23, United States Code, there is hereby authorized to be appropriated the sum of $5,000,000 for the fiscal year ending June 30, 1968, $7,000,000 for the fiscal year ending June 30, 1969 and for the fiscal year ending June 30, 1970, $8,000,000 for the fiscal year ending June 30, 1971, and $9,000,000 for the fiscal year ending June 30, 1972."

On page 17, line 12, strike out "Sec. 105" and substitute "Sec. 106", and redesignate the succeeding sections accordingly.

ADDITIONAL COSPONSORS OF BILL

Mr. MANSFIELD. Mr. President, at its next printing, I ask unanimous consent that my name and the names of Senators BOGGS, FONG, GRIFFIN, GRUENING, INOUYE, METCALF, MONTOYA, MURPHY, PEARSON, and YOUNG of Ohio be added as cosponsors of the bill (S. 3112) to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes.

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

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills:

Authority of June 7, 1966:

S. 3475. A bill to abolish the office of United States commissioner, to establish in place thereof within the judicial branch of the Government the offices of United States magistrate and deputy United States magistrate, and for other purposes: Mr. BAYH, Mr. BENNETT, Mr. BREWSTER, Mr. DOUGLAS, Mr. ERVIN, Mr. KENNEDY of Massachusetts, Mr. LONG of Missouri, and Mr. MOSS.

Authority of June 8, 1966:

S. 3482. A bill to enlarge the home mortgage purchase authority which the Federal National Mortgage Association may exercise in its secondary market operations by increasing the amount of preferred stock which such Association may issue for delivery to the Secretary of the Treasury: Mr. BENNETT, and Mr. COOPER.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Ben Hardeman, of Alabama, to be U.S. attorney, middle district of Alabama, term of 4 years—reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, June 30, 1966, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

THE MILITARY JUNTA IN SOUTH VIETNAM

Mr. YOUNG of Ohio. Mr. President, in Parade, which is the Sunday magazine section of the Washington Post and many other newspapers of our Nation, there was a very important and very interesting item in the June 19, 1966, issue, an item startling in character. In an article the question was asked:

> The 10 generals who govern Vietnam with Nguyen Cao Ky at the head—can you tell me how many of them fought the French?

The answer given was:

> Of the 10 generals in the junta, only one joined the Viet Minh resistance movement against the French in 1945. He is Lt. Gen. Phan Xuan Chieu, popularly recognized in Saigon as the only junta member who fought to free his country from French colonial rule. The other nine either fought on the side of the French or took training in French military schools during the Vietnamese war against the French from 1945 to 1954.

General Ky, the present Prime Minister, spent most of those years out of his country, learning to fly in French Air Force schools. In Vietnam, the Vietnamese forces fought the Japanese until the end of World War II. Then, the French colonial oppressors, who had governed Indochina for many years reinstated themselves in Vietnam, Laos, and Cambodia, and sought to continue their oppressive colonial rule. The Vietnamese, from 1946 to 1954 waged a war of liberation against the French.

It is startling to Americans to learn that of the 10 generals we are now supporting in Saigon, 9 of them fought alongside the French colonial power at that time against the liberation of Vietnam.

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

Mr. YOUNG of Ohio. I ask unanimous consent to proceed for 3 additional minutes.

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

Mr. YOUNG of Ohio. In other words, we Americans, who like to regard ourselves as the most revolutionary nation in the world, have become, it seems, the most unrevolutionary in nature. The generals with whom we are associated and are supporting and keeping in power in Saigon were the Tories of that day, and we are aiding and abetting them at this time. That fact is further evidenced that there is a civil war raging in Vietnam, and the National Liberation Front, which led the fight for freedom from 1946 on, is still fighting for the freedom of Vietnam as they see it.

This is further evidence that we are involved in a miserable civil war in Vietnam, which has little or no strategic or economic importance to the defense of the United States.

In 1954 12,000 of the French forces surrendered to the Viet Minh at Dienbienphu on May 7. Then, following that, in September the French withdrew their 240,000 men from Vietnam. The battle at Dienbienphu did not do it; they had been bled white over a period of 8 years. We are not being bled white, but we are spending from $1 to $2 billion each month intervening in that war in Vietnam, and the prospect of victory does not seem any brighter than when we committed ourselves to this messy civil war 10,000 miles from our shores.

The Vietminh who waged guerrilla warfare for the liberation of Vietnam and what is now Cambodia and Laos from 1946 to September 1954 came from all areas of Vietnam. Historically, there is no North nor South Vietnam. The demarcation line at the 17th parallel effected by the Geneva Accords was supposed to be temporary pending elections to be held in 1956 throughout all Vietnam. These were called off by our puppet head of state in Saigon, Diem, with the approval of Secretary of State John Foster Dulles.

In the 8 years of struggle for freedom waged against the French colonial oppressors thousands of Vietnamese fought alongside the French against many thousand Vietnamese fighters who were then called Vietminh. Those who allied themselves with the French were the Tories of that time. In recent years the Vietminh have been termed the Vietcong. Many of them now as then are members of the National Liberation Front. Those who had fought alongside the French moved south of the 17th parallel settling in what is called South Vietnam. Thousands of those from the southern area of Vietnam who had fought with the Vietminh against the French likewise settled in the north.

Prime Minister Ky has announced elections in South Vietnam for early this fall. These elections are for the purpose of electing an assembly to draft a constitution. It is noteworthy that in more than a year since Ky was selected by the generals as Prime Minister he never spoke out nor took any step toward elections until the conference with our President at Honolulu earlier this year. It is said he proposes that no Vietcong, or suspected Vietcong sympathizers and also no member of the National Liberation

Front, whether or not he is suspected of being a Communist, and no neutralist, will be permitted to vote. It is wishful thinking that such an election would result in pacification of South Vietnam.

France having squandered tremendous sums of money in addition to the billions of dollars in military aid from the United States finally withdrew. We now have nearly 360,000 men of our Armed Forces in South Vietnam. In addition, 40,000 in Thailand, and 50,000 officers and men of our 7th Fleet off the Vietnam coast. Our servicemen in southeast Asia are the "cream of the crop." They are the finest fighting men in the world. Their morale is high. Their firepower is so tremendous many more Vietcong have been killed than Americans; and we have suffered more than 2,000 who have died in combat this year.

What assurance can there be if by late December our forces have been increased to 600,000 or 800,000, as seems probable, that guerrilla tactics of the Vietcong will have been ended and Vietcong resistance crushed? Even if the Hanoi government is silent as to offers to negotiate and during the coming years the Vietcong do bury their weapons, return to their farms or go to Saigon, Cam Ranh Bay and elsewhere in South Vietnam to work for the Americans and even if the shooting and the killing should cease, is there anyone who can say following the time we "bring the boys home" that guerrilla warfare will not again break out?

What is occurring in Vietnam seems to be a rerun of the 8-year struggle on the part of French generals against the Vietnamese seeking freedom from French oppression. Also it is most unfortunate for us that heads of State of Japan, the Philippine Republic and other Asian allies and of allies like Canada have refused to give us any military aid whatever.

WHY NOT HELP AND NOT DISCRIMINATE AGAINST THE ST. LAWRENCE SEAWAY?

Mr. YOUNG of Ohio. Mr. President, earlier this month I spoke out in this Chamber strongly opposing recent attempts to increase tolls on the St. Lawrence Seaway. At that time I stated that should tolls on the seaway be increased, I intend to ask that the Senate Committee on Public Works review Federal expenditures for future improvements of entrance channels leading from the oceans to our ports with the view toward placing all entrance channels on the same self-liquidating basis as the St. Lawrence Seaway.

What is good for the goose is good for the gander. All of this Nation's seaports, including the Great Lakes ports, should be placed on the same economic footing with equal rights of access to the oceans of the world. It is high time that officials of port authorities in Eastern and in Gulf States and executives of railroads serving those cities recognize the fact that ports and great cities on the Great Lakes such as Cleveland, Toledo, Lorain, Duluth, Buffalo, Milwaukee, Chicago, and others have become international seaports in every sense of the word and are no longer to be considered as poor country cousins from the Midwest.

Millions of our Nation's taxpayers' dollars have been spent for construction of entrance channels for ports such as New Orleans, Philadelphia, Houston, and other cities and on none of these waterways do shippers pay a penny in toll charges. At the same time, one ship traveling from Montreal, Canada, to Cleveland, Ohio, loaded with 15,000 tons of cargo now pays seaway tolls and transit charges amounting to more than $14,000.

Mr. President, at the present time the great St. Lawrence Seaway is a self-liquidating project on which 3½ percent interest is being paid on every dollar borrowed by our Government to construct it. Both principal and interest must be returned from toll revenue derived from all toll shipping within a 50-year period. What is important today is to encourage, not to discourage, use of the great St. Lawrence Seaway. In doing so, we shall not only take advantage of the great potential which the seaway holds for Ohio and for all the States in the Midwest, but in the long run through greater use of the St. Lawrence Seaway we shall enable it to liquidate its debt with greater dispatch and probably in many fewer years than the 50 years now contemplated. Increasing toll rates at this time would only work to destroy the effectiveness of the seaway.

Mr. President, on June 16, 1966, there appeared an excellent editorial, entitled "Why Not?" in the Toledo Blade, one of the great newspapers of our Nation, commenting on this subject. I commend this to my colleagues and ask unanimous consent that it be printed in the RECORD at this time as part of my remarks.

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

[From the Toledo Blade, June 16, 1966]

WHY NOT?

"All of this nation's seaports, including the Great Lakes ports, should be placed on the same economic footing with equal rights of access to the oceans of the world."—Senator STEPHEN YOUNG.

It remained for Ohio's Senator YOUNG to inject a bit of irrefutable logic into the debate over whether tolls on the St. Lawrence Seaway ought to be maintained at present levels, raised, or reduced. It boils down to a question of just why this one waterway connecting U.S. ports with ports abroad should be saddled with discriminatory tolls when other U.S. waterways on which tax funds are spent are toll-free.

Senator YOUNG indicated that he intends to introduce legislation to impose tolls on vessels using coastal ports if the drive, led by Seaway opponents, to increase tolls on that waterway succeeds. There is fully as much justification for that as there is for requiring vessels moving to and from the Great Lakes via the Seaway to pay tolls that run into thousands of dollars per passage.

U.S. taxpayers, for instance, have had to pick up the $100 million bill—nearly as much as the entire U.S. investment in the Seaway—for construction of a ship channel serving New Orleans, but not a cent of toll is charged there. Another $70 million in tax funds went into the Delaware River channel, $57 million into a channel linking Houston with the Gulf of Mexico, and $50 million to connect Sacramento with salt water, to mention but a few cases. Yet, on none of those waterways do shippers pay a penny in toll charges.

Why, then, should a 15,000-ton vessel using the Seaway be forced to fork over $14,000 in tolls, when the same ship could use any other U.S. waterway free?

That is a point which Senator YOUNG should keep raising, as he pierces the smokescreen of propaganda thrown up by lobbyists for the eastern ports, the railroads, and others who have little interest in seeing the Seaway succeed. The Seaway should expect no special favors from our Government or from anyone else; on the other hand, it should not be hit by a toll schedule that no other tax-built and publicly supported waterway must carry.

If those forces trying to reduce the Seaway's competitive thrust by imposing higher tolls will not listen to reason, then perhaps they will get the Senator's message when, as the second ranking member of the Senate Public Works Committee, he dusts off legislation to meet fire with fire.

HOME RULE FOR THE DISTRICT OF COLUMBIA

Mr. MILLER. Mr. President, the lead editorial in today's Washington Post, entitled "The Road to the Polls," points out very well the difficulties besetting efforts to obtain home rule for the District of Columbia.

A reading of this editorial should persuade anyone that is a cynical partisan political power play behind some of these efforts, seeking to lock in political power at the expense of what is needed and good for the people of the District.

Specifically, these power interests wish to have elections at large on a partisan ticket; and they are content to pursue these goals even if it means the loss of a home-rule bill for the District.

I recall, at the time the Senate passed a bill last year, the partisan power that was used to defeat amendments to make these elections nonpartisan and to require members of the city council to be elected from separate wards rather than some or all of them at large.

Those who genuinely wish to see home rule for the District would do well to dissociate themselves from the partisan political power players, who must bear the full responsibility for the failure of the Congress to promptly enact a good home-rule bill for the District.

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:

[From the Washington (D.C.) Post, June 23, 1966]

THE ROAD TO THE POLLS

The hope for city elections in Washington this year is being demolished by the very people who want them most. There are now four bills to extend the city's voting rights, and each is being vociferously attacked by the partisans of the others. As the city's political leaders go after each other, the genuine enemies of local democracy can look on with their hands in their pockets and smiles on their faces.

If none of these bills is passed in this Congress, the city will not be able to blame that misfortune on the wicked segregationists and the Board of Trade. The responsibility

will lie a great deal closer to home. The District's Democratic Central Committee is particularly culpable. Instead of using its authority to weld together a broad alliance of all who favor elected self-government in Washington, the Committee is indulging itself in the luxury of old vendettas and following narrow factional interests.

The future distribution of political power in the city depends heavily upon the character of the election process. Election at large, citywide, gives an advantage to politicians with access to large citywide organizations. Partisan elections give power to party managers. Nonpartisan elections help independent candidates, and elections by ward are essential to those who, like most slum politicians, have a personal following concentrated in one neighborhood.

The Administration's home rule bill, passed by the Senate but not the House, would establish partisan elections and, for most of the important offices, citywide elections at large. It would greatly benefit the proprietors of the only citywide political organization in town, the Democratic Central Committee. Small wonder that the Committee is ready to defend this version to the bitter end.

The Sisk city charter bill, passed by the House but not the Senate, would establish an elected charter committee to decide the form of the future city government. Since the elections to the crucial charter committee would be nonpartisan but at large citywide, the Sisk bill is widely supported among the Democratic faction that was beaten in the last primary.

The Green amendment, still in the House Education and Labor Committee, would establish a School Board elected by ward on a nonpartisan ballot. This kind of election would directly help the rising generation of young leaders in the central city, who have been working through social action organizations and have no hope of favor from the parties.

The fourth bill, to provide a nonvoting District delegate in the House, carries little power and causes little stir. All of these bills are honest and useful proposals. The most promising, at this particular moment, is the bill for an elected School Board. While the Administration home rule bill promises much more, it cannot be moved without massive intervention by the White House.

But none of the bills can be passed without some measure of agreement among the city s political and civic leadership. It is still possible for the city to go to the polls within the next year, but only if factional leaders show themselves capable of tactical skills not currently visible.

TAXATION AND INFLATION

Mr. MILLER. Mr. President, a timely and outstanding article, entitled "Taxation Alone Cannot Cope With Inflation," written by Harley L. Lutz, was published in the Wall Street Journal of Tuesday, June 21, 1966. Dr. Lutz is professor emeritus of public finance at Princeton University.

Dr. Lutz persuasively points out that an excessive increase in the money supply is the direct cause of inflation; that taxation has no effect on the money supply; that budget balancing can be achieved by reduced Federal spending; and that this would be the better way to control the money supply in view of the drag effects of taxation.

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

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

[From the Wall Street Journal, June 21, 1966]

TAXATION ALONE CAN'T COPE WITH INFLATION

(By Harley L. Lutz)

The critical phase of the New Economics doctrine of perpetual prosperity through Government manipulation of the economy is approaching. The first stage—stimulation through deficits, cheap money, tax cuts, and guidelines for wage increases—is drawing to an end. Despite positive evidence of an undercurrent of inflation, its existence, when not denied or ignored, was rationalized on the ground that expanding total demand was the chief prop of prosperity. This was a comforting doctrine for both Government and business as long as inflation worked underground. When it erupted into the price indexes the facts could no longer be disregarded. Inflation is now recognized to be a present danger. The moment of truth is at hand.

Inflation has two aspects. One is the visible evidence of rising prices, the other an excessive increase of the money supply, excessive in relation to the supply needed to effect the exchange of produced goods and services at a given price level. As used here money supply means demand deposits in commercial banks and currency in circulation. Rising prices are more generally perceived and understood than details of bank statements and Treasury reports. They are not, however, the real thing but rather a symptom or outward expression of the basic inflationary force.

TWO CATEGORIES AND POLICIES

The policies designed to cope with inflation fall into two categories, according to whether the attack is directed at the symptom of rising prices or at the root cause. The difference between superficial and fundamental inflation control measures is apparent in the following summary:

Policies aimed at inflation through price control:

1. Price control by a Government agency, as in World War II.

2. Real or simulated outrage at price increases proposed by business concerns and severe pressure for rescission. No similar indignation at or condemnation of wage increases exceeding the guidelines.

3. Dumping of Government stockpiles to prevent price increases.

4. A campaign for consumer boycott of goods deemed to be priced too high.

5. Pressure on business concerns to curtail or defer programs for new capital investment. Hints at repeal of the 7% investment credit.

6. Tax increase in the mistaken belief that it would cause prices to fall by reducing total demand.

Policies aimed at curbing inflation by limiting or reducing money supply:

1. Restriction of the capacity of commercial banks to increase demand deposits through loans and investments.

2. Federal budget balance.

The political approach to the problem deals primarily with the superficial aspect of inflation—rising prices—and only as a last resort, if at all, with the basic cause. This is natural for more popular support can be garnered by attacks on profiteering and price "chiseling" than by essays on the technicalities of monetary and fiscal policy. An illustration is the bad semantic connotation of budget balance. Moreover, a switch now to emphasis on fundamentals would mean an admission that the Government policies responsible for inflation had been wrong. Any hint of fallibility is bad for the political image.

Since inflation is a blowing up, or inflating of the money supply, effective control involves action to halt the expansion. This requires a combination of monetary and fiscal policy. The details of monetary policy must be dealt with here only briefly for the main emphasis is to be on the role of taxation in an inflation control program. Specifically, it is a question of the extent to which taxation, as an instrument of policy, can check inflation by influencing the money supply.

SOURCE OF NEW MONEY

The main source of increased money supply is the expansion of loans and investments by commercial banks through the procedure of entering the proceeds of these transactions as demand deposit credits. Currency in circulation has also increased but its chief function is to serve as pocket and till money and for some payrolls. Any issue above these needs will not stay in circulation but will drift into the banks. For the greater part of total purchases and other payments is effected by means of checks and other documents drawn on deposit accounts.

Restriction of bank credit expansion is applied through appropriate monetary action, including sales of securities by the Federal Open Market Committee to soak up member bank reserves and a higher discount rate when these banks borrow from their respective Reserve Banks to replenish reserves. The discount rate was advanced to 4.5% last winter amid grumblings from "diehard" cheap money advocates. In a single week of mid-April, 1966, the Committee sold $1,084 million of Government securities to tighten the brakes on credit expansion. Further restrictive action may be in the offing.

The expansion of demand deposits occurs in response to both private and public demand for more credit accommodation. Just why the process of bank lending and investing should, in the course of a boom, lead to creation of an excessive money supply is explicable only in terms of human attitudes and behavior. It can best be explained briefly by saying that in a boom expectations eventually outrun realizations. Speculative anticipation of the future becomes extravagant. Hence loans are made at greater risk. Investments are screened less cautiously. Assurance of Government economists that the economic cycle has been abolished contributes to expansionary enthusiasm by removing the fear of a deflationary downturn. In recent years the Government's own example and influence have been on the side of cheap money, easy credit, and disregard of prudence in spending. For these and other reasons, over-optimistic credit policy increases the money supply at a greater rate than justified by long-term reality. Inflation control requires that the increase be slowed down to a rate consistent with maintenance of a stable price level.

Both the private and the public sectors of the economy have contributed to excessive expansion of credit and adequate control measures must be appropriate to these respective transactions. In this regard a significant difference emerges. Private credit can be controlled and regulated by monetary policy, provided the Federal Reserve System is not prevented from exercising the necessary restraint by political pressure and interference. There is no authority superior to the Federal Government to regulate the amount and the terms of its borrowing. Its fiscal and monetary discipline must be self-imposed.

Thus we have a definite boundary to our topic. Established agencies can effectively control private credit excesses, though there will always be criticism of Federal Reserve operations as being sometimes too much, too little, too soon, or too late. From this point

on the concern will be with the measures available for eliminating the very considerable contribution which the Government has made, directly and by precept, to inflationary credit expansion. The chief one is taxation and the following discussion deals with its limitations and possibilities.

Taxation and money supply. The process of taxation, as such, has no effect on the money supply. Payment of taxes transfers money from taxpayers to Government. At the moment of transfer private funds are reduced while public funds are increased through deposit of tax collections in depository banks. The transfer does not change the total of demand deposits in the banking system. There would be a temporary decline of commercial bank deposits if revenue collections were shunted to Treasury account in the Federal Reserve Banks. Thus Treasury policy with regard to tax collection, not the fact of taxation, can have a restrictive effect on money supply to the extent that tax payments are temporarily stored in the Reserve Banks. This condition would last only until Federal spending had restored the funds to the people and through them to the banks.

Taxation and total demand. Just as taxation causes a change in the distribution of the money supply without affecting the total, so also does it cause a shift in the apportionment of demand between private consumers and Government in the role of public consumer. An increase or decrease of taxes will move the dividing line toward Government or the people, respectively. At any given level of production total demand will be the same, regardless of the tax allocation of this total between private and public consumption.

It has generally been accepted, however, that the tax reductions of recent years increased total demand. But this conclusion takes no account of the fact that in the fiscal years 1961–1965 inclusive, the total Federal deficit was upwards of $24 billion. Naturally there would be an increase of demand capability when the people had more of their own money to spend because of the tax cuts and the Government was pumping this immense flood of new money into the economy.

Taxation and "fiscal drag," The notion that taxation is a "fiscal drag" on the economy was introduced as part of the rationalization to support tax reduction of Government fiscal policy. The figures given above show how effectively any drag was eliminated.

If all that the term means is that taxes are a burden on the taxpayers, it is not a new, but a very old, fact of life. The obligation to pay taxes has always meant that Government rather than the individual determines how a certain part of his income is to be spent. The incentive to get income, whether by effort or by saving and investment, is surely affected by the size of the Government's take. Since the growth of the private economy, which after all must support both the people and the Government, depends primarily on the decisions as to working, investing, or becoming wards of the Government, it is obvious that the weight of taxation is an important factor in the decision.

This is not, however, the context in which the idea of fiscal drag was introduced. To its proponents, it meant simply that because a given level of taxation would limit private demand, this limitation must be offset by deficits which would increase the total. Hence, by reducing the tax drag on private demand the total could still be increased by injecting Federal deficit money and this was done on a grandiose scale.

There is a psychological as well as an economic effect of taxation. Regardless of general recognition by the people that Government is necessary, that within limits it is beneficial, and that it must be supported, compulsory surrender of part of the fruits of one's effort or prudence is depressive rather than exhilarating, a condition that is compounded as taxes are increased. Relief from this depressive effect was sought by the fiscal alchemist's mixture of tax reduction and deficit financing.

Taxation and budget balance. Insofar as deficit financing is a source of additional money supply, taxation does make a positive contribution to its reduction if the total collected is sufficient to reduce or eliminate the deficit. But budget balance does not depend entirely on exorbitant taxation. It can be achieved as well by reduced spending as by increased taxation. Under the present circumstances it would better be done this way in view of all the arguments with respect to the repressive, frustrating, and drag effects of higher taxation. We can go a step farther and say that taxation can be a means of reducing the money supply if a budget surplus is realized and is sterilized by not being spent.

Various one-shot operations have been devised to improve the current budget situation. Among these are stepped-up prepayment of corporation income tax, graduated withholding of individual income tax, and sale of certificates of participation in pools of Government-owned mortgages and loans. The tax changes can have no ultimate effect on real tax liability but some corporations may have to borrow to meet the temporary tax increase. There may be some borrowing, also, by investors who buy the certificates. Any increase of commercial bank loans increases the money supply.

No definite program for tax increase has been announced but preliminary references to the subject indicate that such increase will be mainly in the corporation tax and the middle to upper rates of individual income tax. Certain excise tax reductions have been or would be restored but there is no mention, and probably no thought, of restoring broadly based excise taxes, whether selective or general.

Such a tax program would conflict with an accepted theory of the New Economics, which calls for inflation control by using taxation to reduce total demand. This theory has been criticized above. Assuming its validity for sake of argument, the above tax increase plans do not entirely square with it. A large proportion of total private demand is in the great mass of low to lower middle incomes. These plans would do no more than scratch the surface of this huge segment of demand.

Furthermore, lower after-tax corporation income could lead to less plant expenditure, an objective of the political approach to inflation control. This would be short-sighted, for a method of fighting inflation not considered here is to offset the increased money supply by a larger output, which would require more, not less, new capital expenditure. There could also be some reduction of dividends after the tax increase. It is generally known that those with incomes in the middle to upper brackets do not spend all of their income for present needs. Hence a higher tax would merely reduce the amount of their saving, not necessarily their current consumption.

The potentialities of the immense total of savings in relation to the theory of reducing total demand by taxation have apparently not been adequately considered by advocates of this theory. Also overlooked is the stubborn propensity to maintain accustomed living standards even at the cost of saving. For example, it was expected that the increase of Social Security tax, effective Jan. 1, 1966, would be reflected in lower demand, as the theory prescribes. For the first quarter of 1966 the effect reported was a lower rate of saving, with no noticeable decline of consumption spending. The time deposits in savings and other interest-bearing accounts are not considered here to be part of the active money supply. They can easily become part of that supply by being transferred to demand deposit accounts.

Conclusions: First, the basic fact of inflation is excessive increase of money supply. Both private and public demand for credit contribute to this increase.

Second, monetary policy is the most effective means of curbing increase of money supply but it is operative only in the private sector. There is no authority superior to the Government to regulate public use of credit.

Third, the fact of taxation, as such, has no effect on money supply or total demand. Its chief contribution is to prevent deficit financing by being levied in an amount sufficient to balance the budget. An unspent budget surplus would reduce money supply.

Fourth, granting a greater influence to taxation than the facts warrant, more restraint of private demand would be exerted by a broad-based consumption tax than by tax rate increases on corporation income and middle to upper individual incomes.

Fifth, the immense pool of savings and other time deposits constitutes a potential addition to active money supply which could negate efforts to curb inflation by taxation.

Dr. Lutz is professor emeritus of public finance, Princeton University.

THE BRITISH TURN AWAY FROM SOCIALIZED MEDICINE

Mr. MILLER. Mr. President, a front-page article, entitled "Cradle to Grave?" written by Neil McInnes, was published in Barron's, a national business and financial weekly, for June 20, 1966. Mr. McInnes, European correspondent for Barron's, points out that as the United States embarks on its national medicare program, the British are turning away from socialized medicine. He invites attention to the problems which the British system has spawned, problems which will be pressing upon the people of the United States if the Federal Government is not more careful than it was when it enacted a program to provide medicare to anyone over the age of 65, regardless of his financial need for it.

I ask unanimous consent that this excellent and timely article be printed in the RECORD.

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

[From Barron's, June 20, 1966]

CRADLE TO GRAVE?—THE BRITISH ARE TURNING AWAY FROM SOCIALIZED MEDICINE

(NOTE.—The accompanying on-the-scene account of the revival of private medical practice in the United Kingdom was written by Neil McInnes, European correspondent for Barron's.)

LONDON.—By a curious coincidence, on July 1 the U.S. will take its first step toward socialized medicine and Britain will take its biggest step away from it. On the same day medicare goes into effect for senior American citizens, all British subjects, old or young, will be offered a paying alternative to the free National Health Service. A company called Independent Medical Services, Ltd., will seek to sell Britons for cash what they have been getting free from the welfare state for nearly two decades. In this apparently quixotic undertaking it enjoys the backing of the British Medical Association, of which the vast majority of this country's doctors are members.

Executives of Independent Medical Services recently told Barron's that public opinion

surveys showed 30%–40% of Her Majesty's subjects are not satisfied with free cradle-to-grave state medicine. They would prefer to make private arrangements with a family doctor. The firm, for a moderate charge, will enable them to do just that.

Public discontent with the National Health Service, however, had less to do with formation of Independent Medical Services than doctor dissatisfaction with their pay and working conditions. Disagreement between the Health Minister and the United Kingdom's 23,000 physicians on those matters has been chronic. The boiling point was reached early last month, when 18,000 doctors signed undated resignations from the National Health Service.

The resignations were held by the British Medical Guild, to be handed in unless doctors' salaries and conditions were improved within 3 months. Holding a pistol to the Prime Minister's head while demanding more money was perhaps undignified—the Times called it "militant trade unionism"—but it worked. In May doctors got pay hikes ranging up to 35% for hospital interns.

Independent Medical Services was set up in the course of that dispute to lend credibility to the doctors' threat of a walkout from the state medical scheme. It is unlikely that British doctors would ever really go on strike, as their Belgian and Italian colleagues did recently, and the Health Minister knew it. Thus, to prove their determination to quit unless they got a better deal from the National Health Service, the doctors laid plans for a private medical insurance plan. If worse came to worse, the National Health Service might be paralyzed, but Britain's sick would be looked after.

As it happened, the pay dispute was settled without recourse to mass resignations. Meanwhile, however, Independent Medical Services had begun to look like a sound and workable proposition. Its sponsors decided to launch it in competition with socialized medicine. While it will not be the first private challenge to the National Health Service, it will be neatly complementary to existing, and thriving, private medical insurance schemes.

Currently, over two million Britons are covered by private health insurance, for which they or their employers pay regular subscriptions. The policies cover the cost of treatment in private nursing homes or in the single rooms and pay-beds of the nationalized hospitals. Most of these people subscribe to the British United Provident Association (BUPA), one of the more successful brainchildren of the late Lord Nuffield, maker of the Morris car. Independent Medical Services will not insure the cost of nursing home treatment, as BUPA does, but rather against family doctor bills and drug costs, which BUPA does not cover.

Even without Independent Medical Services, private medical schemes have been gaining 100,000 adherents a year. Subscribers to British United Provident are increasing at a rate of 75,000 annually. Two smaller concerns of the same kind, Hospital Services Plan in Tunbridge, Wells and Western Provident in Bristol, are understood to be signing up another 28,000 a year between them. This rate of growth has surprised no one more than the managers of BUPA itself. Hence, they have commissioned a J. Walter Thompson subsidiary to do a market survey to find out just how many people in Britain are willing to pay for an alternative to free state medicine.

"We never dreamed this business could grow so far and so fast," says BUPA's Hugh Elwell, joint secretary in charge of development. "We kept thinking the boom would top out, but it didn't. Now we want to see how big the potential market is—five million people, 10 million, maybe more? While we're finding out, we are stepping up our advertising outlays from $28,000 to $132,000 a year. Most of our members have been won by word of mouth, but now we have decided to sell a little harder. Also, we've ordered a computer from De La Rue-Bull big enough to handle millions of subscribers."

Unlimited medical and dental care became free in Britain shortly after World War II, when a socialist government implemented Lord Beveridge's plan for a national health service. After some hesitation, all but a thousand or so doctors joined the health scheme. They care for patients gratis, and they get paid from a central pool in proportion to the number of patients on their list. Hospitals were nationalized at the same time; the one island of medicine remaining in private hands was a few score nursing homes.

Some nursing homes had been supported by health insurance companies for their policy holders. It was assumed they would go out of business after 1948, when free hospitals became available to all. Yet, because some people had paid their premiums and their policies were still in force, the nursing homes could not be shut down overnight. The British United Provident Association and the two smaller organizations were formed to gradually phase out groups of private nursing homes, as contributions stopped coming in and prior commitments were honored. For the first two years the contributions fell off as expected and the liquidation seemed well advanced.

Around 1950, however, people suddenly started buying more private hospital insurance. BUPA, at the time headed by Viscount Nuffield, took this to be a flash in the pan, probably due to overcrowding in the nationalized hospitals. Still, the trend continued, and by 1955–56, subscriptions totaled $4.9 million. They increased sixfold in the ensuing decade; for 1965–66 BUPA's total income will be around $30 million. Hospital Services Plan will take in another $3 million or so, while Western Provident is nearing $1 million.

BUPA is a non-profit organization; however, since claims absorb 85%–89% of income, while administartion costs are kept low, there is in fact a small, regular surplus. It is invested, and BUPA today owns around $14 million in securities besides liquid reserves of $8 million. Income goes to a charity, the Nuffield Nursing Home Trust, which builds modern, fully equipped hospitals to care for BUPA subscribers and others who wish to pay for treatment. The present socialist government deliberately is reducing the number of private rooms and pay-beds available in public hospitals, and the Trust is stepping up its appeals for funds to build more nursing homes.

In its "standard scheme," BUPA offers to pay most of the cost of accommodation and nursing in a hospital, plus the fees of surgeons, anesthetists and visiting physicians. Premiums vary, depending on the amount of coverage required and the age of the subscriber, from $17.20 a year for a young bachelor to $112 a year for a family man of 50. It should be noted that the two million Britons covered by such schemes must continue to make their weekly contributions to the State's health service, which they don't use, while they get no tax rebate for their private insurance premiums.

BUPA lately has started offering as an optional extra a "general practitioner scheme," which partly anticipates the coverage which Independent Medical Services will be marketing after July 1. For annual subscriptions of $13.30, plus $3.25 for each dependent, BUPA will reimburse most of the costs of medical care outside the hospital. The policy, however, does not cover the cost of drugs. That's where Independent Medical Services breaks fresh ground.

Drug distribution is one major obstacle to the success of a private medical insurance plan inside Britain's welfare state. Patients pay nothing for the drugs prescribed by doctors under the government's health plan, but if they go to the same doctor in his private capacity, and pay his fee, they must pay for the drugs, too. The first socialist Health Minister, the late Aneurin Bevan, agreed that this was unfair and said it would be abolished, but it remains on the books.

FEAR DRUG BILLS

Realizing that fear of an unknown pharmaceutical bill was keeping many citizens, who preferred private medicine, on the lists of National Health Service doctors, Independent Medical Services plans to cover that risk, too. Its policy will cost $1.82 a month ($21 a year) for people between 17 and 65, and $1.12 ($12.60 a year) for those older or younger. It picks up the tab for drugs; the patient will pay only 35 cents for each surgery consultation and 70 cents for a home visit. A family of four can enjoy the care of a general practitioner and free drugs for $1.40 a week. Alternatively, for $2.94 a quarter or $11.20 a year, a subscriber can insure against the cost of drugs only, paying the doctor's bills himself.

When this coverage becomes available next month, desertions from the National Health Service could snowball. By combining BUPA's nursing home plan with Independent Medical Services' drugs-and-doctors scheme, British families of modest means for the first time will be able to guard against all the ills to which the flesh is heir, great or small, without resort to socialized medicine.

Doctors, too, will be able to ignore the National Health Service completely, instead of combining a list of nonpaying patients with a private practice on the side, as many now do. Independent Medical Services executives calculate that a medic serving 2,000 subscribers to their plan will be able to earn a pre-tax income, after deducting the cost of drugs and practice expenses, of $16,800 a year. By comparison, a doctor with a list of 2,000 National Health patients has been finding it hard to earn $5,600 before tax, and the recent pay hike will only bring him up to $8,400 a year.

NOT ONLY THE RICH

Why are so many of Her Majesty's subjects willing to pay for medical care substantial sums in addition to those they have already paid, in taxes and in National Health stamps, for "free" care? Not only the rich are doing so. Those who are deserting state medicine are middle-class Britons and quite a few workers who cannot afford catastrophic medical bills, but are not content with socialized medicare.

Their complaints are precise. First, the average National Health doctor has 2,300 people on his list, which compares with one doctor for 752 people in the U.S. It means long, frustrating (and, for some, costly) hours in waiting rooms. Consultations often are so hasty that, rightly or wrongly, patients feel they are perfunctory. If a specialist is needed, the patient has no say in who will be consulted, nor where, nor when.

If the specialist is a surgeon and he recommends an operation, there is no guarantee that he will perform it himself. The scalpel may be wielded by a surgeon whom the patient has never seen before and may not see very often afterward. In short, many a sufferer gets the feeling he is on a conveyor belt in a very impersonal medical factory.

M.D.'S FROM BANGALORE

Furthermore, because of the emigration of British doctors to lands where medicine is still relatively free, the National Health Service must draw on foreign doctors to meet the vast demand it has created for free treatment. Fully 43% of all doctors in British hospitals have taken their degrees

abroad, mostly in India, Pakistan, the West Indies and various Commonwealth countries of Africa.

In a report on doctors' working conditions published last month, Lord Kindersley noted that "the rise in the number of overseas-born doctors in the grades of registrar and below was . . . equivalent to virtually the whole of the increase in numbers in those grades" between 1960 and 1964. In other words, except for the top echelon specialists, all of the demand for extra medical care created in Britain by the fact the government pays for it is being met by doctors imported from abroad. While denying that racism has anything to do with it, many Britons would like to be treated by doctors with degrees from universities more reputable than Bangalore and Accra.

Finally, there is the vital question of waiting time for hospital accommodation. The last report of the Health Ministry shows there are 404,019 beds occupied in British hospitals, against a waiting list of 475,863. Because of the strain free treatment has placed on health resources, only the most urgent cases can be sure of prompt treatment. Critics fairly concede that for emergency operations the National Health hospitals are as good as any in the world. For adenoids, tonsils or a rumbling appendix, however, waiting time can run to nine months.

WORKMEN WANT IT, TOO

Working men are as interested in BUPA and Nuffield nursing homes as anyone else. A factory hand who develops a hernia might lose overtime for six months because he has to rest while awaiting a hospital bed in his locality. Subscribing to BUPA to be sure of prompt treatment saves him money.

Since his employer's interests run along parallel lines, BUPA has won the support of many British companies. Some 70 leading insurance firms, presumably good judges of medical underwriting, have covered their executives. Another 6,400 corporations or institutions have taken out group policies on their staffs, and BUPA gives them rebates of up to 33% for handling the clerical work.

Increasingly, British companies are not just handling the clerical work, but pay the premiums as well. BUPA coverage now figures in help-wanted ads, along with the free car and company house, as bait for executives. The British Medical Association asked BUPA to work out a plan to cover doctors, and some government departments of the welfare state itself have bought BUPA coverage for their civil servants.

Public discontent with the nationalized medicine is matched by the frustrations of the doctors who dispense it. Lord Kindersley noted in his report last month the symptoms of that frustration and diagnosed its causes. The basic difficulty, he said, is that "the doctor's contract is open-ended, in the sense that though remuneration and conditions of service are fixed by the state, the services rendered depend entirely upon the demands of the patients, on which no external restraint is placed."

Since Britons can demand treatment for every symptom, imaginary or real, there is "a growing burden on doctors," says Lord Kindersley, "to a point that many are beginning to find insupportable. There is a clear feeling that nowadays patients, undeterred by any charge, come to their doctors for minor disorders and injuries of a kind with which their parents would not have troubled the doctor."

The Kindersley report calls attention to the staggering increase in the medical workload and cites the "monastic life" of hospital staffs on duty for 120 hours a week. In general practice, too, doctors complain of overwork. Their burden was increased, the report said, by the Wilson Government's abolition of the 28-cent charges once imposed on all prescriptions. That "demagogic gesture," as The Financial Times called it, has cost the Health Service a jump of 22% in its drugs bill in the first full year, to a record total of $361 million.

TRIVIAL CHORES

Probing more deeply, Lord Kindersley reported that it is not only the volume of work that is getting British doctors down. No one ever went into medicine without expecting to work hard and long. What is giving doctors "a sense of frustration" is the "preoccupation with trivia"—mainly looking after people who haven't much wrong with them. "We think the sense of being overloaded is exacerbated by a feeling that too much of the work that the general practitioner is being asked to do is trivial, and not only does not call for the full exercise of his clinical skill but also makes it more difficult for him to practice good medicine and to provide the best standard of service to those whose need of medical advice and skill is real and urgent."

Low-pay and poor working conditions are causing 600 doctors a year to quit the nationalized hospitals. They are replaced by immigrant medicos from Asia and Africa. Several hundreds more each year resign from general practice under the National Health Service, and their numbers rose sharply last year. Lord Kindersley pointed out that "the rise in the rate of withdrawals has been particularly marked among doctors under the age of 45."

THE BRAIN DRAIN

Because, up to now, there has been little scope for private practice, doctors who quit the Health Service have had no alternative but to leave Britain. From 1955 to 1962, an average of 400 British doctors emigrated each year; in 1964, no fewer than 1,200 left the country for good, as against 1,600 who graduated from British medical schools. Deploring this "substantial permanent loss," Lord Kindersley cited a survey of British doctors who had emigrated which showed: "Unwillingness to enter general practice, or to stay in general practice, as it exists under the National Health Service, was most common complaint mentioned by those who responded to our postal questionnaire from Canada and Australia."

The Kindersley report urged, and the Wilson Government was obliged to implement, big increases in doctors' salaries. Still, his sagacious lordship evidently had doubts as to whether more money alone would restore the prestige of British medicine. "We have had to consider," he wrote, "to what extent inadequacy of remuneration is an underlying cause of trouble, and to what extent complaints made overtly about remuneration are really attributable to some other cause of dissatisfaction." Independent Medical Services, Ltd., thinks it has the remedy for the latter.

The growth of private, paid medicine within the bosom of the welfare state is a fact little known even in these islands, let alone abroad. That is because it causes little political discussion. The Labour Party chooses to ignore it, while the Conservatives seem afraid to notice it. Said an officer of BUPA, "In all the 13 years of Tory rule or misrule, we could never once get to see the Health Minister. We have had no help or encouragement from the Conservative Party. It was only after they were defeated by the socialists that they came to talk to us about alternatives to socialized medicine. It apparently had struck them that our two million-odd supporters could represent an electoral force. But we're not interested in politics."

While eschewing politics, Independent Medical Services, Ltd., recently took a fling at philosophy. The introduction to the booklets it is distributing this month to advertise its appearance is not a citation from any Tory manual or Liberal manifesto. Rather, it quotes Abraham Lincoln: "You cannot build character and courage by taking away men's initiative and independence. You cannot help men permanently by doing for them what they could do for themselves."

IN DEFENSE OF THE ARCHITECT OF THE CAPITOL

Mr. LONG of Louisiana. Mr. President, I wish to say a word or two on behalf of the Architect of the Capitol, in defense of his position, and even in support of his position compared to the positions of some of those who have been critical.

Mr. President, I have seen some reference to the Architect of the Capitol, questioning his adequacy to hold his position. I must say that in looking back over the service of the present Architect, it has been my impression that as to the controversies with regard to which he has been involved, history has invariably proved him to be far more competent than those who are critical of him.

Such controversies which have occurred while I have been a Member of the Senate, and while the present Architect of the Capitol, Mr. Stewart, has been serving in that capacity, have included the New Senate Office Building—which was very controversial at the time it was proposed. Measures to provide for the building were offered and debated at least twice. There was a very pressing need for more office space, but Senators were timorous about voting to provide it, even at a time when we had several times the number of employees in the Old Office Building than had been there at the time of its construction.

Then there was all sorts of criticism about the building of the New House Office Building, the Rayburn Building. That building was built, and again I say—with all due deference to those who were critical, and who said that that office building cost a lot of money—that this happens to be the Government of the United States, the greatest nation on the face of the earth, and this Nation can afford to have adequate and desirable offices for those who serve in its legislative branch.

For my part, I am happy to see that that building is better than the older buildings which existed prior to that time. I wish I could say the same thing for the New Senate Office Building, but unfortunately some of our economy advocates in this body succeed in postponing and delaying the construction of the building until the cost of construction had gone up very substantially, and those features were eliminated that might have added grace and beauty to that important building visited by people of all 50 States almost every day of the year.

There is a question whether any overall economy was achieved at all in view of the fact that the costs of construction had advanced. However, the economy advocates were successful in stripping from the plans of the new office building everything that would be graceful and beautiful and would cause one to think

of the building as one of which the Nation should be proud. It is a very austere building, in line with their desires. They even opposed having rugs on the floors. I do not think that any sightseers will refer to it with great pride.

One could say more concerning the Rayburn Building, the New House Office Building. At least under the leadership of Sam Rayburn, who supported the Architect of the Capitol, a superior building was designed to that type of building built 20 or 30 years ago or further back in our Nation's history.

These buildings were needed. They were necessary. They were built to fill the need of a great, growing country. As our country grows, the Government grows with it. Government is a part of a great country. It is necessary that this should be that way.

It can be argued in some respects that the country cannot progress and grow unless it keeps pace with the progress of industry.

I point out to those who make the argument that the building should not be touched or changed—"Woodman, spare that tree"—a desire to preserve something historic—that the Capitol was not built at one time. It was built in segments. A cornerstone was laid. An adequate edifice was built for the 13 small States on the eastern seaboard.

As the Nation grew, the Capitol grew, and additions were made to it.

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

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 3 minutes.

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

Mr. LONG of Louisiana. Mr. President, the Senate wing of the Capitol, in which I now stand, as well as the House wing, was constructed immediately prior to the Civil War. There are perhaps people still living who had been born before the two wings of the Capitol were added to the Nation's Capitol.

In our time we have extended the front of the Capitol to give the building better architectural symmetry. I have walked up and down those steps and studied the problem. In my judgment, the building has better architectural balance since the extension of the east front of the Capitol. Most people would never notice any change, but the advance of the east front provided space badly needed for meetings and conferences among legislators.

A committee is now studying what should be done with regard to the west front. Unless the west front is replaced by better structural material, it will cave in.

Should we move the west front forward somewhat when this part is being replaced? This could be done in a manner that no one would be able to detect the difference unless he were to make a careful study of the building before the extension. Should we reconstruct the west front exactly as it is, with a building no more adequate than at present?

I have had a small office in the west front for some time. I am familiar with the problem. I have no objection to the inconvenience that would be occasioned in expanding and improving the west front to provide us with more office space so that other Senators might have space there.

Mr. President, it seems to me that those Senators who fight so determinedly to prevent the building of another office building and to prevent the addition of more space in the Capitol Building, should decline to accept the space which presently exists in the building. They should give up their space in the new office building and certainly should not ask for any additional space after provision is made for additional space. Those who wish to go forward, to provide additional space for the needs of the country, should have a priority in requesting and receiving such space as they need, both in the Capitol and in the office buildings.

So far as I know, there is very little doubt about the things that we have done to improve the Capitol. There is no criticism now. The same thing would apply to the office building.

Everybody wants more office space. Nobody wants to settle for less than his allotment. More Senators desire to have a small office somewhere in the Capitol, convenient to the Senate Chamber, than there are spaces available. Some expansion of the Capitol would be desirable to take care of those needs.

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

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may be permitted to continue for 2 additional minutes.

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

Mr. LONG of Louisiana. Mr. President, perhaps four or five times as many tourists come to see the Capitol, to sit in the galleries, and to watch the Senate and the House in operation, than did when I took my oath of office more than 17 years ago.

We have no adequate restaurant to serve those people. They have to share the facilities of our staff in the New Senate Office Building.

Matters of this kind should be considered when we tear down the west front and replace it. We should think in terms of what the future needs will be.

The desk of Jefferson Davis is still in this Chamber. The desk was here when the Senators from the Confederate States left the Senate. Someone sought to damage that desk, but he was stopped by a noncommissioned officer who said that this Nation would grow and become greater, and that the desk would be needed again in the future.

The desk was saved. I think it is now occupied by the distinguished Senator from Mississippi [Mr. STENNIS]. The damage done to the desk by a Union soldier's bayonet is still evident by a patch on the desk.

At that time the Capitol was being enlarged and expanded. I believe that the great dome was being built on the Capitol at that time. President Abraham Lincoln was asked whether they should go forward with the improvement of the Capitol in view of the fact that the money, labor and materials could be used in the war effort.

Abraham Lincoln said:

> Go forward with it. When you go forward with the construction of your Capitol, people will feel that, if the Capitol is being built, it is one more indication that the Nation will survive.

Abraham Lincoln had the courage to go forward and improve the building even though materials were scarce, and there was criticism for doing it in his time.

Certainly if the great men of our country could build adequately at that time for both the present and the future—and I particularly admire those who build for the future—it seems to me that we should go forward with this project now.

I personally admire the progressive spirit and attitude of the Speaker of the House and the Vice President of the United States—who is the Presiding Officer of the Senate—as well as of the minority leaders of the Senate and the House, and those who serve on the commission set up under the act of 1955 who have suggested that in replacing parts of the building which are deteriorating and would otherwise collapse, we build something better than exists at the present.

That has been the whole trend of this country. I hope that it will continue to be so.

KING FAISAL'S LOST OPPORTUNITY

Mr. JAVITS. Mr. President, I desire to invite the attention of Senators to an interesting occurrence that took place this morning with respect to the visit of King Faisal of Saudi Arabia. I speak of this matter in great sorrow, rather than in anger, but it illustrates an important point with respect to our Government being host to the King.

Because it would have been unfeasible to act otherwise, it became necessary for the mayor of New York City, Hon. John Lindsey, to cancel a dinner reception scheduled for tonight in New York for King Faisal. This was the only course of action the mayor could have taken, in reaction to the rather intemperate statements of the King in Washington, yesterday, about Israel and about the Jewish people.

By his statements and the ideas they represent, King Faisal exhibited an unfortunate understanding of Americans who sympathize with his efforts to bring his desert kingdom into modern times and to resist the repeated threats of invasion and actual acts of aggression by President Nasser's United Arab Republic.

In welcoming distinguished foreign visitors to the United States, we have the right to hope that such visitors will bolster the efforts to secure peace, rather than to threaten them.

In his statements, King Faisal reiterates the traditional Arab cliches and prejudices which have kept the whole Middle East in turmoil and near war, statements about destroying Israel as a state and about the Jews being the enemies of his people.

Nothing could be further from the truth. The Jewish people of the United States have already ardently and loyally backed aid to the Arab refugees in large amounts, and are certainly not enemies of the Arab people. The Jewish people of the United States would certainly be delighted if the Arabs and the State of Israel would come to an accord for that peace and that development which can be so meaningful toward bringing the whole benighted Middle East, including King Faisal's desert kingdom, into modern times.

Mr. President, King Faisal missed an opportunity. He comes from a part of the world that is riven with strife, blood feuds, and continued threats of warfare. His visit could have served the purpose to indicate to Americans—who would, I feel, be receptive to such words—that as a leading Arab statesman, his goal is a peaceful Middle East and progress for his people in an atmosphere of peace.

I hope that this oppressive incident—one must face it very frankly—may have an effect upon the King in moderating the prejudices which he has expressed. I hope that before he returns to his homeland, the King may embrace the opportunity which perhaps this experience will have taught.

Certainly, Mr. President, the sooner the Middle East comes out of the darkness of the Middle Ages, the sooner it recognizes the tremendous mutual benefits for itself, for the other Arab countries, and for Israel stemming from peace and security and stability—and the enormous contribution which can be made to the development of the Middle East and of those Arab countries by bringing an atmosphere of peace and security and constructive development to that area—the sooner will the world rest more easily.

With our concern about Vietnam, we are inclined to overlook the fact that the Middle East remains the tinderbox of the world; that President Nasser is engaged in active aggression right now in the nation of Yemen and, indeed, as far as one can see, is engaged in active hostilities with the Saudi Arabia of King Faisal.

Mr. President, understanding fully the situation, but regretting it and being sorrowful over the fact that an Arab monarch received by our Nation should nonetheless give voice to such sentiments as the King has expressed, I express the hope that this incident may have taught the King—kings can learn too, I am sure—some lesson which will cause him to rethink what he has said, to rethink the ideas and the policies reflected by what he has said. Perhaps then he will really accept a historic opportunity which could be uniquely his, as an almost absolute monarch in a very tightly organized country to begin to travel the road toward some kind of light, instead of the darkness and the danger which seem to engulf the Arab States in the Middle East.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 136) to amend sections 1, 17a, 64a(5), 67(b), 67c, and 70c of the Bankruptcy Act, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 12270) to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the 12th Boy Scouts World Jamboree and 21st Boy Scouts World Conference to be held in the United States of America in 1967, and for other purposes, and it was signed by the Vice President.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 1254, 1255, and 1257.

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

ADDITIONAL ASSISTANT POSTMASTER GENERAL

The Senate proceeded to consider the bill (H.R. 13822) to provide for an additional Assistant Postmaster General to further the research and development and construction engineering programs of the Post Office Department, and for other purposes.

Mr. YARBOROUGH. Mr. President, H.R. 13822 will create a sixth position of Assistant Postmaster General to be in charge of the Department's program of research and development.

At the present time, there is an Office of Research and Development and Project Engineering in the Post Office Department, but it does not have sub-Cabinet status and it is in the Department's and committee's belief that elevation of this very important program to sub-Cabinet status will enhance the opportunities for increased efficiency in the postal service.

I am sure that every Member of the Senate is aware of the tremendous volume of mail that the Department is now handling. The American public is now mailing almost 2,000 letters a minute—every minute of every day, 365 days a year. The development of modern equipment is imperative to handle present and future mail volume. The creation of a new bureau within the Post Office Department to handle this task is a major step to achieve that goal.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1289), explaining the purposes of the bill.

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

This legislation would create a sixth position of Assistant Postmaster General in the Post Office Department, to be in charge of research, development, and construction engineering programs.

The necessity for effective research and development programs in the postal service is of vital importance to the Nation. Mail volume is now at its highest level in history and its rate of growth is increasing. At the present time, about 1,400 letters are mailed every minute of every day of the year. It will increase next year.

The meaning of modern research and engineering programs is that this gigantic mail volume can be handled only if up-to-date equipment is installed in post offices all over the Nation. The postal service cannot continue indefinitely adding employees to the payroll. New methods must be devised to deliver the mail at the most economical price to the mail user and the taxpayer. The proper utilization of modern machinery and processing equipment is a major factor in achieving this goal.

The program presently existing in the Post Office Department will not enable the postal service to keep pace with the Nation's growth. Prior to 1950, there was no research and development program in the Post Office Department, and its activities since Public Law 81-231 have been modest. Strong interest on the part of the Congress and the Department have not characterized the program until recently. For fiscal year 1967, only one-third of 1 percent of the Department's appropriation has been allocated to research and development. Other Federal agencies allocate much more for research and development. The Department of Defense will spend more than 11 percent of its operating budget for research and development in fiscal year 1967.

H.R. 13822 will provide the administrative machinery to move toward an effective program of research and development. Recognition of sub-Cabinet status will place proper emphasis upon the importance of the program to the postal service. In addition to the new Assistant Postmaster General, the bill will authorize two new directors within the Bureau, one for research and development and one for construction engineering, and increase from three to six the number of scientific and professional positions in the Department's research and development and construction engineering functions.

COST

The direct costs resulting from the enactment of this legislation are the salaries of the new positions created, about $130,000 a year at present salary rates.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

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

COST-OF-LIVING ADJUSTMENTS IN STAR ROUTE CONTRACT PRICES

The Senate proceeded to consider the bill (H.R. 2035) to provide for cost-of-living adjustments in star route contract prices which had been reported from the Committee on Post Office and Civil Service, with amendments, on page 1, line 5, to strike out "subsection" and insert "subsections"; in line 6, after "January 1,", to strike out "1965" and insert "1966"; on page 2, at the beginning of line 2, to strike out "1963" and insert "1964"; in line 8, after "July 1,", to strike out "1965" and insert "1966"; in line 9, after the word "from", to strike out

"1963" and insert "1964"; in the same line, after the word "to", to strike out "1964" and insert "1965"; in line 12, after "January 1,", to strike out "1964" and insert "1965"; in line 20, after the word "of", to strike out "any" and insert "each"; in the same line, after the word "year", to strike out "other than 1965" and insert "after 1966"; and on page 3, after line 10, to insert:

(d) The increases authorized by subsection (c) of this section shall not apply in the case of any contractor who operates more than one star route contract or to any contract which has been increased pursuant to subsection (a) of this section within the twelve months next preceding the date on which an adjustment in such contract would otherwise be authorized under subsection (c) of this section.

Mr. YARBOROUGH. Mr. President, H.R. 2035 would provide a cost-of-living adjustment in a contract price of certain star route mail contracts. Under present law, the only way a star route contractor can get an increase in his contract price during the 4-year term of the contract is to itemize his increased operating expenses and justify his request to the Post Office Department. For many contractors, this is virtually an impossible task.

H.R. 2035 will recognize the problem facing many small star route contractors by providing that whenever the consumer price index rises at least 1 percent in 1 year, the Postmaster General shall increase the contract price of any contract which is personally operated or which requires not more than two employees. The increase shall apply only to the first $15,000 of any contract. The increase shall not apply to benefit any contractor who operates more than one star route, and it shall not apply if within the 12 months preceding the date of adjustment the contract price has been increased pursuant to any other provision of law.

The committee estimates that this bill will cost about $250,000 annually.

I think that this increase deserves support, because these small star route carriers deserve this consideration in an era of rising costs.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1290), explaining the purposes of the bill.

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

PURPOSE

This legislation will provide an automatic cost-of-living adjustment in the contract price of certain star route contracts whenever the Consumer Price Index reflects an increase of at least 1 percent in 1 year. The increase will be limited to not more than $15,000 of any star route contract.

STATEMENT

There are about 12,000 star route contracts in the United States which are let out for competitive bidding by the Post Office Department. Each contract is for 4 years and may be renewed upon agreement between the Department and the contractor. (See 39 U.S.C. 6405, 6411, and 6416.)

Under present law (39 U.S.C. 6423(a)), the Postmaster General may readjust the contract price to reflect increased or decreased costs of operation during the terms of the contract. The Postmaster General may take into account changed conditions of the contract operation, including cost-of-living increases, increased wages to employees, taxes, and increased operations expenses.

To fulfill the requirements for such an adjustment, the contractor must fill out a form and present it to the Department for consideration. A copy of this form is included in this report.

More than half of the star route contracts in operation in the United States are for less than $10,000 each year, and most star route contractors are individuals serving one route. To comply with departmental regulations, each contractor must maintain operations records of his expenses of the route. In many cases this is most difficult if not impossible.

Testimony presented during public hearings on this bill before the Postal Affairs Subcommittee (July 29, 1965) indicated that adjustments are never requested by many contractors because of the difficulties involved or because an increase in the contract price may result in the Department readvertising the route at the end of the contract period.

Regardless of the amount of increase in the cost of operation, no increase can be granted unless the procedures in 39 U.S.C. 6423(a) are met. The committee favors adherence to such procedures, but recognizes that some contractors are not equipped to fulfill the requirements of the law.

H.R. 2035 will correct this situation by requiring an adjustment on July 1, 1966, and each succeeding July 1 if the Consumer Price Index indicates a 1-year increase of at least 1 percent from the second preceding year to the immediately preceding year. The index increase shall not be cumulative; that is, if the increase is not 1 percent in 1 year, a new period of measurement will commence.

AMENDMENT

The committee has amended the bill as referred to confine such adjustments to contractors who operate not more than one contract, and to preclude any increase if within the 12 months preceding the date of adjustment the contract has been increased under section 6423(a).

COST

An accurate estimate of cost is unavailable. The adjustment is limited to the CPI increase for the first $5,000, three-quarters of such increase for the second $5,000, and one-half of such increase for the final $5,000. The amendments made by the committee should reduce the cost below the $300,000 annual figure estimated to be the cost of the bill as referred to the Committee.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF ACT RELATING TO THE GREAT SALT LAKE RELICTED LANDS

The Senate proceeded to consider the bill (S. 3484) to amend the act of June 3, 1966, relating to the Great Salt Lake relicted lands which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 1, line 4, after the word "by", to strike out "deleting ', shall be deemed permits, licenses, and leases of the United States and shall be administered by the Secretary in accordance with the terms and provisions thereof' and by substituting 'shall not be binding on the United States unless within ninety days they are renegotiated to include such modified terms and conditions as the Secretary of the Interior deems appropriate,' " and insert "changing the period at the end of the section to a comma and adding the following: 'excepting for land rental rates which rates shall be subject to change based upon fair rental value as determined by the Secretary of the Interior and shall be subject to review and appropriate modification not less frequently than every five years by the Secretary of the Interior in accordance with rules and regulations of the Department of the Interior'."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act of June 3, 1966 (Public Law 89-441, 80 Stat. 192), is amended by changing the period at the end of the section to a comma and adding the following: "excepting for land rental rates which rates shall be subject to change based upon fair rental value as determined by the Secretary of the Interior and shall be subject to review and appropriate modification not less frequently than every five years by the Secretary of the Interior in accordance with rules and regulations of the Department of the Interior."

Mr. MOSS. Mr. President, I urge passage of the bill now before us, S. 3484, which will amend the law governing transfer of certain surface lands to the State of Utah. The basic bill was S. 265 which I introduced in the Senate early last year and which was signed into law by President Johnson on June 3, 1966.

This amendment simply provides that, in the event the surface lands revert to the Federal Government, the leases thereon which the State of Utah had executed and which then would be taken over and administered by the Federal Government, would be subject to renegotiation of land rental rates in accordance with fair rental value. This fully protects the Federal Government in the event that Utah has granted a land lease at too low a figure, and it will protect the lessee in the event he is paying too high a land rental in the eyes of the Secretary of the Interior.

The amendment is satisfactory to Utah and to lessees on the Great Salt Lake. It is fair and permits commercial firms to proceed in extracting salts and metals from the brines of the lake. The original wording of the amendment, S. 3484, as introduced would have been disastrous. I appreciate the consideration and perception of the Interior Committee and the Senate in rejecting the original wording of the amendment and in substituting the wording now before us.

I hereby adopt and read into the RECORD the words of the report of the Interior Committee upon S. 3484, as follows:

PURPOSE AND NEED OF MEASURE

The purpose of S. 3484 is to amend the act of June 3, 1966 (Public Law 89-441; 80 Stat. 192), to insure full protection to the contingent interests of the Federal Government in certain lands in the State of Utah relicted from the Great Salt Lake.

The act, which is based on S. 265 as amended by both Houses, provides for the

sale to the State of Utah of all Federal interests in these relicted lands, now amounting to several hundred thousands of acres. The subject lands have substantial potential value for industrial development, and outdoor recreational and fish and wildlife purposes. (See S. Rept. 1006, 89th Cong., to accompany S. 265.)

In order that the State might proceed with revenue-producing development as rapidly as possible, provision was made for conveyance by quitclaim to it prior to determination of the amount and manner of the compensation to be paid. Some little time might elapse between conveyance and consummation of the sale, since the State has the option of taking the issue of Federal-State property interests in the lands to the Supreme Court.

Section 6 of the act authorizes the State to issue, during the interval between the time it takes title and prior to settlement and final payment—"permits, licenses, and leases covering such of the lands as the State deems necessary or appropriate to further the development of the water and mineral resources of the Great Salt Lake, or for other purposes."

Before initiating such a program, however, the State, by or pursuant to an express act of its legislature, must agree to administer the lands "in the manner of a trustee." Proceeds derived by the State from such leases are to be paid to the United States until compensation for the full value, as determined under the provisions of the act, has been made.

In the event the provisional conveyance to the State becomes null and void for any reason, such as the decision of the State not to pay the price, then the lands revert to the Federal Government. Under the act as passed, valid leases issued by the State under the authority of section 6 are to be deemed leases of the Federal Government and are to be administered by the Secretary in accordance with their terms and conditions. The committee points out that the substance of this provision was derived from the Submerged Lands and Outer Continental Shelf Acts, among others, but recognizes that these acts did set forth specific standards that State-issued leases must meet.

The President and Secretary of the Interior point out that despite the requirement that the State must administer the lands as a trustee for the Federal Government pending consummation of the sale, the above provisions might result in the Federal Government's finding itself obligated to adopt leases on its own lands, the terms of which had not been approved by any of its responsible officers. That is, in the event of reversion, the United States might be required to recognize dispositions of public lands which would be improvident and inequitable from the Federal point of view.

For example, the State of Utah has issued certain leases on the subject lands for a period of 49 years at an annual rental of 50 cents an acre for the entire 49 years. The administrative agencies believe that such a period is too long for such a low, fixed amount. Rather, it is urged that if the lands increase in value, as, for example, is probable by virtue of the discovery of improved processes for beneficiation of the brines, then the amount of the rent should be subject to review, in accordance with accepted commercial practice. Furthermore, Utah State law provides that rents from mineral leases may be offset against royalties. Thus, with the State deriving its revenues primarily from royalties from the minerals in the brines, and the Federal Government looking almost solely to rentals for income from the subject lands, leases which might be in the best interests of the State might not necessarily be in the best interest of the Federal Government also.

THE COMMITTEE AMENDMENT

As submitted by the Secretary of the Interior, S. 3484 would have amended section 6 of Public Law 89–441 by deleting from it: "shall be deemed permits, licenses, and leases of the United States and shall be administered by the Secretary in accordance with the terms and provisions thereof" and by substituting therefor the following: "shall not be binding on the United States unless within ninety days they are renegotiated to include such modified terms and conditions as the Secretary of the Interior deems appropriate."

Spokesmen for the State and the lessees, present and potential, pointed out, however, that this provision would cause all leases issued by the State to be in doubt, and thus make financing difficult if not impossible. That is, any of the terms of a lease, as well as the lease itself, would be subject to cancellation if unknown terms and conditions to be set by the Secretary were not met, and within a quite limited period of time. Under such conditions, banks would be reluctant to advance money for development of the mineral resources of the brines of the lake, and thus a primary purpose of the parent law would fall.

The Federal Government's concern with the existing provision in the law was based upon its lack of authority to determine fair rents at fair market rates on the lands it might be required to take back. The committee adopted new language in lieu of that of the original amendment recommended by the Secretary to assure all interested parties that the Federal Government is entitled to take a careful look at the adequacy of the land rental rates in the event of revision. The committee's amendment now provides that although valid permits, licenses, and leases issued by the State under the authority of Public Law 89–441 are to be deemed instruments of the Federal Government in the event the lands revert to it, rental rates shall be subject to review and modification, if indicated, by the Secretary of the Interior at the time of reversion and at intervals of not more than 5 years. Any changes would be on the basis of fair market rates for the lands.

The amendment adopted by the committee to S. 3484 is as follows:

On line 4, following the word "by", strike out the remainder of the bill and insert in lieu thereof the following: "changing the period at the end of the section to a comma and adding the following: 'excepting for land rental rates which rates shall be subject to change based upon fair rental value as determined by the Secretary of the Interior and shall be subject to review and appropriate modification not less frequently than every five years by the Secretary of the Interior in accordance with rules and regulations of the Department of the Interior.' "

Under this new language holders of State-issued leases will be secure in their leases, with changes in rents only made when increases in land values make such changes equitable.

The committee wishes to make clear its understanding of the situation if S. 3484 is enacted, as follows:

1. Any leases made by Utah after June 3, 1966, the date of the enactment of Public Law 89–441, and before enactment of S. 3484, would be binding on the United States according to their terms.

2. Any leases made by the State after enactment of S. 3484 would be affected by its terms and the rental would be subject to periodic renegotiation as provided in the committee amendment.

3. Leases executed by the State prior to the date of Public Law 89–441, that is, June 3, 1966, and which were thereafter "ratified and confirmed" by the Legislature of Utah would not be, in the committee's view, "issued by the State under the authority of" section 6 of Public Law 89–441 and are therefore not binding on the United States in the event of reversion of title. Of course, the State could effectively reissue such leases. If reissued after enactment of S. 3484, they would be subject to its provision for review and modification of rentals.

4. As to options, the committee does not consider them to be permits, licenses, or leases and hence State-issued options would not be binding on the United States if the conveyance becomes null and void under the provisions of Public Law 89–441. If any options are exercised and ripen into leases before the passage and approval of S. 3484, the leases would be binding on the United States. If, however, the options are exercised after passage and approval of S. 3484, the committee's amendment would govern.

Also, the "rules and regulations of the Department of the Interior" to which specific reference is made in the proposed legislation are rules and regulations that will be promulgated by the Secretary to implement the act. At present there are no rules and regulations applicable to the administration of the Great Salt Lake Relicted Lands Act.

With respect to such administration and authorized changes in the leases, the committee cites with approval and adopts the following interpretation and statement of understanding presented by Hon. Frank J. Barry, Solicitor of the Department of the Interior, at the committee's executive session:

"Although a further change in the language of the amendment is not needed, it should be pointed out that we understand the reference to changes in rental rates to include changes either in amount or in method of computation. In other words, although rental rates must be based on fair rental value of the land, they may be computed at a fixed charge per acre, or as a percentage of income, or in any other commercially acceptable manner."

It gives me great satisfaction to reach this final Senate action on my Great Salt Lake shorelands solution. It is my hope that the other body will quickly act, that the President will quickly sign the bill and thus complete the legislative action.

Then at long last Utah may continue its development of the Great Salt Lake as we have been doing ever since Utah came into the Union. Not until a Department of the Interior solicitor's opinion cast a cloud on the title of Utah to that part of the bed of the Great Salt Lake from which the water had temporarily retreated, did anyone believe or suspect that Utah lacked full ownership of the whole lake, including the exposed portions of the lakebed.

Utah has gone the extra mile. Utah has agreed to pay fair market value for the Federal interest claimed to the surface of the exposed lakebed. In exchange Utah will release and transfer to the Federal Government: whatever claim it may have to uplands once under water above the meander line or which might hereafter be covered and thereby subject to a claim or State ownership; whatever claim Utah might have to subsurface minerals under the lakebed, whether under the exposed portion or under the waters where the State's title is unquestioned; and all minerals beneath potential school sections on the lakebed. This well may be more in value than the claims to surface rights conveyed by the Federal Government. But,

so be it. Utah wants to complete the transfer promptly.

Already has Governor Rampton sent the director of the Utah State Land Board, Mr. Max Gardner, to Washington to open negotiations. Our desire is to get the jobs done.

Before he signed S. 265 President Johnson wanted to know whether Utah intended to acquire clear title to the bed of the Great Salt Lake. Both Governor Rampton and I assured him most solemnly that Utah would move to acquire clear title. I point out that action has already begun. So the amendatory language adopted today will be surplusage when Utah completes its negotiations and transfers certain mineral rights to the Federal Government, for then there never will be reversion of surface interests of the lakebed to the Federal Government.

It has been a long, complex and often frustrating legislative road to today's action. I am happy to be where we are today.

Mr. BENNETT. Mr. President, as the original sponsor of the Great Salt Lake shorelines legislation in the 87th Congress, I hope that after the Senate passes the bill before us we can put to rest the long and involved controversy that has surrounded the question.

Early this month the President signed the Great Salt Lake shorelines bill conveying certain lands to the State of Utah. All of us in Utah rejoiced. However, it turned out that there were some caveats attached to his signature, and the bill had to be amended "as quickly as possible." I had no part in the compromises or the promises made at the time of the signing, and I would like the record to be very clear on this point.

I am told that the State and the principals involved approve the new language which is before us today, and which merely gives the Secretary of the Interior the right to make adjustments in the leases in the event the lands revert to the Federal Government. Frankly, Mr. President, I think the chances of this occurring are remote, because the State of Utah has given its word that it will acquire the land after a reasonable appraisal.

After this bill is passed, I hope that the entire Great Salt Lake shoreline issue and controversy can be laid to rest so that the industries can begin making their plans for development around the lake. Up to this point there has been some question as to who owns the land on which industries plan to build, and it is my hope that after the President signs the new language the matter will be dropped so that industries can take over. Although I much preferred the bill as it was signed on June 3, the heavy cloud surrounding the agreements and the amendments, as well as the Interior Department's new proposals, have to be lifted; and I am told by the land experts in the field, in the State, and here in Washington that this will be accomplished as a result of today's bill.

Frankly, I am pleased to see the 5-year stipulation in the amendment which will allow the State to proceed at least for that period of time without Interior Department renegotiations potentially occurring every month or earlier.

Mr. President, for these reasons I will vote for passage of the measure before us, and encourage my colleagues to do the same.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

EXECUTIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Commerce.

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

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Ross D. Davis, of New York, to be Administrator for Economic Development.

By Mr. RUSSELL of Georgia, from the Committee on Armed Services:

Myron R. Blee, of Florida, to be Deputy Director of the Office of Emergency Planning; and

Robert Alan Frosch, of Maryland, to be an Assistant Secretary of the Navy.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. McINTYRE. Mr. President, from the Committee on Armed Services I report favorably the nomination of 1 officer for appointment to the grade of commander in the Navy and 13 officers for temporary promotion to the grade of rear admiral in the Navy. I ask that these names be placed on the Executive Calendar.

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

The nominations, placed on the Executive Calendar, are as follows:

Lt. Comdr. Eugene A. Cernan, U.S. Navy, for permanent appointment to the grade of commander in the Navy; and

John S. Cowan, and sundry other officers, for temporary promotion to the grade of rear admiral in the Navy.

Mr. McINTYRE. Mr. President, in addition, I report favorably the nominations of 546 officers for appointment in the Air Force in the grade of lieutenant colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that the list be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

Wallace E. Fluhr, U.S. Air Force, for appointment as permanent professor, U.S. Air Force Academy; and

Regis C. Kohring, and sundry other persons, for appointment in the Regular Air Force.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nomination on the Executive Calendar.

ATOMIC ENERGY COMMISSION

The legislative clerk read the nomination of Gerald F. Tape, of Maryland, to be a member of the Atomic Energy Commission.

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

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

The PRESIDING OFFICER. Without objection it is so ordered.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

THE U.S. BALANCE OF PAYMENTS

Mr. DIRKSEN. Mr. President, during the past few days I have had an opportunity to examine a very remarkable and most timely study prepared by the International Economic Policy Association under the direction of its president, Dr. N. R. Danielian. This study titled "The United States Balance of Payments" contains the most comprehensive analysis of the many factors that have produced the recurring deficits in our balance of payments that I have encountered and the solutions suggested by the Association merit careful consideration by every person concerned with finding a solution to this vexing problem.

I note that on Monday the senior Senator from Missouri placed in the RECORD some press references to this book. Several more such comments have come to my attention and I ask unanimous consent that they appear at this point in the RECORD.

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

[From the Chicago Tribune, June 11, 1966]

TIME TO FACE FACTS

The business men whom President Johnson has been blaming for much of the dollar drain have turned around and put the finger right where it belongs, on the government. A 200-page study calling for new tactics in the balance of payments battle—and especially for restraints on the government itself—has been published by the International Economic Policy association. This association speaks for a number of big companies with interests abroad—the type of company which Mr. Johnson has punished

with voluntary restraints on overseas investment.

The study comes at an opportune moment because the administration has recently conceded—after frequent claims of victory—that its program hasn't worked. The payments deficit is almost as large as ever, and the White House is casting about for new ideas.

The suggestion that the government should look to its own policies is hardly a new idea, however. The government has been brushing it aside for years with the impatience of one who refuses to believe that he can be mistaken. We've been assured, without adequate evidence, that money spent abroad by the government tends to come back in the form of purchases whereas private money invested abroad yields only the hope of far distant profits and can thus be forsaken with no great loss.

The present study uses department of commerce figures to show that the opposite is nearer the truth. These figures show that capital investment abroad yields not only future profits, but also immediate exports. In 1964, nearly 11 billion dollars of income from abroad was related directly to foreign business investment—more than double the amount invested that year—while only 3.4 billion dollars was attributed to government foreign aid and military spending abroad—or less than half the amount thus spent.

The study confirms that the private sector of the economy has consistently produced a surplus in its dealings with foreign countries and that the government, in its transactions, has consistently produced a deficit.

It contradicts the frequent suggestion that private investment in the developed countries of Europe is responsible for the exchange surplus which they have shown. Transactions with these countries have tended, instead, to show a surplus for the United States, the association finds. Where the Europeans have earned their surplus is not from dealings with the United States, it says, but rather thru third country transactions, mainly with underdeveloped countries which spend American aid funds in Europe.

The first recommendations of the report, therefore, are that foreign aid be strictly curtailed and that, instead of providing cash, we provide only goods and services for use on specifically approved projects.

Other recommendations include persuading international agencies like the World bank to do their borrowing abroad rather than in the United States; gradually withdrawing our troops from Europe, with the possible savings of 400 million dollars a year; encouraging more foreign tourism in this country; using special trade agreements to combat similar agreements which are used by other countries and which discriminate against our exports; and, of course, sound fiscal policies at home.

These are sensible suggestions, by and large. If adopted they will prove much more effective than anything the government has tried so far. It's time for the administration to come off its high horse and admit that somebody else may possibly be right, for a change.

[From the Washington Post, June 18, 1966]

WHY TAKE IT OUT ON LYNDA BIRD?

(By John Chamberlain)

Lynda Bird Johnson is taking a graduation trip to Spain, and Congressman H. R. GROSS of Iowa is hopping mad about it. For the balance of international payments is still running against this country, and Lynda Bird's daddy, the man in the White House, has been asking other people to refrain from spending dollars abroad while his daughter goes blithely ahead with her own rather extensive plans.

Personally, I don't begrudge Lynda Bird her trip in the least; if I could make it to Spain this summer I'd certainly do it. Nevertheless, there is a good reason for Rep. GROSS' anger. For the President, in lecturing the so-called private sector (tourists included) for damaging the dollar by international spending, is not zeroing in on the real culprit. The fact is that if it weren't for the Government's own excess spending abroad the balance of international payments would be running in our favor. Lyndon Johnson could stanch the outflow of both U.S. dollars and U.S. gold simply by telling the people who work for him to submit to a little efficiency engineering in their own governmental foreign expenditures.

It so happens that as Lynda Bird Johnson was getting her verbal spanking from Congressman GROSS, Dr. N. R. Danielian, a pertinacious economist whose 15-year fight in and out of the Department of Commerce for the St. Lawrence Seaway was finally crowned by success, was issuing a study for his International Economic Policy Association that shows conclusively how our international payments position could be improved by "at least $3 billion." This would more than wipe out our deficits.

The impact of Dr. Danielian's program could be terrific, but if it takes as long to put it through Congress as it did to build the St. Lawrence Seaway it will come too late. The sad thing is that the program must be carried out by Government, for private citizens and corporations can't help by "voluntary restraints."

The dealings of the private sector abroad actually generate a payments surplus. The President has asked for voluntary hobbles on direct investment abroad by U.S. companies, but the fact is that the manufacturing plant maintained by American businessmen in foreign lands returns an annual earned income that exceeds the outflow of capital in nearly every industry involved. Moreover, exports to the foreign affiliates of U.S. manufacturing companies account for 35 percent of the total of American exports of manufactured goods. We are thus cutting off our nose to spite our face when we cut down on direct foreign investing.

Dr. Danielian's study points out that it is not Europe, where we have many factories, that is to blame for our foreign payments deficits. We sell more to Europe than we buy from her. The big drain on our dollar and gold supplies comes from the deficits that result from "soft loans" and aid to the underdeveloped countries of Asia and Latin America. These areas take our money, but do not necessarily buy our goods.

The Dr. Danielian-International Economic Policy Association program is a mosaic of small items which, added together, would result in $3.2 billion in annual savings on the U.S. foreign account. The program suggests a substitution of "aid in kind" for "aid in dollars." It asks for a reappraisal of our strategic concepts, for, as troop transport jets get bigger, there is less and less necessity for quartering soldiers far from home. Instead of cutting down on U.S. tourism abroad, the International Economic Policy Association suggests "dollar coupons" for special classes of foreign tourists coming to this country.

But, since the Pentagon, the State Department and a number of congressional committees would have to agree to the IEPA $3.2 billion savings program, nothing will happen unless Lyndon Johnson cracks a few heads together. And he seems to be busy with other things.

[From the Rome Daily American, June 14, 1966]

GROUP SAYS HELP U.S. BY HELPING TOURISTS

(From combined dispatches)

WASHINGTON, June 13.—Dollar coupons to lure foreign tourists to the United States were suggested today as one way of reducing the U.S. balance of payments deficit.

The suggestion came from the International Economic Policy Association, a private organization made up of 20 major U.S. corporations doing business abroad.

Under the Association's proposal, the government could give dollar coupons to "special classes" of foreign tourists such as students or clubs. The coupons could be used to pay for hotel and other expenses in the United States.

Coupons worth $10 million might be issued the first year. If these proved successful, they might be increased to $50 million a year, the Association said.

It said $50 million a year in coupons might bring in $250 million a year in additional spending by foreign tourists.

Tourist subsidies were one of a number of measures contained in a 200-page Association study, "The United States Balance of Payments: An Appraisal of U.S. Economic Strategy."

A recurrent theme of the study is the government should put an end to its "voluntary" curbs on overseas investments by U.S. companies. The government also should assure businessmen that no restrictions or controls on capital flows are contemplated, the study said.

Other proposed measures for reducing the dollar out flow include:

Possible formation of a North Atlantic Common Market, including the United States, Canada, Great Britain and other members of the European Free Trade Association or "Outer Six";

Tax incentives for U.S. exporters;

Possible troop reductions in Europe;

Adoption of a conditional most-favored-nation trading principle to give United States more bargaining power in trade talks; and

More "tying" of foreign aid to purchases of U.S. goods and services.

The Association said its proposals could reduce the dollar drain by at least $3 billion a year. Last year the balance of payments deficit was $1.3 billion.

In the first quarter of 1966 it ran at an annual rate of $3.3 billion.

The Association's founder and president is N. R. Danielian, an economist who once taught at Harvard University and has been active in promoting construction of the St. Lawrence Seaway.

Danielian said it was government overseas spending which caused the payments deficit. The private sector had produced a surplus, he said, but insufficient to offset government spending abroad. But it would be shortsighted, he believed, to suggest a total withdrawal of U.S. military forces abroad or total cessation of foreign aid.

Any expectation that the problem could be solved by controlling private overseas investment was misplaced, he said. "We will never earn more in the future unless we are willing to invest today."

[From Business Week, June 18, 1966]

The advantage to Canada of such a grouping would be to open up larger markets—without submerging the country's national identity. This reflects a basic fear of Canadians whenever schemes for closer integration with the U.S. are proposed.

For the U.S., the primary advantage would be to strengthen Atlantic political as well as economic ties.

The free trade area would be open to membership by other industrial countries. But at the outset, the committee concedes, the idea almost certainly would not interest major traders such as the European Common Market and Japan.

A similar idea was launched by the International Economic Policy Assn., a Washing-

ton group backed by a number of U.S. corporations and headed by N. R. Danielian, one of the promoters of the St. Lawrence Seaway. The group views a free trade area primarily as a means of cutting down the U.S. balance-of-payments deficit.

[From Chemical Week, June 18, 1966]

HOW BUSINESS COULD HELP BALANCE PAYMENTS: RECOMMENDATIONS BY INTERNATIONAL ECONOMIC POLICY ASSN.

The U.S. should consider taking advantage of GATT provisions by organizing a new trading area, such as a North Atlantic Common Market.

The U.S. should consider switching its trade policy from unconditional to conditional "most favored nation" basis.

The U.S. should consider ways to give a tax incentive on exports, such as a lower tax on profits from export sales.

The Export-Import Bank should offer to U.S. exporters credit and insurance at least comparable to those offered by other developed nations.

Discriminatory cargo freight rates—eastbound across the Atlantic, westbound across the Pacific—should be eliminated.

International commodity agreements should be judged with specific reference to their effects on U.S. balance of payments.

The U.S. should capitalize on East-West trade opportunities; bilateral trade agreements should specify that dollars earned in U.S. are to be used for procurement in U.S.

Restraints—voluntary or otherwise—on direct private investments abroad should be eliminated.

Bank loans for financing U.S. exports—or for financing trade among third countries—should be freed from any limitations.

Restraints should be continued on long-term bank loans for industrial development in other countries, such as Japan and Western Europe.

LEEWAY FOR FOREIGN GROWTH

The U.S. can give its businessmen freedom to invest overseas as they see fit and still dig its way out of its balance-of-payments deficit in about one year, a private, nonprofit and nonpartisan economic research organization asserted this week.

In that organization's findings and recommendations, some 15 chemical process companies whose export sales and foreign dividend income have been making a sizable contribution to the nation's balance-of-payments ledger have now made a significant contribution to the debate about how to end the overall deficit in U.S. foreign transactions.

Relying on Business: These process companies make up the majority of a group of corporations [1] that are sponsoring the work of International Economic Policy Assn., which was established in '57 "to encourage effective U.S. international economic policies and programs." IEPA is headed by N. R. Danielian, a former Harvard economics instructor who helped plan the St. Lawrence Seaway project.

IEPA's recommendations, based on a study of major plus and minus components in the U.S. balance-of-payments accounts during two decades, '45–'64, put heavy emphasis on the part to be played by private U.S. business.

No Letdown on Security: He insists the recommendations do not involve abandoning any national security commitments and emphasizes the desirability of giving aid-in-kind in the form of commodities, rather than giving foreign aid in dollars.

And Danielian stresses the importance of tough, reciprocal bargaining in the present round of trade and tariff negotiations. "The European Common Market," he says, "is interested in the reduction of U.S. tariffs in such industries as chemicals, machinery, man-made fibers—all industries that have been earning large trade surpluses for the U.S. To sacrifice trade advantages in these industries without assured new markets in other areas will hurt the U.S. balance of payments, instead of helping it."

[From the Los Angeles Herald-Examiner, June 14, 1966]

ECONOMIST OFFERS SHOTGUN PLAN: CURE FOR DOLLAR DRAIN

(By James H. Howard)

Redeployment of U.S. military forces overseas is one of 33 recommendations made today by the International Economic Policy Association to correct the nation's international payments deficit.

The recommendations are contained in a 200-page book, "The United States Balance of Payments: An Appraisal of U.S. Economic Strategy."

The key to curing the deficit, says Economist N. R. Danielian, president of the privately-financed research group, will be found "in a number of actions, each of limited return, but the combination of all leading to a fundamental correction in the U.S. balance of payments."

NOT SHORT SIGHTED

The study says, "It would be shortsighted to suggest a total withdrawal of military presence abroad, or total cessation of foreign aid; both would be dangerous to U.S. power and security. It is also impractical, however, to expect the private economy, through increased sales or diminished credits and investment, to raise, in the short run, U.S. net earnings abroad by an additional $3 billion a year to offset government deficits."

The private sector of business has generated a payments surplus for several years while Federal spending has been in deficit by more than $3 billion a year.

Several of the IEPA suggestions are based on reorientation of Federal policies and programs. The research group asks for greater emphasis on private investment projects, a more selective allocation of "soft" loans to less developed countries and the creation of an international aid agency to foster an international sharing of the global aid burden.

IEPA favors a revision of the most-favored-nation principle from its traditional, unconditional basis to a conditional one. The group believes this would enhance the U.S. bargaining position during trade negotiations.

OTHER SUGGESTIONS

Danielian said other recommendations contained in the study include tax incentives for exports, liberalizing the Export-Import Bank's credit and insurance terms for exports, incentives for foreign visitors to the U.S. and a program to encourage international financing institutions, such as the World Bank, to confine their borrowings to the European capital markets until the U.S. deficits are eliminated.

The seven areas in which recommendations are made and the savings believed possible for each include: revision of trade policies, $500 million; removal of restraints on direct investment, $500 million; modified exchange rates, curbs on long term bank loans, $500 million; farm sales under PL 480 and East-West trade, $450 million; foreign aid, $400 million; redeployment of U.S. military forces, $350 million; restrain on borrowing in U.S. by World Bank, etc. $250 million and tourism, $250 million.

The study concludes: "Next to the military security objectives of the United States, there is no aim deserving of greater devotion than this, the correction of U.S. payments deficits in order to free the United States in the pursuit of its national purposes from the restraints of other countries."

[From the New York Post, June 15, 1966]

TOURISTS UNPLUGGING THE DOLLAR DRAIN

WASHINGTON, June 15 (AP)—A record number of Americans plan to travel abroad this year, despite the drain on the U.S. dollar.

This is shown by passport statistics slated for publication soon. Passport issues are an advance indicator of foreign travel plans.

The figures also indicate the number of overseas trips by U.S. officials is climbing somewhat faster than that for American tourists. Much of the increased official travel is to Southeast Asia.

The White House has made some effort to curb foreign travel by officials and to encourage U.S. citizens to see America first. However, the President's daughter Lynda Johnson, is among many intending a trip abroad. She is scheduled to leave for Europe shortly.

POSES BIG HEADACHE FOR U.S.

Spending by Americans overseas is one of the headaches for U.S. authorities worried about the gold outflow. In 1965 a record 2,500,000 citizens went abroad, not counting those who just crossed the border to Canada or Mexico.

In dollar spending terms the 1965 U.S. travel deficit amounted to $1,800,000,000. This year's total may top $2,000,000,000.

The passport office statistics cover issuances of new passports and renewal of old ones during the first quarter of this year. They show:

In January through March, 364,701 passports were issued or renewed. This is 14.3 percent above the 318,932 passports for the same period of 1965.

VIET TRAVEL SOARING

Official passports issued in January-March of this year were included in this figure. They totaled 57,251, 17.6 percent for the like 1965 period.

The number of officials indicating they were going to South Viet Nam rose from 1,130 in January-March 1965 to 5,550 in the first quarter of 1966 while the number headed for Thailand climbed from about 6,900 to 11,000. This is aside from military men in combat units, who do not need passports.

The passport count is a bellwether rather than an exact record of actual travel. A person can make an indefinite number of trips on one U.S. passport, which is good up to five years. A few get passports and decide not to travel.

[From the Travel Management Newsletter, June 20, 1966]

OBSERVING THE INDUSTRY

Subsidy for special classes of foreign tourists, proposed by the International Economic Policy Assn. (TMN, June 13), merits serious consideration as a way of drawing more travel to the U.S., according to Commerce Secretary John T. Connor. There are drawbacks, he notes—the plan would be equivalent to having a multiple exchange rate, contrary to U.S. policy. Also, "the political disadvantages are obvious."

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[1] American Cyanamid, Aluminum Co. of America, Armstrong Cork, Cargill, Chrysler, Continental Grain, Deere, Ford Motor, Goodyear International, Hanna Mining, International Telephone and Telegraph, Koppers, Merck, Monsanto, Owens-Corning Fiberglas, Owens Illinois, Pfizer International, Procter & Gamble, Smith Kline & French Overseas Co., and Upjohn International.

[From the New York Herald Tribune (European Edition), June 13, 1966]

PROGRAM TO CURB OUTFLOW OF DOLLARS CALLED FAILURE

WASHINGTON, June 12.—An independent research organization today described President Johnson's voluntary-restraint program on foreign investments as a failure and called on the government to cut back its own expenditures abroad.

The International Economic Policy Association, in a 200-page report issued today after two years of research, said "an international financial crisis involving the purchasing power of the dollar and its position as a reserve currency cannot be ruled out" if present trends continue.

Dollar coupons to lure foreign tourists to the United States were suggested by the organization as one way of reducing the U.S. balance-of-payments deficit.

The IEPA, whose membership includes representatives of 20 major U.S. corporations doing business abroad, said the present deficit was the result of "programs which are intertwined with our military, trade and foreign-aid policies."

SPENDING ABROAD

It said that the United States is spending between $8 and $9 billion a year abroad for military expenditures, military assistance, defense support and foreign aid.

"We would have no balance-of-payments problem except for these government expenditures abroad," IEPA president N. R. Danielian told a news conference.

Under the association's foreign-tourist proposal, the government could give dollar coupons to "special classes" of foreign tourists such as students or clubs. The coupons could be used to pay for hotel and other expenses in the United States.

$10 MILLION IN COUPONS

Coupons worth $10 million might be issued the first year. If these proved successful, they might be increased to $50 million a year, the association said.

It said $50 million a year in coupons might bring in $250 million a year in additional spending by foreign tourists.

"The private sector of international transactions is producing a surplus in earnings, but not enough to meet the massive transfer on government accounts," Mr. Danielian said. "It is completely unrealistic to expect the private sector to increase net earnings sufficiently to offset all of the government's unilateral expenditures abroad."

Mr. Danielian said: "We feel that in view of this record, any expectation that the problem can be solved by controlling private investments is misplaced, for the record shows that private investments in every area of the world and in most industries have produced greater income than the capital outflow."

[From the Christian Science Monitor, June 14, 1966]

OVERSEAS INVESTMENT EASING URGED

(By Philip W. McKinsey, special correspondent of the Christian Science Monitor)

WASHINGTON.—A business-backed economic research group has called for ending quickly and permanently the administration's program of voluntary curbs on direct investment abroad.

The International Economic Policy Association, supported by a group of big corporations, asserts that unless American investments abroad continue to expand the balance-of-payments deficit will never be licked.

"We will never earn more in the future unless we are willing to invest today," the group says.

Meanwhile, it was learned in Washington that the administration is moving in just the opposite direction.

A 10-nation task force, under the auspices of the Organization for Economic Cooperation and Development and with American support, reportedly is ready to recommend that nations with balance-of-payments deficits adopt a policy of temporarily curbing outflows as needed.

This would reverse traditional American policy in favor of free flows of capital.

SURPLUS EVALUATED

Business in general has been concerned that the administration's "temporary" curb on investment would be stretched out in view of the continuing deficit.

President Johnson expressed hope in January that the payments deficit would be ended this year. Instead, due largely to Vietnam outlays, it will run at least $2 billion. Such a deficit will encourage the administration to continue restraining investment.

The association points out that the United States is able to maintain foreign economic and military assistance only because the private sector earns a surplus abroad. But these surpluses have not been large enough to offset the loss from government overseas spending.

Government programs, including support of our own military forces overseas, have been running a deficit consistently over $3 billion a year. This occurs despite military hardware sales to foreign countries and aid that requires receiving nations to purchase American goods.

SOLUTION ADVANCED

A two-year study by the association concludes that "it is completely unrealistic to expect the private sector to increase net earnings enough to offset all of the government's expenditures abroad."

It calls the payments deficit "the nation's principal unsolved economic problem" and asserts that in spite of all administration efforts to date "a solution is not in sight."

The only way the problem can be licked, it asserts, is by cutting down the dollar drain from American commitments abroad.

While the group does not want to see American security commitments reduced, it offers a number of recommendations, including changes in trade policy as well as government programs.

These changes, the group asserts, would cut the dollar outflow by $3 billion a year.

Some of the group's recommendations fall in the category of wishful thinking. They want the United States, for instance, to limit foreign aid to countries which are trying to help themselves—a goal the administration already pursues to what some critics call the peril point.

Also they want the administration to "insist" on elimination of discriminatory import charges and restrictions on feed grains in the current "Kennedy round" of trade talks—a problem American negotiators have been wrestling with for months.

But the group offers a series of changes that would, if practicable, stem the dollar drain. For instance, it suggests that more foreign aid be in the form of goods instead of dollars.

N. R. Danielian, president of the association, says, "We have more goods to give than gold." The association recommends that other developed countries give aid in the forms of resources, too, through a program coordinated under the United Nations.

REASSESSMENT URGED

The need to maintain an American military establishment abroad is recognized, but the group asserts that a reassessment of military strategy might show that technological developments would make it possible to keep fewer men abroad.

Troops might be taken out of France, which is contributing to the gold drain, and relocated in countries which agree to help alleviate the American payments problem. It suggests that the host country be required to buy enough extra American goods to offset American military outlays there.

The group urges new initiative in the trade area, such as possibly organizing a "North Atlantic common market" to offset the European Common Market; eliminating ocean freight rates that discriminate against American goods; providing a tax incentive for exports by substituting a "value added" tax for some corporate taxes, as many European countries do; and granting subsidies to foreigners to encourage tourism in the United States.

[From the Washington (D.C.) Star June 13, 1966]

SUBSIDY FOR TRAVEL IN UNITED STATES URGED TO EASE DOLLAR DEFICIT

A private research group is suggesting a subsidy for foreign tourists as one of 33 recommendations to end the deficit in the U.S. balance of payments.

Another suggestion by the International Economic Policy Association in its report released last night is for a broad reappraisal of the deployment of U.S. forces in Europe.

The study suggests no panacea for solving the U.S. payments imbalance but says the picture could be improved by $3.2 billion if all its recommendations were followed. It recommends cutting foreign aid by $1 billion and military expenses in Europe by at least $400 million.

SUBSIDY FOR TRAVEL

It would spend $10 million the first year, and $50 million thereafter, to subsidize foreign travel in the United States. This would be done by arranging lower plane and ship fares for tourists and perhaps by partial payment of some visitors' hotel bills.

The group also calls for a reassessment of U.S. trade policy, possible creation of a North Atlantic Free Trade zone to include the United States and Canada and elimination of restraints on direct foreign investment.

This last suggestion is a slap at the Administration's voluntary business program to stem the flow of investment dollars overseas.

The Association describes itself as a private, nonprofit, nonpartisan organization established in 1957 to encourage effective U.S. international economic policies and programs. Its membership includes 20 major U.S. corporations. Its founder and president is N. R. Danielian, an economist who once taught at Harvard University and has been active in promoting construction of the St. Lawrence Seaway.

PRESENT PLAN CRITICIZED

Danielian says it is Government overseas spending which has caused the balance-of-payments deficit. The private sector has produced a surplus, he said, but insufficient to offset Government spending abroad. But it would be shortsighted, he believes, to suggest a total withdrawal of U.S. military forces abroad or total cessation of foreign aid.

Any expectation that the problem can be solved by controlling private overseas investment is misplaced, he says. ". . . We will never earn more in the future unless we are willing to invest today," he adds.

The United States ran a $1.3 billion deficit in its balance of payments last year and a $582 million deficit during the first three months of this year.

The Association calls its plan a bolder undertaking based on the assumption that the Vietnam conflict does not escalate into a major war.

The suggested subsidy for foreign tourists would apply to special visitors such as students, clubs and group travelers. Danielian feels a five-fold return in foreign currencies would justify "such a novel experiment" and would go far in eliminating the travel deficit, which totaled $1.8 billion last year and is expected to reach $2 billion this year.

In calling for a reappraisal of overseas defense spending, the group says, "there is clear evidence . . . that at present the Communist bloc in Eastern Europe is fragmented, and that a relaxation of tensions between East European countries and the West is a goal sought by both sides."

Assuming that a defense shield still is needed in Western Europe, the Association asks whether such a large deployment of U.S. manpower is necessary. Military factors being equal, the United States should consider balance of payments questions in locating its forces abroad, the report said.

[From Chemical & Engineering News June 13, 1966]

PAYMENTS DEFICIT CURE OFFERED

Bold new federal action is needed along a broad front if the U.S. is to solve its persisting balance of payments problem, the International Economic Policy Association has concluded after a two-year study. In its hard-cover, 200-page appraisal of the payments situation to be released this week, IEPA—a prestigious, privately financed economic research group—lays down no less than 33 specific recommendations. Taken together, the recommendations could convert the U.S.'s payments deficit into a respectable surplus, IEPA claims.

The cure for this country's chronic payments deficit, says IEPA president N. R. Danielian, lies "in a number of actions, each of limited return, but the combination of all leading to a fundamental correction in the U.S. balance of payments." The proposals (none particularly novel) range from curtailing government spending abroad to granting tax incentives on exports. IEPA estimates that these recommendations, if adopted in total, would add some $3.2 billion to the plus side of the U.S. payments ledger.

The recommendations are coming at an appropriate time. First-quarter figures show the U.S. payments deficit running at a rate of $2.3 billion for the year, largely as a result of the escalation of the war in Vietnam. The 1965 deficit was only $1.3 billion.

The carefully worded report is critical of, among other things, the Administration's restraint on direct investments abroad by U.S. firms. The restraint, according to IEPA, is not the way to go about reducing the U.S. payments deficit. IEPA points out that the private sector consistently generates a payments surplus as a result of export surpluses and income on direct overseas investments. Federal spending (foreign aid, military, and the like), however, has been just as consistently "in deficit by over $3 billion a year." The economic research group urges that restraints, "voluntary and other," on direct overseas investments be ended as soon as practical.

The report also takes a swipe at the 1962 Trade Expansion Act. The act should be revised, the report says, to "make it a better instrument to achieve U.S. commercial objectives." It is time, IEPA adds, to "cease putting undefinable political objectives ahead of clearly definable economic advantages."

In calling for revision of the 1962 act (which expires in June 1967), IEPA also urges the U.S. to take a more hard-nosed approach to international trade bargaining. It calls for a complete reassessment of U.S. policies "unhampered by historical and intellectual predilections." For instance, IEPA would like the U.S. to abandon its unconditional MFN (most-favored-nation) policy in favor of a conditional one.

"The U.S. can no longer afford to be the principal country in the world granting [MFN] treatment to others while absorbing the economic shocks of discriminations implicit in the organization of trading areas on other continents," it maintains. A conditional MFN policy is likely to result in freer trade [in an expanding world economy] faster than "negotiating over tariffs by methods involving built-in obstacles," IEPA believes.

SEE THE LIGHT, UNCLE SAM

(By Don Oakley)

The balance of payments problem—in simple terms, the difference between the amount of money that leaves this country and the amount that comes in every year—continues to be worrisome.

The deficit in the first quarter of this year ran at an annual rate of $2.3 billion, compared with $1.3 billion for all of 1965.

This need not be, says the International Economic Policy Association. This privately financed economic research group has just issued a batch of proposals which it claims could improve the payments picture by at least $3 billion.

The association's study points out that for several years the private sector of the economy, as a result of export surpluses and income on private investments abroad, has generated a payments surplus. It is federal spending overseas (foreign aid, military outlays, etc.) that has been "consistently in difficulty by over $3 billion a year."

In the foreign aid field, the research group recommends greater emphasis on private investment projects and the creation of an international aid agency to foster an international sharing of the global aid burden. It also suggests that U.S. military forces be reduced in countries unwilling to co-operate in efforts to reduce this country's payments problem.

Other recommendations include tax incentives for exports and incentives for foreign visitors to America.

The study seems deserving of a close reading in Washington. Something else seems sure: Backing into a new kind of isolationism by discouraging private American tourism and private American investment abroad, which are two of the current strategies, is not going to solve this public problem.

[From Foreign Letter, June 17, 1966]

U.S. officials have grasped the wrong end of the stick in their fight against the balance of payments deficit, according to a new, well documented study of the problem.

The point is that long-term difficulties are being met with remedies that can be adequate only for the short term.

This is the conclusion of the book, "The United States Balance of Payments—An Appraisal of U.S. Economic Strategy," published by the International Economic Policy Association at $10.00 a copy.

Membership of the Association includes 20 major U.S. corporations which do business internationally.

It would therefore be expected that the study would seek other means than limiting investment abroad to achieve a payments balance.

The book, however, is neither a polemic nor a lawyer's argument. It consists of facts on U.S. aid, trade, and investment gathered over two years by a staff directed by Dr. N. R. Danielian, IEPA founder.

He won previous fame as the principal architect of the program for construction of the St. Lawrence Seaway.

Persistence of the payments problem should in itself rule out the temporary remedies based on political expediency.

The Johnson Administration unquestionably agrees with the Association that there should be a definite time limit on the holddown on overseas investments, now in effect.

A major contribution of the new study, however, may be that it shows the need to realize that the payments problem is not just going to blow away—through expansion of the U.S. economy or by any other means.

It is a nettle that will have to be grasped—with the Government required to do most of the grasping.

The U.S. has had a payments deficit in every year since 1950, except for 1957. From 1950 through 1956, deficits averaged $1.5 billion a year, and were not considered serious. Some thought them helpful, since U.S. dollars were in short supply abroad, and U.S. goods in demand, especially in Europe during the postwar reconstruction period.

From 1958 to 1964, deficits ranged from $3 billion to $4 billion a year, a rate that is not sustainable over a period of time. Yet, for most of this period of high deficits, the domestic economy was strong and rising, and wholesale price levels held unusually steady.

U.S. direct foreign investment has, in fact, proven to be one of the more stable and positive factors in the U.S. balance of payments in this century.

In addition, direct investment abroad is essential to the continued growth of exports—a major Administration goal. Aggressive selling from the U.S. by itself, independent of investments, has proven an illusion, through figures gathered by Commerce Department.

Overseas Government spending is main cause of the U.S. deficits.

The answer does not lie in the U.S. pulling back from its many world commitments and retreating to an isolationist shell.

A significant fact reported by the IEPA study is that the commodity trade surplus has permitted the transfer of capital resources for foreign aid—on a scale much greater than would have been possible otherwise.

In addition, it is very doubtful that the U.S. could have maintained its military presence in various parts of the world without the earnings of direct investments.

With the expansion of military commitments in Vietnam, the long-term picture on the payments deficit "does not appear encouraging without basic changes in U.S. policy." Prolonged limitations on capital export will only weaken whatever long-range strength now exists.

Recommendations for policy change are spelled out.

The study finds it possible to change the U.S. payments system favorably by "at least $3 billion" a year, even with the growing expenditures for the Vietnam War and increased imports.

A saving of $400 million should result from revising foreign aid programs, basically by providing American goods and services for specific projects rather than cash.

Additional cash income from farm product sales, with cash replacing P.L. 480 transactions (except in emergency situations such as India), would add an estimated $450 million.

Reduction or redeployment of U.S. forces in Europe should save $350 million.

Revision of export policy, to include tax incentives on exports, expanding regional trade area concepts under GATT, and to stop placing of "undefinable political objectives ahead of clearly definable economic advantages," as well as capitalizing on East-West trade opportunities, should increase the trade surplus by at least $500 million to $800 million.

A continuing annual increase of $500 million in investment income can be expected, if restraints on direct investment are lifted.

Higher interest rates and restraints on long-term banking and portfolio capital movements should keep $500 million at home.

Tourist income can be increased $250 million a year, via securing through diplomatic negotiations lower trans-Atlantic fares for Europeans, plus subsidies in the form of dollar coupons (for students, clubs, and foreign group travelers), and raising the travel service budget.

Such proposals do not readily lend themselves to slogans.

The payments problem itself is baffling to most Americans, who cannot see how the most powerful and richest nation in the world can run into consistent deficits in world transactions.

The major need now, it would seem, is for Washington officialdom to realize that it is a long-term problem requiring action at the Executive level, as well as with support from Congress.

Until it is solved, the U.S. will remain handicapped in carrying out national purposes by restraints in other countries. The list of proposed remedies will bear serious study.

[From the Chicago Tribune, June 13, 1966]

GOLD OUTFLOW STUDY URGES NEW SOLUTIONS

WASHINGTON, June 12.—A series of "hard-nosed" recommendations for solving the American balance of payments problem emerged today from a major study of the problem by the International Economic Policy association.

The 30-odd proposals include a far tougher foreign aid policy, troop reductions abroad in all cases where the host country does not help offset the balance of payments cost, and a possible North Atlantic free trade area that would initially exclude the European Common Market.

One of the more unusual suggestions is that the government partially subsidize thru "dollar coupons" some classes of foreign tourists, such as students.

A basic theme of the 157-page study is that the one area that the United States should not restrict is private direct investment abroad. There is also no suggestion for higher tariffs or other curbs on imports.

The International Economic Policy association is headed by N. R. Danelian, an economist, who directed the study published today. The association is made up chiefly of a number of corporations that operate internationally.

A major conclusion is that the deficit in the balance of payments is largely attributable to government expenditures, and that private activities, taken as a whole, produce a surplus.

Underlying many of the recommendations is the view that solution of the balance of payments problem should take precedence over other long-held positions in government policy.

The key proposal in the trade field is that the United States abandon the hitherto sacred most-favored nation principle.

SCHOOL MILK PROGRAM NEEDS $115 MILLION FOR FISCAL 1967

Mr. PROXMIRE. Mr. President, as I indicated on the floor of the Senate yesterday, the administration, in the person of Secretary of Agriculture Freeman, has now come out in support of a permanent special milk program for schoolchildren with no set ceiling on the amount of money that can be appropriated under the program. Consequently, we should now turn our attention to program needs for fiscal 1967, while continuing to press for early enactment of legislation for extension of the program.

Last year Congress appropriated $103 million for the school milk program. A Senate-approved appropriation of $108 million was cut in conference between the House and Senate to the $103 million figure. As a result the Federal reimbursement rate to program participants had to be cut by 5 percent. When the Bureau of the Budget decided to withhold $3 million of the $103 million appropriated for fiscal 1966, an additional cut of 5 percent in the Federal reimbursement rate took place for a total cut of 10 percent.

If we are to reverse this trend and provide full funding for the program in fiscal 1967, we must provide at least $110 million on the basis of the present school age population and current program participation. The $10 million should restore the 10-percent reimbursement cut that was necessary when the program was held to $100 million by the Bureau of the Budget.

However, a projected increase in enrollment in public and nonpublic elementary and secondary school pupils of almost 2 percent in 1966–67 will require an additional $2 million for the school milk program if it is to keep pace with increasing school enrollments. An additional $3 million should be adequate to take care of increased participation by schools, nurseries, summer camps and child-care institutions across the country. The total, then, would be $115 million for the school milk program in fiscal 1967.

Mr. President, I hope that the 67 Senators who have joined me in sponsoring legislation to make the school milk program permanent, as well as the many others who have told me of their support for the program, will not only continue to press for early enactment of legislation extending the program, but will also join me in an effort to see that the program gets $115 million in this year's agriculture appropriations bill.

SENATOR JENNINGS RANDOLPH HONORED FOR SERVICE TO BLIND ON ANNIVERSARY OF THE ACT HE AUTHORED—PRESIDENT JOHNSON AND SECRETARY GARDNER JOIN IN TRIBUTE

Mr. YARBOROUGH. Mr. President, Monday, June 20, was the 30th anniversary of the signing of the Randolph-Sheppard Act, the legislation which provides the nationwide program of vending stands operated on Federal property by blind persons. President Franklin D. Roosevelt signed the pioneering legislation.

This measure, as we know, carries the name of the distinguished senior Senator from West Virginia [Mr. RANDOLPH] who was the principal author of the bill. At that time, our dedicated colleague was a member of the House of Representatives in his second term. The Senate author was the late Morris Sheppard, a distinguished senator from Texas, who served in this body for 30 years, longer than any other person in the history of Texas.

In recognition of Senator RANDOLPH'S efforts in securing enactment of this humanitarian measure, the Washington, D.C., host Lions Club sponsored a luncheon in his honor. The testimonial, including a telegram from President Lyndon Johnson, was a timely tribute to the man who 30 years ago combined the vision and energy to act in providing blind persons a program through which they could become productive members of society.

A brief review of the progress of the vending stand operations is tangible evidence of the significant successes achieved by our Nation's blind persons in leading purposeful lives. From a 1937 total of 170 stands the program in 1956 showed 1,727 stands, operated by 1,804 blind men and women with average net earnings of $2,532. By the end of fiscal 1965, the last year for which figures are available, the nationwide breakdown includes 2,575 stands, 2,806 operators, with average net income of $4,716 and gross sales in excess of $59 million. This includes stands on Federal, State and local installations. This is an increase of over 80 percent in net earning and over 50 percent in citizens participating since 1957.

Mr. President, I was privileged to participate in the tribute to Senator RANDOLPH. It was a meaningful occasion for the many persons present, who had actively pursued programs of assistance for the blind and who have shared a common bond over a period of many years.

Former Representative from Illinois, Calvin Johnson, served as the master of ceremonies. This industry and civic leader knows well the extensive efforts which resulted in Public Law 732, 74th Congress, and he expressed in moving words his praise of Senator RANDOLPH.

President Johnson messaged this commendation:

> Thirty years ago JENNINGS RANDOLPH, a young member of the House of Representatives, offered new hope to those who lack the ability to see but who have the determination to be self-reliant. I am pleased to join with you in tribute to our good friend, Senator RANDOLPH. I send him my warmest personal wishes and congratulations.

Secretary of Health, Education, and Welfare John W. Gardner, whose Department implements the vending stand program, praised the West Virginia legislator for his pioneering efforts not only on behalf of the blind but also for all the handicapped.

Mr. President, three presentations were made by leaders closely associated with rehabilitation of the blind and other handicapped persons. These included: "A Citation to JENNINGS RANDOLPH—Distinguished Legislator, Eminent Lion, Humanitarian, Christian Gentleman," presented by William H. Gilliam, president, Washington host Lions Club; "A Citation for Meritorious Service," presented by J. Leo Lynch, chairman of the District of Columbia Commissioner's Committee on Employment of the Handicapped; and a plaque presented by

H. Paul Messmer, technical adviser to the President's Committee on Employment of the Handicapped.

In acceptance remarks, Senator RANDOLPH described his years of cherished association with work for the blind as a member of Lions International and as a past district governor of the clubs in West Virginia. His moving words eloquently expressed admiration for those valiant workers, devoted to the cause of the blind, who placed themselves unstintingly into the action which makes the story of the vending stand program, especially those whose efforts have seldom been mentioned in print. He called attention particularly to Leonard Robinson, who when the Randolph-Sheppard Act was passed, was supervisor of services for the blind section, District of Columbia Rehabilitation Service, and to Joseph Clunk, an early apostle of the vending stand movement. Both men are blind.

Senator RANDOLPH stated:

This program has provided unique opportunities for substantial employment of capable blind business men and women, but it has made an even greater contribution in the demonstration of the abilities of blind persons. On a national basis, these efficient business persons, by means of daily contacts with the general public, do more to establish a positive image of the competitive abilities of a blind person than in almost any other media. They become sellers and buyers and most important productive members of society.

Mr. President, I commend the members of the Washington host Lions Club for their continuing activities in developing constructive programs for the blind and I congratulate them for sponsoring the tribute to the farsighted gentleman from West Virginia on the 30th anniversary of the Randolph-Sheppard Act, coauthored by the former Texas Senator, Morris Sheppard.

Mr. President, I ask unanimous consent that the program for the luncheon, the telegram from the President, the remarks of former Representative Johnson, and the list of those who were recognized be printed at this point in the RECORD.

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

REMARKS BY THE HONORABLE CALVIN D. JOHNSON

Thirty years ago, the average person had good reason to fear the loss of sight because it practically guaranteed that the afflicted would be idle for the balance of his life—that he would be dependent on the charity of the community or his family for personal support and would be even more dependent on others for personal activity of any kind. In every sense of the word—physical blindness was synonymous with disability in a total sense.

Our honored guest, JENNINGS RANDOLPH, sponsored legislation in Congress to bring hope to the blinded. He knew that all the welfare funds in the world could not neutralize the impact of blindness. That 3 meals per day would not provide the food necessary to make life worthwhile.

Prior to 1936, blind persons were considered to be of no value for rehabilitation. That is was a waste of funds to give them training. The Randolph-Sheppard Act is the first federal recognition of the employment needs for blinded persons. At the time of its passage, all of the states combined appropriated less than $20,000.00 a year with which to provide services that might be called rehabilitation. A blind person might be given work in a broom shop or weave rag rugs at home or make a few flowers to sell to his neighbors. This was his sentence by society regardless of prior employment experience, education, personality, family needs or any other conditions.

There were many skeptics who did not believe that a blind person could or should try to operate a business more extensive than the sale of a few magazines or newspapers. Our honored guest was not in this group. His legislation presented major employment suggestions without restricting consideration of any other type of employment. Refreshment stands in Federal buildings have inspired similar employment in thousands of office buildings, hospitals and industrial plants. Placement of the blinded in industry would provide work for persons mainly suited to factory employment and would encourage and develop industrial production activities for thousands who lived in our highly industrialized communities. Senator RANDOLPH realized that these forms of employment would become educational outposts in the wilderness of public opinion and would break down the barriers for blinded persons, many of whom could continue their careers as teachers in schools and colleges for the sighted, as attorneys, as administrators of business and social service programs, as managers of busines activities, news reporters, musicians and all the rest of the thousands of activities in which we all earn a living.

The Randolph-Sheppard Act became the battering ram that has opened the doors of employment, which enables the blinded person to have his and her chance to prove every day, that blindness is not a total disability unless the sighted world insists on making it so. As a result of the administration of this act between 1936 and 1943, the first authorization to grant funds to the States specifically for the rehabilitation of blind persons was included in Public Law 113 and the Bardon-La Follette Act provided for the use of these funds by the State agencies.

Today the refreshment business stands in Federal and other buildings do an annual business of more than 59 million dollars and hundreds of blind persons have incomes far greater than they would be receiving if they were sighted. The state agencies appropriate 7½ million dollars annually and federal funds assigned to the states for rehabilitation of blind persons is approximately $13,000,000.00. Last year 5,500 blind persons were rehabilitated in our land as compared with one or two a year before 1936. Very rapidly we are noting the change in the attitude of sighted people toward physical blindness.

In 1936, we said to our blinded neighbor—you can't do this or you shouldn't do that. Today we approach our blinded neighbor from a positive point of view, we help him analyze the duties of the occupations in which he wishes to engage. No longer do we say—you can't—but we do say—you are an able person and we will do everything we can to help you continue normal living.

Practically all of the states have enacted laws following the intent of the Randolph-Sheppard act and virtually every country in the world is providing rehabilitation services to its blind based upon the principles of the Randolph-Sheppard Act. A native in Uganda, Brazil, India, Palestine, Egypt or England may never have heard of JENNINGS RANDOLPH although his fame began to develop many years before Congress approved this legislation. In every sense of the word the emancipation proclamation for blind persons throughout the world is synonomous with the Randolph-Sheppard Act and the grateful prayers of millions are lifted for its sponsors. We join with them in their gratefulness and I proudly present a fellow Lion, my personal friend and former colleague—the Honorable JENNINGS RANDOLPH—United States Senator from the state of West Virginia.

TESTIMONIAL LUNCHEON FOR THE HONORABLE JENNINGS RANDOLPH, SPONSORED BY THE WASHINGTON HOST LIONS CLUB, JUNE 20, 1966, MAYFLOWER HOTEL

PROGRAM

Invocation: Rev. Thomas A. Stone, Ph. D. Pastor, National Presbyterian Church.

Introductions: Hon. Calvin D. Johnson, Director of Customer Relations, Remington Rand Division of Sperry Rand Corporation, master of ceremonies.

Presentations: J. Leo Lynch, Chairman, D.C. Commissioners' Committee on Employment of the Physically Handicaped; H. Paul Messmer, Technical Advisor, President's Committee on Employment of the Handicapped; William H. Gilliam, President, Washington Host Lions Club.

Musical selection: Robert C. Nicholson, Baritone; Sampson P. Holland, Accompanist.

Response: Hon. JENNINGS RANDOLPH.

Benediction: Rev. Stone.

TELEGRAM FROM THE PRESIDENT OF THE UNITED STATES

JUNE 20, 1966.

Hon. CALVIN JOHNSON,
Washington Host Lions Club,
Washington, D.C.:

Thirty years ago JENNINGS RANDOLPH, a young Member of the House of Representatives, offered new hope to those who lack the ability to see but who have the determination to be self-reliant.

The Randolph-Sheppard Act, which he cosponsored, authorized the establishment of concession stands to be operated by the blind. While their earnings are not extravagant, some 2,700 blind persons now conduct these stands across the Nation and enjoy the quality of pride that is born of self-sufficiency.

On the thirtieth anniversary of this inspiring act, I am pleased to join with you in tribute to our good friend, Senator RANDOLPH. I send him my warmest personal wishes and congratulations.

LYNDON B. JOHNSON.

SPECIAL GUESTS PRESENT

Norman W. Pierson, Director of Department of Vocational Rehabilitation of the District of Columbia; Rev. Thomas A. Stone, Ph.D., Pastor, National Presbyterian Church; Edward K. Maloney, President, Washington Society for the Blind; Calvin J. McMillion, Governor, District 22–C, Lions International; Hon. John W. Gardner, Secretary of Health, Education and Welfare; Mrs. Jennings Randolph, and Frank, son of Senator and Mrs. Randolph; H. Paul Messmer, Technical Advisor to President's Committee on Employment of the Handicapped; J. Leo Lynch, Chairman of D.C. Commissioners' Committee on Employment of the Handicapped; William H. Dyer, one of the Founders of Washington Society for the Blind. Senator RALPH W. YARBOROUGH, chairman of the Post Office Subcommittee of the Senate.

Edmond L. Browning, Jr., President, D.C. Association of Workers for the Blind; Joseph F. Clunk, Director of Special Sales, Maryland Workshop for the Blind and an original member of the Washington Society for the Blind; Charles Gallozzi, Assistant Chief, Division for the Blind, U.S. Library of Congress; J. Arthur Johnson, Executive Director, Columbia Lighthouse for the Blind; George Keller, Supervisor, Maryland Vocational Rehabilitation Office; David Krause, 3rd Vice President, American Council of the Blind;

Douglas MacFarland, Chief, Services for the Blind, Vocational Rehabilitation Administration, Department of Health, Education and Welfare.

Leonard A. Robinson, Supervisor, Division of Services for the Visually Impaired, D.C. Vocational Rehabilitation Office; Thomas Herron, Executive Director, Washington Society for the Blind; Charles W. Hillegeist, Past President, and a long-time member of the Washington Society for the Blind; Carl Bacon, Executive Director, Blinded Veterans Association; and the splendid program chairman, Wylie W. Barrow.

STUDENT COMMENCEMENT ADDRESSES AT UNION, MAINE, HIGH SCHOOL, JUNE 23, 1966

Mr. MUSKIE. Mr. President, on June 10 it was my pleasure to speak at commencement exercises at Union High School, Union, Maine.

Special rewards to me were the graduation addresses by Valedictorian Carol Hardie, Salutatorian Zoa Hawes, and First Honor Essayist Debby Leonard.

Their words gave me renewed faith in today's youth and confidence in tomorrow's leaders.

This year's high school graduates are the best educated generation of teenagers in the history of our Nation. The quality of the graduation addresses convinced me that the maturity of these young adults equals their knowledge.

Miss Hardie, Miss Hawes, and Miss Leonard demonstrated that their generation is concerned about the quality of their lives and careers, the opportunities for personal and national fulfillment, and the tasks that older generations of Americans have not completed.

They demonstrated that they are willing to assume the responsibilities of the world they inherit, and capable of meeting its challenges. They demonstrated their desire to make that world a better one.

Mr. President, I ask unanimous consent that the addresses appear in the RECORD.

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

WE HOLD THE KEYS TO A BETTER WORLD

(By Carol Hardie, valedictorian)

We are surrounded by doors. Some we have opened, but some are still locked tight. We hold the keys to these closed doors, but they are only of value if we use them. They are the keys to life. They are the keys to a better world.

Tonight we are graduating from high school. For twelve years we have walked the corridors of basic learning. We now must turn the key to the door of further education and step through. We must not step through and stop. We must continue on by self instruction, vocational training, or college. At times throughout our lives we will be tempted to close the door to further knowledge. However, we have no choice but to retain an inquisitive mind.

Education will provide the key to another room, the room of successful living. There is stiff competition in the business world. To compete, one is required to have an alert and educated mind. No longer can the young reach the ultimate of success without first having opened the door to further education.

There are other doors to open with our keys. They are the doors to life, liberty, and the pursuit of happiness, first opened by our country's founding fathers. We, too, must open these doors for ourselves and for all people of the world. Our basic freedoms are the most precious ideals we have. We can open these doors by conquering the powers of hatred, inequality, ignorance, and immorality. While in this passageway, we must use our energy to recognize trouble, establish a cure, and take action to effect that cure. No longer should problems be recognized but no action taken. A century ago John Stuart Mills said that man may cause evil by his inactions as well as his actions, but in either case he is to blame. Thus, we must open the doors to concern, responsiblity, and action. The door to apathy may remain locked; we need no key to it.

We are traveling these passageways and rooms with people of every race and creed. We must open the doors to concern, understanding, and respect for these people. These young people are also pointing their hopes and ambitions towards a better world. Together, we can open the door to brotherhood for all. Then, the door to world peace will be only a few steps away.

The keys to new frontiers are numerous. Their doors are waiting to be opened. Science is constantly finding new frontiers to conquer in space, on earth, and under water. We are all familiar with the projects in outer space but—how many realize there is as much unknown about the life and conditions under the oceans? Some of us may open the door to the science of oceanography and discover its true existence. Also behind the door to science lie the answers to the problems of air and water pollution, population explotion, and declining amounts of natural resources.

While some of us hold the key to the door of science, others hold the key to the door to public service. Upon entering this door one might be confronted with the problems of highway safety, crime, or poverty. Our generation is faced with these problems. It is our responsibility to use our keys and attempt to solve them.

I have named only a few problems with which we will be concerned in the fields of science, human relations, education, and world understanding. Each of us graduating here tonight must decide for himself which doors he will open with his keys. Some are locked tight; some are already open. Those that take strength and courage to open are those leading to a better world. Those that are easily opened are traps. They lead to crime, greed, ignorance, immorality, and apathy. We must close these doors and board them over forever. If the world is to be more beautiful, we must struggle to open the opposite kind of door. We can and must continue to open the doors to enlightenment and enrichment.

Each of us has some special talent: musical, athletic, intellectual or simply, love. These, also, are keys to a better world. Use them and the world will flourish; neglect them and there may be no world. Our civilization is looking for youth who care, who think, who dream. I dare you to use your keys. Open the right doors. Close the wrong doors. Give your best talents to the world. Make it a better place to live. We hold the keys to the kingdom. The world dares us to use them.

CAROL HARDIE.

JUNE 10, 1966.

"MUSIC HATH CHARMS"

(By Zoa Hawes, salutatorian)

On behalf of the class of 1966, it is my pleasure to welcome you to our graduation exercises. This is the hour we here before you have been waiting for, not just waiting but working; working for our own individual goals. From the time of birth it is a matter of reaching out, farther and farther to achieve those goals that lie in the distance. Now that we the class of 1966 have reached a threshold, perhaps we are a little hesitant of passing through, but with good judgment and self confidence, what is there to fear?

We are not too young to realize what strife there is in the world today, but there is also a pensiveness that may be obtained through the art of music.

Today about 13,700,000 young people—nearly a fourth of the entire United States population under 21 play some musical instrument. This is an increase of more than 300 per cent in the past 15 years. In the same period of time, school bands and orchestras have nearly doubled.

This year United States companies manufacturing musical instruments expect to see their combined sales soar to more than $900,000,000 a larger sum than the United States public spends on cameras, comic books, playing cards, and sports events put together.

Among these musical instruments the piano and guitar lead all others in popularity. There are now, for examples, more than 22 million amateur pianists across the U.S. Other most popular instruments are: the organ, accordion, and violin.

Prosperity has provided the opportunity to learn music. Education has added the stimulus. According to statistics of the National Education Association, approximately 97 per cent of the nation's elementary schools and 95 per cent of the high schools provide music programs of one kind or another.

Locally our school has been enriched musically by the organization of the band eleven years ago. It is quite remarkable how a group of youngsters many of whom knew nothing about music, could be organized into a band and show so much progress. Vocal talent has also been encouraged through the chorus and musical productions, a course in music appreciation is required of junior high school students and offered to those in high school in our school today.

Music appreciation helps one to set a value on and to prize music, to be grateful for an understanding of it, and to be able to feel the beauty of it. The best way to learn to feel music is to listen intently to all kinds.

In considering the different types of music, it is sometimes classified as classical, folk, and popular.

Two and one half centuries of famous composers from back to Gershwin have given to the world music that will be enjoyed for ages. The home of the classical period was in Vienna and its chief composers were Joseph Haydn, who is often called the father of the symphony and the string quartet, Mozart, considered by many to be the greatest musical genius of all times; and Beethoven, who stands as a link between classical and romanticism.

Folk music has entrenched itself in the favor of the American public. Its song is usually one of simple character, often handed down among the common people. Although the words are simple, their meaning is great. Attendance at folk concerts reached record proportions; nearly one of every three popmusic discs had some folk favor, and the term "hootenanny" became a household word. The chief impetus of this folk music craze has probably come from the American Broadcasting Company's Hootenanny television show. Folk music which has been instilled in the American vein will never be lost.

In considering popular music, there is a diversity of opinions as to what is good music. Rock "n" roll is the music of young people and its popularity has lasted now far

past the point where mere fads fade away. Many adults do not care for the steady heavy, simple beat but their dislike only adds to its advantages from the teenage point of view. Teenagers want to challenge the adult world with something powerful of their own, possibly a more competitive than a rebellious attitude. When the listener subjects himself to the steady beat of rock "n" roll, the difficult world of external objects becomes blurred and unreal. It bridges the gap between tension and relaxation. No matter what type of music springs up, there is always the work of the geniuses to turn to.

Music has been called the language of emotions. It plays an important role in therapy. The principle value lies in its influence upon the emotions, through passive listening, active listening, performance, and creative work. The music that affects a person's feelings is usually the best music. It can cheer the down hearted, relieve nervous tension, and take a person's attention away from himself and his troubles. My dentist usually has a radio playing soft music while he is at work, so he too must believe in music therapy.

As an example of how music might stir one's emotions, I shall play portions of some selections depicting various moods, such as: joy, sorrow, excitement and patriotism: "June is Busting Out All Over"; Autumn Leaves"; Stouthearted Men"; "My Country 'Tis of Thee."

May we always remember: "music hath charms to soothe the savage breast, to soften rocks, or bend a knotted oak".

"SUCCESS"

(By Debbie Leonard, first honor)

As the graduating class of 1966 steps from school life into life's school, we will enter a world of opportunities and responsibilities. Each member of our class will take a different path, each aiming for his individual goal-success.

Each of us has his own opinion of what constitutes success in any field of life. Is a person successful if he amasses a fortune, yet fails in his homelife? Who is the more successful, a doctor who saves lives, or a teacher or pastor who inspires lives? Success, as you see, is difficult to measure.

I feel that to be successful, a person must be at peace with himself. Men, like Hitler and Napoleon, became powerful military leaders, but caused great misery to their fellow leaders, others have amassed great fortunes, yet never enjoyed what they had. Can these people be called successful?

Mohandas K. Gandhi may be considered one of the most successful men of all times, yet he displayed none of the ordinary symbols of success. When he died, his soul possessions consisted of a pair of sandals, a pair of spectacles, a few garments, a book, and a prayer wheel. Gandhi contributed his life to humanity by helping relieve the oppression of his people. His remarkable wit, wisdom, as well as his humanitarian pursuits, made him one of the greatest figures in history.

Many people have been fortunate enough to combine outward symbols of success with inner satisfactions. Andrew Carnegie, Russell Sage, Irving Berlin, and Eleanor Roosevelt were such people.

Essentially, success depends on skill in living with others, as well as in a career. Many stories and plays, such as those by Arthur Miller and Eugene O'Neal, are based on the failure of a person to achieve personal success in his relation to others, even though he may achieve success financially or as a political or social leader.

There is a price men must pay to achieve success, and this price is never cheap, but the effort to achieve it represents the finest genius given to man.

Many people would like to be successful, to be a leader, to be president of their company, but few are willing to make the necessary sacrifices. They won't prepare for it, they won't qualify themselves, they won't become completely involved.

The loyalty of a person's associates is a great factor in success. It cannot be purchased, it must always be earned.

Often, after a person achieves success, he reaches a point where he no longer tries to improve himself. He reaches a comfortable rut! We must always assume that tomorrow the competition will be stiffer. We must continue to improve, to perfect, to better qualify ourselves.

The factors back of success are character, drive and enthusiasm, singleness of purpose, and a happy disposition that attracts people. The measure of your IQ is not as important as what you do with the brain power you have. Brain power without drive and determination is not enough.

Only by making an effort did Franklin Delano Roosevelt succeed in getting through Columbia Law School. Thomas Edison, because of his deafness was considered the dunce in his class, but he had a goal, and a drive. John Kennedy was only in the Middle of his class at Harvard, but he knew how to work with people.

The opportunities to success are before us—the rewards are great.

In the words of Emily Dickenson, he who has gained the respect of intelligent men and the love of little children; who has filled his niche, and accomplished his task; who has left the world better than he found it, whether by an improved poppy, a perfect poem, or a rescued soul; who has never lacked appreciation of Earth's beauty, nor failed to express it; who has alway looked for the best in others and has given the best he had; whose life was an inspiration, whose memory a benediction.

TO DIE: FOR WHAT?

Mr. GRIFFIN. Mr. President, since 1868, Americans have paid tribute in Memorial Day observances to the valiant men who have died for our country. In the past few years, unfortunately, some of us have lost sight of the meaning behind this observance.

One of the most thought provoking comments that I have heard on the significance of Memorial Day was delivered this Memorial Day by Mr. Truman Walrod over WWTV, Cadillac-Traverse City, and WWUP–TV, Saulte Ste. Marie, Mich. Because I believe my colleagues will find food for thought in this commentary, I ask unanimous consent to have it presented in the RECORD.

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

Today marks the 99th Memorial Day in our Nation. This holiday began in 1868 as Decoration Day and was established by the Grand Army of the Republic to honor those Union soldiers who had died in the War Between the States. The day has since been re-named and enlarged to honor those veterans of all our country's wars . . . those who offered themselves as living sacrifices upon the altar of freedom.

We may wonder about the significance of dying. Do we honor the dead only because they are dead? Is it a case of dying solely for the sake of dying? Is there more to Memorial Day than a morbid manifestation of necrophilia?

Americans have fought in many wars . . . and died on many battlefields. They died, not in wars of conquest or aggression, but rather in struggles to establish and preserve an economic system, a foundation of government, under which all men can enjoy the freedoms who now may take for granted as a part of "the American way of life."

Did the thousands of Americans who fell in battle want to die? Obviously, they did not! However, they felt so strongly that the ideas of freedom upon which the United States of America was founded were worth a sacrifice that they fought, and many died, so that we could enjoy this legacy of freedom they prized so much.

Let us this day think of our country's fighting-forces and the men who continue to risk their lives that we may enjoy a holiday today. Did those men who died, and are dying, die in vain?

The answer to that question lies within each of us today. Do we value the ideals for which our nation's veterans fought and died? Do we value our American heritage enough to fight and, if necessary, to die for these principles of freedom and democracy? If we do, no one killed in battle for our country has died, or is dying in vain.

Conversely, if we don't really care; if we don't treasure our government by law, our free-enterprise system of republican democracy, our "certain uninalienable rights," then each man who sacrificed his life for us, did offer himself as a senseless sacrifice.

Those who lie beneath the sod in countless cemeteries around the world made their contribution. Our contribution is to resolve that we will not dissipate the legacy of law, the heritage of hallowed freedoms, willed to us by our nation's fighting forces from the first battle of the American Revolution to the jungle-fighters of Viet Nam today.

The Book of Ecclesiastes in the Bible says: "For everything there is a season . . . and a time for every matter under heaven . . . a time to be born and a time to die . . . a time to kill and a time to heal . . . a time to keep silent and a time to speak . . . a time for love and a time for hate . . . a time for war and a time for peace."

Today, Memorial Day, 1966, is a good time to examine our spiritual and ethical "bankroll." Today is a good time to think not only of our fallen dead but to awaken an appreciation of the ideals for which they died.

If we think about these heroes of battles past and believe in the United States of America which is built upon their ideals . . . a nation cemented together with the blood of Americans from the time of the American Revolution to the present . . . those who fell to the God of War did not die without reason. Their ideals, alive today, provide them with immortality.

If we ignore their hopes and dreams, they did indeed die in vain. They all died in a futile fight as senseless sacrifices to our apathy.

Whether our nation's fallen fighting men and women are truly dead or whether they live forever—that is our choice this Memorial Day, 1966.

GEORGE WASHINGTON CARVER NATIONAL MONUMENT

Mr. SYMINGTON. Mr. President, near the small southwestern Missouri town of Diamond, the National Park Service maintains as a national monument the birthplace and boyhood home of George Washington Carver.

From the visitor center at the entrance to the monument grounds, visitors may follow the trail past the cabin

site where Carver was born, past the famous statue of Carver as a boy, the home of Moses and Susan Carver, and through the woods where Carver walked as a boy and was inspired with a love of nature and a knowledge of its ways.

George Carver had a compulsion to learn about growing things and to share his knowledge with others. Through his efforts the lot of the farmer was improved by many breakthroughs in the application of scientific principles in agriculture.

Dr. Carver's life demonstrates the opportunities which the United States offers to any man of ability and diligence, regardless of his origin. It was, therefore, another well-deserved tribute to his life of achievement and service when the Navy saw fit to name our 37th Polaris nuclear submarine for this great American.

Shortly after completion of sea trials of the U.S.S. *George Washington Carver*, in a letter to the noted newsman, Ralph McGill, Adm. Hyman Rickover wrote a moving tribute to Dr. Carver.

I ask unanimous consent that Mr. McGill's column, as it appeared in the June 7 edition of the Kansas City Star, be inserted at this point in the RECORD.

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

[From the Kansas City (Mo.) Star, June 7, 1966]

HIS NAME TO A NUCLEAR SUB: MISSOURI AND NATION REMEMBER GEORGE W. CARVER

(By Ralph McGill)

After reading a letter from Admiral H. G. Rickover, I began to remember. I recalled visiting a quiet, frail, very shy old man in his laboratory at Tuskegee Institute in Alabama. He had come a long way from harsh beginnings. He had never lost faith in himself or his country. He made his life one of service, confident that the promises of this nation, then cruelly withheld from him and several millions of others, would one day be made good. Admiral Rickover's letter is both informative and inspirational. He wrote:

"Dear Ralph: We have just successfully completed the first sea trials of our 37th Polaris nuclear submarine. The U.S.S. *George Washington Carver* was built by the Newport News Shipbuilding and Dry Dock Company, Newport News, Va. We have also in operation 22 attack type nuclear submarines, making a total of 59."

PARENTS WERE SLAVES

"This ship is named for George W. Carver, a botanist and chemurgist renowned in the annals of American scientific agriculture. The child of slaves, he did not know the day of his birth. Even the year is not certain, but he thought it was 1860. Where he was born, however, is not in doubt. In 1943, shortly after he died at Tuskegee Institute, Alabama, both houses of Congress passed, without a dissenting vote, a bill authorizing erection of a national monument at his birthplace near Diamond, Mo. In fourscore years, George W. Carver had come a long way and accomplished a great deal.

"By great good fortune his master, Moses Carver (from whom he took his surname), was not a typical planter but a plain farmer, one of the socalled 'Black Republican abolitionist Germans,' or 'lop-eared Dutch,' as they were contemptuously called, who had migrated to Missouri in the 1830s. He was opposed to slavery, but he and his wife were childless and middle-age; they needed help and servants were not to be had. So Moses bought a slave girl from a neighbor for $700.

"After she had been abducted, he took it upon himself to raise her small son. Slavery ended when the boy was four years old, but he remained with the Carvers and was treated much as any other farm boy. He was an especially apt pupil in all the domestic chores around the house and showed early that he had a way with growing things."

HAD KEEN MIND

"The boy was born with a keen mind, fantastically clever hands and so great a thirst for knowledge that no obstacle could bar him from obtaining an education. Of rebuffs he suffered many, but he was also often given a helping hand.

"The free school nearby was barred to him, whereupon Mrs. Carver gave him an old 'Blue-Back Speller' and with her help he taught himself to read and write. Thereafter he was hardly ever without a book in his hand. He would prop it up while he washed and ironed, these being some of his chores.

"At 10 he decided he must find a school and so he left the Carvers, all his possessions in a small bundle over his shoulder. Thus began an odyssey that was to take him in short stages northward geographically and upward educationally."

UP EDUCATIONAL LADDER

"George Carver literally inched himself up the educational ladder. . . . He was 20 before he got to high school, 25 when he graduated. . . . He was 30 when he finally entered Simpson college in Iowa. A year later, he entered Iowa State University, graduating with a bachelor of science degree in 1894. Invited to become a member of the staff in charge of systematic botany, the bacteriological laboratories and the greenhouse, he continued his studies and received a master of science degree in 1896.

". . . In Tuskegee, he went about looking for ways to restore the overworked earth and found it in green manure and the growing of nitrogen-producing legumes—pod bearers such as vetch, peas, clover, peanuts—plants which enriched the soil. Crop rotation which European peasants had practiced for a thousand years had to be relearned by Southern tenant farmers who knew no other crop but cotton. Carver went among them preaching diversification. He urged them to grow peanuts and sweet potatoes; those who heeded his advice rode out the disastrous invasion of the boll weevil . . .

"On the experimental farm he developed at Tuskegee, he evolved a cross between the short-stalk and the tall-stalk cotton known as 'Carver's Hybrid,' besides three other new strains. With green manuring he grew enormous potatoes, cabbages, onions, watermelons, and cantaloupes."

HELD DEMONSTRATIONS

"He instituted a visiting day each month for neighboring farmers to show what could be grown with scientific methods. They were most impressed with his new cotton strain which carried 275 huge bolls on a single bush, and yielded nearly a bale and a quarter per acre, in contrast to the usual one third of a bale most tenant farmers produced . . .

"Many people from all over the world sought out this shy and retiring man, wanting to talk to him and to observe his work . . . He was introduced to the dinner guests in Theodore Roosevelt's New York home with these words which are a summing up: 'I have the honor to present not a man only, but a life, transfused with passion for the enlarging and enriching of the living of his fellow man. . . .'

"Sincerely,

"H. G. RICKOVER."

THE CRISIS IN AMERICAN LEADERSHIP

Mr. MURPHY. Mr. President, as my colleagues know, former Vice President Nixon has been writing a series of articles on various important domestic and foreign problems facing our Nation. In this, the fourth of the series of articles, Mr. Nixon, in a many-count indictment points out the "crises in American leadership." Noting the present drift of our ship of state, Mr. Nixon expresses great concern for the lack of leadership, because "the country has never been in greater need of great leadership."

Particularly appropriate are the remarks regarding the necessity for removing politics from the poverty program, for the Senate Subcommittee on Employment, Manpower and Poverty is reviewing the poverty program at this time. It is my hope that the committee will accept my amendment, S. 2908, which would help to eliminate politics from the program.

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

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

[From the Washington (D.C.) Post, June 5, 1966]

WASHINGTON'S LEADERSHIP GAP

(By Richard M. Nixon)

(This is the fourth in a series of monthly articles by the former Vice President.)

NEW YORK.—Public support for the Johnson Administration has sunk to its lowest point since he took office. If the present downward trend continues, the Presidential coattails that pulled Democratic candidates along to overwhelming victory in 1964 will drag them down to devastating defeat in 1966.

It is the critical leadership gap in Washington which is costing the President support across the country. He has lost the leadership of the Free World, of his own party and of the economy.

Unless the President can pull an election-year rabbit out of his hat this fall, he will lose the leadership of the Nation in 1968—and the Democratic candidates who clamored to run with him in 1964 will be running away from him in 1966.

The country is reaping the consequences of one-party government—second-rate panaceas for problems that cry out for first-rate solutions. Unless the leadership gap is closed, we are headed for a major recession in the United States and a major defeat in Southeast Asia.

There is only one way to close the gap. The deeply divided Democratic Party has demonstrated that it cannot provide the leadership America needs. Only by strengthening the Republican opposition in Congress can the gap be closed.

In the Vietnam crisis, the President is losing public support, not because the people opposes his policy, but because they simply do not know what that policy is. The people are confused and the indecision in the White House and deep Democratic division in the House and Senate have added to that confusion.

The policy of dissident Democrats is to end the war with appeasement. The Administration's policy is an endless war without appeasement. Both are half wrong and half right. America needs a policy which will end the war without appeasement.

The President has not yet learned that you cannot fight a war by consensus. There is no military strategy that will satisfy both those who want to win and those who want to run.

The United States is fighting the kind of war the enemy wants: a land war and a long war; they want to bleed America white. We must not fall into this trap.

The longer the war goes on, the greater the chances for disintegration in war-weary South Vietnam and the greater the risk of World War III—because of the inevitable growth of Red China's nuclear capability.

The Johnson Administration has held back from adopting the only strategy which will reduce American casualties and end this war with the least risk of World War III. We must quarantine the aggressor in North Vietnam by reducing his war-making capacity through air strikes on all military targets, and by cutting off the flow of supplies from the sea through mining the harbor of Haiphong.

The crisis in leadership has produced two grim results. For the first time in history, the President has been unable to unite his own party in time of war and the United States is fighting for freedom without the support of our European allies. We are the loneliest nation in the world.

The Johnson Administration also has failed to convince our allies to stop trading with and aiding the enemy in North Vietnam. In 1965, the bulk of the cargo to the port of Haiphong was carried in merchant ships of NATO countries.

Apart from Vietnam, the crisis in American leadership is evident around the world. Respect for the United States is at an all-time low on every continent of the globe.

Eight American fishing vessels have been seized in international waters this year and held for tribute by Panama, Colombia and Peru, and the United States has done nothing.

In January, Cuba declared itself the international clearing house for Communist "wars of liberation" on three continents. America's reaction: silence.

NATO is divided and disintegrating and the Johnson Administration has made no move to rebuild it.

In the five years of Democratic Administration, there have been twice as many attacks on United States installations and property abroad as occurred in the first 60 years of this century.

Hardly a day goes by without news of another American embassy being stoned, a library being burned or an ambassador being humiliated.

While the ship of state drifts toward disaster in Asia—for lack of a firm hand on the tiller—the economy at home wallows in a sea of inflation for the same reason.

Last year, along with other Repulicans, I urged the President to declare war on inflation by submitting a responsible budget. Instead, he submitted an irresponsible one and began waging war on the poor, who must pay for his irresponsibility in higher prices for food, clothing, rent, medical care and other essential items.

The New Economics has become the old economics—war and inflation.

Instead of becoming a pillar of strength in combating the threats to the economy, the Administration has become a troika of confusion—speaking in three voices and pulling in three directions.

The Federal Reserve Board leadership calls for tax hikes and economic restraint, the Treasury sees no need for either and the White House watches and waits.

The crisis in leadership has produced a crisis in confidence in the business community. Thus, while prices rise, the stock market flounders; while the economy booms, economists talk of recession. Unless the Administration assumes a decisive role of leadership and responsibility in economic matters, the dollar will be in deadly jeopardy and the Nation will be headed for a major recession in 1967.

The Administration's economic brinkmanship risks plunging the Nation into a War on Prosperity.

The lack of leadership has been evident as well in the massive mismanagement of the poverty program—where we see the ugly spectacle of politicians making a profit out of the poor. In many communities across the Nation, the War on Poverty has become a melancholy mess.

In all these areas of national concern—Vietnam, NATO, Latin America, the economy—Republicans have offered constructive criticism and constructive proposals.

Among the many proposals advanced by Republicans in this session of Congress are ones to end the war in Vietnam without appeasement, to rebuild the NATO alliance, to win the war against inflation and halt the war against prosperity and to take the politicians out of the poverty program and put the poor into it.

But their criticism has gone unheard and their proposals unheeded because the Republican voice on Capitol Hill is too weak. This weakness is not because of a lack of quality, but because of a lack of quantity—and that voice can be strengthened only by increasing the number of Republicans in the House and Senate.

The country has never been in greater need of great leadership. But history has shown again that great leadership will never emerge from the stagnation of one-party government.

We need a strong loyal opposition on Capitol Hill to force the White House to act when it would vacillate, to stand firm when it would retreat.

Only a vigorous and loyal opposition, debating the issues and demanding action, can force the President to fill the vacuum of leadership at home and abroad which has developed during his Administration.

STRATTON ORGANIZES COMMITTEE TO SAVE WEST FRONT OF CAPITOL

Mr. PROXMIRE. Mr. President, I was shocked and appalled last week to learn that the Architect of the Capitol plans to ask for funds for a $34 million desecration of the west front of the Capitol.

I am sure many other Senators shared my feeling.

Representative SAMUEL STRATTON also felt that the restoration and preservation of the west front should not be used as an excuse to add money-losing restaurants and meeting rooms which seldom would be used.

As a rallying point for the millions of Americans who want to preserve our Nation's most noble building from the wrecker's ball, Representative STRATTON announced the formation of the Committee of 1 Million To Save the U.S. Capitol. This is indeed a praiseworthy decision.

Today, I am happy to tell my colleagues that Representative STRATTON has invited every Senator who opposes this scheme to serve as a cochairman.

We welcome any others who care to join forces against this needless assault on our beautiful and beloved Capitol.

CRIME ON THE RISE

Mr. BYRD of West Virginia. Mr. President, the Federal Bureau of Investigation has reported a 6-percent increase in crime in the period of January through March of this year, as compared to the same period in 1965.

I ask unanimous consent to have printed in the RECORD a news release issued by the U.S. Department of Justice which details the increases in crime in the country.

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

Crime in the United States continued its upward trend with a 6 percent rise during the first three months of 1966 when compared to the same period in 1965, according to figures from the FBI's Uniform Crime Reports which were released today by Attorney General Nicholas deB. Katzenbach.

In making these statistics available, FBI Director J. Edgar Hoover noted that the nationwide increase was led by a 14 percent rise in forcible rape. The other serious or Crime Index offense categories also climbed with larceny $50 and over up 11 percent; aggravated assault 9 percent; auto theft 5 percent; and murder, robbery and burglary 4 percent each. As a group, the violent crimes of murder, forcible rape, aggravated assault and robbery jumped 7 percent, while the property crimes of burglary, larceny $50 and over and auto theft rose 6 percent.

The FBI Director stated cities which have populations in excess of 100,000 had an overall increase of 4 percent as a group.

The suburban communities continued to show the greatest percentage increase in the volume of crime, up 9 percent, while crime in the rural area rose 8 percent.

Mr. Hoover noted that all geographic regions of the United States registered increases with the North Central States and Southern States each up 8 percent, the Northeastern States up 7 percent, and the Western States 3 percent. The Western geographic region recorded decreases in murder, down 8 percent, and robbery, down 9 percent.

Discussing the crime figures which were released today, Mr. Hoover commented that one of the significant factors was the pronounced increase in the violent offenses against the person. He pointed especially to the fact that forcible rape and aggravated assault increased in all areas—city, suburban and rural—as well as in each geographic region.

(Enclosure.)

[For release Monday p.m., June 20, 1966]

UNIFORM CRIME REPORTING (JANUARY–MARCH, 1966)

Crime in the United States as measured by the Crime Index rose 6 percent during the first three months of 1966 over the same period in 1965. Nationally, forcible rape was up 14 percent, aggravated assault 9 percent and murder 4 percent. Robbery increased 4 percent while the voluminous crimes against property continued the upward trend, led by larceny $50 and over up 11 percent, auto theft 5 percent and burglary 4 percent. The large core cities with over 100,000 population had an average total crime rise of 4 percent, suburban police agencies reported a 9 percent increase and the rural area 8 percent. All cities when grouped by population size had total increases ranging from 2 to 10 percent. The offenses of forcible rape, aggravated assault and larceny $50 and over were up in all areas—city, suburban and rural—as well as each geographic region.

TABLE 1.—*Crime index trends (January to March, percent change 1966 over 1965, offenses known to police)*

Population group and area	Number of agencies	Population	Total	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny $50 and over	Auto theft
Total, all agencies	5,034	143,071,000	+6	+4	+14	+4	+9	+4	+11	+5
Total, cities over 25,000	769	74,385,000	+5	−1	+18	+6	+6	+3	+10	+4
Suburban area	1,831	43,299,000	+9	+3	+5	−1	+20	+6	+13	+10
Rural area	1,253	22,267,000	+8	+31	+9	−9	+9	+5	+14	+9
Over 1,000,000	4	9,401,000	+4	+14	+14	+5	−1	+4	+5	+5
500,000 to 1,000,000	19	12,171,000	+2	−11	+23	+10	+7	−2	+11	−3
250,000 to 500,000	30	10,599,000	+7	+5	+15	+1	+6	+6	+12	+6
100,000 to 250,000	93	13,343,000	+6	−3	+23	------	+5	+4	+7	+8
50,000 to 100,000	210	14,451,000	+7	−1	+20	+9	+17	+3	+12	+8
25,000 to 50,000	413	14,421,000	+8	−5	+10	+13	+17	------	+17	+9
10,000 to 25,000	986	15,159,000	+10	+19	+44	+8	+23	+4	+15	+14
Under 10,000	1,773	9,835,000	+8	−9	+1	−10	+16	+3	+14	+12

Table 2 below sets forth the crime experience by geographic region for the period covered in this report. Total crime trends were fairly consistent in all regions. Decreases were recorded in murder and robbery in the Western States, down 8 percent and 9 percent, respectively.

TABLE 2.—*Crime index trends by geographic region (January to March, 1966 over 1965)*

Region	Population	Total	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny, $50 and over	Auto theft
Northeastern States	34,234,000	+7	−1	+9	+3	+10	+5	+17	+1
North Central States	42,856,000	+8	+8	+22	+11	+10	+3	+11	+12
Southern States	37,688,000	+8	+7	+6	+11	+11	+5	+13	+5
Western States	28,293,000	+3	−8	+16	−9	+5	+2	+7	+3

TABLE 3.—*Offenses known to the police, January through March 1965 and 1966, cities over 100,000 in population*

	Year	Murder, nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny, $50 and over	Auto theft
Akron, Ohio	1965	5	6	62	25	534	310	422
	1966	3	9	82	42	435	353	495
Albany, N.Y.	1965	------	2	15	12	181	63	179
	1966	1	------	11	19	227	117	154
Albuquerque, N. Mex.	1965	------	10	42	77	749	213	185
	1966	1	12	47	132	1,004	144	288
Alexandria, Va.	1965	------	8	22	63	296	159	66
	1966	------	2	19	70	167	151	86
Allentown, Pa.	1965	------	3	6	5	95	101	34
	1966	2	1	8	4	122	93	42
Amarillo, Tex.	1965	1	------	12	43	256	213	73
	1966	2	6	11	41	266	201	75
Anaheim, Calif.	1965	1	6	23	26	521	318	111
	1966	------	6	17	19	461	263	105
Arlington, Va.	1965	------	5	15	40	196	250	60
	1966	3	6	17	35	330	273	99
Atlanta, Ga.	1965	19	22	135	172	1,330	1,098	928
	1966	21	29	115	236	1,212	1,302	580
Austin, Tex.	1965	3	6	36	105	399	143	129
	1966	2	8	23	110	523	155	143
Baltimore, Md.[1]	1965	------	------	------	------	------	------	------
	1966	49	69	709	829	2,334	2,015	1,527
Baton Rouge, La.	1965	5	4	21	34	453	354	78
	1966	6	8	22	40	568	428	145
Beaumont, Tex.	1965	2	3	7	39	205	44	54
	1966	2	------	4	78	236	56	32
Birmingham, Ala.	1965	11	9	83	184	1,023	710	316
	1966	12	10	70	214	865	766	301
Boston, Mass.	1965	13	15	266	188	1,117	535	2,855
	1966	6	23	276	221	1,176	744	2,175
Bridgeport, Conn.	1965	2	2	14	24	392	145	200
	1966	2	------	22	19	335	164	148
Buffalo, N.Y.	1965	4	8	86	92	921	480	605
	1966	4	10	71	80	1,325	524	677
Camden, N.J.	1965	1	4	65	30	377	140	152
	1966	3	4	42	33	258	135	165
Canton, Ohio	1965	------	------	14	14	141	115	93
	1966	2	4	15	12	150	116	55
Cedar Rapids, Iowa	1965	------	------	1	2	88	65	61
	1966	------	4	7	5	64	80	62
Charlotte, N.C.	1965	9	2	49	163	659	323	143
	1966	4	10	108	203	760	346	140
Chattanooga, Tenn.	1965	6	4	27	30	344	77	84
	1966	5	9	40	47	557	114	268
Chicago, Ill.	1965	90	267	3,431	2,200	7,350	3,740	6,206
	1966	102	284	3,830	2,259	6,899	3,644	6,327
Cincinnati, Ohio	1965	6	23	71	128	607	363	160
	1966	7	32	75	152	776	434	203
Cleveland, Ohio	1965	20	31	459	303	1,950	212	1,043
	1966	20	32	546	243	1,539	265	1,584
Columbia, S.C.	1965	4	4	19	47	318	209	105
	1966	2	1	9	43	282	215	110
Columbus, Ga.	1965	4	2	8	10	221	154	139
	1966	2	1	12	18	258	157	86
Columbus, Ohio	1965	5	9	113	128	992	544	497
	1966	3	22	145	104	1,199	697	594
Corpus Christi, Tex.	1965	1	3	31	82	527	399	75
	1966	4	4	22	95	617	424	139
Dallas, Tex.	1965	27	25	139	256	1,859	528	908
	1966	26	18	153	488	1,920	592	762
Dayton, Ohio	1965	5	12	98	93	631	242	288
	1966	5	13	63	102	602	254	246
Dearborn, Mich.	1965	1	------	29	6	173	145	87
	1966	------	------	20	5	224	191	153
Denver, Colo.	1965	10	25	213	131	1,259	715	810
	1966	6	32	179	159	1,409	762	703
Des Moines, Iowa	1965	------	3	12	2	299	234	105
	1966	5	4	23	12	229	301	148
Detroit, Mich.[1]	1965	------	------	------	------	------	------	------
	1966	42	151	1,700	938	5,866	1,927	2,719
Duluth, Minn.	1965	------	1	3	6	116	78	36
	1966	------	1	3	5	119	102	58
Elizabeth, N.J.	1965	------	------	62	38	330	96	211
	1966	1	3	38	54	298	93	140
El Paso, Tex.	1965	1	10	48	86	690	201	229
	1966	5	10	34	66	671	224	221
Erie, Pa.	1965	------	2	26	19	164	79	149
	1966	------	3	10	24	151	79	107
Evansville, Ind.	1965	2	9	30	38	422	217	111
	1966	2	5	24	49	349	260	149
Flint, Mich.	1965	4	8	76	276	505	451	174
	1966	3	18	75	255	455	433	200
Fort Lauderdale, Fla.	1965	1	------	38	90	514	272	108
	1966	2	7	51	63	541	347	157
Fort Wayne, Ind.	1965	1	2	49	26	163	269	97
	1966	1	5	11	22	281	254	97
Fort Worth, Tex.	1965	18	9	93	106	1,044	210	274
	1966	5	17	114	120	1,034	338	338
Fresno, Calif.	1965	5	3	50	28	592	530	349
	1966	2	1	57	32	703	542	326
Garden Grove, Calif.	1965	------	3	15	23	395	273	91
	1966	------	3	8	32	343	284	98
Gary, Ind.	1965	5	12	193	131	394	327	366
	1966	10	14	142	97	385	330	264
Glendale, Calif.	1965	1	1	19	5	288	212	150
	1966	------	3	19	7	217	240	118
Grand Rapids, Mich.	1965	1	8	18	31	238	193	112
	1966	1	4	34	30	406	267	143
Greensboro, N.C.	1965	3	5	16	170	165	200	87
	1966	3	4	12	211	187	211	87
Hammond, Ind.	1965	1	2	22	32	167	137	153
	1966	1	------	30	15	165	172	132
Hampton, Va.	1965	4	1	6	13	155	110	35
	1966	3	2	1	19	238	121	32
Hartford, Conn.	1965	1	1	29	53	513	173	193
	1966	1	5	48	53	468	230	159
Honolulu, Hawaii	1965	2	1	28	46	1,136	520	551
	1966	3	4	21	48	1,334	520	460
Houston, Tex.	1965	27	20	261	590	2,671	1,056	953
	1966	47	33	58	554	3,920	1,196	1,231
Huntsville, Ala.	1965	4	1	11	129	202	292	91
	1966	2	7	12	84	242	302	136
Independence, Mo.	1965	4	2	19	14	145	58	34
	1966	1	6	18	32	206	109	39
Indianapolis, Ind.	1965	8	24	276	112	1,424	648	787
	1966	8	27	320	128	1,456	605	927
Jackson, Miss.	1965	3	3	5	32	212	65	52
	1966	6	------	2	24	219	106	67
Jacksonville, Fla.	1965	8	7	205	113	944	502	172
	1966	4	6	143	70	792	424	240

See footnote at end of table.

TABLE 3.—*Offenses known to the police, January through March 1965 and 1966, cities over 100,000 in population*—Continued

	Year	Murder, non-negligent man-slaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny, $50 and over	Auto theft
Jersey City, N.J	1965	1	3	27	45	209	39	517
	1966	4	3	41	43	288	32	499
Kansas City, Kans	1965	3	4	40	105	372	134	113
	1966	3	10	59	58	380	94	130
Kansas City, Mo	1965	16	37	247	239	1,900	855	623
	1966	14	55	392	249	1,823	994	871
Knoxville, Tenn	1965	4	1	20	41	367	127	100
	1966	2	6	20	115	449	152	138
Lansing, Mich	1965	1	1	6	28	201	204	129
	1966	------	6	20	20	219	250	157
Las Vegas, Nev	1965	2	4	29	26	172	213	118
	1966	3	3	52	38	281	205	138
Lincoln, Nebr	1965	------	3	2	14	115	102	23
	1966	1	4	5	29	118	142	37
Little Rock, Ark	1965	5	7	52	64	315	434	84
	1966	2	2	40	89	281	337	62
Long Beach, Calif	1965	3	19	203	103	1,223	698	599
	1966	2	30	170	91	1,240	673	727
Los Angeles, Calif	1965	47	289	2,216	2,246	12,584	7,534	5,532
	1966	57	334	1,918	2,152	13,132	8,161	5,673
Louisville, Ky	1965	14	18	163	102	1,196	872	493
	1966	10	18	150	80	1,133	977	761
Lubbock, Tex	1965	2	7	18	35	331	280	75
	1966	3	4	20	65	356	298	87
Macon, Ga	1965	5	4	21	75	379	189	88
	1966	4	3	38	39	349	136	92
Madison, Wis	1965	------	2	5	8	121	128	47
	1966	1	1	7	2	121	169	92
Memphis, Tenn	1965	13	9	129	122	1,488	997	350
	1966	5	11	146	36	1,632	1,096	371
Miami, Fla	1965	10	17	314	355	1,815	846	346
	1966	18	17	358	540	1,808	832	395
Milwaukee, Wis	1965	4	4	42	94	547	773	553
	1966	5	4	41	90	681	885	697
Minneapolis, Minn	1965	4	12	149	149	1,402	648	558
	1966	10	22	269	135	1,516	820	775
Mobile, Ala	1965	3	12	36	68	820	234	105
	1966	2	3	48	93	847	253	159
Montgomery, Ala	1965	7	5	15	19	251	219	106
	1966	6	3	14	15	290	239	70
Nashville, Tenn	1965	16	9	83	194	1,045	432	509
	1966	8	17	64	141	1,031	648	399
Newark, N.J	1965	13	40	374	399	1,740	753	987
	1966	15	29	398	424	2,325	961	987
New Bedford, Mass	1965	2	------	8	40	297	93	159
	1966	------	2	8	9	201	69	148
New Haven, Conn	1965	------	1	2	35	212	116	203
	1966	------	------	3	26	299	140	240
New Orleans, La	1965	18	24	292	252	1,712	1,196	1,349
	1966	31	34	336	278	1,770	1,253	1,168
Newport News, Va	1965	1	5	39	113	243	118	63
	1966	1	1	24	52	227	122	57
New York, N.Y.[1]	1965	------	------	------	------	------	------	------
	1966	128	335	2,895	3,958	17,473	22,614	9,087
Niagara Falls, N.Y	1965	------	1	19	11	95	97	40
	1966	------	1	9	55	125	132	59
Norfolk, Va	1965	4	8	76	202	717	435	264
	1966	5	5	98	176	901	454	331
Oakland, Calif	1965	8	15	203	144	1,320	502	548
	1966	14	18	253	117	1,446	825	479
Oklahoma City, Okla	1965	7	13	117	78	1,084	107	434
	1966	6	7	124	84	846	129	417
Omaha, Nebr	1965	4	6	34	9	610	231	331
	1966	3	9	41	10	713	145	419
Orlando, Fla	1965	4	2	35	39	229	225	82
	1966	1	8	30	70	363	236	92
Pasadena, Calif	1965	1	8	40	43	422	257	121
	1966	2	8	42	28	464	251	161
Paterson, N.J	1965	------	3	37	23	294	53	200
	1966	4	3	39	21	289	46	206
Peoria, Ill	1965	------	6	30	33	320	154	184
	1966	1	4	37	43	377	171	172
Philadelphia, Pa	1965	49	104	765	917	3,234	1,027	1,670
	1966	36	125	702	906	2,856	1,006	1,917
Phoenix, Ariz	1965	8	30	156	220	1,720	1,260	641
	1966	7	27	136	140	1,642	1,401	766
Pittsburgh, Pa	1965	8	34	331	180	1,593	922	1,458
	1966	4	44	381	175	1,518	980	1,337
Portland, Oreg	1965	3	17	159	65	1,009	815	530
	1966	2	18	133	56	1,047	941	351
Providence, R.I	1965	1	2	30	61	586	264	428
	1966	3	4	36	49	452	198	508
Raleigh, N.C	1965	4	4	12	84	231	202	69
	1966	3	2	17	81	206	177	58
Reading, Pa	1965	------	1	14	8	72	35	43
	1966	------	------	8	12	139	40	62
Richmond, Va	1965	15	6	76	131	732	337	356
	1966	12	18	73	97	808	408	415
Riverside, Calif	1965	2	6	18	44	496	291	112
	1966	1	5	9	62	445	383	131
Roanoke, Va	1965	5	1	19	32	239	131	70
	1966	1	1	13	57	252	133	87
Rochester, N.Y	1965	4	6	33	34	550	249	159
	1966	10	9	27	60	554	343	289
Rockford, Ill	1965	------	1	16	7	140	95	44
	1966	4	1	9	14	155	107	53
Sacramento, Calif	1965	4	19	157	43	967	752	449
	1966	4	10	102	59	1,020	634	602
Saginaw, Mich	1965	3	1	24	65	135	61	50
	1966	4	3	45	33	144	65	150
St. Louis, Mo	1965	31	56	522	384	3,258	672	1,343
	1966	26	78	569	465	2,947	604	1,053
St. Paul, Minn	1965	1	8	68	65	975	316	368
	1966	2	15	88	83	902	373	396
St. Petersburg, Fla	1965	4	5	50	149	496	276	72
	1966	4	9	67	96	565	333	74
Salt Lake City, Utah	1965	2	8	29	34	638	435	163
	1966	1	4	44	24	500	439	218
San Antonio, Tex	1965	19	16	88	324	1,737	1,054	453
	1966	13	21	98	263	2,026	1,095	653
San Bernardino, Calif	1965	------	1	35	24	410	353	131
	1966	------	5	39	25	426	295	140
San Diego, Calif	1965	5	12	103	111	736	1,086	434
	1966	2	9	99	132	790	1,323	524
San Francisco, Calif	1965	16	18	562	457	3,111	952	1,833
	1966	8	24	586	438	2,771	982	1,858
San Jose, Calif	1965	3	6	27	23	797	247	398
	1966	7	14	32	21	956	233	382
Santa Ana, Calif	1965	2	8	28	34	378	130	142
	1966	------	2	15	51	262	122	82
Savannah, Ga	1965	7	7	42	99	429	210	76
	1966	2	5	68	148	346	249	74
Scranton, Pa	1965	------	------	4	6	93	35	51
	1966	1	------	3	8	147	32	43
Seattle, Wash	1965	5	16	156	67	1,216	997	468
	1966	8	21	144	73	1,140	985	400
Shreveport, La	1965	4	1	34	113	278	94	85
	1966	5	2	22	108	232	115	138
South Bend, Ind	1965	------	------	11	10	234	75	79
	1966	2	2	13	12	217	101	74
Spokane, Wash	1965	1	------	7	16	177	97	81
	1966	------	1	13	9	251	113	97
Springfield, Mass	1965	------	1	------	4	107	88	236
	1966	1	------	2	------	120	81	173
Springfield, Mo	1965	------	1	9	5	151	59	26
	1966	------	1	12	4	184	67	35
Syracuse, N.Y	1965	1	11	48	78	358	355	170
	1966	------	11	23	81	390	320	71
Tacoma, Wash	1965	1	1	17	33	319	144	95
	1966	2	4	12	27	226	167	92
Tampa, Fla	1965	6	17	158	153	1,182	649	305
	1966	6	6	134	179	1,221	725	286
Toledo, Ohio	1965	7	8	140	55	656	493	223
	1966	4	13	114	65	825	502	301
Topeka, Kans	1965	------	4	15	20	147	74	49
	1966	------	4	18	40	182	77	28
Torrance, Calif	1965	1	2	34	19	489	365	193
	1966	1	6	25	23	440	381	148
Trenton, N.J	1965	------	1	52	42	313	111	364
	1966	1	11	85	38	329	93	324
Tucson, Ariz	1965	4	7	41	61	518	290	230
	1966	1	12	20	59	516	333	269
Tulsa, Okla	1965	------	7	50	86	688	502	286
	1966	2	11	37	32	530	544	232
Utica, N.Y	1965	------	1	4	1	99	34	35
	1966	------	1	7	5	67	49	28
Virginia Beach, Va	1965	2	1	8	41	251	110	47
	1966	------	3	3	36	171	120	33
Waco, Tex	1965	1	3	16	39	400	99	36
	1966	------	4	15	88	485	168	36
Warren, Mich	1965	1	------	8	9	195	179	71
	1966	------	6	13	45	290	248	120
Washington, D.C	1965	45	33	737	513	2,746	812	1,545
	1966	44	31	788	616	2,419	968	1,241
Waterbury, Conn	1965	------	------	5	20	209	72	115
	1966	1	------	9	16	165	95	83
Wichita, Kans	1965	1	5	46	63	466	303	161
	1966	------	6	31	61	399	324	177
Wichita Falls, Tex	1965	------	------	5	51	131	84	42
	1966	3	2	7	56	114	68	52
Winston-Salem, N.C	1965	9	5	17	152	295	142	95
	1966	4	2	17	214	256	137	80
Worcester, Mass	1965	------	5	25	9	274	74	251
	1966	1	5	41	24	606	189	350
Yonkers, N.Y	1965	------	1	19	26	329	248	135
	1966	2	------	10	20	310	255	215
Youngstown, Ohio	1965	1	3	21	62	249	82	121
	1966	3	2	34	42	259	94	141

[1] 1965 figures not comparable with 1966.

NOTE.—All 1966 crime figures from reporting units are preliminary. Final figures are published in annual report.

TAX INCENTIVE FOR POLITICAL CONTRIBUTIONS OF $100 OR LESS

Mr. WILLIAMS of Delaware. Mr. President, last Thursday, June 16, the Democratic leadership, with almost a solid party vote, defeated an amendment which I offered, the purpose of which was to carry out a recommendation endorsed by the President to provide a tax incentive to political contributions of $100 or less.

The purpose of this proposal was to encourage the participation of a larger number of American voters in election campaigns rather than continue the present policy of financing these campaigns through large contributions from wealthy families and company officials who ofttimes are doing business with the Government.

I was disappointed when the Democratic leadership bowed to the dictates of labor and rejected their own President's proposal. Apparently their plan is to continue the financing of campaigns with the $1,000 President club and contributions by the $10,000 elite who can afford to contribute this amount in return for an invitation to the White House.

This novel method of financing the Democratic campaign is something new. In this connection, I ask unanimous consent that there be printed in the RECORD an article written by Rowland Evans and Robert Novak and published in a recent issue of the Washington Post. The article is entitled "The Elite President's Club."

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

L.B.J.'S ELITE

(By Rowland Evans and Robert Novak)

President Johnson's daring and controversial fund-raising gimmick for the 1966 congressional campaign, hitherto undisclosed, offers Democratic Party contributors the right to buy a gilt-edged invitation to a formal White House party.

The price is $10,000 each. It may seem high, but already an estimated 100 contributors, most of them in New York City, have gladly paid it.

So secret is the new group of $10,000 contributors, unofficially known as the "Elite President's Club," that some high officials in the Democratic National Committee have never heard of it. The "Elite President's Club" is a spectacular jump in size of contribution and prestige from the old, nonelite President's Club, which requires a mere $1,000 membership fee.

Although the new club has had a success in New York and in other selected areas, it is running into serious, sometimes bitter opposition from old-pro Democrats from other states. The reason for this opposition is simply stated. The Elite Club moves the Democratic Party's fund-raising operations even further away from the rank-and-file Party member than the original President's Club, which started back in 1961 under President Kennedy.

The proposition that bigtime donors to a political party deserve some special recognition, such as an ambassadorship to a smalltime country, is as old as the Republic. But the new club of presidential elites seems to carry this political precept into new territory.

To the critics, the new plan gives the Democratic Party, the traditional party of the people, the aura of a rich man's club more in keeping with the Republicans than the Democrats.

In at least one state, a state that is full of fat-cats ambitious for White House recognition, Party leaders have flatly refused to sell membership tickets to the $10,000 club, even though the incentive of a guaranteed invitation from President Johnson to a White House party would undoubtedly find eager prospects. Their resistance stems also from the fact that local leaders at the state, city and district levels are angry at what they regard as a cold shoulder from the National Committee and the White House. These local leaders, accustomed to doing business with Washington without ritual or formality, find a lack of sympathy for their problems here. They are particularly unhappy at the tight control exercised within the White House, often by Presidential Assistant W. Marvin Watson, Jr., over the National Committee.

On top of this the sale of $10,000 tickets to White House social functions is simply one more grievance.

The moving force behind the President's most exclusive club are Arthur B. Krim, president of the United Artists and finance director of the National Committee, and the President himself.

Krim was prevailed on by the President to become the Party's chief fund-raiser only after several weekend visits to the LBJ Ranch in Johnson City, Tex. Confronted with a massive, long-concealed Party deficit (still close to $2 million), and under orders to raise a campaign fund, Krim decided that the Party's poor financial position justified the new club. He was strongly encouraged by the President. Finally, most of the Party's desperate efforts to raise money in the traditional way—by small contributions from many Democrats—have been dismal failures. In desperation, Krim has turned to the fat-cats.

Privately, Krim has said that the original President's club, limited to $1,000 contributors, was a sound money-raising device. In the Washington of the 1960s, he has said, $1,000 can't buy much of anything, including political favors. Presumably, he feels the same complacency about contributions ten times that large.

The Hatch Act limits a single political contribution to $5,000, but there are several ways for members of the new club to evade that restriction. The quick success of the plan in New York indicates that it won't slow down because of resistance by local professionals. Having discovered the value of an invitation to a White House party, the ticket-sellers won't stop now, no matter how much the scheme seems to conflict with President Johnson's formal plan, sent to Congress last month, to provide tax deductions for political contributions up to $100. That plan is supposed to encourage smalltime giving.

SUPPORT FOR LEGISLATION TO COMPENSATE VICTIMS OF CRIMES

Mr. YARBOROUGH. Mr. President, last year I introduced S. 2155, the Criminal Injuries Compensation Act, which would provide compensation to victims of violent crimes. While my bill would only apply to the District of Columbia and certain other Federal jurisdiction, I hope it would provide an example for the States to follow in enacting their own legislation.

Evidence of the increasing support for this idea is shown by a resolution passed by the United Automobile Workers Union at its convention last month, urging all States to adopt victim compensation legislation, to provide compensation for police officers injured or killed in the line of duty, and supporting prompt enactment of S. 2155.

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

The resolution follows:

1. All states should adopt legislation to compensate innocent victims and families of innocent victims who have been injured or killed by an act or omission directly attributable to:

a. the commission of a crime of violence;

b. the prevention or attempted prevention of a crime;

c. assistance rendered to a police officer in the proper performance of his duties.

2. Adequate compensation should be paid to police officers and the families of police officers who have been injured or killed while performing their duties.

3. The Yarborough Bill, S. 2155, which would compensate the victims and families of victims of violent crimes committed within federal jurisdiction, should be enacted promptly.

GREAT SALT LAKE NATIONAL MONUMENT

Mr. MOSS. Mr. President, last week the Senate Subcommittee on Parks and Recreation held a public hearing in Salt Lake City on S. 25, a bill to create the Great Salt Lake National Monument. As this hearing follows one which was held 6 years ago in Salt Lake City and in Ogden on a bill to create the Great Salt Lake National Park, S. 25 is a refinement and a perfection of the original bill which I introduced the first session that I served in the Senate of the United States. The Salt Lake Tribune has written a very perceptive editorial concerning the bill and has recorded the newspaper as favoring the Moss plan in principle, with safeguards. I think this is a very wise observation and the bill itself does contain safeguards to assure that commercial development on the lake, the possible changing of the shoreline, or the building of roads will not be inhibited in any way by the creation of the Great Salt Lake National Monument. But, as the editorial points out, Antelope Island is one of the most outstanding physiographic features of the "Old West" because from this point the lake levels of prehistoric Lake Bonneville, as well as the geologic formations of the Wasatch front escarpment can be observed and to the west one can see the shimmering salt sea and the white salt flats beyond. Every schoolchild in America knows about the Great Salt Lake, the only dead sea in the Western Hemisphere. There should be opportunity for people to experience this unique phenomenon of bathing in the waters where one floats like a cork, to stand and view the beauties that surround the island on all sides, to observe the wild game such as the herd of buffalo which inhabit the island and have been there for uncounted years, and the other phenomena which would be available in the monument. I ask unanimous consent that the editorial of the Salt Lake Tribune be included in the RECORD at this point.

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

[From the Salt Lake Tribune, June 18, 1966]

ISLAND MONUMENT WITH SAFEGUARDS

A Senate subcommittee hearing in Salt Lake City this week indicated that local opinion regarding recreational development of Antelope Island in the Great Salt Lake has changed little since a similar hearing was held by the same subcommittee in the fall of 1960. Spokesmen representing a variety of Utah public and private interests registered agreement that tourist and other values of the island should be developed but disagreement remains on whether the project should be undertaken by the federal government or by state and local agencies.

The hearing was on Senate Bill 25, sponsored by Utah Senator Moss, to create the Great Salt Lake National Monument to include all the island (really not a true island any more but a promontory jutting out into the lake) and 1,000 feet of adjoining lake water. Previously the bill called for creation of a national park, but as the measure has been revised and refined through the years its scope has been limited and safeguards have been added for industrial development elsewhere around the lake.

An important outward change now is that the Utah state administration favors the Moss bill whereas previously state officials were in opposition. Actually, however, both administrations hold that the plan must not in any way interfere with exploitation of minerals and other resources of the lake away from Antelope Island. Former Governor G. D. Clyde held in 1960 that the Moss bill at that time might interfere with such developments and advocated starting the project on a small scale with state and/or local funds. Governor Rampton this week said he saw no danger of conflict in the newest Moss bill or any loss of state rights. He said the development of the island as proposed in the bill would enhance the value of the area and added that the state is not in a financial position to undertake a plan such as is proposed by the U.S. Park Service.

The Tribune is on record as favoring the Moss plan in principle, with safeguards. If an exhaustive study of the bill indicates that it does not sufficiently keep the door open to industrialization on other parts of the lake and shorelands the measure should be further refined.

A national monument at Antelope Island should be possible without affecting the lake level or impairing other valid rights of the state and private interests in developing resources outside the boundaries of the monument.

The lake, as the Park Service emphasizes, is a remnant of old Lake Bonneville and one of the outstanding physiographic features of the West. Antelope Island would make an excellent platform from which to view and interpret the "dead sea" and its history and surrounding scenery. It would prove an excellent scientific and tourist attraction, away from the industrial developments under way on the south and west shores.

BIG BROTHER

Mr. LONG of Missouri. Mr. President, recently the Southeast Missourian, a newspaper from Cape Girardeau, Mo., stated in an editorial that "the right to privacy is and always has been a cherished American tradition." The editorial continues to point out that "invasion of privacy doesn't draw cheers from Americans in general, even when it is resorted to by law enforcers to track down criminals." As the Senate Subcommittee on Administrative Practice and Procedure continues its hearings on invasions of privacy, we, too, have been impressed with this fact.

I ask unanimous consent to insert, at this point, in the RECORD the article from the May 18, 1966, issue of the Southeast Missourian.

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

ABOUT TIME

The Federal Communications Commission has jumped into pest control by leveling a spray gun at one of the most obnoxious bugs of all.

This would be the sneaky little radio transmitter—known in eavesdropping circles as "the bug"—that is so frequently planted surreptitiously by snoopers who for various reasons want to stick their nosy ears into other people's business.

The FCC has issued a ruling that will prohibit anyone but law enforcement officers from using such devices for such purposes under penalty of a $500 fine for each day the bug is debugging.

It's about time.

Invasion of privacy doesn't draw cheers from Americans in general even when it is resorted to by law enforcers to track down criminals. And it is even less acceptable when—as has been openly asserted—American industry is more and more bugging the offices of competitors to see what the competitors are up to in the mad scramble to see who can sell most first.

Wild? Perhaps.

But a man who manufactures a device which unbugs spy bugs estimates that 75 per cent of all major companies periodically inspect their offices for wire taps and hidden electronic gadgets they fear may have been planted by curious rivals.

And one company which makes debuggers at $350 each says it has sold 500 of them in the last year, is turning out 35 a week, and is still running a month behind orders. This company further says businessmen are among its customers.

It's hard to believe that responsible businessmen would stoop to such low-level snooping. You like to think such cloak-and-dagger stuff is confined to law enforcement, international espionage and to movie and television sleuths.

The right to privacy is and always has been a cherished American tradition. And if even a part of industry is in fact mocking this right by wire taps or other snoopery, you have to wonder if our free enterprise system—also a cherished American tradition—isn't in danger of becoming more enterprising than free.

TRADE WITH COMMUNIST COUNTRIES

Mr. THURMOND. Mr. President, in the July issue of Reader's Digest there appears an article entitled "Should We Be Trading With the Reds?" This article summarizes our current and proposed policies applicable to trading with the Communists and weighs the arguments pro and con. In conclusion, it presents a devastating case against even our present misguided level of trade with our Communist enemies and makes recommendations which are realistic and sensible.

I ask unanimous consent that this article be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

SHOULD WE BE TRADING WITH THE REDS?

(By Noel F. Busch)

On January 28, 1966, the Department of Commerce issued a routine announcement that it was licensing export of technical data to enable a United States firm to build six fertilizer plants in Soviet Russia. Queried by a Congressman for details, the Department replied that the six plants would have a combined productive capacity of 4830 tons a day. No one had any idea how the fertilizer would be used.

Shortly thereafter, Secretary of Agriculture Orville L. Freeman, returning from a visit to South Vietnam, reported: "There is a strong demand for fertilizer chemicals and improved seeds. Fertilizer is as important as bullets." In this statement the secretary was, of course, referring to South rather than North Vietnam—where the need for such chemicals is known to be even *more* acute. That same week, in Senate committee testimony, Secretary of Defense Robert S. McNamara revealed that volume shipments of war supplies—*including fertilizer*—were coming into the North Vietnamese port of Haiphong from the U.S.S.R.

Incidents like these are causing a good many Americans to doubt the wisdom of the present stated administration policy of "building bridges to Eastern Europe" by increasing our trade with the U.S.S.R. and its European satellites. These doubts are by no means new: they have boiled up frequently ever since 1950, when Western nations decided that trade with communist countries would be harmless if confined to "non-strategic goods." A coordinating committee of 14 NATO countries and Japan thereupon drew up a list of some 100 items, known as the "Cocom List," which all agreed *not* to export to the communists. (The United States itself, in addition, now bans trade with China, Cuba, North Korea and North Vietnam.)

In purely economic terms, our trade across the Iron Curtain has never amounted to much. Except for 1964, the year of our celebrated sale of wheat to the U.S.S.R., our total annual exports to all communist countries have been running below $200 million a year—less than we export to Switzerland. Nonetheless, the question of whether we should continue, let alone increase, trade with communists in Europe at a time when we are in a shooting war with communists in Asia has understandably generated a high degree of confusion. The question deserves to be pondered, because on the answer may well depend the outcome of the cold war.

THE CASE FOR DOUBT

Possibly the best summation of reasons for trading with communist countries was put forth in April 1965 by a Presidentially appointed committee of 12 business and academic leaders headed by J. Irwin Miller, board chairman of the Cummins Engine Co., Inc., of Columbus, Ind. "The U.S. government should act to remove any stigma from trade with communist countries where such trade is determined to be in the national interest," the committee declared. "Trade is one of the few channels available to us for constructive contacts with nations with whom we find frequent hostility. In the long run, selected trade, intelligently negotiated and wisely administered, may turn out to have been one of our most powerful tools of national policy."

No patriotic American would oppose any trade which has truly been determined to be in the national interest. The question here is whether the national interest has in fact been accurately "determined" and whether the "selected trade" has in fact

been "intelligently negotiated and wisely administered." Recent experience casts grave doubt upon these points.

In June 1964, for example, the Romanian government proposed that a major U.S. rubber company build a $50-million plant in Romania. Since tires are an item of military value, since Romania has been especially outspoken in its support of North Vietnam, and since a busy traffic goes on between Russia's Black Sea ports and North Vietnam's harbor of Haiphong, the strategic implications of this project were questionable. Nonetheless, the plan was endorsed by the U.S. State Department on the ground that Romania was following the praiseworthy example of Yugoslavia in loosening its ties with the U.S.S.R. (The rubber company involved backed out anyway.)

Just as plausible as the Miller committee's pronouncement are the State Department's views on East-West trade, as voiced by the Assistant Secretary for Economic Affairs, Anthony M. Solomon, last October: "Strategic trade, that is, trade in items of military significance to the communists, is embargoed not only by the United States but also by our European allies and Japan. . . . The Cocom list is reviewed periodically to add new items of technological importance and to delete others no longer of strategic significance."

Unfortunately, this statement is more or less devoid of meaning, since it presumes the validity of precisely those assumptions which are most open to question. One assumption concerns the effectiveness of the Cocom list, which nations interpet for themselves, and which ignores the basic fact that in modern warfare *anything* which helps a nation in any way has strategic value. Another concerns the effectiveness of our nonstrategic embargo, which Cuba and North Vietnam can and do circumvent by routing their orders for U.S. goods through the U.S.S.R. or one of its European satellites, or by ordering the goods from one of our allies.

One example of a grave error in granting export licenses occurred in 1960, when 45 precision machines for miniature ball bearings were earmarked for shipment to U.S.S.R.* Only when a sharp-eyed young company engineer protested to Sen. WINSTON L. PROUTY of Vermont that the machines were of a unique type obtainable nowhere else and used primarily for important space and military equipment was the shipment questioned. The Senate Internal Security Subcommittee launched a full-scale investigation which ultimately halted the shipment when six machines were actually on the dock. By this time, however, vital instruction books, drawings and other data which might help the Russians to make the machines themselves had already been dispatched.

FORCE FOR PEACE?

The administration conceives of trade with the communists as a force for peace. The idea is that if we help to raise their standards of living, the satellites will become more independent of the U.S.S.R., and the U.S.S.R. itself will become less belligerent. If the communists were really interested in peaceful trade in consumer goods, this process might conceivably take place. But the communists aren't interested in just consumer goods; they are interested in getting goods which *they* consider to be of strategic value, even if we don't. Most especially, they are interested in getting the technical knowledge that will enable them eventually to manufacture such goods themselves.

Thus, one reason that the dollar volume of trade with the communists does not rise more rapidly is that a large proportion of this trade is in small lots or single items for apparent use as models or prototypes. A sampling from current licenses will show the trend:

To the U.S.S.R.: $112 worth of industrial instrument parts; $1 worth of aerosol valves; $323 worth of automatic valves.

To East Germany: $76 worth of parts for spectrum measuring; $467 for a microscope and accessories; $60 for pneumatic pressure control.

To Bulgaria: $1 worth of activated carbon; $1 worth of anti-oxidant.

There is another reason why the dollar value of our shipments to the communists in Europe fails to represent their true value. This is that technological information, which could help much more than models and prototypes, is listed "no value." Hundreds of applications for such data have been approved.

DIFFERENT PREMISES

Reduced to its basic elements, then, the case for trading with the communists can be summed up as follows:

1. It enables the free world to increase its contact with the otherwise closed communist societies. Such contacts should lead to better understanding between the United States and the U.S.S.R., and also to a greater degree of independence for the East European satellites.

2. Trade with the communists has an important propaganda value in the obvious superiority of our goods to theirs.

3. Even if we don't trade with the communists in Europe, others will. Hence we might as well share the profits.

Underlying these three major points are several convictions about communism in general. They are that communism is here to stay, and we must adjust to it; that the European communist countries are now so advanced that they could get along without us; and hence that the whole question of how much we trade with the communists is not really very important anyway.

Opponents of trade with the communists start from a different set of premises. In their estimation, the communist economies are by no means as strong and as self-sufficient as their statistics purport to prove. This is shown most dramatically perhaps by communist nations' purchases of free-world wheat, but it is also implicit in their desperate attempts to catch up with Western technology. While it may seem unimportant to us, trade with the West is a matter of life and death to them. Hence the question of how and what we trade—even if there were no danger of our own goods being used against us in Vietnam—automatically becomes a matter of urgent political importance to us as well. On this assumption, the three main arguments in favor of trade can be answered as follows:

1. So far, after 16 years of experiment, there are few signs, if any, that our trade contracts have led to better understanding with the U.S.S.R. or to more independence for its satellites.

2. Trade helps to perpetuate the dictatorial regimes by protecting them against the penalties of their own mistakes. For example, crop failures in the U.S.S.R. and Red China are due at least in part to the passive resistance of the peasants against the hated collective system.

3. To accept the principle that, since we cannot prevent others from trading with the communists, we should compete with them for the small profits involved is to confirm Lenin's sardonic prophecy that "When the time comes for us to hang the capitalists, they will compete with each other for the profits of selling the rope." Instead, the United States should do all it can to set an example for the free world.

THE ULTIMATE QUESTION

What, then, *is* the right course?

So long as we are at war in Vietnam, our first concern should be that we send nothing to the communist countries in Europe that can be reshipped for use against us on the battlefield or behind the lines. To make doubly sure that none of our wares or those of our allies turn up there, we should blockade the port of Haiphong.

In addition to eliminating anything which seems to *us* to be of strategic value, we should bar anything the communists want that might have such value to *them*. Moreover, for whatever we do send, we should make sure that we receive direct, immediate and tangible benefits. If we really used trade to its maximum effect as a lever, we might be able to persuade the U.S.S.R. to tear down the Berlin Wall or move toward genuine nuclear disarmament. The 1964 free-world wheat shipments to the U.S.S.R., for example, amounted to about 17 percent of the Soviet Union's total annual requirements, and helped its leaders to avert famine. Instead of gold, we should have exacted commensurate political concessions.

We should insist on a new emphasis in the Commerce and State Departments in applying the Cocom regulations. Licenses for technological data, for example, should be granted only in exceptional cases.

Finally, our lawmakers should realize that trade across the Iron Curtain is part of the problem of the war in Asia. They should be concerned not with new legislation to build metaphorical "bridges to Europe"; they should rather make sure that goods we send abroad are not used against us or the members of our armed forces who risk their lives to destroy real bridges along the supply routes to South Vietnam.

*See "Why *Help* the Reds Win the Cold War?" The Reader's Digest, October '63.

TRIBUTE TO DR. EDWARD CARLIN, UNION COUNTY, N.J.

Mr. WILLIAMS of New Jersey. Mr. President, I would like to pay tribute to Dr. Edward Carlin for his many years of devoted service both as a physician and as a public official to the people of Union County.

Dr. Carlin received excellent medical training at the University of Maryland, and under the U.S. Navy. Navy life gave Dr. Carlin an insight and training on mass medical problems and mass treatment. This valuable knowledge added to his physician's training has made Dr. Carlin alert to welfare and civic problems affecting Union County.

His energy and devotion to duty are a legend in Rahway where he served with distinction and honor as mayor, as a member of the school board, and from 1957–1963 as a member of the Union County Board of Chosen Freeholders. This was no mean feat considering the Republicans had held sway for the previous 40 years.

No one who intimately knows Dr. Carlin, is surprised at his ability to get the job done. One former Freeholder has said:

> Dr. Carlin grasps and understands welfare problems in 15 minutes, which takes us seven months to understand.

In 1946, he focused national attention on the black market in streptomycin when he interceded in the case of a dying 14-year-old girl whose parents were being victimized.

In 1958, when he became chairman of the welfare committee, he undertook an

extensive effort to overhaul and upgrade the status of the county's hospital which treats chest diseases and the chronically ill. He accomplished this goal by the ingenious method of converting Rose Hall, a newly built home for resident nurses, which was only half occupied into a 110 patient hospital at one-tenth of the price of a new construction.

Dr. Carlin has repeatedly stated:

As physicians we are dedicated to the service of mankind, which includes civic as well as medical obligations.

Certainly, Dr. Carlin has more than fulfilled his obligations in both fields. The people of Rahway and all of us who live in Union County, N.J., owe a debt to Dr. Edward Carlin that can never be repayed.

It is a privilege for me to be able to honor his long years of service to his fellow man.

THE EAST-WEST CENTER AND THE UNIVERSITY OF HAWAII

Mr. INOUYE. Mr. President, at a recent ceremony held by the Department of State honoring the East-West Center and the University of Hawaii, a certificate of cooperation was awarded to the East-West Center by the Agency for International Development. The presentation was made by Mr. Daly C. Lavergne, Director, Office of International Training, AID.

This award, in recognition of the consistently high caliber of training, also recognizes the quality of the staff of the Center. Dr. Dai Ho Chun, Director of the Institute for Technical Interchange at the East-West Center, accepted the award in behalf of the East-West Center and the University of Hawaii. Dr. Chun made some brief statements at the time of receiving the award and, if there are no objections, I ask that his remarks be printed in the RECORD.

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

REMARKS BY DR. DAI HO CHUN, DIRECTOR, INSTITUTE FOR TECHNICAL INTERCHANGE EAST-WEST CENTER, HONOLULU, HAWAII, PRESENTED AT THE AID AWARDS CEREMONIES IN WASHINGTON, D.C., JUNE 15, 1966

Senator DANIEL K. INOUYE, Secretary Harold Howland, Mr. Daly C. Lavergne, ladies and gentlemen:

Thank you very much—Mr. Lavergne—for your kind words, and for AID's generous recognition. I accept this Certificate of Cooperation—not only in behalf of the East-West Center, but also of the people of Hawaii, our supporters in Congress and AID, and the participants who have visited our islands. Without them, there would not be an East-West Center.

By honoring the Center, you are indeed paying tribute to all these wonderful people who have made the Center possible. You are also paying tribute to the leadership of President Johnson, Governor John A. Burns of Hawaii, Congressman JOHN ROONEY and other members of Congress, and many others, whose farsightedness, and zeal gave birth to this increasingly important "national institution with an international purpose."

Furthermore, you are paying tribute to those who are giving the Center continuing support in the form of funds and services. I refer to agencies like the United States Congress, which funds our activities; to our good friends like Secretary Harold Howland and his associates of the Department of State, who have done so much to help us solve our critical problems; to the eminent national figures in education, business, and government who make up the prestigious State Department National Review Panel*, and many others. At this time, I would like to thank all of them publicly for their invaluable service.

The East-West Center, as many of you know, is much more than the 8½-million-dollar complex of buildings in beautiful Manoa Valley and its 200,000 volumes of Asiana; much more than its staff and advisers; much more than the 2,500 faculty members of the University of Hawaii.

The Center also includes the more than 100 universities and organizations on the mainland United States and in the Pacific-Asian region, which work closely with us; the entire State of Hawaii and its many facilities; a happy combination of a wide spectrum of social, cultural, and economic forces, the totality of which provide an excellent social climate, making it possible for our foreign guests to "feel at home" quickly and easily—thus enabling them to attain the Center's goal of free interchange of technical and cultural ideas and to build lasting friendships.

The Center (ITI in particular) follows a number of important functional guidelines. But because of the limited time I have at my disposal today, I can only mention a couple of them. First, we concentrate on institutional-building projects—those which make the most impact in a country. For instance, our project on the retraining of the entire Keio University English faculty would result in 100,000 better equipped English teachers for Japan every 10 years. These teachers, in turn, would help some 4,000,000 students in Japan to read, write, and speak better English during the same lenth of time. Secondly, we believe sincerely that it is most important for all our participants to undergo "total exposure." We don't think it is enough for them to learn technical skills only. We provide them with numerous opportunities to exchange cultural practices among themselves; to know America and its ideals; to know the community and the people.

Of course, all this is predicated on the assumption that we must know our participants well and are sensitive to their social, cultural, intellectual orientations, to their needs, their values, their interests, their problems, their aspirations. During the past 12 years, we have made real progress in this regard. We are constantly trying to do better.

I cannot begin to describe to you the Center's comprehensive programs and its substantial contributions during the five years of its existence. However, I would like to suggest that you read Secretary Howland's excellent article on the Center and how it is building bridges of understanding and expediting the free flow of ideas between the East and the West. But even reading Mr. Howland's excellent article would not enable you to understand completely the "real spirit behind the Center." Therefore, we would like to invite all of you to visit us, to observe first-hand what we are doing, and to participate in our many and varied activities. (You will, of course, be happy to come at your own expense!)

And now I will close my brief remarks by quoting these words from President's recent speech: "Freedom's surest defense, and freedom's greatest force is the enlightment of the minds of all . . . peoples . . . The East-West Center is helping to prove the truth of this statement every day . . . ."

Thank you and Aloha.

* Members of the National Review Board are: John A. Burns, Governor of Hawaii, chairman; Hugh Borton, president, Haverford College; Dr. Hung Wo Ching, chairman, Aloha Airlines, Honolulu; Francis Keppel, U.S. Commissioner of Education; Roy E. Larsen, chairman, executive committee, Time, Inc.; Mrs. Mary Lasker, president, Albert and Mary Lasker Foundation, Inc.; the Very Reverend Laurence J. McGinley, former president, Fordham University; Otto N. Miller, president, Standard Oil Company of California; Logan Wilson, president, American Council on Education; and Dr. Charles Frankel, Assistant Secretary of State for Educational and Cultural Affairs.

BOOK EXONERATING LEE HARVEY OSWALD DELIGHTS RUSSIAN COMMUNISTS

Mr. LAUSCHE. Mr. President, in the Friday, June 17, issue of the Washington Daily News appeared an article: "American Book Gets Raves in Russia." The particular book about which the Russian Communists have taken great delight was written by an alleged journalist and lawyer, Harold Weisberg.

Weisberg in his book, with great distortion of the reported facts, proceeded to prove that Lee Harvey Oswald did not kill President Kennedy.

Lee Harvey Oswald, of course, was a professed Marxist and had lived in Russia having announced his repudiation of American citizenship while there. The proof is clear that Oswald was a Marxist, asked for Russian citizenship, and was the man who fired the shot that took the life of John F. Kennedy, the President of the United States.

Harold Weisberg's book does not serve the truth. Through its distortions, having a distinct appeal to the wishes and the objectives of the Communists of the world, it will, I suppose, be a money-maker.

Mr. President, I ask unanimous consent that the article which appeared in the June 17 issue of the Washington Daily News on this subject be printed in the RECORD.

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

TASS CLEARS "OSWALD LEE"—AMERICAN BOOK GETS RAVES IN RUSSIA

Moscow, June 17.—Russia, which has never accepted the fact that Lee Harvey Oswald killed President Kennedy, gave rave reviews yesterday to an American book that it said denies proof of his guilt.

Tass identified the book as "Oswald Lee Whitewash," (SIC), by "journalist and lawyer" Harold Weisberg, who it said once worked as an "investigator and adviser in the American Senate."

Weisberg, according to Tass, denies proof of Oswald's guilt and "points out that President Kennedy was a victim of a plot." The book, it said, is the result of an "objective consideration" of the shooting.

Tass quoted Weisberg as saying 63 American publishers refused to publish his book because they "fear to handle this subject."

Russia while deploring the assassination, has never conceded Oswald was involved apparently because he was a professed Marxist and had lived in Russia.

FEDERAL CONTROLS AT A SNAIL'S PACE

Mr. BOGGS. Mr. President, a column by John C. O'Brien in the Philadelphia Inquirer of June 18 points up the problems caused by the Department of Agriculture's delay in reaching a decision involving possible changes in the Delaware Valley milk marketing order.

As the column indicates, the Department a year ago cited the urgent need for a hearing on difficulties involved in administering the marketing order. The hearing was held last October and November. But here we are, 7 months later, with a decision still pending. Action by the Department is overdue.

I ask unanimous consent that the column entitled "Federal Controls at a Snail's Pace" be inserted at this point in the RECORD.

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

[From the Philadelphia Inquirer, June 18, 1966]

WASHINGTON BACKGROUND: FEDERAL CONTROLS AT A SNAIL'S PACE

(By John C. O'Brien)

WASHINGTON, June 17.—As the Federal Government constantly extends regulatory controls over an ever-widening spectrum of business, one of the chief frustrations of those conducting business enterprises is the snail-like pace of Government bureaucracies in coming to decisions.

While Government agencies are making up their minds, industries to be affected by agency regulations are compelled to operate for months, sometimes for years, in a fog of uncertainty.

A case in point is that of the Delaware Valley milk farmers who supply the Greater Philadelphia, Wilmington and South Jersey population centers. For a full year they have been waiting for the Department of Agriculture to amend the milk marketing order under which they operate.

The uncertainty has driven the milk producers to the point of distraction and unless the uncertainty is lifted soon, spokesmen for the producers are warning there may be shortly a curtailment of milk supplies for the area they traditionally serve.

In its notice of a year ago, the Agriculture Department stressed the urgency for the proposed change in the milk marketing order. "Because of the difficulties encountered in administering the order in its present form," the notice said, "it is imperative that there be no delay in holding a hearing on the matter."

The hearing was held between October 4 and November 24, last year. A majority of the dairy farmers and handlers operating under the order indicated at the hearing their desire to retain the order substantially in its present form, but suggested amendments to facilitate administration and enforcement of its minimum price provisions which were being undercut by a few chiselers.

Because of the Department's stress on the urgency, the dairy farmers and their cooperatives were given less than two months to study the hearing record of almost 5000 pages and write briefs.

But after the completion of the hearings the urgency, so insistently proclaimed by the Department at the outset, seemed to disappear.

Gov. William W. Scranton, the Pennsylvania and Delaware Senators, the entire Pennsylvania delegation in the House, the entire Maryland delegation in Congress and hundreds of dairymen have written Secretary of Agriculture Orville L. Freeman, urging retention of the present handler pool—under which the farmers work out their price with the handler to whom they sell—and pleading for an early decision. Their pleas have gone unheeded.

Meanwhile, the farmers, not knowing what kind of a marketing or pricing system they are going to have, are growing restive and despondent. Many, according to Dr. James E. Honan, general manager of the Interstate Milk Producers' Cooperative of Philadelphia, are considering abandoning milk production at the very time that the Department is holding hearings throughout the country to determine whether to permit price increases in the face of milk shortages.

The price increase sought by the Inter-State Milk Producers' Cooperative is only half as large as that sought by producers in many surrounding Federal order markets.

"If the present indecision and threat persists," Dr. Honan has warned, "we may have to seek a large increase to encourage dairy farmers in our market to stay in business. And that could directly affect consumers prices, which are not involved in our pending problem with the Department of Agriculture."

SENATOR ERVIN RECEIVES RELIGIOUS LIBERTY CITATION

Mr. JORDAN of North Carolina. Mr. President, for more than 12 years the U.S. Senate has enjoyed the membership of a distinguished lawyer and scholar. I refer to the senior Senator from my own State of North Carolina, my friend and colleague, SAM J. ERVIN, JR. By his service to the Nation he has become known to us all as the constitutional conscience of this body and is respected for his devotion to a constitutional form of government. He is especially known for his love and understanding of the first amendment's guarantees respecting the freedom of religion.

On February 22 of this year, Senator ERVIN received the "Religious Liberty Citation" by Americans United for Separation of Church and State by which he was acknowledged as—

Distinguished statesmen, jurist, constitutional attorney, patriot and churchman, who has displayed in the United States Senate unparalleled devotion to this country's hallowed tradition of church-state separation.

In an address before the 18th National Conference of Americans United, Senator ERVIN declared that—

To the self-examined American, religious liberty is the greatest contribution this Nation has made both in the realm of politics and of religion. We can be proud that the United States became the first place in the world where complete religious liberty was actually tried in a political state; and, up to now at least, religious liberty has flourished.

He also expresed concern, however, for "the actions of those in a position to affect the affairs of mankind who feel themselves not only capable, but duty-bound to ignore the thinking of the drafters of our first amendment," and reminded his listeners of Mr. Justice Black's statement that "government should not be allowed, under cover of the soft euphemism of 'cooperation,' to steal into the sacred area of religious choice."

Mr. President, I know all Senators will join me in congratulating Senator ERVIN for this honor and recognition and will heed the warning of Daniel Webster who said:

God grants religious freedom only to those who love it and to those who are always ready to guard and defend it.

I ask unanimous consent that the full text of Senator ERVIN's address in Nashville be printed at this point in the RECORD.

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

"EXPERIMENTS ON OUR LIBERTIES"—NEW CHALLENGES FOR ENDURING PRINCIPLES

(Remarks prepared by Senator SAM J. ERVIN, JR., Democrat, of North Carolina, for delivery to the 18th National Conference on Church and State in Nashville, Tenn., on February 22, 1966.)

As I considered the subject of my remarks for tonight, I was reminded of the story about the old country preacher from my part of North Carolina who felt obliged to speak periodically to his congregation on the subject of "church attendance." Whereas I am reluctant to admonish any audience, I see, as the minister undoubtedly saw, the desirability of continual reference to a subject already appreciated by his listeners.

Tonight, I want to share with you my concern for the current Federal policy toward the principle of separation of church and state. By illustrating the importance of this enduring principle, I want to present to you a challenge to reverse recent attitudes and actions of those who, albeit unwittingly, undermine our political fabric by vitiating the document that gives it meaning.

Congressional actions that appeared as an occasional intrusion on our liberties a generation ago have today attained the proportion of a massive assault. An indication of this development and its portent is evinced by a statement made in December, 1965, by the Director of the Office of Economic Opportunity, Mr. Sargent Shriver. He said, "three or four years ago it was practically impossible for a Federal agency to give a direct grant to a religious group. Today, we have given hundreds without violating the principle of separation of church and state."

As we celebrate the birthday of the Father of our Nation, it is particularly appropriate that we examine the principles upon which he and the other Founding Fathers designed the master plan for our government. For, as George Washington recognized, the most heart-rending story of history is that of man's struggle against civil and ecclesiastical tyranny for the simple right to bow his own knees before his own God in his own way.

As one of America's wisest jurists of all time, the late Chief Justice Walter P. Stacy, of the Supreme Court of North Carolina, declared: "Men contend more furiously over the road to heaven, which they cannot see, than over their visible walks on earth."

And history records the tragic fact, "that men have gone to war and cut each other's throats because they could not agree as to what was to become of them after their throats were cut."

To the self-examined American, religious liberty is the greatest contribution this Nation has made both in the realm of politics and of religion. We can be proud that the United States became the first place in the world where complete religious liberty was actually tried in a political state; and, up to now at least, religious liberty has flourished.

By the time the new State and Federal constitutions were being drafted, religious liberty was to a large degree already in practical operation. A failure to recognize this

liberty in these new constitutions and to breathe life into this ambition would have meant a retreat from attitudes prevalent among the colonists.

Today, religious liberty is enjoyed in America to an extent unparalleled anywhere else in the world. Unfortunately, the complacency that besets many Americans about problems less understood is also prevalent in the realm of religion. We too often take for granted a right which may be in jeopardy this very day.

It is fitting, therefore, that we recall the conditions under which this national treasure was conceived and we would do well to remember that a nation which ignores the lessons history teaches is doomed to repeat the tragic mistakes of the past.

What is the meaning of separation of church and state?

What did our Founding Fathers intend to do when they embodied in the First Amendment these words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."?

The answer to either of these questions cannot be determined by a narrow analysis of any one event but must be viewed as an evolutionary process. The trend was unmistakable, the stages identifiable.

One might think that religious liberty in the United States was a natural consequence of the emergence of a new Nation. This was, however, not the case. Those coming to colonize found that in a majority of the colonies the predominant religious groups had established official churches. Accordingly, all members of the colony were compelled to pay taxes for the support of churches. Moreover, they were required to frequent the services of such religious institutions even though they might disagree with their doctrines.

During the pre-Revolutionary period, at least eight colonies provided for the selective use of taxes for the support of an established church. The Anglican and Congregational Churches were favored in these colonies and in some, they were established by law.

Dissenters to this principle of single establishments began their efforts to achieve complete separation of seeking special concessions and granting privileges of free worship. They said, and I think rightfully so, that it was tyrannical for a government to attempt to regulate the relationship of worship between the individual and his God, and that such regulation was also sinful.

Their demand for the disestablishment of churches was comprised of two objectives: First, an end to the financial connection between state and church; second, a recognition of the right of each person to exercise freely his own mode of worship.

Opposed to this, the established churches, in order to ward off attacks for total disestablishment, persuaded the state legislatures to open up the tax privileges to the dissenting groups and to gradually admit more churches to the establishment.

It is the resulting compromise between the liberal groups, believing in religious freedom and the established churches, that once again threatens what we know and enjoy as the principle of separation of church and state.

This compromise existed in a number of states for a relatively long time. Any cooperation between the state and any or all churches was considered establishment. It was against this background and this expanded meaning of multiple establishment that the First Amendment was planned.

It disturbs me to observe the actions of those is a position to affect the affairs of mankind who feel themselves not only capable, but duty-bound to ignore the thinking of the drafters of our First Amendment. But as Mr. Justice Black has said, "government should not be allowed, under cover of the soft euphemism of 'cooperation,' to steal into the sacred area of religious choice."

Those seeking to pervert the principle of separation by affording financial assistance to denominational institutions have apparently forgotten this meaning of multiple establishment.

They have conveniently misunderstood significant events in our history in urging that cooperation between church and state is advisable so long as the state treats all religious groups equally and fairly.

The present policy of making Federal aid available to all nonsecular institutions is in reality a reappearance of an earlier threat to our religious freedom: the principle of multiple establishment so wisely discarded years ago.

They have filed away in the halls of bureaucracy the great truths discovered by those early men that the right of free expression of conscience is natural and inalienable and cannot be fully enjoyed as long as it is dependent upon a grant of privilege by the state.

They have overlooked an event in history which presented a clear opportunity for decision on the issue of establishment. This decision laid the foundation of religious liberty in America.

This event, or series of events, occurred in the Virginia Legislature immediately preceding the writing of the First Amendment. There Patrick Henry, in 1784, introduced "A Bill Establishing a Provision for Teachers of the Christian Religion." It undertook to give official recognition to virtually all Christian Churches and to provide taxes for their support.

In the same legislature, James Madison introduced Thomas Jefferson's "Bill for Establishing Religious Freedom" which has come to be known as "The Virginia Statute of Religious Freedom." Written in 1779, it is one of the great documents which preceded the writing of the Constitution and laid down two propositions: First, that there should be no religious qualifications as a test for holding office; and second, that it is sinful and tyrannical to tax a man for the propagation of religious doctrine which he disbelieves.

Thus, the Virginia Legislature was presented with a clear-cut choice. To assist these legislators in their decision, James Madison issued one of the greatest appeals for religious freedom ever made. It was called "The Memorial and Remonstrance Against Religious Assesments." In his remonstrance, James Madison used the word "establishment" at least five times in contexts which showed that in his mind "an establishment of religion" meant an official relationship between the State and one church or many or all churches.

In reference to Patrick Henry's bill, Madison said, "It is proper to take alarm at the first experiment on our liberties . . . The freeman of America did not wait until usurped power had strengthened itself by exercise, and entangled the question in precedents." He had feared the entanglements that could occur in the then brief history of our Nation. Can we not apply his observation even more justifiably to the present "experiments on our liberties?"

The legislature enacted into law, by a large majority, Jefferson's bill for religious freedom rather than Patrick Henry's establishment bill.

I cannot overmagnify the importance of this bill which sets the example and mood for the First Amendment to our Constitution. The demands of Madison and Jefferson and thousands of other Americans produced that Amendment so as to ensure a total disestablishment of religion.

The influence of the Virginia Statute in the Supreme Court's interpretation of the religious clauses of the First Amendment was recognized by Mr. Justice Black in *Everson* v. *Board of Education*. (330 U.S. 1, 13 (1947)) He said:

"This Court has previously recognized that the provisions of the First Amendment, in the drafting and adoption of which Madison and Jefferson played such leading roles, had the same objective and were intended to provide the same protection against governmental intrusion on religious liberty as the Virginia Statute."

Time and time again, the Supreme Court has said that neither a State nor the Federal Government can pass laws which aid one religion, aid all religions, or prefer one religion over another.

Jefferson's use of the phrase "wall of separation" in his 1802 letter to the Danbury Baptist Association has been the byword in all judicial opinions on this subject, and, judicially, the tendency of interpretation of this phrase has been to broaden and extend its application.

Inclusively, it has been construed to mean that the State may not employ its facilities or funds in such a way as to give any or all churches greater strength in our society than it would have by relying on its members alone.

In further defining establishment, Mr. Justice Douglas has said, "an institution is strengthened in proselytizing when it is strengthened in any department by contributions from other than its own members."

Despite 180 years of continual remonstrances against establishment, our centralized government is endeavoring to relieve the church membership of the right and responsibility for its own support.

I agree with Mr. Justice Frankfurter that Elihu Root's phrase bears repetition. He said, ". . . we have staked the very existence of our country on the faith that complete separation between the State and religion is best for the State and best for religion." It is my firm conviction that this course is not tantamount to a decision against God, as some suggest, but rather a decision supporting the faith and intelligence of all free men.

With due deference to all other men of all generations, I confess my belief that the world has never known any other group as well qualified as the Founding Fathers to write organic law for a people dedicated to the freedom of the individual.

We, as they, know that a nation which ignores the lessons taught by such history is doomed to repeat the mistakes of the past.

One hundred and eighty years ago, Americans paid dearly to secure our basic constitutional freedoms. Today, we are allowing these freedoms to be dissipated for temporary purposes. James Madison said he would not tolerate threepence for religious establishment. Yet today, the Federal Government administers over 60 programs costing almost $5 billion in which nonsecular schools and colleges may participate.

As a part of its continuing study of the separation of church and state, the United States Senate Subcommittee on Constitutional Rights, early next month, will begin a series of hearings on legislation which provides the judicial machinery for determining the constitutionality of certain Federal appropriations. It is my hope that these hearings will officially recognize the need for resolving the First Amendment conflict with which we are confronted.

The Founding Fathers foresaw that troublous times would arise when government would seek by sharp and decisive measures to accomplish ends deemed just and proper And, in so doing, the government would put the freedom of the individual in peril unless such freedom were established by irrepealable law. To forestall this calamity in such times, they devised the Constitution to define and limit the powers of the

Federal Government, and to protect the freedom of the individual from destruction at its hands. With this Constitution, they gave us a land with the knowledege and understanding that God grants religious freedom as well as all other freedoms only to those who love it, and, in the words of Daniel Webster, to those who are always ready to guard and defend it.

EXCLUSION OF PORTSMOUTH NAVAL SHIPYARD FROM MODERNIZATION PROGRAM

Mr. MUSKIE. Mr. President, the Portsmouth Naval Shipyard at Kittery, Maine, has been excluded from a project by the Naval Ship Systems Command to develop and engineer a long-range modernization program for all other Navy yards.

Portsmouth is the only east coast yard specializing in submarine overhauling and repairs. With Russia boasting a submarine fleet of 500, the decision to pass over Portsmouth is dangerous and shortsighted.

In a rapidly changing world, the decision threatens our national security. The Navy is gambling for short-range savings today on the hope of a peaceful future. Judging from recent developments in Vietnam and elsewhere, the Navy's optimism appears excessive.

The decision apparently reflects an order, made by Defense Secretary McNamara 2 years ago, to close Portsmouth. Since then, the defense needs of our Nation have changed radically, and Portsmouth is busier than ever. Yet, it appears the Navy is ignoring recent history as it makes plans for the modernization program.

On June 13, the Portland, Maine, Press Herald published an editorial entitled "Memo to McNamara: Keep Kittery Fighting Fit for Our Fleet." The editorial builds a solid argument for including the Portsmouth yard in the modernization program.

Mr. President, I ask unanimous consent that the editorial appear in the RECORD at this time.

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

[From the Portland (Maine) Press Herald, June 13, 1966]

MEMO TO MCNAMARA: KEEP KITTERY FIGHTING FIT FOR OUR FLEET

Kittery Naval Shipyard has, in Navy lingo, been "passed over."

The Naval Ship Systems Command, in the Pentagon, has recently issued a contract to Kaiser Engineers, Oakland, California to "develop and engineer a long-range modernization program" for all existing yards—except the Kittery Yard at Portsmouth.

Phase One of the contract, to be completed in 24 weeks, concentrates on the naval shipyards at Philadelphia and Long Beach, California.

Phase Two will develop recommendations for modernizing the naval shipyards at Charleston, Norfolk, San Francisco Bay, Boston, Pearl Harbor and Puget Sound. But not Kittery.

A spokesman for Kaiser, the contractor, reveals that the Kittery Yard is not included in this modernization program. He presumes this omission is because Kittery is scheduled to close down.

Months ago Secretary McNamara ordered that the Kittery Yard be phased out and closed down by 1974. Then, the situation was far different.

Since then, Kittery has been hectically busy and very effectively productive in its national defense work.

Vice President HUBERT HUMPHREY, on a recent visit to the Kittery Yard, spoke in glowing terms of the vital work being done there.

This newspaper will fight and plead and work for the future of Kittery just as long as Kittery continues to make a fine and vital contribution to American security.

American security is the sound reason on which we base our fight.

Rightly, an effort to keep an unneeded and expensive facility for purely local economic reasons would not carry very much weight with McNamara. Nor would we advocate it.

But the most expensive mistake the Secretary and the Defense Department planners could make is to continue now with their earlier plan to close down Kittery by 1974. And consequently rule Kittery out from the Kaiser study.

To do so is to gamble recklessly with American security, with American lives—and not just run the risk of incurring vast defense department expenditure later on to restore Kittery under emergency conditions to modern efficiency after they had phased it out.

Kittery is a specialist in nuclear submarine maintenance and repair.

The Soviet Union now has the world's largest submarine fleet by far. It numbers close to 500, including nuclear and missile equipped submarines.

Sea blockade is, since Cuba, now in Vietnam and if ever the USA should become involved in war with China, an ever more important phase of our military strength.

Who can predict today how desperately the United States might need Kittery to support our fleet tomorrow?

The Pentagon timetable still assumes the close down of Kittery by 1974.

As a result the Pentagon contract to Kaiser does not include Kittery in the Naval Shipyards to even be studied for modernization.

This omission is a reckless, dangerous and costly gamble.

We strongly urge that Kittery be included in this study. If in the years ahead, international tension declines, it will easily be possible then to re-assess the importance of Kittery. But we should not lower our guard now.

To omit Kittery now, when a small cost is involved, is to risk paying huge penalties later when far more than money may be at stake.

Secretary McNamara should immediately order that Kittery Naval Shipyard be included in the modernization study.

THE PROBLEMS OF THE FARMERS AND THE RANCHERS

Mr. YOUNG of North Dakota. Mr. President, because I am keenly aware of the problems facing our farmers and ranchers today, I wanted to share with others two very good speeches recently given by the senior Senator from Colorado. Senator ALLOTT is thoroughly conversant with the two industries through his practice as a lawyer before he came to the Senate in an area dependent largely on agriculture. In these two speeches he makes an excellent analysis of the producers' problems and the course of action he urges has great merit. I am sure it will be of great interest not only to Members of Congress but to the public in general and particularly farmers and ranchers.

The first of the two speeches was given to the Colorado Farm Bureau annual meeting last November. Even then, the Senator seemed to demonstrate a prescience about the course of events which would follow concerning the farm and ranch industries. He predicted that the pressure of rising costs and lack of labor on the farmer and rancher would inevitably lead to crop shortages and higher prices to consumers. Perhaps even more significantly, he predicted that the present administration would make a scapegoat of these producers of our basic food commodities.

In his speech of June 8 to the Colorado cattlemen's convention, the Senator demonstrates how his prediction of last November has indeed come to pass. He details the ambivalent attitude of the Secretary of Agriculture, the one man in the administration whom we would expect to try to help the food producer. And, he renews his suggestion that to compete with big industry, big labor, and big government, the farmer and rancher must federate and cooperate, or face the prospect of complete domination of his business by government and a very few gigantic producers.

Mr. President, I commend the Senator from Colorado for his insight. I recommend his two speeches to all who are interested in the problems of the farmer and rancher, and ask unanimous consent that they be printed in the RECORD at this point.

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

SPEECH BY SENATOR GORDON ALLOTT, COLORADO FARM BUREAU ANNUAL MEETING, NOVEMBER 16, 1965, LAMAR, COLO.

You have assigned a discussion topic to me that should have the concentration of at least a score of experts. It is a subject that could occupy a panel several days before reaching any solid conclusions, and even then several computers might have to be fed for accurate forecast.

However, I have never been one to back down if there was any possibility of finding the answer. In taking up the title "Where to from Here?" I felt the only way to offer a fragment upon which to base your own conclusion would be to combine my reasoning with those of true experts whose ideas I have pondering as I read them in recent months.

Before getting into the area of prognostication, let's begin with the farmer's present position in history. I have found you must always first know where you are and where you've been before charting any course for the future.

I might as well be brutally frank in the beginning, because you probably know or suspect your position in the politico-economy of this year 1965.

You have become a statistic . . . a low number in the caste system evolved under the reigning great God—Gross National Product. Like the many-headed Gods of ages past, Gross National Product is pretty much a myth because it has no relation to actual production. It includes every spendable income, plus production. That means in the weighing of your efforts compared with all others you even rate below government and government enterprises. While most of us would rate agriculture far above that statistic on the GNP, we can't deny your official political rank on the Great Society computers of a nation headed for the moon.

The statisticians say you rank at only 5.5% of the Gross National Product. Because you are still eager to operate your own businesses despite all odds, the bureaucrats

have no fear of crippling strikes or slowdown in food production as in other phases of our national life. They know you will go on breaking your backs so long as you can, even with little or no profit to you. Government stumbling blocks and even outright harassment will not deter the farmer from producing food and fiber. They know you will continue to supply the all-important consumer in the foreseeable future with all we want to eat at the lowest possible production prices. But, if the time comes when you cannot continue there will be no worry for the bureaucrats. With each new regulation and law, with lack of sufficient action on your part, the stage is being set for intergrated industry to take over at any point of need. Thus you are a frontrow pawn to be sacrificed at any moment.

This becomes more obvious when you learn that government is now planning a complete about-face in agricultural programs. Instead of curtailing food supplies you may be suddenly encouraged to produce all you can. Basically, foreign policy is dictating such a shift—an area from which the Great Society would like to divert public attention.

Under this new policy, of course, our consumer-taxpayers will no doubt still buy the surplus in one way or another, and food will become the second-row pawn in international affairs, with the State Department in control. In this fantastic realm of politico-economics, City folks are now paying a larger portion of the bill, but families of agriculture are paying more than their share through contribution of food at a net loss.

Under the heading of "agriculture present" you have been made to accept the termination of the Bracero labor program under the totally false guise of employing domestic labor. Failure of the Labor Department in proving its point has not even induced bureaucratic red faces. They are thoroughly convinced that agriculturists were at fault in not using the winos and habitual unemployables offered in lieu of Braceros. At the same time, we are importing billions of dollars in goods which take away employment from hundreds of thousands of our people. Yet, importing a few thousand Braceros for a few months and returning them back home is depicted as a heinous crime against American labor . . . further proof of agriculture's political pawn position.

Not considering the moral issue involved, who is paying for this fiasco? Not only the food producer. Consumers are just now starting to pay the price of government meddling and blundering. Price hikes of 20% on canned fruits and vegetables have been announced by major packing companies. Since the average family spends 20 to 25% of its budget for food, Americans are going to pay plenty for destroying a labor program that had been mutually beneficial to all people in the United States and to a substantial number in Mexico. It was a people-to-people benefit. It was too good for politically oriented government departments and therefore had to go. Where was the Department of Agriculture during that period? It turned its back on producers and consumers, abdicating its proper responsibility completely.

"Where to from here?"

We haven't seen the end to this problem. There will be a lot of farm produce missing from the market in 1966 and beyond because growers have had to switch from their traditional crops to others requiring little or no stoop labor. As a result, we will also see our farm employment drop still further under the impetus of automation rushing in to fill the void stupidly created under the guise of helping labor.

On the subject of labor, another factor is well on its way to becoming law. This is the minimum wage. What will be it's effect? A North Carolina State University economist figures a $1.25 minimum would result in adding $5.80 per hundred cost to flue-cured tobacco, and for wheat the increase would be from three to five cents a bushel. Vegetable producers would find a cost boost somewhere in between those figures. Consumers will pay a major part of that increase, just as they do on all the taxes heaped upon other facets of our national economy. Only a dreamer believes that business pays the taxes . . . every cost must be passed on to the consumer . . . how else could business survive?

But these are just a minor part of the picture . . . minor only in its total impact upon the nation's economy, although major in its effect upon the city consumer and the food producer. And do not forget this . . . and I hope the City folks don't overlook it . . . in the years ahead, men of agriculture and the consumer must stand together to fight this battle against constant bureaucratic bungling.

This leads up to another great threat to our nation . . . inflation. The specter overshadows every field of endeavor. The unheeding runaway emptying of the treasury, plus borrowing from tomorrow's generation, can have no other effect than skyrocketing all costs of living and doing business.

A shortage of food could develop as predicted in the next ten years, particularly if the administration attempts to feed the world as recklessly as it has pursued the dumping of cash upon every country whether they wanted it or not. If this happens, you could be blamed for aiding inflation. Scapegoats by the dozen will be raised to cover reckless administration action.

You have heard of Harry Golden, the author and newspaper publisher of Charlotte, North Carolina. He made an astounding statement while in Denver a couple weeks ago. He said seriously what most of us more or less have joked about. Golden said, "A balanced budget is just a myth . . . as long as the debt remains money we owe ourselves, as long as the interest on the debt is money we pay ourselves, it doesn't matter where it goes . . . it's just a matter of bookkeeping." Obviously, the Administration is sold on this theory.

Contrast this wild scattering of billions of dollars in every direction with the problems on the other side of the silverless coin. Who would have thought that our Country would ever see a time when we would try to convince our people that they must not take trips abroad, or that investments must be discouraged abroad to protect our dollar? Who would ever have thought that gold would leave our shores in such vast quantities that it has become a major concern of our treasury? Few people know what thinking goes on behind the veil of omnipotence surrounding this Administration.

Our imports and our give-aways have burgeoned so greatly that scapegoats are substituted for the real reasons behind our problems.

Why do I inject these factors into the farm picture? It's all an integral part of the mess that must be unraveled before it is too late. International affairs with a thousand facets are tied so securely to our national economy, and government, under-cover policies that the average person has no conception of where we are going.

In your own field you know what has happened to the price of land. Tax assessments upon purchase price has become a major issue in many states, and inheritance taxes based upon these inflated land prices has spelled tragedy to farm families left with the tax burden.

Colorado has only one and three-fourths million people. The State of Colorado will have an operating budget of around $220 million; small cities talk about spending in the millions each year; counties many times more; and the Federal Government takes $1000 million out of our State in income taxes alone each year. It is a miracle that more inflation hasn't resulted. On the Federal side, what portion comes back depends upon the political strategists punishing or rewarding. But you haven't begun to tabulate the grand total until you sum up the indirect taxes. Small wonder that all studies, including those of the government, reveal that farmers and ranchers net a return on their investments of less than the lowest interest on tax-free municipal bonds.

How long can this go on? How long will you have freedom of management for your farm? Your guess is as good as mine. You could have just one more year to determine what direction you and your neighbors will go. The projected about-face of Administration agricultural policy carries many unknown questions.

Meanwhile, integration of farms and feedlots into the food industry is a progressing movement. Just this past month, a packing plant in a neighboring State purchased feedlots in an effort to stabilize their own operation. This is always a blow to marketing by the independent cattle operator because his product becomes secondary to the integrated industry. When the small operator, because of financial limitations, cannot supply requirements to specifications, it is normal for big processors to move into the field themselves.

To replace declining traditional agriculture in the United States, there are those who come up with wild schemes, calling upon the nation to back them to the tune of more billions in setting up government commissaries to oppose private retail marketing. Rather than seek a logical private initiative way of meeting the problem, they would demand more of the same government which has many times in recent years hurled us faster towards destruction of the traditional American farm.

Blindly and blandly these wild ones overlook the fact that the very programs they have advocated and instituted in the past have created the greatest problems we face today.

I note that the Farm Bureau has been moving towards a goal of self-operated marketing associations. While this is a start, has it been too slowly and perhaps on too small a scale? Mutual or cooperative marketing of cattle, for instance, in one small area can scarcely be the answer to our highly mobilized economy where meat or live cattle can be transported half way across the nation within hours. Any successful marketing program, to stem the tide, must be more coordinated and comprehensive. A buyer does not need to obtain his produce or meat supply from a limited area. If he can buy cheaper in a neighboring State, or even thousands of miles away, there is no reason why he won't do it and thus depress prices in all areas. It seems to me, the answer obviously must be in forming area-wide marketing groups with nationwide market factors fed into the areas for intelligent marketing.

The Grange has come up with a proposal to establish a Wagner Act for agriculture. The very National Food Commission before which the Grange made this suggestion, is hinting that unless men of agriculture change their marketing methods, government may do it for you, in the national interest. And, in the light of past experience, can anybody believe it is wise to invite more government intervention?

Where to from here? Let's bring in some of those experts I mentioned in my opening statement.

I have been intrigued of late by emergence of a Catholic Franciscan nun of Manitowoc, Wisconsin, into the agricultural scene. She has been quoted in several farm magazines, including the *Dakota Farmer*, most recently. Sister M. Thomas More of the history department at Holy Family College is mighty outspoken in her concern over marketing in agriculture. She told a combined farm

organization audience in South Dakota that federation of farm organizations is essential to obtaining the power structure needed to market profitably. Forming new organizations is useless, she declared. Rather, she said, "The trick is to get off our haunches and put strength into the organizations we have."

Like so many before her, she says, "Farmers must work together . . . all of them . . . federation can provide a structure strong enough to enable agriculture to match government, industry, labor and finance, all of which operate in the market place and from a federated base." I believe she is prophetic, although there is nothing really different in what she has said. A lot of us have thought and talked about it for a generation. The same problem remains . . . will we get off our haunches and put strength into our convictions? It is up to the farmer. No other individual can do the job. All we can do is prod.

Integrated big industry is doing a job for itself. Is there any reason why farmers should be of less intelligence or have less ability to operate on a large scale? In this new phase of feeding the world, I noted that a spokesman for an international food manufacturer in Switzerland recently revealed his firm hires some 30,000 people in 25 countries in production, manufacturing and distributing of food into 80 nations. Yes, big industry is rolling forward . . . and you ain't seen nothing yet!

Will you be an individual part of this picture in the future, or merely an employee?

Where to from here? I read many statements made by men who have observed agriculture and the trend during their lifetime. Perhaps being on the outside and keeping tab from a distance gives them insight which the man with his nose on the grindstone cannot see.

Dr. O. G. Bentley, who has been Dean of Agriculture at South Dakota State University and is now going to Illinois University in the same capacity, has this to say, "The speed of change in agriculture is faster than ever before in man's history. In the years ahead, merely adjusting to change may not be sufficient. Whenever we have to adjust it indicates that much of the parade has already passed us by. Those who create change find their adjustments the least painful and the most rewarding."

Ralph B. Bunje, known to many of you as general manager of the California Canning Peach Association, appeared before the Agricultural Relations Council in Denver this summer. He said, "Politically, the producer is in a minority, organization-wise he is hopelessly out of date, and the changes in his market are rapid and vast and generally of a nature that does not enhance his bargaining power." Then he added, "Farming in the Great Society and selling on a free market is not a profitable posture for today's farmer."

Dr. Elmer E. Kiehl of Columbia, Missouri, member of the National Food Marketing Commission, told a Washington State University audience last month: "If the present trend continues a handful of men will one day control the supply and price of most food commodities from grower to consumer." Dr. Kiehl then concluded, "It now appears that the only way to slow down the trend toward vertical integration and the concentration of power over the food marketing structure may be some form of government regulation or cooperative activity on the part of producers."

You note he listed only two alternatives. But what will this same commission suggest to Congress when it issues its report next spring in time for action by Congress in a political year? If it recommends more government regulation, there is no doubt this administration will go all the way. In the light of recent history in Congress I might paraphrase a song of a few years back, "What LBJ wants, LBJ gets."

Right here might be a good moment to ask, "Do you want more government regulation?" If you are thinking along that line you might consider the aluminum situation. When the producers announced a price raise, government immediately threatened to dump 200,000 tons of government surplus on the market to drive down the price. What happens when the right of management is taken away from private enterprise? If any doubt remains in your mind, consider what this same type of retaliation by government could do to challenge a future coordinated program of your own.

Let's turn to our experts again.

Don Paarlberg of Purdue University this past month said, "Farm parity ratio will fall further by 1980 . . . prices of farm products may be 5% below the level of the early sixties."

Under present management and marketing conditions could you continue operating if that prediction comes to pass?

The same foreboding is mixed with a ray of hope in the prediction of Lindley Finch, vice president of the Continental Illinois National Bank and Trust Company of Chicago. Finch, at an editors forum in St. Charles, Illinois, said, "By 1975, I believe, there will be an acute shortage of farm operators who have the ability, the courage, and the desire to operate commercial farms and ranches successfully. Consequently the future is exceedingly bright for those who do prepare for tomorrow's agriculture."

The same speaker, speaking on financing, said, "Farm credit will be tailored more and more to the purpose for which it is used rather than to requirements of the lender. Farm credit is becoming more like factory credit—in this case, a biological factory; it will be based more on earnings potential and management capability and less on the collateral."

Could you operate individually and alone on that basis? And the question still hangs in midair . . . have you prepared for this agriculture of tomorrow, or are you merely trying to catch up with what happened yesterday, as Dr. Bentley told South Dakota farmers?

In the light of all these studied opinions, the tremendous advances of the past 50 years are likely to be dwarfed in comparison with scientific progress that potentially can be made between now and the close of the 20th Century.

A farm management specialist at the University of Delaware has forecast, "Farm operators will be businessmen rather than technicians or specialists, but he will rely heavily on advice from extremely well-trained specialists . . . and he will form closer alliances with his banker, his lawyer and an expert business adviser or consultant to help with specialized problems."

Does that sound like an extension of the family farm you operate today? The answer must be "no."

Looking at only the United States market, in the next 35 years if the present trend continues we will have a population of 340 million by the year 2000. That means 145 million more people requiring food, representing nearly 75% more mouths to feed. That's a bright outlook for farmers with surpluses at this time. But the question still remains . . . who will supply this food . . . you as individual operators, or huge integrated combines? And that basically is what I am talking to you about today.

I warned that I would be brutally frank in this discussion. We have pussy-footed too long.

Perhaps you have already pondered much of which I have tried to say in this brief period. You know the alternatives—coordination in private initiative, or total reliance upon government. You cannot depend upon sufficient legislative aid. In its apportionment decision, the Supreme Court attended to that at state and national levels. Your political voice today has been reduced to a whisper.

Somehow there must be a way to reverse the trend of our people becoming blind followers. Just how, is up to you in the field of agriculture. You have every tool you need from brains to available finances. Enlist the consumer in your battle to halt the wild fluctuation of prices that affects the monthly city family budget. I urge you to join hands with producers in every phase of the agricultural community . . . locally and nationwide . . . and move fast. Time is running out for independent action.

Where to from here? It's in your hands, but I am eager to add mine in the big push towards immediate development of an equitable and private initiative forward movement of agriculture.

SPEECH OF GORDON ALLOTT, U.S. SENATOR, COLORADO CATTLEMEN'S CONVENTION, LAMAR, COLO., JUNE 8, 1966

I am particularly happy to be with you of the Colorado Cattlemen's Association today at your Annual Convention. It is an added pleasure to welcome you to my home city of Lamar, where I have spent 25 good years of my life in the practice of law—mostly concerned with the problems associated with, and rising from those of your great industry—water, conservation, soil replenishment, and agricultural credit.

It is indeed unfortunate, I think, that too few in business and in heavy industry, have the opportunity that I have here . . . to see and become aware of the accumulated experience, keen know-how, and dedication represented in your group. For, indeed, you and your industry represent one of the truest cross-sections of the nation's phenomenal capacity to produce the food for our own citizens and, at the same time, provide the storehouse for world emergencies.

It is difficult to imagine how anything, short of a nuclear conflagration, could possibly upset the equilibrium and productive capacity of this group. Yet, looking backward over a period of just two months, it is clear that fuzzy-headed thinking at high bureaucratic levels did exactly that—putting fear and confusion into the minds of producers, and casting the long shadow of apprehension across the future.

Considering the events of the past 90 days, can there be any question that the seemingly innocent powers ceded to the executive branch of the government, one by one, over the years, have finally shaped up into means for the full control of prices? This has been demonstrated by manipulations in dairy products, pork, beef, wheat and feed grains—every one affecting your interests directly or indirectly.

I shall not review in detail the mechanics of recent price rollbacks by the government. Rather, my obligation is to pose to you the real basic problem presented:

How can the producer be capable of intelligent planning operating under a free enterprise system, when he has to out-guess cost fluctuation, prices, disease and weather, *plus* sudden Government decisions to destroy the normal marketing law of supply and demand?

A brief analysis of what precipitate government action, in an effort to control prices, can do to wreck havoc with present and future supply and prices may well be in order. The instability of such action affects not just the producer and the feeder, it affects directly your banker, and every local community that depends in a major degree upon your income for its support.

No amount of "understanding" can bring back the millions of dollars deliberately lifted from your bank account and from the local economy by governmental edicts and government persuasion, however much that "un-

derstanding" was promoted by hundreds of government public relations men at the consumer level. The charge was thrown at you—that meat prices were too high. Your own efforts to blast out the truth were lost when the Secretary of Agriculture, backed up by these same public relations men, justified his actions by telling the consumer that farmers of this nation were better off than ever—and that they would receive $1 billion more in income this year than in the previous year. The average consumer was sold the idea your tears were crocodile and they were the ones being hurt.

Of course, at the time the Secretary made this statement he could not possibly have been able to estimate the crops and, in spite of some statements he has made that might make us believe he thinks otherwise, I doubt that he has yet obtained the omnipotence with which to predict drouth, flood, disease, and a hundred other variables which enter into the whole picture. The consumer was not told, in any event, that the $1 billion went to a relatively few producers by way of government subsidies.

Seven months ago, in this same community building, I told the Colorado Farm Bureau that agriculture was fast becoming the pawn in the politico-economy developed in the past six years; that agriculture had, in fact, become a statistic; that it would be blamed for aiding inflation as a blind and a ruse to cover Administration actions that had actually created this inflation. These factors seemed to loom on the horizon at that time. For no person engaged in the agricultural industry could ignore the political fact that the farm population gets smaller year by year, that family farms are decreasing in number (over 500,000 in the past six years) and that the great political power of this nation is becoming centered more and more in the great urban centers of this nation. And, no one could ignore that by appealing to consumers, without telling them the whole story and by misrepresenting the financial plight of the producer, it was obviously hoped that those at the helm would be able to exert the political control of this country.

Now with that short flashback of my remarks a few months ago, let's explore just what happened in black March of this year. For, I happen to believe that if the picture is truly and well presented to the consumer, that he too will recognize that the producer has a right to a fair share of the fruits of our economy.

It is true that the consumer was unhappy over higher red meat prices than they had been accustomed to paying over the previous two years. However, had the situation been allowed to settle, there would have been less protest, for prices were leveling themselves in a full cycle that was nearing satisfactory conditions for both producer and consumer.

In the pre-March situation, the consumer had started the cycle by resisting the top cuts and buying cheaper portions. This advanced the price of hamburger, chuck roasts and similar cuts. In order to move the better steaks and cuts, retailers dropped these prices and the consumer started to again take them home to the family. When this occurred, hamburger and like products started to move towards a more realistic level than they had been in years.

And, the better price for live cattle was creating an improved economic situation for producers, and the completion of the normal cycle—without government intervention—would have brought a balance acceptable to the consumer and far more agreeable to the producer. As an example, farm organizations have said repeatedly that producers should not be expected to continue to supply hamburger at three pounds for a dollar, a price which amounts to a subsidy by the producer. As wages increased, the consumer would logically have expected the prices of these cheaper cuts to increase also.

It was just at this point, as the situation was beginning to right itself, that the government intervened with its clumsy, muddling fingers.

The result is that discouraged producers, including dairymen, have been shipping more cows and heifers to market than in many years. As I look at the situation and analyze it, it would appear that many of these should have been going into stocker positions instead of the feed lot. Both before the rollbacks and since, the demand for beef in ever-increasing quantity has been evidenced by a continuing boost in slaughter and a ready acceptance of the full supply by the consumer.

Since, in this day and age, we seem to talk in industrial terms, this attrition and partial depletion of the cow factory will almost inevitably result in a shortage of beef towards the latter part of 1967. No government manipulation can change this outlook. It just takes a certain amount of time to produce a calf and feed it for consumption. And though this government seems to belive itself capable of miracles, it is doubtful that even they will be able to convince a cow that she ought to be producing twins or triplets in order to meet the shortage that the Secretary of Agriculture will recognize only after it is here in late 1967. At this time, we will have gone completely around the circle. Supply will be short, stockers and feeders will be paying more and the prices at the consumer's meat counter is going to be much higher than if the normal supply and demand cycle had not been interrupted.

When this time in the cycle arrives, do you think the government will accept the blame? I am certainly not so naive! The same methods used this year will again be utilized and the producers voice will again be lost, like a summer breeze in the face of a tornado. But, ironically it will also be a sad day for the consumer housewife. For she, speaking in Biblical terms, will then have to reap the tares in terms of increased living costs.

Even as these frustrations appear to you, they also appear to those of us in Congress charged with the supervision of an ever-burgeoning Federal Government . . . an administrative monstrosity that literally defies tight control. As a member of the Appropriations Committee in the Senate, I know of the pressure for constantly increased Federal spending which assails us from this bureaucratic behemoth and from a thousand different special interest groups throughout this country.

And, herein lies the one great key to the future strength or weakness of America. Inflation is the great cancer that gnaws at the welfare of all! The out-pouring of billions of Federal dollars towards unproductive programs, creating annual deficits, is the one greatest element of inflation and the high cost of living. I do not have to tell you of the inflation squeeze. The poverty program, the rent supplement, mass transit, and hundreds of others each contribute their share towards inflation. Inflation has caught you, and even worse, it catches those in the smaller income bracket, the young newlyweds, the unskilled, and untrained, and more particularly the aged in a government fly trap from which there is no escape unless there is a willingness and an ability to face the hard realities. No withdrawal of silver by the government from our good coinage, resulting in a morally illicit profit of from $2.5 to $4 billion, will do it. No wholesale sale of our assets from the government stockpiles will do it. No government sales of participation certificates in the notes and mortgages covering loans to our people will do it. No government by gimmick can do it.

Only self-resolution by you and your representatives in Congress can do it.

The debilitating effect of inflation is felt in a thousand ways on our economy. One Colorado cattle feeder estimated that a ½% interest boost would mean a $12 increase in his production cost per head. This seems incredible unless you consider that it has to be applied to all the means of production; his entire investment in land, equipment, supplies, and cattle. The Federal Reserve reports that in most areas a 1% increase in interest rates is being charged—not a ½% increase. On this figure, it could mean a net increase in cost of as much as $24 per animal. Yet, does the Federal Government tell the consumers of this? Does it accept responsibility for this huge loss to producers? *It does not.* On the contrary, these same people are in the forefront advocating an increase in taxes in 1967 to help stave off an economic collapse. If all of this sounds like Alice in Wonderland, consider what Arthur Okun, a member of the President's Council of Economic Advisers, told the Society of American Business Writers at their convention in Minneapolis, Minnesota, on May 10, 1966:

"It is to guard against the risks of an inflationary spiral that we need flexible fiscal (tax and spending) policies.

"If defense spending should need to be significantly revised upward for fiscal 1967, we would be obliged to advise the President to ask for further tax action this year."

And now, again to the matter of food and prices. The President's *chief* economic adviser is Gardner Ackley, Chairman of the Council of Economic Advisers. He told the Supermarket Institute in Chicago that "Labor's willingness to accept wage increases within the government's voluntary wage-price guidelines depends in a large part on what happens to food prices." He added: "A decline in retail food prices in the year ahead can make a vital contribution to avoiding our getting entangled again in that dreary price spiral which we know too well from the past."

What unbelievable reasoning is this! What does the Administration's top economist believe causes the higher food prices?

Certainly it is not the producer. For, even though faced with increasing costs all around, agriculture as a whole is essentially operating at the same prices of 14 years ago. Yet, and again let's get back to Mr. Freeman, for the first time in the memory of man, a U.S. Secretary of Agriculture has actually expressed gratification about a drop in farm prices. Can you just imagine the response from union officials and union members if a Secretary of Labor took action to lower wages and expressed gratification over the results?

With the administration-set 3.2% wage increase guidelines for each year—and that annual increase added to equipment, supplies, labor, transportation, and other operating costs of the agricultural producer, even after making allowances for increased productivity, the inflation squeeze is on you and is not hard to identify, my friends.

This should be sufficient to measure some of the major factors involved in your present position. Therefore, let's pursue for a few moments what you and I can do to neutralize what has become a cynical attitude towards the producer, an attitude especially identifiable with those in government charged with special responsibility for the welfare of agriculture.

You know the cattle business, and I know it in a general way from years of association with you. So where do we start when the rural population has a smaller voice and the knowledge of the consumer comes from such weird distortions as Gardner Ackley and others?

We must inform the consumers that they are in this mess with the producer. We must inform them, not with misinformation and half-truths, but with dedication and sincerity . . . and by whatever new or exotic

information means are available . . . that something must be done now or the consumer will pay in the future, by higher prices, for the economic folly that is committed now.

Let's take a leaf from the notebook of the Secretary of Agriculture at the observance of Cooperative Month last October. He challenged farmer cooperatives to direct their efforts towards attaining a "fair share of marketing power for the producers of food and fiber." He added that unless farmers unite to achieve an authoritative and equitable role in marketing, that "in the long run they will not attain parity of income opportunity regardless of how effective their productive systems and supply management and price support programs are operating."

Yes, as inconsistent as it may seem, it is the same man who made these statements that helped to make it so tough to achieve parity for your beef in March. And, for once, I find myself in agreement with him. For, while you are weak in number, your voice can still be heard, *IF* it is organized!

In April, the Secretary of Agriculture had the effrontery to ask the Congress for legislation which would give him the authority for the permanent management of farm prices. I refer to identical bills introduced in the House and the Senate . . . S. 2932 and H.R. 12784. This proposal ostensibly was to give the Secretary the means of accumulating reserves for the Food for Freedom program. However, when examined, Mr. Freeman's request was almost as great as the so-called Omnibus Act of 1961 . . . H.R. 6400. Included in this 1966 request was embodied the supply management concept which would have given the Department of Agriculture control over almost every phase of agricultural production and marketing.

In late May, after it became apparent to the Secretary of Agriculture that this concept was in great trouble in the Congress and that there was little chance for any action on it this year, Mr. Freeman announced that he had been advised by his counsel that he had clear authority, however roundabout, under existing statutes, to provide a "workable route to the same objective."

To counter this interpretation, I have sponsored along with 40 of my colleagues on both sides of the aisle a concurrent resolution that opposes such arbitrary Federal action to hold down farm prices. Senate hearings are scheduled this month with Mr. Freeman and Gardner Ackley expected to be among the principal witnesses.

During those hearings and during any subsequent floor debate that might result, I shall join in an attempt to convince the majority that it is the intent of the Congress—yes, that it is the intent of the American people—that agricultural producers have a right to attain parity—and keep it—with the rest of our economy. We shall try and demonstrate to the consumers that they will suffer equally if our producers are forced to drop by the wayside due to lack of adequate income. This is an effort in which *all* farm organizations *must* remain united. If so, hopefully, we may be able to stall off additional controls for at least this election year.

The welfare of our nation's food supply and its producers is too important for anything but the greatest concern on my own part. The great underlying dedication of our citizens devoted to agricultural pursuits has been the real base, the strength, that has enabled the rest of our economy to prosper . . . without worry or concern over the food and fiber needs of our nation. It is our greatest strength in our world position and anything less than the strongest free, competitive system is unthinkable and unacceptable.

With our commitments in Viet Nam, with the greatest portion of the world facing food shortages, and even Canada planning on importing one million tons of feed grains from the United States this year, it would be foolhardy for responsible members of Congress not to be aware that steps must be taken which would assure us a reserve of food supplies over our immediate demands. However, we must legislatively assure that those who administer Federal programs will not find ways to interpret these laws in such a way as to take unto themselves individual powers for the purpose of price control over the producers.

As your Senator, I pledge myself to this position: That your great independent, intelligent, and productive capacity shall not be stifled; and that it will carry us through the future with the same assurance it has given us in every time of national emergency.

OMBUDSMAN

Mr. LONG of Missouri. Mr. President, Walter Gellhorn, the distinguished professor of law at Columbia University, presented the Holmes Lectures at Harvard University on March 28–30. Professor Gellhorn's topic was "The Ombudsman."

I ask unanimous consent to insert, at this point in the RECORD a report of Professor Gellhorn's lectures which appeared in the April 14, 1966, issue of the Harvard Law Record.

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

[From the Harvard Law Record, Apr. 14, 1966]

GELLHORN ADVOCATES UNITED STATES ADOPT OMBUDSMAN IDEA

(By John Spitzer)

People suffering psychic lacerations after tangling with bureaucratic machinery need an Ombudsman, according to Walter Gellhorn, Columbia University professor of law, at the Holmes Lectures March 28–30.

"Typical cases handled by Ombudsmen in countries I have visited would almost never be taken to court," he explained. "For instance, the Swedish fisherman's disagreement with a game warden's interpretation of the law, the Norwegian craftsman's demand that a licensing authority return his expired license certificate as a keepsake, and the Finnish townsman's dissatisfaction with local officials who insistently advised him how to be a good neighbor when all he wanted was to be left alone."

He advocated an American Ombudsman on state and local levels in order to handle matters of this kind, and also to resolve the hotly contested issue of police civilian boards. "It is not sound governmental structure for citizens and police to fight one another in an adversary proceeding," emphasized the friendly, urbane speaker. "Police chiefs should in turn be responsible to an external critic or Ombudsman."

Public housing administration abuses was another area cited as needing an impartial overseer to make independent investigations instead of forcing an abused citizen to enter a costly maze of litigation. Prof. Gellhorn commented that unmarried mothers are often evicted from an apartment with such curt words as, "Go and never darken our doorsteps again. You have sullied the name of the Calvin Coolidge Housing Development." Illegal admission policies might be another field of investigation in this area.

Welfare administration is especially prone to bureaucratic "dehumanizing" and "autocratic condensation," he contended. "The welfare recipient frequently becomes insecure and submissive as a result. Instead of jointly attacking a problem of shared concern, the welfare staff member and the client have all too often ended by attacking one another." Reducing the "grimness of twentieth century life" through a combination father-figure, investigator and "Mr. Fixit" was a recurring theme of the lectures.

As prisoners currently have few means of making their dissatisfaction known "other than by rioting," Prof. Gellhorn pointed out how useful an Ombudsman could be to them. A conflict with a high school principal and students over what kind of haircut could be worn to school is another area where help is needed.

He urged that experimental Ombudsman systems be set up around the country to help alleviate "bureaucratic bungling." Stressing that an Ombudsman would not be expensive to maintain, he pointed out experiments would be easy to institute because they would entail "virtually no organizational restructuring or change in administrative responsibilities.

"But there is a danger of over-reliance on what an Ombudsman could do," he cautioned. "Many Americans absorb the idea of an Ombudsman as though it were a well advertised household remedy for every ache and pain. Too many persons seem willing to suppose that God's in his heaven, all's right with the world of public administration so long as an Ombudsman is keeping an eye on operations. That is a dangerous fallacy.

"Administrative critics do not produce good government. They cannot themselves produce good social policies. They cannot themselves create sound social policies. They have no capacity to organize a competent civil service. They are at their best when calling attention to infrequent departures from norms already set by law or custom and at their weakest when seeking to choose among competing goals or to become general directors of governmental activity.

"Issues that concern the public at large without focusing upon individuals may perhaps best be left to political controls instead of to the judgment of a jack of all trades. He can tidy up a well-built house, but he cannot himself build one."

The administrative law specialist went on to warn of the "danger of insipidity," of need of "a little abrasiveness" as a more desirable alternative than the "flabby carrying out of public policies." A bland administration was characterized as a possible result when "a constant peering over their shoulders causes some servants to become too timid instead of too bold."

He did not consider "the danger of insipidity" a serious threat if the Ombudsman system was properly administered. He further argued that outside criticism might "strengthen, not weaken, public administration by attacking concededly obnoxious behavior—needlessly slow dispatch of business, rudeness in manner, unwillingness to explain decisions, unprincipled inconsistency in handling objectively similar cases."

Again and again he returned to the theme of how clumsy judicial review would be for these minor abuses of administrative discretion. Not only are the courts already overloaded, but also it would be too much bother to litigate. With an Ombudsman, a complaint would be made and then the citizen would not have to follow it all the way through the crannies of justice.

The adversary system of judicial review also neglects the important function of an external critic as "preventive medicine," according to Prof. Gellhorn. He stressed that American public servants are typically loyal, hard-working officials and "not beasts to be kept at bay. We should not have the attitude that one is always engaged in beating the bureaucrat over the head for his sins."

Congressmen in Washington are currently serving as unofficial Ombudsmen, a former representative once describing himself to Prof. Gellhorn as "the voter's messenger boy, employment agency, business promoter, war veteran's friend and in general, watchdog of the underdog." Prof. Gellhorn observed that the natural self-interest of Congressmen in wishing to be re-elected often leads them to "squeeze the last drop of campaign juice out of these complaints" instead of turning them over to an external official or impartially handling the complaints on the merits. Since the highly personalized American system of congressional candidacies artificially emphasizes the "services" of Congressmen, he did not believe a separate agency would be set up by Congressmen to handle complaints.

Prof. Gellhorn emphasized that a national Ombudsman after the Swedish model would not be feasible because of the "scope and complexity of federal operations, the geographical dispersal and number of persons those operations affect."

The situation is more hopeful and more urgent on the state and local level where an Ombudsman could effectively oversee complaints. Representatives of state legislatures are so underpaid and understaffed that they are not able to perform the quasi-ombudsman function of U.S. Congressmen, he added.

RUMANIA'S OTHER FACE

Mr. WILLIAMS of New Jersey. Mr. President, last September 2, 1966, I had the opportunity to sponsor, together with 12 colleagues a resolution condemning Communist Rumanian oppression of the 1.7 million Hungarian minority in Rumania.

Unfortunately, their situation failed to improve in the interim, despite some efforts on the part of the Communist Rumanian Government to chart a semi-independent course in foreign affairs from Moscow.

On May 28, 1966, our President, addressing the African ambassadors on the occasion of the third anniversary of the Organization of African States declared that the root of American policy is to oppose discrimination against certain groups, ethnic, racial or religious, and that the United States will be in the forefront of the fight against prejudice and discrimination. I believe that the President had in mind not only the regrettable racial discrimination still surviving in the southern third of the African Continent, but also the lack of free cultural and economic development of the citizenry in the Communist countries, with particular reference to disadvantaged national minorities, like the Hungarians of Transylvania. Therefore, I trust that he will do everything in his power to bring about a relief of the situation of this culturally rich minority in Eastern Europe.

Today, we are looking forward toward a freer development of the peoples of Eastern Europe and have a policy of bridge-building with them. We must be aware that the changes occurring and in coming do not perpetuate or worsen the condition of minority populations, a problem which contributed much to the vassalage of the area first to Nazi Germany and later to the Soviet Union.

In this regard, it is especially helpful to see the interest maintained by various groups and journalists in the question. On May 25, 1966, John Chamberlain in a syndicated column appearing in over 40 papers described the situation in concrete and precise terms.

Mr. President, I ask unanimous consent to include this article at the end of my remarks.

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

[From the San Antonio (Tex.) Light, May 25, 1966]

ROMANIA'S OTHER FACE

(By John Chamberlain)

The Romanians, for the moment, are the heroes among those who hope to promote some kind of freedom from Moscow for the satellite states of Europe. Nicolae Ceausescu, the Romanian Communist Party leader, has been quoted as saying it is "anachronistic" to station foreign troops in independent countries and is asking for a revision of the Warsaw Pact which would give the satellites a veto power over the use of any atomic weapons stationed on their territory.

This "Romanian De Guallism" will probably go as far as Moscow permits it to go, for Romania, after all, borders on Russia and must reckon that if the Red Army could suppress a revolution in Hungary it could certainly be used to a similar end in Romania.

The satellites, in general, are watching the Romanian defiance with a rather hopeful interest, but Hungarians have mixed feelings about the new East European "hero" nation. They have a special gripe about the way the Hungarian ethnic group in Transylvania, now a province of Romania, has been treated over the last decade. Just as the Soviets are trying to wipe out the cultural and religious identity of the Jewish community inside Russia, so the Romanian Communists have been doing their best to "Romanize" 1.7 million Hungarians who happen to live within the present-day borders of Romania.

FORCIBLE TRANSFERS

The Romanian "liquidation of the Hungarian question" is pursued by the combination of economic and social means. There has been a forcible transfer of Hungarian teachers, civil servants and other professions into purely Romanian areas, most of them outside Transylvania.

Hungarian refugees who have been trying to persuade the U.S. House of Representatives Foreign Affairs Committee to conduct hearings on the mistreatment of minorities in Europe claim to have more than a hundred documented cases in which Hungarian professionals have been moved against their will. Sometimes the transfer is compelled by the simple means of denying a housing license in a Hungarian-speaking district to a Hungarian intellectual.

The Romanians have also taken decisive measures to discourage the use of the Hungarian language inside the country's borders. Last autumn, on a trip to Transylvania, Congresman EDWARD J. PATTEN said he heard Hungarian spoken only in whispers. In 1957 there were more than 1,100 Hungarian grammar and high schools in Transylvania. These have been wholly abolished. Hungarian sections still exist in Romanian schools in the purely Hungarian areas of Transylvania, but the government has been slowly choking them by refusing to certify their graduates for acceptance in the universities.

CENTRAL PLANNING

Central planning of the Romanian economic system is another tool being used against Hungarians who wish to preserve their cultural identity. There was every economic reason for the Romanians to set up a chemical industry near the natural gas wells in one of the Hungarian provinces of Transylvania. But instead of doing this, the planning board sanctioned chemical plants some 200 miles away in Moldavia, piping the gas across the Carpathian mountains. The Transylvania Hungarians had to move out of their own communities to take jobs.

What goes on in distant Transylvania may not seem at first glance to be a fit subject for a U.S. House of Representatives investigation. But if the U.S. is to "build bridges" to East Europe, it should properly concern itself with what is to be found at the other end of a bridge.

The Romanian government, now posing as the champion of the East European satellites against the oppressive tactics of Moscow, has not been following the golden rule when it comes to dealing with its own Hungarian minority. Moreover, it has been violating the charter of the United Nations, the 1948 Declaration of Human Rights, the 1947 Paris peace treaty with the Allied powers which obtained Transylvania for Romania, and its own constitutional guarantee of free cultural and linguistic development of minorities.

Some champions of freedom, the Romanian Communists!

HUMANE TREATMENT OF LABORATORY ANIMALS

Mr. BARTLETT. Mr. President, I was happy to support H.R. 13881, a bill passed by the Senate yesterday which authorizes the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats and other animals used for research and experimentation.

It was reported a few weeks ago that more congressional mail was being received on the subject of the humane treatment of laboratory animals than on any other subject except the war in Vietnam. I know that my own mail has been heavy and has reflected genuine and legitimate concerns: on the one hand, that cruelty to animals be curtailed and, on the other, that medical research not be hampered through excessive regulation. The bill reported by the Commerce Committee I believe meets both concerns.

The public has been alarmed, and rightly so, by recent reports of pet-stealing operations and of inhumane treatment of animals enroute to research laboratories. Senators CLARK, NEUBERGER, MAGNUSON, MONRONEY, and others are to be commended for the attention they have given these problems and the leadership they have exerted in designing a legislative remedy. We do well to heed the words of the Christian Science Monitor:

> Members of Congress and their constituents may be tempted to think that, in the face of global upheavals and serious domestic crises, bills relating to the treatment of animals are unimportant. It is a false premise. No matter involving the public conscience is even relatively unimportant, and the treatment of animals in experimental laboratories is a matter of public conscience. Man's inhumanity to man is not so separate from this inhumanity to animals that he can afford to ignore the latter. Mercy is indivisible.

It should be emphasized that H.R. 13881 aims not merely at eliminating

cruelty to animals. It also seeks to prevent the victimization of pet owners by unscrupulous "dognapers" who in recent years have developed a profitable business, stealing household animals and selling them to research organizations. The bill requires the licensing of animal dealers by the Secretary of Agriculture, and makes it unlawful for a research facility to purchase animals from nonlicensed dealers. It also provides for the promulgation of regulations to insure the humane handling, care, and transportation of animals by dealers and research facilities and requires the Department of Agriculture to make inspections to determine whether these regulations are being obeyed.

The bill contains adequate safeguards to insure that legitimate research will not be hampered. The observations made by Dr. William Welch in the 1900 debate on the antivivisection bill remain valid:

> The main cause of (our) unparalleled progress in physiology, pathology, medicine and surgery has been the fruitful application of the experimental method of research, just the same method which has been the great lever of all scientific advance in modern times.

We must not inadvertently hinder the advancement of human health and well-being through medical research. Thus the committee has seen fit specifically to exempt actual experimentation from the bill's coverage and to limit the sanction for enforcement of the regulations which cover laboratories to a cease-and-desist order from a Federal court. It is to be hoped that more stringent licensing regulations and enforcement procedures will not prove necessary.

Mr. President, thousands of pet owners have been victimized by traffickers in stolen animals. And the public conscience has obviously been aroused by reports of inhumane treatment of animals by suppliers and research laboratories. H.R. 13881 is a promising and needed legislative remedy, and I am greatly encouraged by its enactment.

CANADIAN WHEAT SALES

Mr. BURDICK. Mr. President, the announced sale of 9 million tons of Canadian wheat to the Soviet Union over a 3-year period is disconcerting to those of us who represent the Nation's wheat farmers. It is certainly not an overstatement to say that some, perhaps most of this wheat, could have been supplied by the United States for cold hard cash had American farmers not been shackled by a restrictive and reactionary trade policy which demands that half of all wheat to the Soviet Union be shipped in American bottoms. Because of the higher costs in American ships, the Soviet Union finds it more profitable to take its trade elsewhere. Canadian farmers will receive an estimated $800 million for their wheat shipped to Russia over the next 3 years. There is every reason to believe that the demand will grow and additional sales will follow.

Mr. President, this country's policy of hindering the sale of wheat to the Soviet Union is pure folly, coming as it does at a time when wheat farmers have yet to reach the income levels they realized back in the late 1940's and early 1950's. It is especially inconsistent in light of the President's recent call for removing restrictions on East-West trade. In addition, I think it can be said that, even though it was adopted to insure the maritime unions a large portion of the trade to Russia, it has failed in its objective and its futility can be realized by observing that in the last 2 years the grand total of our wheat sales to Russia has been zero. Our policy of insuring the unions 50 percent of the wheat trade to Russia has succeeded in giving them 50 percent of nothing.

Mr. President, this policy could be repealed by a declaration from the President or Secretary of Defense or by a concurrent resolution by the Congress. It is my hope that its repeal will be considered by the President and the congressional leadership.

I would like to submit to the RECORD an editorial from the Washington Post of June 22 on this topic. Its message is worthy of the consideration of every Member of this body.

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

[From the Washington (D. C.) Post, June 21, 1966]

AGAINST THE U.S. GRAIN

The Soviet Union is smart to buy Western wheat; perhaps it ought to buy more, on a more regular basis. The cost, in terms both of pride and gold, is bearable. In return, the foreign purchases cushion the impacts of unkind soil and weather, compensate for the inefficiencies built into the country's collectivized agricultural system, and buy time and domestic support for the farm programs that almost certainly will produce better grain harvests in the future.

The Soviet grain crop in 1963 was a disaster, requiring imports of 11 million tons. The 1965 grain total was very low, made so by harsh weather and by the government's courageous and overdue decision to squeeze less grain out of the farmers at low state-set prices. Together, the two years persuaded the leadership to undertake massive spending programs, offer the farmers more incentives and get off their backs. The government anticipated lower grain collections at the start, figuring on fatter results later. The grain collections have been lower. It is to meet this anticipated short-run deficit that the Canadian grain deal apparently was made. Moscow will buy three million tons a year for three years, for about $800 million.

Secretary of Agriculture Freeman said the Canadian deal showed "the failure of the Soviet system." He's probably wrong. For once, the deal may have shown more reason and sense, since it was made not in response to a spot crisis but as part of a measured effort to put Soviet agriculture on a solid footing. The weather hasn't been so bad in the Soviet Union this year; the planning has been better. That's why Moscow is buying.

Thanks to the American maritime unions, the farmers of the United States don't have to bother figuring how to get a piece of the Soviet grain business. The unions in 1964 rammed into law their demand that half of any grain shipments to Russia must be in American bottoms; the high American shipping rates make U.S. wheat prohibitively expensive in most instances. The question is rendered moot these days by the United States' low wheat reserves and high Vietnam involvement. But 800 million dollars—in hard currency or gold—is a lot of dough.

TRUTH AND FREE SPEECH—THE TWIN VICTIMS OF THE UNDECLARED WAR IN VIETNAM

Mr. GRUENING. Mr. President, in an excellent column printed in the Capital Times of Madison, Wis., on June 20, 1966, entitled "Morse, Fulbright Stand Defended," John Chancellor refutes a vitriolic attack against our two colleagues by commentator William S. White.

One of the first casualties of a war—declared or undeclared—are truth and free speech.

In the past few years, with respect to the mess in Vietnam, we have all seen how, time and time again, attempts have been made by the administration to rewrite history—to change the facts as they were into myths as the administration now self-deludes itself into thinking they should have been.

Thus has truth been one of the early victims of the undeclared war in Vietnam.

Freedom of speech is fast becoming its second victim.

Already the hue and cry has gone forward from those who believe in freedom of speech so long as the words spoken are the words they want to hear. Already the word has gone forward that those of us who would dare question the shaky, shallow foundation of myths and unrealities upon which the administration seeks to build its case for the legality and morality of what it does in Vietnam are somehow unpatriotic.

As Mr. Chancellor says in his column:

> It was men of similar courageous dissent and principle that made the America the world used to respect, and the disloyalists today are not the Fulbrights and Morses but rather those who flagrantly depart these basic American and humanitarian principles.

During the Mexican War the then Congressman Abraham Lincoln spoke out strongly against the U.S. involvement in what he considered an unjust and immoral war against our neighbors to the south. History has not judged him as "exceeding the limits of permissible debate." In the same way will my colleagues, Senators FULBRIGHT and MORSE, be judged by history as having performed an outstanding public service in speaking out against "an immoral, irrational, illegal war in Vietnam."

I ask unanimous consent that the column by John Chancellor entitled "Morse, Fulbright Stand Defended" from the Capital Times of Madison, Wis., on June 20, 1966, be printed in full in the RECORD at the conclusion of my remarks.

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

OPEN LETTER TO WHITE: MORSE, FULBRIGHT STAND DEFENDED

(By John Chancellor)

As war hysteria begins to spread, vituperation always sets in against those who "appeal to reason" and humanism. The following self-explanatory protest was prompted by vicious criticism of Sens. FULBRIGHT and MORSE now being advanced by conformist commentators like William S. White:

Dear Mr. White: I listened with dismay the other night to your commentary in the excellent In My Opinion series of National Educational Television, when you suggested that Sens. FULBRIGHT and MORSE had ex-

ceeded the limits of permissible discussion of public issues by their persistent criticism of what they and I and many others still think is an immoral, irrational, illegal war in Viet Nam.

You attribute their opposition to obstinacy and an insatiable desire to force their views. You suggest that deference to the government, which theoretically represents the nation, supersedes that to principle and humanitarian ethics, and that supposed majority or accepted opinion should preclude criticism.

I think you miss the whole point of the opposition of the senators and their "faction," as you call it. Their position is dictated not by an abject deference to the formal traditions and arbitrary technical ground rules of political debate and dissent in our history but rather by a "decent respect for the opinions of mankind" regarding what is humane and just.

It seems so obvious from the records of such men that they are concerned to be humanitarians first, in the belief that humanitarianism is an essential and traditional cornerstone of true Americanism. America was founded and constituted to secure "The Rights of Man" to "life, liberty, and the pursuit of happiness," not to uphold the arrogant parent governments of the hour as then constituted in England and Europe.

This, it seems to me, is evident throughout the great guidelines of principle—the Constitution, the Declaration of Independence, and the other speeches and writings of the Fulbrights and Morses of that day—Jefferson, Paine, Madison, Mason, Henry, Franklin, Adams, and Washington.

I think you are wrong in attributing the position of the "Fulbright-Morse faction" to mere political contentiousness. They are among the keenest, most informed, and intelligent minds in our government today, true prototypes of our great dissenting Founders and, like those, setting principle and "the rights of man" uppermost.

It was men of similar courageous dissent and principle that made the America the world used to respect, and the disloyalists today are not the Fulbrights and Morses but rather those who flagrantly depart these basic American and humanitarian principles.

There is no truer political axiom than that of Lord Acton, who said, "Power corrupts, and absolute power corrupts absolutely." And there is an unstated but natural corollary to this, namely: "Power blinds and unseats reason, and absolute power blinds absolutely." Yet in spite of two horrible, costly examples of these verities in recent times—the overgrown aggressive military power of pre-war Germany and Japan—we are still blinded from seeing our own arrogance and aggressiveness.

VICE PRESIDENT HUMPHREY ADDRESSES COAL CONVENTION

Mr. BYRD of West Virginia. Mr. President, several months ago, Mr. Stephen F. Dunn, president of the National Coal Association, expressed interest in securing Vice President HUBERT H. HUMPHREY to speak at the annual convention of the association this year. The Vice President graciously accepted the invitation, and it was an extreme pleasure for me to present our esteemed Vice President at the convention of the National Coal Association here in Washington this week.

Vice President HUMPHREY spoke to a convention luncheon on Tuesday offering encouragement and advice for increased shipments of coal to foreign countries.

We all know the need for the United States to improve its international balance of payments, and the sale of domestic coal to foreign buyers is certainly one of the best avenues through which to pursue this effort. Needless to say, coal-producing States such as West Virginia have long been ready to assist in every effort to increase sales of coal.

I believe it is most important for everyone to heed the advice of our Vice President. I ask unanimous consent to have his address printed in the RECORD.

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

TRANSCRIPT OF REMARKS BY VICE PRESIDENT HUBERT H. HUMPHREY AT NCA–CEA LUNCHEON, JUNE 21, 1966

Thank you, Senator BYRD. My good friend Senator RANDOLPH, Mr. Colnon, Mr. Dunn, distinguished representatives of the many nations that are gathered here, particularly your excellencies of the embassies that have joined us today, the members of the Economic Commission, and ladies and gentlemen:

I was so pleased to see my old friend Dr. Seaborg here from the Atomic Energy Commission to protect the interests of nuclear energy in this coal association, and I want Dr. Seaborg to know that when the National Coal Association decided to select its new chairman, it selected a man that stands with equal height with you, sir.

And I am very pleased to note also today that a goodly number of the members of the Congress are here. I always hesitate to mention a name or two because I'm generally leaving out one, but I did see Dr. MORGAN, Congressman EDMONDSON and Congressman SAYLOR and I'm sure there are others. I'd only say that when I came down to Congressman EDMONDSON I said, "What are you here for, protecting the interests of oil?" And he said, "Well, you just don't know what you're talking about, Mr. Vice President. We are moving into coal rapidly." So I've had the feeling that there's a merger here of the energy interests of the United States—atomic energy, gas and oil and coal. And with that amount of energy and heat—at least the potentiality for heat—I suppose what a Vice President's supposed to do is cast some light upon the situation.

Yesterday I understand, Mr. Colnon, that you had a debate here between two members of the House of Representatives. I know that that was an interesting and engaging event. That's another source of energy that we have around Washington. Every debate takes a great deal of energy and does generate some heat. Today I am going to, however, concentrate my remarks on a rather cool and important subject, the utilization of our great energy resources in coal.

I can't properly express the thanks of our country to the National Coal Association on its sponsorship of and hospitality towards the many representatives here of the countries from many parts of Europe. I have had the opportunity in the few moments that I have been with you to at least shake the hand of some of the representatives of the nations represented here. But I noticed when you asked them to stand that I haven't completely fulfilled my happy assignment, because there were several here that I didn't meet. So I want to extend to you a cordial welcome and a word of thanks for your presence.

I am always one that believes that the more we get together and the more that we see of each other, the more we talk to one another, the longer we will live together in peace and in the enjoyment of the good life. Well, I come to you today to talk about how we can live together a little better and enjoy the wonderful blessings of this earth. My friend Senator BYRD came to me weeks ago and urged upon me my attendance at this gathering. I wanted to come because he invited me. But I also wanted to come when I found out the nature of your program. It has indeed been a rich program, and one that I believe serves our nation's interests and serves the interests of people all over the world.

A great American writer, philosopher, poet—Ralph Waldo Emerson— once said that "coal is a portable climate." And I think this is fully evident in the warmth of your hospitality here today. I understand that the delegates representing the Coal Committee of the Economic Commission for Europe have just returned from a study tour of our bituminous coal industry. And I've been told by the officers of the National Coal Association that this tour was very successful.

I only regret that we do not have coal deposits in my state of Minnesota, so that we could have invited you there. Because I do believe that when we have distinguished visitors from other lands we ought to take them to all the good parts of our country and not exclude any. But sometime may I say to those that are engaged in mining in the basic metals and in what we call the extraction industries—may I invite you to come to the upper Midwest and see our tremendous development in taconite production, which is as you know a product of the iron mines of a rock that we call taconite that's processed into pellets of about 60 percent pure iron ore. And you'd be surprised how well coal and those pellets mix and work together. In fact without your coal our pellets aren't worth much. And without our pellets your coal wouldn't be worth as much. So I want to just invite you to take advantage of that invitation.

This occasion brings together producers with consumers and with what we hope are potential customers. I could recite the facts of the coal industry of America with a spirit of joy and exultation. The production record, the achievements of this industry are second to none. And I am so pleased that representatives of our great electrical utilities are here today. Because the electrical utilities in the United States of America have greatly expanded their use of coal. The fact sheet that I studied indicated that back about 1946 our electrical utilities were using about 69 million tons of coal; last year 242 million tons of coal. Now lest anybody that's in other fuels or sources of energy feel that coal is taking up all of the electrical utility field, I want to advise them and admonish them that this is a growing country and a growing world. This is a world in which there will be unbelievable needs in the field of energy sources. Fuels and food will have an ever-pressing demand placed upon them. So as our coal industry progresses, and as our great utilities utilize our coal, may I assure Dr. Seaborg and may I assure those in gas and oil and even those in the great water power industries that there is a tremendous need for every known source of energy, including human energy, to build a better world.

So let's get right down to business now and talk about the business all of us in this room at least are engaged in—coal, and particularly the international aspects of coal, international trade in coal.

Now as exporters we Americans are still in the minor leagues—which, for the benefit of our European guests, means that we've got a long way to go before we are really good at it. The truth is that our European friends are professionals when it comes to export business. And I almost have to break out in tears and sympathy for my fellow Americans when we sit across the negotiating table when it comes to exports. However, now we export only 4 per cent of our gross

national product—and I repeat for my fellow Americans, only 4 per cent of our gross national product, a fraction of what European countries do. We do have some industries which know about export and export business. And one of them is the coal industry. So I forewarn my friends from Europe, when you deal with Mr. Colnon or Mr. Dunn and the National Coal Association, you are talking to people who understand the export business. Now you've received fair warning from a high official of the government of the United States.

Now our coal export tonnage has increased steadily over the past fifteen years. For this we are very grateful. Last year we exported about half a billion dollars worth of coal, something like ten per cent of our total output of coal. May I on behalf of the government of the United States express a note of thanks to the exporters of coal for your helpfulness in this balance of payments situation. I am convinced that the strength of the dollar is in many ways underwritten by the volume of coal exports.

So you're helping all of us, even as you help yourself. We are able and willing, however, to export even more. And here is where we talk to our friends that have come to see us. We want you to know that your visit to the United States which we hope has been joyful and pleasant could also have some good, sound economic and social benefits for all of us. Now when I say that we want to export even more, this of course will mean better business for our producers, more jobs for our workers, and export earnings for our country. Also as you well know, the more coal that we can sell, the more efficiently and economically we can produce it. So this is a situation that's good for all of us. But to our foreign visitors may I say this: American coal is also good for you. And now that we have you in this room, I am going to show you why it's good for you.

American coal can help you reduce your energy costs. It can help restrain inflationary forces in your economies. For as you well know, the cost of energy, the price of energy for your industry is a part and sometimes a substantial part of the cost of every product. Your products become more competitive as you are able to reduce the cost of their production. Already American coal can compete with oil, gas and atomic energy in the coastal areas of Europe. More efficient production, handling and transport will make it even more competitive and more advantageous for those who purchase it, here and abroad. The productivity per man-shift in the American coal industry today is two and one half times what it was fifteen years ago, more than double the increase in productivity for our economy as a whole.

I know of only one other segment of the American economy that has done as well as our coal industry, and that's American agriculture. The farmers and the coal miners, the farm operators and the coal operators, they have set all-time records and I hope that my friends abroad will let us boast for just a moment. We don't always do this well in everything, but when it comes to producing the food and mining the coal, we think we claim some championship laurels here.

Now on your tour, our visitors from abroad saw some of the new machines which made this performance of productivity possible. And I want to pay tribute here not only to management but to the responsible statesmanship of the United Mine Workers in helping to make this technological revolution. And when workers understand that machines are not their enemy, but rather their partners, then workers and management and country all alike are the better.

This is something that needs to be impressed upon all of us in every part of the world. There is no gain for anyone in attempting to retard progress. The task of management and of government is to try to make the benefits of machines available to the worker and the consumer, and to the investor, all people sharing in the benefits.

We've also improved the transport of coal, all the way from the mine mouth to the automated pier at Norfolk, that great port. I believe that I noted the other day where we are contemplating ships of 80,000 tons capacity to take coal from the automated pier to any part of the world.

Now what about the future, because that's what is really important. We can't do much about the records of 1965 and half of 1966 is already gone. What about the future and the future of the coal supply? Well our coal reserves constitute one-third of all the known coal deposits in the world. We are rich in coal, if we can convert that great resource into a usable commodity. These reserves represent such a large part of our natural wealth that they must as a matter of national policy, my fellow Americans, be developed to the full. And I am delighted to see the Congressmen and the Senators here, as well as members of the agencies of government, that have understood that this great resource of coal—wealthy resource—demanded national attention, that it is a potential source of wealth that requires the development of this nation through its technology and its science.

In summary, there are three steady pillars on which the future competitiveness of American coal rests. First, this broad resource base that's there for the development. Second, extremely high and rising productivity that can yet be improved. And thirdly, leadership—management leadership—in production and delivery of coal. These are the three pillars of the success of this industry. Our government is undertaking research programs to develop wider markets for American coal. And when I served in the Senate with Senators BYRD and RANDOLPH and others, I voted for our coal research program and worked for it, not because it meant anything directly to the state that I was privileged to represent in part, but because I saw in this great abundance of coal tremendous good for America and indeed for the whole world. We are also trying to secure relaxation or removal of non-tariff barriers which limit trade in coal. The United States took the initiative in bringing discussions of these restrictions into the so-called Kennedy Round International Trade Negotiations in Geneva.

Now what must be done then to provide more coal to the nations that need it? I have already mentioned our commitment to liberalize international trade. And I might add that we have a good deal to do yet in our own country on this. Before we start pointing the finger at others, I think we ought to take a look in the mirror and see ourselves. But we will need, too, the attention of the American coal industry through the expansion of exports, including the attention of the inland producers not now selling overseas. We will need constant innovation in methods of mining and apparatus. And we will need stable prices and good labor-management relations. And we will need cheaper and quicker ways to move the coal from the mines to the deep-water ports.

And I hope, my friends of the coal industry, that you will be sitting down regularly with our railroad industry to work out these problems of transportation. This can mean greater returns to the carriers. But it can also and must mean, and this is essential, the passing on of substantial savings in lower freight rates to improve the competitive position of American coal in foreign energy markets and to help the American consumer.

Now, finally a word to our European guests. We know that trade liberalization is a two-way street as I said a moment ago. We have declared our national intention to take part in honest give-and-take of international negotiation. We are ready to give as well as to ask and to take. Negotiation means negotiation in good faith—the willingness to sit down and talk it out rather than fight it out. We believe that liberalization of trade in coal as well as in other areas is especially important, not just to those who sell the product, but also to those who need it. And that's why we hope that all countries will be committed to the availability of coal on the international market without artificial barriers.

Now we have a saying here in America which I would like to pass along to our friends from overseas. It's an old New England saying and it goes like this: "A rising tide lifts all the boats." This is just a simple way of saying that what helps someone else helps you. The rising tide of international trade can benefit all of us and every industrialized nation or every nation that hopes to have industrialization knows the importance of energy fuels, and knows indeed the importance of coal.

So I submit that this rising tide of international trade can benefit particularly the people of our countries who depend on coal for warmth, for the human needs, for industrial progress and strength, and for the means towards a better and a more prosperous life.

I salute the National Coal Association for its progressive outlook in the field of trade and production and distribution. I thank our friends from overseas for their kindness to us, for their willingness to join us in seeing America at work. And we hope that out of this meeting and this tour will come not only new knowledge for those that have come to see us, but might I say to our fellow Americans we can learn a great deal from them. I would hope that our coal industry would be willing to enter into its own programs of exchange of information so that all of us might benefit out of the knowledge of the human family.

Thank you very much.

A TRIBUTE TO THE DISABLED AMERICAN VETERANS

Mr. WILLIAMS of New Jersey. Mr. President, I regret that I was unable to be present on Thursday, June 16, when a number of my colleagues paid tribute to the Disabled American Veterans on the occasion of the 34th anniversary of the granting of the Disabled American Veterans' congressional charter. The tribute that was paid that day to the fine work of the DAV was richly deserved, and I want to add my own expressions of respect and admiration for this good organization.

As a member of the Labor and Public Welfare Committee, I have had frequent occasion over the past years to note the dedication of the DAV to sound legislation providing decent educational opportunities, medical treatment, and rehabilitation services to the veterans of America who have been crippled and injured in the service of their country. The fighting now going on in Vietnam demonstrates once again the obligation we owe to the courageous members of our Armed Forces. It is an obligation that does not cease when these men return to civilian life and it is through responsible organizations such as the DAV that veterans are ably represented before the Congress.

I know that many useful and rewarding years lie before the DAV. I want to

thank them for the helpful contributions to sound legislation which they have already made, and say that I look forward to working with this distinguished veterans' group in the years ahead.

HOW MUCH DOES IT COST TO SUPPORT A DEPENDENT?

Mr. SIMPSON. Mr. President, recently my attention has been drawn to the varying costs of the many Government programs that call for Federal funds to support the basic needs of an individual. Because of the centralization and Federal control it would be natural to think that there would be some uniformity among the programs and a relationship between the costs and benefits derived. Unfortunately, this is not the case.

If you were to talk to the Internal Revenue Service officials, you would be told that each taxpayer is allowed a $600 personal exemption for each dependent the taxpayer is supporting. This personal exemption is the amount the U.S. Government allows tax free for covering the bare necessities of life.

But if you were to contact an official of the Great Society and ask him about the Job Corps camp at Camp Atterbury, Ind., you would be told of the Government's costs on providing the bare necessities. Ten million dollars was spent at Camp Atterbury, before the generals of the war on poverty finally wrote it off as a total failure. Unfortunately, it cost the American taxpayer $22,000 per enrollee before that decision was made.

According to the newspaper accounts of March 1966, Democrat Congresswoman EDITH GREEN of Oregon said the poverty program's Job Corps was excessively costly. Representative GREEN cited as an example the Tongue Point, Oreg., Job Corps camp, where it cost the Government $13,000 per enrollee per year, not including camp construction cost. This particular camp has had a dropout rate of 65 percent.

Later, one of President Johnson's lieutenants submitted a report to the House committee showing that first-year costs of the same Oregon camp, including construction costs amortized over a 20-year period, might be in excess of $17,500 per Job Corps enrollee per year.

On page 570 of the House committee's hearings on the Economic Opportunity Amendments of 1966, Sargent Shriver, the man President Johnson has running the scandal-ridden war on poverty, presented some interesting facts. He said:

If you take the first year and all the start-up costs of all these centers, whether it is men's, women's, or conservation, if you annualize the cost per enrollee, including the start-up costs, it would be $11,252. The same figure for fiscal year 1967 is $8,120 and for 1968, presumably, if we get to what we call a steady state operation and by that I mean we have an enrollment which is constant, that figure would go down to even less. In the men's urban centers right now, through December, it was even higher than that, because that is where you have most of your capital cost to get the thing started, plus the fact that in a number of those centers we operated way below capacity because of difficulties in the administration of one or another center, like Camp Breckenridge, in Kentucky, where the administration did not operate correctly and we had very few kids there as compared to the capacity.

In the first year on the men's urban centers it would be $12,510, putting in all the costs. It will be down to $7,800 for fiscal year 1967. Some of the centers are running exactly the way we had told Congress last year they would run when they reached capacity.

For example, Camp Gary, in Texas, is doing exactly that. It is running at around $8,438.

Mr. Shriver does not seem to be a bit worried about what I consider excessive costs. He reported to the House committee that 32 camps have a $7,000 to $8,999 cost per man-year range and that nine centers have a cost range of $11,000 to $14,100 per man-year. We could send students to expensive Ivy League private schools cheaper than we can teach them to chop wood, cook, and clean parks. Harvard has a tuition charge of $2,890 per year per student, which seems meager as compared to the costs of some of these Job Corps camps. The officials of one of our great land grant universities, the University of Wyoming, advise prospective students that total essential costs for 9 months at the campus would cost $1,250. The figure includes tuition, books, room and board. Consequently, if a young person has the mental capabilities, he can secure at the University of Wyoming a fine education at a fraction of what it costs the Federal Government to carry on a school for parkrakers, mechanics, or other vocations.

I am told that in Gibson County, Tenn., a camp was established to teach 60 women to cook. The cost was $91,300. This is ridiculous. I do not have the slightest idea how many were hired to teach the 60 women how to cook, but I do know that at the end of the last fiscal year there was more than one employee in Washington, D.C., for every two volunteers trained in the entire Nation.

The Democrats of the Great Society asked for $17.5 million for the VISTA program—Volunteers in Service to America. The bureaucrats estimated that there would be 2,500 volunteers this year. Thus, the cost per volunteer to the United States would be $7,000. These figures can be found on page 401 of the 1966 supplemental appropriations hearing for the OEO.

After reviewing the several programs of the Great Society and studying their excessive costs, tremendous wastes, and exorbitant salaries, I found that little was being accomplished other than the scandals, corruption, and political shenanigans of the party in power.

How much does it cost to support a dependent? It depends.

If you are a typical taxpayer, you will be told by the Federal Government that it costs $600. If you ask the political boss of a Democratic administration either in Washington or in some city ward, you will be told that it may cost as much as $22,000 per dependent to provide the bare necessities for a "poor, underprivileged juvenile."

Mr. President, it is time that we review these programs in an effort to eliminate the waste and the corruption.

A recent column written by Allen and Scott puts the matter in its proper perspective. I ask unanimous consent to have it printed in the RECORD at this point.

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

ALLEN-SCOTT REPORT: CORPS GRADUATES ARE EXPENSIVE

(By Robert S. Allen and Paul Scott)

The widely controversial and trouble-plagued Job Corps is turning out *the most expensive graduates in the country.*

In the first 17 months of this Great Society program, out of 38,951 enrollees, *the Job Corps had graduated 3,080—which figures out to $160,064 per graduate.*

Basis of this calculation is the following: Since the inception of this anti-poverty project in January 1965, it has cost taxpayers $493 million.

Of the 3,080 graduates, 110 are women. The graduates' known post-graduate record is:

2,072 got jobs in private business and government. 200 of those working for the government are in the Job Corps, Park and Forest Services and Agriculture Department.

803 entered the military services. Of this group, some 60 per cent were drafted; 40 per cent enlisted.

205 returned to school; 15 are in college.

Additional details about the graduates are sketchy. Until recently no provision was made for a comprehensive follow-up. Such a study is now underway by a leading polling firm. However, reportedly it is sampling only a small cross-section of the graduates.

A check by the Job Corps itself on the first 200 graduates several months after being employed disclosed that 90 per cent were still working on their first jobs.

Authorities claim three years are needed to fully evaluate the career of a Job Corps graduate. The first job, it is held, is not decisive. It's what the graduate does in his second job that will indicate the value, or lack of it, of Job Corps training; whether he is promoted and seeks additional training.

A high drop-out rate of 32 per cent continues to sorely afflict the Job Corps.

Around 9,000 enrollees have quit so far. Twenty-five percent left of their own accord for a variety of reasons; 5 per cent were kicked out on disciplinary grounds; 2 per cent were discharged because of poor health.

Corps officials soft-pedal the embarrassing drop-out rate; they stress instead that 68 per cent stay, even though they are school drop-outs.

Being a school drop-out is one of the requirements for Job Corps admission. Also, the 16 to 22-year-old applicants must come from impoverished families and be unemployed. Based on intelligence and aptitude tests, they are sent to either conservation camps or urban centers. All women's camps are in urban areas. Training ranges from three months to two years.

One hundred and three centers and camps are now in operation in 38 states, with 26,871 enrollees. Another 17 installations are planned for a total enrollment of 45,000 by July 1967.

This is far short of of the original goal proclaimed by anti-poverty director Sargent Shriver, whose agency runs the Job Corps. Immediately in charge of that program is Dr. Franklyn Johnson.

Shriver foresaw 40,000 trainees in 1965, and 100,000 this year.

A number of factors blocked this—foremost among them Congress' refusal to vote the necessary funds. Shriver talked in terms of $500-million-a-year Job Corps budgets. Instead, Congress approved $183 million for last year; $310 million for this year; and the

budget drafted by the House Labor Committee cuts that to $210 million for next year.

In addition, this Democratic-controlled committee, which singled out the Job Corps program for sharp criticism, limited its enrollment to 45,000 and barred the opening of new centers beyond those already planned.

Announced purpose of these restrictions is to compel anti-poverty authorities to make greater use of existing centers and to cut costs.

At present it costs the Job Corps $11,252 per trainee.

Corps officials argue this high figure is not "realistic" as it includes the expense of opening training centers—in most instances unused military and conservation installations requiring extensive renovation.

Without these considerable charges, it is estimated actual training cost per enrollee *is $9,120 per year for men and $8,400 for women.* The corp's avowed aim is an overall average of $7,765.

But in the option of members of Congress, including supporters of the program, even that's too high.

Representative EDITH GREEN, D-Ore., third-ranking member of the Labor Committee, expressed this view directly to Shriver during hearings on the new $1.7 billion anti-poverty authorization bill.

"Maybe we should find other ways of training these people that wouldn't cost so much," she told him. "You are a former member of the Chicago School Board. Could you justify the expenditure of an average *of $9,000 on a few people as compared to a nationwide expenditure of $484 per student in the public school system?"*

The anti-poverty chief had no reply. But Mrs. GREEN did.

Mr. SIMPSON. Mr. President, noted newscaster Paul Harvey of the American Broadcasting Co. made some interesting remarks on this general subject. I ask unanimous consent that Mr. Harvey's comments be printed in the RECORD at this point.

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

[Excerpt from Paul Harvey News, Oct. 26, 1965]

HOW MUCH TO REAR A CHILD?

Hey, Uncle, how much does it cost to rear a child?

You allow us taxpaying parents only $600 a year to feed, clothe, house and train a youngster. Yet to feed, clothe, house and train a youngster in your Federal Government Job Corps you spend $7,000 a year!

Now, which is the correct figure. Either we're allowing you too much or you're not allowing us enough. You allow taxpaying parents $600 deduction for the care and feeding of each child . . . Yet under the Cuban refugee program, you assume minimal upkeep requires $1,200 a year—and if the Cuban boy or girl is attending school —an extra $1,000 a year.

How come you short change the homefolks?

In the austere environs of a federal prison, you have discovered that it costs—to maintain one person—with no frills—no luxuries —and no borrowing dad's car—$2,300 per year!

By what rule-of-thumb do you estimate that Mom and Dad can do it for one-fourth that amount?

Under Social Security, you will pay $168 a month to maintain the elderly. What makes you think we can maintain our young 'uns on $50 a month?

And Uncle, your VISTA program (Volunteers in Service to America) spent $3,100,000 this last fiscal year to turn out only 202 trainees. That indicates that the cost of maintaining and training one youth for one year is more than $15,000!

Then how come we taxpaying parents get an exemption of only $600 to maintain and train one youth for one year?

Or let's see how much you spend upkeeping one youngster in military uniform: Housing, $55.20 a month. Food, $30.27 a month. Clothing upkeep, $4.20 a month. That comes to $1,076.04 a year.

How in the world do you expect parents to provide all these things, plus clothes, recreation, books, medicine . . . for $600 a year? With your own figures, you admit it can't be done.

It is possible, Uncle, that you expect us parents to manage more efficiently than you, because we usually do.

With all our expenses, we American individuals have more than enough savings to offset our debts; you don't.

With all our prosperity, you, Uncle, are still spending per year 2.9 billion dollars more for relief than during the depths of the depression.

So it may be that you are uncommonly extravagant.

But however we try to rationalize and explain you and excuse you, it is still a hurtful affront when you allow us hard-working, dues-paying homefolks only six hundred dollars a year to rear a legitimate child . . . While you, under ADC, will pay more than $800 a year to upkeep an illegitimate one.

THE DIFFICULT TASK OF THE POLICE OFFICER

Mr. McCLELLAN. Mr. President, I think it can be said without serious challenge that the police officer of today has one of the most difficult tasks in America, with small reward in money compensation and gratitude for the dangerous and essential services he renders. It is necessary for him to risk his life daily and display the historical qualities of physical bravery, patience, and courage to withstand the verbal and legal attacks that are being made upon him by some elements of our society and by the amazing shackles now being placed upon him by recent decisions of the U.S. Supreme Court. Later, I shall have more to say about these Supreme Court decisions, but my purpose today is simply to call attention to what I consider to be an excellent speech given by one of our colleagues, Senator BYRD of West Virginia, on last evening at a banquet of the State convention of the Fraternal Order of Police of West Virginia. The banquet was held in Charleston.

As we know, Senator BYRD has long studied the varied attacks on police officers and the frequently heard charge of police brutality. I believe Senator BYRD's comments last night should be read and meditated upon by all who are interested in this critical problem. Mr. President, I ask unanimous consent to have this address presented in the RECORD at this point as a part of my remarks.

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

ADDRESS BY SENATOR BYRD OF WEST VIRGINIA

Abraham Lincoln once said, "Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the nation; and let the old and the young, the rich and the poor, the grave and the gay of all sexes and tongues and colors and conditions sacrifice unceasingly upon its altars."

As you gentlemen know, however, President Lincoln's words have a hollow sound today for it is fashionable in these times to break the law or to bend it beyond effectiveness in order to demonstrate various grievances.

As a result, your job is more difficult than ever before. As all of you know, the local police establishment throughout the country has suffered some grievous days recently at the hands of all sorts of detractors. Most of your difficulties have arisen from civil rights and associated problems. I believe, however, that truth is fast dissipating the myth of police brutality which we have heard so much clamor about and that responsible public sentiment is beginning to swing in favor of the police service and what it is duty-bound to try to accomplish.

Plainly, you gentlemen have an awesome task, but law enforcement has come a long way in the past few decades. It has raised itself, almost unaided, to a professional plane by dint of hard work and devotion to the principle of public service. Much has been done, and much remains to be done. But although law enforcement can accomplish more by harder work and greater dedication, this does not detract one iota from the greatness of its achievement. Every day brings more evidence of the fact that the most important single development in the administration of public justice in our time has been the trend of law enforcement towards professional status.

It is the task of professional law enforcement not only to combat crime as effectively as possible, but to do so according to the letter and spirit of the law. It is a contradiction to enforce the law in an unlawful way. When this is done, no matter how isolated the instance, it brings the weight of public and judicial censure down upon the necks of those officers responsible and damages the entire profession. As experience plainly tells, one deviation can undo the good work of many good men over many years.

At the same time, however, I firmly believe that something must be done to protect our policemen from the growing number of vicious and cowardly assaults to which they are being subjected. It is time for the phony police brutality charge to be put to rest and the full force of the law directed at those elements of our society who are killing and injuring policemen.

As you well know, 18,000 police officers were assaulted by civilians in 1964 and 54 policemen were murdered while 7,700 were injured. It seems to me that brutality is coming from the other direction. As a matter of fact, in fiscal year 1963, there were 1,376 allegations of brutality received by the U.S. Department of Justice. Investigations of these complaints resulted in indictments being returned in 12 of the cases involving 20 officers. Convictions were recorded in three cases involving four officers.

In fiscal 1964, there were 1,592 complaints of police brutality. Sixteen of these cases resulted in indictments against 28 officers, and convictions were recorded in two cases involving four officers.

Fiscal year 1965 brought 1,787 allegations of police brutality with indictments being returned in 13 cases involving 23 officers. Convictions resulted in five cases involving six officers.

While I know these facts are discouraging to you, they emphasize the necessity of your observing the civil rights of the people with whom you come in contact.

When law enforcement fails to enforce the law in a constitutional manner, even though it may be only in a single instance motivated not by malice but by misguided zeal or misunderstanding, it presents to the avowed enemies of our way of life, a longed-for opportunity to discredit law enforcement. These enemies never fail to exploit such a chance to the utmost for their own sinister purposes. They are at work furtively and constantly to build a wall between law enforcement and the people.

Law and order, as we know the term, is a stench in the nostrils of the totalitarian. It is so because the term means that the legal institutions of a country are functioning as they were meant to function—in furtherance of the will of a free people. Accordingly, the totalitarian views the police officer of the free world as an enemy to be destroyed by every possible means. Therefore, he is to be knocked at every turn. He is to be identified as the cat's paw of big business, the enemy of the working man, the champion of terror, the lover of discrimination, the idolator of injustice, the destroyer of civil rights, and the despiser of those constitutional liberties which free people hold dear.

It is your duty to give those enemies of freedom no ammunition for attack by any careless disregard of rights or injury to any person in the enjoyment of his lawful rights and privileges.

Of course, the citizens of this country should not expect you to bear the full weight of today's problems.

There is a prime need in every community in America today for the private citizen to realize that he not only has a personal interest in maintaining law and order but that one of the most effective ways he can meet this obligation is to furnish information he may possess on crime and the criminal to the proper authorities.

There is no question that the civic duty of furnishing information to the proper law enforcement agency may be difficult. It always takes time and trouble. In some cases it may actually be onerous. Americans like to live their lives in as private and peaceful a manner as they can. They like to "mind their own business," as the homely expression goes. The prospect of perhaps going to court and taking the witness stand is not a happy one to them. Furthermore, when they hear the expression "give information to the authorities" it may instinctively raise in their minds the image of the "political informer" so indigenous to the totalitarian governments of history and of our own day and so alien to our own country. But we are talking about another matter. We are talking about information that has to do with the criminal laws of a free country—and in that distinction lies a world of difference. The fundamental fact in this field is that here crime is everybody's business. It cannot be left to the professional law enforcement officer under the theory of "Let George do it".

Information received from the public is a cornerstone of effective law enforcement. The validity of this proposition cannot be doubted. Visualize for a moment the predicament of the law enforcement officer, and in logical sequence the whole community, if he were met with silence at every door to which he turned seeking information as to the commission of a crime and the identity of the criminal. Under such circumstances all the equipment, all the personnel, all the buildings, all the training, all the experience of our professional police forces would be virtually useless. Crime would reach epidemic proportions.

Most responsible citizens who possess information do their duty and do it gladly. Every day and every hour of the day across the face of America hundreds of them conscious of their obligation and willing to meet it, take the time and trouble to advise their peace officers of alleged violations of law that come to their attention. But what is needed is that even more of our people be conscious of this obligation and fulfill its requirements. Our way of life is no historical accident but is a blessing realized from a form of government conceived by genius and carried out by selfless dedication to an ideal. If it is to endure forever, the conviction of all of us, it can endure only by every American doing his share of the job—private citizen and law enforcement officer. The old adage puts it: "He who takes a benefit must also bear the burden of responsibility that goes with it." Those who made our country what it is today followed the maxim and cheerfully accepted their burden. All Americans today must go and do likewise, and all Americans should rally to the support of men who wear the police uniform.

If the police force is subjected to chronic harassment and unjustifiable charges of "police brutality" by those who desire to weaken its authority and effectiveness for good law enforcement; if policemen are made to feel that they cannot properly do their work because of the ever-constant threat of unjustified complaints being lodged against them to be followed possibly by unjustified censure or disciplinary action; if policemen can no longer be sustained by a faith in the steadfast support of their superiors—then, indeed, the morale and efficiency of the police force will be impaired and cause for concern will be given to every citizen.

Moreover, a number of recent court decisions have strengthened the rights of the individual and unduly restricted the power of the police. No American should want to see any abrogation of civil liberties or any abuse of constitutional privileges. Yet, there is conclusive evidence that some judges, in their decisions, are today unnecessarily fettering law enforcement, that is, putting unrealistic handcuffs on the police.

Remember that the police officer must make his decisions immediately—on the scene. He doesn't have the time to consult legal dictionaries or read long sociological treatises, the latter of which apparently figure large in the decisions of some modern jurists, particularly those on the U.S. Supreme Court. The courts do have a deep responsibility to see that the defendant is provided his constitutional rights, but they also have a duty to the general public.

Police officers shackled with false charges of brutality, immobilized by citizen review boards, hampered by court-imposed restrictions, and receiving wages less, in many cases, than common laborers—does this encourage talented young men to enter this honorable and vital profession of service to the citizens and service to the principles of this Nation? Little wonder that it has become virtually impossible to employ the number of policemen necessary to maintain law and order.

I want you to know that many of my colleagues in the Senate and House are fully aware of your plight and many of us are working diligently to bring you some relief. Of course, it is difficult for a Federal legislator to be of assistance with respect to local laws and their enforcement, but I think that each of your elected representatives can perform an invaluable service by constantly reminding the American public of what they owe to their police departments.

I, for one, intend to speak out in every instance when I become aware of actions which are demeaning to police officers and their public image.

I am also aware that some police for a number of years have been endeavoring to persuade the Postmaster General to issue a commemorative stamp honoring law enforcement and the American policemen.

I know that the International Association of Chiefs of Police contacted the Post Office Department in this respect and your organization has done the same. It seems, perhaps, like a small thing, but to my mind I think our police should be honored in this manner. I intend to join in the fight to bring about recognition of the police in this manner.

FEDERAL-STATE-LOCAL RELATIONS

Mr. MUSKIE. Mr. President, the Advisory Commission on Intergovernmental Relations has provided State and local officials, the Congress, and the executive branch with an impressive array of studies, recommendations, and follow-up action in the field of Federal-State-local relations. Because this subject cuts across such a wide area of problems and programs, however, and because it seems more academic than real, the work of the Commission and its excellent staff many times escapes the attention of the Nation's press, Members of Congress, administrators, and the public at large.

This is unfortunate, because improved intergovernmental relations are the key to surmounting the urban challenge and the problems of the Great Society programs.

The success or failure of our basic programs and goals—education, antipoverty, housing, economic development, manpower development, crime prevention, civil rights—depends directly upon the total impact of joint efforts of Federal, State, and local officials. How these officials use the resources available to them, how they plan, how they interrelate programs to get maximum benefit, and how they monitor the effectiveness of their administration, can make the critical difference between a tense, unhappy—and even violent—community, and a peaceful, hopeful, viable one.

There is nothing academic about the riots of Los Angeles and Chicago; the poverty of Appalachia; the illiteracy of many of the disadvantaged everywhere. They are real. They are caused in part by the shortcomings of individuals, groups, political systems, and national attitudes. But they are also caused by inadequate and ineffective interlevel governmental administration to meet public needs.

We must press and press with every resource, use every idea and device to encourage and support our State and local governments to strive toward economic and social development in the critical areas on a broad and effective basis. This involves, among other factors, a modern approach to the real problems of contemporary federalism and modern tools for better intergovernmental administration.

The Advisory Commission is and will continue to be a leader in this effort. Its fine work is exemplified by a comprehensive, educational, and thought-provoking lecture delivered by its Assistant Director for Governmental Structure and Functions, Mr. Norman Beckman, at the Catherine Bauer Wurster Memorial Public Lectures, sponsored by Harvard University and the Massachusetts Institute of Technology, last March. This address provides an excellent description of the changing roles of Federal, State, and local governments in light of the challenge of accelerating urbanization. I

feel that it should be brought to the attention of all Members of Congress, and I ask unanimous consent that Mr. Beckman's paper be included in the RECORD following these remarks.

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

CHANGING GOVERNMENTAL ROLES IN URBAN DEVELOPMENT

(By Norman Beckman, Assistant Director, Advisory Commission on Intergovernmental Relations)

(Prepared for Delivery at the Catherine Bauer Wurster Memorial Public Lecture Series, Sponsored Jointly by the Departments of City and Regional Planning, Harvard Graduate School of Design and Massachusetts Institute of Technology, Cambridge, Massachusetts, March 21, 1966.)

New discoveries in astronomy have strengthened the theory of an exploding universe. There is increasing evidence that all the galaxies are receding from us. This Big Bang theory holds that the universe is, in effect, expanding like an infinite balloon. Astronomy is in one of those turbulent chaotic periods when major advances are made, and out of it new ideas are born.

Similarly, evidence continues to mount that the Nation is undergoing an urban explosion in which governments, public policy, and, indeed, society itself are undergoing a scatterization and atomization across the urban landscape. Although the forces of dispersal are now in ascendance, there are at the same time developments working for consolidation, rationalization, and integration. The situation is not simply a matter of dispersive elements being undesirable and the factors of consolidation desirable. The goal should be a status achieved in our own solar system; one hopes the astronomers will at least leave that theory alone. Perhaps a better similie of what is desired is the growth of a healthy child—exploring, experimenting, innovating, secure, and developing into the maturity of a good life—the old Greek definitions of both government and city.

The late Morton Grodzins, one of the most thoughtful observers of the intergovernmental scene, concluded that:

"The centrifugal force of domestic politics needs to be balanced by the centripetal force of strong presidential leadership. Simultaneous strength at center and periphery exhibits the American system at its best, if also at its noisiest." [1]

His concern was with the distribution of powers among the Federal, State, and local governments. This paper is likewise concerned with the traditional division of Federal powers; but, in addition, is also concerned with such other centrifugal and centripetal forces in the public sector affecting urban development as the number and variety of Federal aids available, interagency relationships, local government patterns, the central city-suburban dialectic, the role of the States, and administrative and organizational adaptations within as well as between the levels.

THE FORCES OF FRAGMENTATION

The litany of demographic, economic, and governmental change has been definitively reported in the 1960 Census of Population and Housing and the 1962 Census of Governments. Though the opportunity to measure the current speed at which urban fallout is occurring was lost when the Administration opposed a 1965 mid-decade census of population, the trends and implications are clear enough. Most of them were anticipated by Catherine Bauer Wurster in the report of the President's Commission on National Goals.[2] The great bulk of the Nation's population increases will be in the suburban fringes of our metropolitan areas. The core cities within metropolitan areas will continue their population decline, sometimes relatively, but in the larger and older cities absolutely. They will increasingly provide a haven for the socially and economically underprivilegd thus creating a hundred Mason-Dixon lines across the Nation.

Projected urban population growth will require replication of our current physical plant by the year 2000, causing growing pains beyond our present understanding. Transportation will become increasingly auto-dominated. The suburbs will continue to attract space-demanding commercial and industrial facilities. Science and technology through improved communication will further weaken the role of the city. Fashion plus rising income equal the quarter acre lot. Increased leisure time will result in accelerated demand for recreational, cultural, and educational services. The TV set, the deep freeze, the washing machine, and the garden give each man his castle and kingdom. The poor are finally visible in the newspapers but not face to face. What will happen to current urban form and to the sense of community—when each household is able to manufacture its own water and dispose of its own wastes—when one's home is no longer linked to public services?

The pattern of local government in metropolitan areas is becoming increasingly complex, marked in recent years by a decreasing number of single county metropolitan areas. Metropolitan areas are leading the Nation in new municipal incorporations and special districts, and lagging in reduction of school districts. York Willbern has concluded that the central city is now only one component among many, the other parts being in addition to special districts and counties, a variety of public and private utility-type enterprises and cooperative arrangements with State and Federal agencies.[3] Indeed, even the concept of a metropolitan government may be obsolete as "megalopolis" creeps up and down the Atlantic Coast, next on the Pacific Coast, around the Great Lakes, and then in other regions of the country.

Federal policies in the fields of transportation, water supply and sewage treatment, and especially housing, contribute to the dispersal of urban populations. Charles Abrams has recorded the lost opportunity of offering cities cheap mortgage money and housing subsidies for middle-income families so as to give the cities a more equal chance to compete for the fruits of the growth in population. Instead, FHA and VA have, to date, unabashedly emphasized suburban development.[4]

Other centrifugal forces are at work. Many of the existing and new urban professions demand separateness from the general units of government. The schools won their independence over a century ago. The librarians, the public health officials, the highway engineers, the welfare workers, all seek jurisdictional and organizational autonomy. The public housing, urban renewal, transit, and economic opportunity specialists are more newly upon us.

Perhaps something more deeply ingrained in the national character is involved in the current pattern of urban development. A remark by the developer of Tapiola in Finland, considered to be probably the most handsome new European town, may have captured a basic difference in the temper of the Scandinavians and ourselves:

"Prosperity came late to Finland," he said, "because until recently, the Soviets got every penny we earned as war reparations. Perhaps that was an advantage. We could learn from your mistakes. When we finally caught up, we asked ourselves: What are we to do with our new affluence? We can't eat more. There is a limit to the automobiles and gadgets we really need. So I started to persuade my countrymen that we should build a beautiful and suitable environment for everyone. Good housing is not enough. We have to counteract strains and tensions of modern urban life." [5]

Now Melvin Webber has provided the philosophic rationalization for urban dispersal and space consumption by rejecting the physical and geographic approach to urban development used by planners and political scientists in the past in favor of what he terms "order in diversity: community without propinquity."

"These changes now taking place in American society may well be compatible with—and perhaps call forth—metropolitan forms that are neither concentrated nor concentric nor contained . . . Instead, we might see the emergence of a pragmatic, problem-solving approach in which the spatial aspects of the metropolis are viewed as continuous with and defined by the processes of urban society—in which space is distinguished from place, in which human interaction rather than land is seen as the fruitful focus of attention." [6]

It is chastening to the political scientist to find that the role of government in urban development is often depreciated. Thus, Scientific American magazine in devoting its September 1965 issue [7] to a series of essays on cities, includes articles on their origin and evolution, on the land, transportation, and the metabolism of cities, but no articles and little space to the role of the Federal, State, and local governments.

Buckminster Fuller may be articulating the extreme of this position:

"Take away the energy distributing networks and the industrial machinery from America, Russia and all the world's industrialized countries, and within six months 2 billion swiftly and painfully deteriorating people will starve to death.

"Take away the politicians, all the ideologies and their professional protagonists from those same countries and leave them their present energy networks, industrial machinery, routine productions and distribution personnel and no more humans will starve or be afflicted in health than at present." [8]

But this borders on intellectual extremism. Government is most important in urban development, not because it supplies the shelter, the food, or the clothing needed by urban populations—it doesn't. Government is crucial because it is the major mechanism for protecting the public interest, for refereeing or resolving conflicting interests, for achieving greater equity in social and economic opportunity, and for doing "for the communities of people whatever they need to have done, but cannot do so well, for

[1] "The Federal System," in Goals for Americans, Report of the President's Commission on National Goals (Prentice-Hall, Inc., 1960), p. 282.

[2] Ibid., pp. 225–47.

[3] York Willbern, "The Withering Away of the City" (Birmingham: University of Alabama Press, 1964).

[4] Charles Abrams, "The City is the Frontier" (New York: Harper and Row, 1965), p. 357.

[5] Wolf Von Eckhardt, "The Case for Building 350 New Towns," Harper's, December 1965, p. 86.

[6] Melvin W. Webber, "Order in Diversity: Community Without Propinquity," in "Cities and Space: The Future Use of Urban Land" (Baltimore: The Johns Hopkins Press, 1963), p. 25.

[7] Later published as "Cities," Scientific American (New York: Alfred A. Knopf, 1965).

[8] R. Buckminster Fuller, "Planners May be Left Behind by Technological Revolution," "The Planner in Emerging Urban Society—A Confrontation" (Proceedings of 1965 Annual Conference in St. Louis, Missouri), p. 22.

themselves in their separate and individual capacities."

At the same time we know that the interest of the general public in urban governmental issues is low. Voting participation in Presidential elections is not particularly high in the United States compared to other democracies. Yet, a survey of voter reactions to governmental reorganization proposals in 18 metropolitan areas from 1950 to 1962 revealed that less than half as many people voted in the reorganization referenda as voted for President in that period.

V. O. Key estimated that the political activists or active public in the United States constitute no more than 10 to 15 percent of the adult population.[9] Rather, public attitudes permit a wide range of discretion within which Federal, State, and local governments may act. Events and popular leadership are the two major variables in determining public policy:

"The generality of public preferences, the low intensity of the opinions of many people, the low level of political animosities of substantial sectors of the public, the tortuousness of the process of translation of disapproval of specific policies into electoral reprisal, and many other factors point to the existence of a wide latitude for the exercise of creative leadership." [10]

Thus, the role of the scholar, the public administrator, and the politician is crucial in determining the changing role of government in urban development.

Kenneth Galbraith [11] has observed that in our American democratic system any segment of society that receives less than a fair share of the Nation's bounty will eventually, through the political process, win for itself recognition, compromises, and eventually fair play. And so it is, with a number of recent governmental policies and actions now underway to correct the undesirable effects of fragmenting trends designed to help hold our decentralized federal system together.

The remainder of this paper has as its objective tracing three major sets of trends toward fragmentation and the countervailing forces of consolidation currently at work.

The first set of trends has to do with the variety, number, and specificity of Federal aids and the organizational reaction to this proliferation through metropolitan planning, State offices of local affairs, and city development agencies.

A second set of trends deals with the pattern of organizational and professional vertical autocracy in grant administration and the countertrends of interagency cooperation, preference provisions, Department of Housing and Urban Development leadership, and field organization.

The third set of centrifugal and centripetal forces has to do with the lack of State involvement in the past and the current offsetting factors of reapportionment, Federal-State-local linkage, State assistance for urban development, and State constitutional reform.

Some additional future steps are then identified toward a reconciliation of forces at work in urban development, including areal administration, urban research, fiscal equalization, metropolitan workable program, metropolitan party organization, innovations and examples drawn from the experience at all levels of government of the last few years.

THE FEDERAL CORNUCOPIA: THE VARIETY, NUMBER, AND SPECIFICITY OF FEDERAL AIDS

The tempo of Federal aid for urban development is rapidly increasing—in variety, amount, and objectives. Grants-in-aid, the indispensable "glue" of our federal system, provide equalization of tax burden, achievement of national minimum standards, and stimulation of new activities. Each grant has to a greater or lesser extent different requirements for local eligibility and organization, the role of the State government, planning, interagency coordination, equalization and matching provisions, relocation services, and termination dates.

The year 1932 has been cited by Roscoe Martin [12] as constituting a kind of geologic fault line in the development of Federal-city relations. The years 1949 and 1965 represent more recent fault lines in Federal assistance for urban development. By the end of 1965, the Federal Government was administering more than 70 separate programs of financial aids specifically for urban development. More than three-quarters of these were authorized after January 1950. Administration of these 70 programs was distributed among many bureaus of 7 departments and 8 independent agencies within the Executive Branch.

Congressional enactments in 1965 alone included grants for basic water and sewer facilities, neighborhood facilities, advance acquisition of land, open space and urban beautification, code enforcement assistance, demolition of unsafe structures, rent supplements, and support for councils of elected officials—all contained in the Housing and Urban Development Act of 1965. In addition, increased Presidential and congressional attention to the Nation's urban needs was documented by enactment of the Water Quality Act, Clean Air Act Amendments, the Solid Waste Disposal Act, Public Works and Economic Development Act, expansion of the Economic Opportunity Program, extension of Juvenile Delinquency Control Program, the Law Enforcement Assistance Act, Higher Education Act, and Highway Beautification Act.

In 10 years, Federal aid to State and local governments, the great bulk of which is ultimately administered in urban areas, will have more than tripled, rising from $4 billion in 1957 to an estimated $14.5 billion in 1967.[13] Federal aids to State and local governments over the last few years have been increasing at the fairly consistent rate of $1 billion a year. State expenditures increased by 100 percent and local expenditures, including intergovernmental transfers, rose $2.5 billion per year during that same decade. Consideration of these trends alone ignores the increased fiscal interdependence of our federal system:

"At the state level one finds an increase in federal monies relative to state revenues from own sources. In 1946 $1 came from the national government for each $6.8 raised from state own sources. By 1964 the relationship had fallen to the point where $3 of state money was used for every $1 of funds from the national government. At the local level, the change is even more spectacular, moving from approximately $115 to $32 of local own revenue per $1 of federal funds. Combining state and local funds, the measure of financial interdependence changes from 13.5 in 1946, to 5.8 in 1964, and to a projected 4.0 in 1970. Thus, as the business of government has grown, state and local governments have become much more closely entwined with the national government. It is important to observe that the major part of this change has already taken place." [14]

Such budgetary analysis does not fully reflect the continuing modification of programs in all departments and agencies to meet urban needs. None of the Federal departments and agencies are willing to be read out of the rapid and continuing urbanization of the country. Thus, the Interstate and Defense Highways Program, with 90 percent of the mileage provided outside of urban areas, will spend more than half of its funds, $4 billion in 1967, within standard metropolitan statistical areas. Even the Nation's official guardian of rural values and interest, the Department of Agriculture, is deeply involved in assisting the urbanization process. The President's 1966 Message to the Congress on Rural Poverty declares that the ultimate solution to rural poverty is social and economic linkage to urban communities, large and small. The 1963 Yearbook of Agriculture stated the new view of the Department in its preface:

"Our purpose is to inform all Americans about the effects of urbanization and industrialization on rural America and the need for plans and action so that people will have a proper place to live. Many of the forces of change are most apparent in the urban-rural fringe, but our interest is in functional, rather than geographic, aspects—in the interaction of rural and urban influences wherever they occur." [15]

The rapid expansion of the number, diversity, and size of urban-oriented Federal programs has created a new communication problem. Local government officials, State administrators, and even congressional committees are having increasing difficulty in simply being aware of the availability of these Federal programs. Perhaps for the first time a comparative shopping or market basket situation has been created where one grant program may offer more attractive terms for a local applicant than another program designed to accomplish the same purpose. This competitive situation is apparently already abundantly evident in such program areas as parks and open space, planning, water supply, and sewage treatment.

A situation has been reached in which increasingly we need a score card to identify the players. The best-selling volume in the United States today is a pristine Congressional Committee Print entitled "Catalog of Federal Aids to State and Local Governments," prepared by the Library of Congress. Approximately 100,000 of these Catalogs, including supplements bringing the listing up to date, have been distributed to Members of Congress, State governments, and local officials. In colorless legal and bureaucratic language it provides a systematic compilation of program descriptions, eligibility information, a cross index, and statutory citations.

The Office of Economic Opportunity has produced a volume resembling a good-size telephone book, titled "Catalog of Federal Programs for Individual and Community Improvement." [16] It became a collector's item several days after its first printing of 100,000 copies was made available. It attempts, through use of a program index and program description to answer basic questions of what programs are available under such general headings as human needs; human skills, physical, social and economic assistance; what the eligibility requirements are, where to apply, and where to get additional information.

Cities throughout the country are showing an increasing interest in assigning "Our Man in Washington" to assure that the city

[9] V. O. Key, Jr., "Public Opinion and American Democracy" (New York: Alfred A. Knopf, 1964), p. 546.

[10] Ibid., p. 555.

[11] John Kenneth Galbraith, "American Capitalism—The Theory of Countervailing Power."

[12] Roscoe C. Martin, "The Cities and the Federal System" (New York: Atherton Press, 1965), p. 111.

[13] "Special Analyses: Budget of the United States," Fiscal Year 1967, p. 134.

[14] Selma J. Mushkin and Robert F. Adams, "Emerging Patterns of Federalism," March 1966, pp. 23–24. (preliminary, mimeographed).

[15] U.S. Department of Agriculture, "A Place to Live—The Yearbook of Agriculture, 1963" (Washington: U.S. Government Printing Office), p. ix.

[16] Office of Economic Opportunity, "Catalog of Federal Programs for Individual and Community Development (Washington: December 15, 1965).

maximizes its opportunities for assistance in the welter of aids now available. To forestall a flood of individual representatives, the National League of Cities and the U.S. Conference of Mayors have joined together to form a Joint Council of Urban Development to provide such a Washington representative service to cities on a contract basis.

What are some of the factors that have led to the multiplicity of individual grant programs? First is the fragmented organization within the Federal Establishment, each grant administering agency aided and abetted by its various counterpart interest groups and by the perhaps equally fragmented pattern of congressional committee and subcommittee jurisdiction. The reforms of the Legislative Reorganization Act of 1946 consolidating a number of standing committees have been vitiated by expansion in the number of subcommittees.

Within the Federal Establishment, organization of water activities illustrates the problem. As early as 1950, the Hoover Commission found that 25 offices and bureaus in 6 departments and 5 independent agencies were charged with administering Federal water programs, the whole pattern "wrapped about by traditions and prerogatives evolved through the decades and jealously guarded."[17] It is therefore not surprising to find that there are at least 5 aid programs currently available for sewage facilities. These include the sewage treatment construction grant program of the Federal Water Pollution Control Administration of the Department of Health, Education, and Welfare,[18] the grants and loans for basic water and sewer facilities of the Department of Housing and Urban Development, the public works funds for redevelopment areas in the Economic Development Administration of the Department of Commerce, the grants for construction of disaster-related community facilities of the Office of the President, and the grants and loans for construction of rural water and waste disposal systems available from the Farmers Home Administration of the Department of Agriculture.

Another factor leading to the proliferation of Federal aids is the high viscosity or tendency for grants-in-aid to stay on the books once they are authorized and funded. Each new grant program creates, is supported by, and once enacted, helps create additional vested interests who join their governmental counterparts in a symbiotic relationship. One of the most recent examples is the creation of the National Association for Community Development, an organization of the local and State anti-poverty program administrators. In addition, these grants become quickly built into the budgetary base of State and local governments, creating an additional resistence to change.

It may take 30 years to get a program such as medicare or aid to elementary or secondary education on the statute books. But once the issue has been fought out and Congress acts, a new and highly stable framework of public opinion is established that accepts the new governmental role. With the exception of poliomyelitis vaccination, and veterans re-use housing, no grant program has been terminated since 1950.

Public opinion is usually not a matter of major concern to program administrators of existing Federal aids. Enactment and implementation creates legitimization. Thus, a Harris poll in January of this year asked whether people approved or disapproved of a series of especially controversial bills that were enacted in the first session of the 89th Congress. On Federal aid to education, 90 percent approved; on college scholarships, 89 percent approved; on medical care for the aged, 82 percent approved.[19]

Attempts to reverse this trend toward continuation and expansion of Federal grant-in-aid programs have been singularly unsuccessful. Experience with the results of the recommendations of the Joint Federal-State Action Committee, which operated from 1957 to 1959 and was headed by a number of distinguished governors and Presidential representatives, is instructure. After two years of work the Committee proposed that two programs be transferred to the States from the Federal Government—vocational education and municipal waste treatment plant construction—along with a credit against the Federal tax on local telephone calls.

The report of the House Committee on Government Operations, in rejecting this proposal, indicated the difficulty of attempting to unwind the federal system of grants-in-aid. First, the exchange of a specific tax for a grant would adversely affect the lower income States, since they would lose far more in grants than they would gain in tax revenue. Second, while grants are supposed to assist the States in supporting specific activities of national concern, there was no guarantee that States would pick up these functions.[20]

THE ORGANIZATIONAL REACTION TO GRANT PROLIFERATION

A standard text in administration defines "coordination" as "a technique for drawing together a number of conflicting skills and interests and leading them toward a common end. It is the centripetal force in administration."[21]

Arrayed against the continuing increase in individual, usually narrowly-defined and sometimes duplicating, Federal grant programs, are a number of new procedural and organizational developments at the Federal, State, and local level. This coordinating machinery includes the use of planning requirements and assistance by Federal and State agencies, strengthened planning machinery at the local level, State agencies for local affairs concerned with responsibility for giving systematic and continuing consideration to local government needs and problems, and departments of city development at the municipal level with responsibility for relating planning and public and private development decisions into a meaningful local municipal development program.

Metropolitan planning and local politicians

The National Government is increasingly requiring and promoting effective planning in jurisdictionally fragmented metropolitan areas to assure that Federal aid funds are properly used and contribute to coordinated urban development goals. Planning as a performance requirement under Federal grant programs is now accepted as a major device for relating Federal aid projects to each other and to State, local, and private development decisions at the grass roots level. Aids for functional and comprehensive planning have become legion in number if not in reputation.

In 1960, the term "metropolitan" could scarcely be found in Federal law or regulation. Today, most new grant-in-aid programs and more than one-third of the existing Federal programs affecting urban development encourage broader jurisdictions for areawide coordination of projects in law, in official policy statements, and in definitions of eligible projects.[22]

The President's 1965 Message to Congress on "Problems of the Central City and Its Suburbs," proclaimed as national policy what is already taking place, agency by agency, on an ad hoc basis. The Message proposed new programs which would "require sound, long-range development programs as a condition of federal assistance. Wherever it can be done without leaving vital needs unmet, existing programs will also be keyed to planning requirements."

A few of the more outstanding examples of this new dimension in the use of Federal performance requirements will suffice. The Federal Highway Act of 1962 required that beginning in July 1965 no funds under this massive program could be approved for a project in any urban area of more than 50,000 population unless there is an established continuing comprehensive transportation planning process for the urban area as a whole. By December of that year it was reported that this transportation planning process was "underway in all 224 urbanized areas of more than 50,000 population and in many small areas as well. In the majority the process is fully adequate to permit evaluation of any proposed transportation system and in most of the remainder it can provide reasonable bases of review of individual projects. The fears of some that the planning requirement of the 1965 Act would serve to delay the Federal-aid highway program have proved unfounded."[23]

The requirement marked a milestone in intergovernmental affairs by: (a) requiring planning cooperation among the local governments in the area and the State agency affected in the planning process; (b) operating across the entire urbanized and urbanizing area; and (c) directly linking policy-making to implementation machinery. Whether the functional planning operations established so quickly under the Highway Act will undermine or strengthen metropolitan comprehensive planning agencies remains to be seen.

The "701" Metropolitan Planning Program authorized by Congress 11 years ago has led to the establishment of metropolitan planning agencies in about three-fourths of the metropolitan areas of the country. This two-thirds Federal matching program has aided more than 400 projects for metropolitan regional planning, 77 statewide plans, and more than 1,300 projects in small urban areas. Even the Demonstration Cities Program, the major new urban development proposal in the President's 1966 legislative program designed to provide "block" or unearmarked grants to meet central city needs, requires that the municipal program developed be "consistent with comprehensive planning for the entire urban or metropolitan area."[24]

The water and sewer facilities grant program requires that four planning elements be met: conformance to local functional plans; conformance to areawide functional

[17] Task Force on Water Resources and Power, "Water Resources and Power," Prepared for the Commission on Organization of the Executive Branch of the Government, Vol. I, June 1965, p. 59.

[18] The President in his February 1966 Message to the Congress on Pollution, Natural Beautification and Recreation, has proposed that this program be transferred to the Department of the Interior.

[19] Washington Post, January 2, 1966, p. 2.

[20] U.S., Congress, House, Committee on Government Operations, "Federal-State-Local Relations," House Report No. 2533, 85th Cong., 2d Sess., 1958, pp. 28–29.

[21] John M. Pfiffner and Robert V. Presthus, "Public Administration" (New York: The Ronald Press, 1960), p. 111.

[22] Advisory Commission on Intergovernmental Relations, "Impact of Federal Urban Development Programs on Local Government Organization and Planning" (Washington: U.S. Government Printing Office, 1964), p. 16.

[23] E. H. Holmes, "Progress and Events Since the First National Conference on Highways and Urban Development." Remarks at the Second National Conference on Highways and Urban Development, Williamsburg, Virgina, December 12–16, 1965, p. 5.

[24] Section 4(c)(5) of S. 2842, 89th Cong., 2d Sess.

plans; conformance to areawide comprehensive plans; and, finally, that the comprehensive planning is conceived and carried out to attain urban area goals and objectives under the policy direction of local elected officials.[25]

The President in his 1967 Budget Message called for enactment of the Intergovernmental Cooperation Act which establishes consistent local and metropolitan planning requirements on an entire range of urban-shaping grant programs.

Until recently little use was made of incentives to achieve effective areawide administration, presumably on the ground that the Federal Government shouldn't have to pay for, but can simply require, effective areawide performance. However, the Clean Water Program and the Economic Development Program, both authorized in 1965, provide an additional 10 percent grant for projects officially certified as being in conformity with a comprehensive plan.[26] The President's proposed 1966 Urban Development Act would add 20 percent for certain federally aided development projects that contribute to metropolitan-wide comprehensive planning and programming.

Planning requirements, planning funds, planning agencies, and the planning profession are on the upswing. Yet there is a pervasive attitude held by many planners and other observers of the urban scene that little progress has been or is likely to be made toward implementation of sound development plans—a feeling that something is rotten in the state of the art. In a national survey, almost half the metropolitan planning agencies cite as major weaknesses that: (1) their powers are inadequate; (2) they have too limited funds and staff; and (3) they have insufficient public and government support. While more than half were satisfied that they had a good technical program, only 20 percent thought that metropolitan planning was being accepted.[27]

Ways are being sought to improve the batting average for implementation of metropolitan plans, and provide the political legitimacy that pristine planning has lacked in the past. The Department of Housing and Urban Development, in awarding "701" metropolitan planning assistance grants, now requires the planning agency to establish a "check point" procedure for review of recommendations on preliminary drafts of planning proposals by the chief executive and legislative body of the localities in the planning area. Review by councils made up of elected officials in the metropolitan area is recommended as desirable practice. This has been facilitated by a new grant program in the Housing and Urban Development Act of 1965 (P.L. 89-117) making available two-thirds matching grants to support the activities of such councils, including studies of common, legal, governmental, and administrative problems in the area. Over a dozen such councils have been established to date, beginning in 1954 with the Supervisors Inter-County Committee in the Detroit metropolitan area.

The planners, the highwayman, and others concerned with the paucity of regional instrumentalities have high hopes for metropolitan councils of governments. How effective the council approach actually will be depends in large part on whether it brings out the full expression of conflicting views, creates an awarenes of varying problems and interests among jurisdictions, uses existing local governmental machinery to implement council decisions, develops that crucial but currently missing ingredient of the metropolitan mix—regional leadership, and presents a united front in negotiations with Federal and State agencies. Alternatively, if voluntary councils and other new machinery for metropolitan cooperation neutralize or obscure the real conflicts, fail to adequately represent and concern themselves with central city problems, and serve to protect the status quo, they will make no real contribution to regional progress.

State offices of local affairs

In recent years a number of States have been adapting their governmental machinery to meet the dynamic requirements of urbanization. At least seven States have now established a State office of urban affairs for continuing attention, review, and assistance on problems of local government finance, structure, organization, and planning. New Jersey, New York, Tennessee, Washington, Alaska, Rhode Island, and Pennsylvania have already established such agencies. Their functions include advising the governor and legislature on coordination of State programs affecting urban development, serving as a clearing house of information on common problems of local government, and providing technical assistance for problems of local government structure, financing, and improvement in management of urban services.

Typically, these agencies do not have responsibility for direct operating programs and their organization and functions vary widely from State to State. In some instances these offices were established by legislation to provide broad technical assistance services for local governments. In other cases, agencies initially responsible for supervisory responsibilities over local finance are evolving a broader program of general assistance. In essence, they provide a number of pairs of hands devoted on a continuing basis to problems of State-local relations.

New York's Office for Local Government, typical of many of these units, serves as a staff aid in the Office of the Governor. In his 1966 annual Budget Message, Governor Rockefeller recommended, and there was subsequently established, a Federal aid clearinghouse in the Office of Local Government to assist localities in preparing applications for aid and help expedite these applications through the Federal agencies.

Pennsylvania has gone further than even the Federal Department of Housing and Urban Development by establishing a cabinet status Department of Community Affairs in 1965. The powers and duties exercised by the existing Bureau of Community Development in the Department of Commerce, the Bureau of Municipal Affairs in the Department of Internal Affairs, the Public Service Institute in the Department of Public Instruction, and the local planning and development responsibilities of the State Planning Board have been transferred to the new Department.

Federal-State liaison offices

Another significant organizational trend at the State level to meet the intergovernmental stresses established by the increasing number and diversity of Federal programs has been creation of liaison units in a number of States to survey these programs and determine where the State stands in connection with them. They seek to coordinate Federal programs involving more than one agency, provide background for gubernatorial policy decisions and carry out the technical work prerequisites to State participation.

The majority of coordination offices were created during 1965, although California and Pennsylvania initiated programs earlier. Special committees or task forces were established in 1965 in New York, North Carolina, and Rhode Island. In Tennessee, Connecticut, Missouri, New Hampshire, South Carolina, Massachusetts, South Dakota, and Maine special assistants have been named by the Governors to coordinate Federal development programs affecting more than one State agency, collect summary information on all Federal aid programs, and keep abreast of new and changing Federal programs.[28]

The National Association of Counties has recommended a similar approach at the county level. It has proposed that each county appoint a County Federal Aid Coordinator (or Urban Adviser) to be responsible for coordinating all county-Federal relations; develop local grant programs; establish State, regional, and national contacts; and maintain a follow-through on Federal aid programs from the information stage through the grant approval stage.[29]

A number of States have found it desirable to establish representatives in Washington as Federal-State liaison officials. California established such an office as early as 1959, followed by Pennsylvania in 1962, and in the last year or so, Ohio, Oklahoma, West Virginia, Illinois and Indiana have taken similar steps.

City development agencies

At the community level, up to a dozen cities have established a city development department in which the city's planning function is made part of a general public works and development agency. The City of Milwaukee in 1961 set the precedent by establishing a department of city development encompassing public housing, redevelopment, code enforcement, the management of city real estate, and planning. The city's planning commission, housing authority, and redevelopment authority serve in an advisory capacity to the executive director of the new agency, who in turn is responsible to the mayor. Pittsburgh in 1965 combined the office of director of planning and renewal coordination into a single office and San Francisco established the position of coordinator of planning, housing, and redevelopment to better coordinate the city's various development programs.[30]

Jerome Kaufman of the American Society of Planning Officials, in a thoughtful analysis of this trend, observes that:

"Critics of the new-type department fear that planning will become subservient to development—instead of guiding development, it may merely mop up in its wake. Others view with foreboding the eventual disappearance of the lay planning commission, an independent, often neutralizing check on government. To date, experience fails to substantiate these concerns.

"What is significant for planning is that more and more such reorganizations will take place in the future. As they do, planning will gradually lose its ivory tower reputation. In fact, evidence points to other moves to sew the planning function into the local government fabric, and with it the opportunity to relate Federal, State, and local private development activities in a more meaningful and purposeful way."[31]

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[25] Department of Housing and Urban Development, "Water and Sewer Facilities Planning Requirements: A Program Guide" (Washington: November 20, 1965), p. 1.

[26] Until amended in 1965, the Open Space Land Program contained a similar 10 percent incentive grant provision.

[27] U.S., Congress, Senate, Committee on Government Operations, "National Survey of Metropolitan Planning," 88th Cong., 1st Sess. (Washington: U.S. Government Printing Office, 1963), p. 23.

[28] The Council of State Governments, State Government News, December 1965, Vol. 8, No. 12, pp. 5-6.

[29] National Association of Counties (Federal Aid Advisory Service), "Guidelines for Federal Aid Programs," p. 1.

[30] Jerome L. Kaufman, "Some Planning Trends in the 'Sixties'," Public Management, December 1965, pp. 310-316.

[31] Ibid., p. 311.

NO PROFESSION IS AN ISLAND: VERTICAL AUTOCRACY IN GRANT ADMINISTRATION

Working relations have almost always been satisfactory among functional specialists at each level of government. The Public Health Service works easily with the State Health Officers. Indeed, it provides the secretariat for their State and Territorial Health Officers Association. The Urban Renewal Administration staff, both headquarters and field, know the directors of the larger local renewal agencies. There is good communication and even mobility of staffs between Federal and State Highway Departments, prison systems, welfare agencies, and so on down the professional list:

"From abattoirs and accounting through zoning and zoo administration, any governmental ativity is almost certain to involve the influence, if not the formal administration, of all three planes of the federal system".[32]

The growing problem is not so much interjurisdictional as interdisciplinary: one of weaving the individual vertical physical, social, and economic efforts into a harmonious development pattern.

The Senate Subcommittee on Intergovernmental Relations recently published the results of a survey of Federal officials[33] responsible for administering some 109 programs of grant-in-aid assistance. Among the major findings were:

"Federal administrators attach little importance to coordinating related Federal programs.

"Federal administrators are reluctant to encourage and insist upon coordination among State and local agencies using Federal funds.

"There are conflicts and hostilities between administrators and policy officials at all levels of government with respect to the method by which Federal aid programs should be carried out.

"Special purpose agencies have proliferated to take advantage of Federal funds where 'general purpose' State, county, and city governments were not meeting their responsibilities."

Federal agencies have generally taken a pragmatic approach in establishing organizational requirements for eligibility, i.e., the primary Federal interest sought is to assure professional performance of the function being assisted, and the achievement of specific program objectives. Most Federal aid is available to both general purpose and special units of local government. Special purpose units are actively endorsed and sometimes even required by about one-quarter of all Federal programs, ostensibly to achieve an appropriate workload and resultant economies of scale. These include such units concerned especially with urban fringe development as regional planning agencies, local economic development district organizations, industrial development authorities, rural area development committees, irrigation districts, and water user associations. For many years independent local renewal and public housing agencies were encouraged. The Office of Economic Opportunity favored autonomous public and private community action agencies, and so on.

The special district is now increasingly being used as a legal device for financing urban development projects:

"The California speculator has recently discovered that he can employ special districts and other public agencies to provide him with a significant credit subsidy. With boundary lines artfully drawn to include only the promoter's land, a special district becomes a tightly controlled operating division of the promoter's organization—an operating division which can use its bonding powers to raise risk capital independent of the subscriber's own credit resources or capital reserves."[34]

"The district approach tends to be used in situations where the costs of conventional financing (which accurately reflects the elements of risk) have been termed 'ridiculous' by developers themselves. In effect, therefore, the district device nurtures many projects unable to survive the rigors of the competitive money market."[35]

Districts such as these are eligible to take advantage of such susceptible Federal aids as community facility loans, economic development grants, Water Works and Sewage Disposal Plants in Rural Areas Program, and the Land and Water Conservation Fund.

GETTING THE FEDERAL HOUSE IN ORDER

Here again, a number of trends, precedents, and proposals can be cited seeking to redress the dangers of bureaucratic "free enterprise" in our increasingly interdependent public sector, utilizing such procedural mechanisms as formal and informal interagency community activities, the novel preference provision provided in the Economic Opportunity Act, the leadership potential of the Department of Housing and Urban Development, and some innovations to improve Federal field administration.

Interagency cooperation

Working relationships among different Federal agencies administering related programs and even within the larger bureaucratic holding companies have been established in a number of ways—by legislation, by Presidential direction, by formal interagency agreement, and by informal agreements.

While there is no evidence of any general urban development policy to which all Federal programs pay obeisance, interagency working relationships of one kind or another have been established in at least some portions of every agency's activities.[36] Informal relationships are by far the most common, covering at least two-thirds of the Federal urban development programs. About one-quarter of the programs operate under formal interagency agreements for sharing review responsibilities for plans or projects, and slightly more than one-quarter have congressionally estabilshed working relationships.

Among bilateral interagency coordination agreements in the urban sector, the one between the Department of Commerce and the new Department of Housing and Urban Development establishing joint highway and urban planning project administration is one of the oldest (1960) and most significant. This agreement allows planning assistance funds from the Bureau of Public Roads and the Urban Renewal Administration to be pooled for joint transportation planning projects undertaken as part of a comprehensive urban development planning process. Joint State and local sponsors undertake the planning with URA–BPR supervision through joint regional office steering committees.

Typical of the web of interagency coordination within the Federal Establishment are those of the Public Housing Administration. It works with the Urban Renewal Administration on relocation timetables, the Bureau of Public Roads on site selection, the FHA and VA on defaulted properties, HEW on welfare aids and housing programs, and the Bureau of Indian Affairs on their model health program.[37]

The Economic Opportunity Act created one of the newest and most promising pieces of coordinating machinery on the Washington scene, the Economic Opportunity Council. It is made up of department and agency heads responsible for the various aspects for the Administration's whole war on poverty and described by the President as a "domestic security council." The difficulty of achieving coordination among peers is indicated by the fact that the Council met only four times in its first year of operation.

Improved interagency working relations are largely a question of building up competence in procedures and understanding of interrelationships, rather than one of overcoming resistance. It is noteworthy that the establishment of the Water Resources Council in the Executive Office of the President and the sophisticated interagency agreements in the field of water resources took almost a generation to reach its present stage of developments.

Two new straws in the wind are in the form of ad hoc arrangements and devices for coordinating Federal program administration justify identification because of the use of Presidential machinery. As enacted by the Congress, the Park and Open Space grant programs under the Outdoor Recreation Program of the Department of the Interior and the Open Space Program of the Department of Housing and Urban Development have, at least in part, embarrassingly similar purposes. The President in July of last year issued Executive Order 11237 which attempts to delineate responsibilities under the two programs. This Order illustrates the potentialities, the mechanics, and, also, the ambiguities of delimitation. The Department of Housing and Urban Development's Open Space Program is given primary responsibility for acquisition of land "of utility primarily to the urbanized areas in which they are located, such as squares, malls, and playgrounds, and parks, recreation areas, historic sites, and open spaces for scenic purposes." The Department of the Interior's primary responsibility is for larger regional parks and sites "to serve residents of urban and other local areas." Interior-supported acquisitions in urban areas must be consistent with comprehensive statewide outdoor recreation plans and meet the planning requirements established by the Department of Housing and Urban Development for the Open Space Program and vice versa. The Departments are directed under the Order to establish additional coordination machinery for consultation and exchange of information.

On the last day of 1965, the Bureau of the Budget issued a Standard Form 101, "Preliminary Inquiry Concerning Federal Assistance for Water Projects, Sewer Projects and Waste Treatment Plants," to help avoid problems created by the number of major available water and sewer grant programs cited above. Local applicants, in making inquiries to Federal agencies concerning financial assistance for water and sewer projects, must now submit this pre-application form to one of the Federal agencies. After interagency review, the most appropriate Federal agency is to respond to the applicant. The dividing line established by the Department of Agri-

[32] Grodzins, op. cit., p. 265.

[33] U.S., Congress, Senate, Committee on Government Operations, "The Federal System as Seen by Federal Aid Officials," 89th Cong., 1st Sess., December 15, 1965.

[34] Thomas H. Willoughby, "The Quiet Alliance," Southern California Law Review, 1965, Vol. 38, No. 1, p. 72.

[35] Ibid., p. 78.

[36] Impact, op. cit., p. 11.

[37] See "Hearings on the Intergovernmental Cooperation Act of 1965" before the Subcommittee on Intergovernmental Relations of the Committee on Government Operations, U.S. Senate, 89th Cong., 1st Sess., pp. 68–70, for a tabulation of (1) interagency coordination within the Federal Government established by legislative or executive action or interagency agreement, and (2) programs where interagency coordination machinery would appear to be desirable.

culture's water and sewer aid program and the other departments and agencies is on the basis of population, namely communities of not more than 5,500 population or areas which do not contain a community of this size.

Preference provision

A most promising precedent for focusing Federal resources on broad problem areas within a given community was established by the preference provision of the Economic Opportunity Act. The Act provides[38] that preference in all Federal aids be given to projects which are parts of an approved community action program. The purpose of the provision is to make more effective the mobilization of Federal and community resources for eliminating poverty. The ordinary channels of administration are preserved under this provision. However, before priority is to be granted, the aided project must be included as part of the local community action program plan. It is sobering to discover that after a year and a half the Office of Economic Opportunity and the other Federal agencies are still seeking ways to implement this innovation.

Department leadership

Creation of the Department of Housing and Urban Development in 1965 gave belated political and administrative recognition to the urbanization of the United States. The bill, as submitted to the Congress by the President, recited in the Declaration of Purpose the responsibility of the Secretary to assist the President "in achieving maximum coordination of the various Federal activities which have a major effect upon urban, suburban, or metropolitan development." In addition, the Secretary is empowered to exercise "leadership at the discretion of the President in coordinating Federal activities affecting housing and urban development." The Senate Committee on Government Operations, in considering the Department proposal, was not satisfied that these intentions, plus certain clearinghouse responsibilities, would sufficiently achieve the coordination of broad national policies and administration of national programs required. One of the few provisions added by the Congress in establishing the Department was the creation of the position of Director of Urban Coordination to be concerned specifically with the problems of coordinating Federal urban development programs. The intention of Congress, as stated in the Committee report, is "to provide a focal point for identifying such coordination problems and for assisting in their solution."[39] Implementation of this intention by the new Department in the next few years will be a major administrative challenge.

Field organization

Attempts at Federal field coordination have had a long but relatively undistinguished history. Federal regional administration continues even today to be characterized by a lack of consistency in the delegation of decision-making among agencies and a lack of uniformity in regional boundaries, both within and among departments. Previous attempts to rationalize field activities have been primarily directed to administrative housekeeping matters and have included: the Federal Coordinating Service of the Bureau of the Budget (1920–33); the Federal Business Associations (1921–present); the National Resources Planning Board (1933–43); Bureau of the Budget field offices (1943–53); as well as the present Federal Executive Boards established in 1961. For the first time since 1953 the Bureau of the Budget in its appropriations request to the Congress, has asked for funds to re-establish a small field service. Six small field offices are proposed to serve the Bureau in its contact with agency field operations and with State and local governments.

The President, in his 1966 legislative proposal for City Demonstration Programs, has called for an Office of the Federal Coordinator to be set up in each locality having an approved comprehensive city demonstration program. Under the legislation as proposed, the Director of the Office shall, under the direction of the Secretary, seek to help "achieve the maximum effective coordination of Federal grant-in-aid programs undertaken in connection with comprehensive city demonstration programs."[40] Expenditures under approved city demonstration grants would be certified by the Federal Coordinator. His contemplated role is to serve in effect as an ambassador from the Federal Government to the cities to help them find their way through the maze of Federal aid programs in meeting the whole range of needs identified by the community and to oversee spending.

Special district subordination

As noted above, Federal grants tend to be available to special districts as well as to cities and counties responsible for a wide range of governmental functions. A partial solution to the intergovernmental problems of urban development may lie in strengthening these existing general units of government in urban areas, making it difficult to create additional units arbitrarily, and more closely regulating those special districts that remain.

Several trends and developments here are worthy of identification Federal and State aids and local "home rule" provisions in State constitutions and laws have long vested responsibility for the whole range of urban services in cities and counties. Of all direct local governmental expenditures in 1964, municipalities accounted for 33 percent, counties 20 percent, townships 4 percent, school districts 38 percent, and all special districts only 5 percent.[41]

The proposed Intergovernmental Cooperation Act which passed the Senate in 1965 and now has been specifically endorsed by the President as part of his 1966 legislative program, contains a section granting local governments—cities, counties, and towns—first priority over special districts in eligibility to receive Federal loans or grants for urban development. Getting "first crack" at these Federal aids to the general government would in no way affect the authority of any special districts to receive Federal grants. Where they do so, however, they would be required to provide full information concerning the request for such aid to the appropriate unit of general government in the area.

At the State level, California has established a useful precedent for adoption elsewhere by establishing within each county an agency formation commission made up of representatives of the city and county governments in the area. These commissions have responsibility for deciding whether or not a special district is needed in the area to carry out a new governmental function or whether such function should and could be performed by units of general local government. If municipalities and towns and counties are willing or unable to provide a governmental service demanded by the people, then the district is authorized by the commission. Similar action also was taken in 1965 by New Mexico and Oregon.

THE STATE ROLE IN URBAN DEVELOPMENT: STATES RIGHTS AND STATES WRONGS

The States must bear a good share of the blame for the current fragmentation of government and governmental efforts in urban development. From the beginnings of the Nation, the States have had the powers to act. Certain of these powers are not available to even the Federal Government. These major endowments are statewide areal jurisdiction, the ability to exercise direct action and leadership; broad tax and revenue resources, limited only by interstate and Federal competition; and predominance over local government organization and powers.

The States are today established regional forms of government, and the number of governmental services that rest primarily with the States rather than the Federal Government is substantial. These include the classic police powers of health, safety, and welfare, the schools, interstate regulations, parks and recreation, and water supply. But there is a great range of municipal services to which the States contribute little, except legal power for local government to act. These include mass transportation, urban renewal, housing, planning, sewage disposal, refuse collection and disposal, air pollution control, police and fire protection, libraries, and to a large extent, public welfare and medical care facilities. The States and urban development, like Thursday's child, have far to go.

The variables in determining the State role in urban affairs are not legal, but rather political and administrative ability, vision, courage, and initiative. Only isolated examples can be cited of recent State innovations taking advantage of their great geographic and legal powers. Relatively advanced programs of water supply and distribution are underway in New Jersey and California. A number of States have spent heavily in open space and recreation. The States are establishing an increasingly respectable record of direct action in the fields of regional planning. In the field of regional development, Connecticut took the lead in 1955, and today 15 regions have been defined and 7 regional planning agencies have been activated covering 80 percent of the State's population. California regional planning legislation in 1963 automatically created a regional planning district in each of the State's regions if two-thirds of the local governments declare there is a need for such a district. New York State's Office of Regional Development has recommended the designation of development regions and the creation of regional councils to prepare comprehensive regional plans. Georgia has divided the State into 17 planning districts.

Little progress can be cited in the 32 interstate metropolitan areas which contain 23 percent of the Nation's population. The Delaware River Basin Commission bridging the gap between the States and the Federal Government in the Philadelphia metropolitan area; the Tri-State Transportation Committee dealing with mass transit and commuter problems; several exhortative interstate water pollution control agencies; the Port of New York Authority; the Delaware Port Authority; and the Bi-State Development Agency in the St. Louis area pretty well total the list of formal regional interstate agencies.

Although the tenth amendment to the Constitution means less than many people might have thought, the State does retain the residual power under our federal system. The classic "rule" on State-local relations as expounded by Justice Dillon, unless otherwise provided in State constitutions, is accepted as basic legal doctrine: "Municipal corporations owe their origin to, and derive

[38] Section 211 and Section 612 of the Economic Opportunity Act of 1964.

[39] U.S., Senate, Committee on Government Operations, "Establishment of a Department of Housing and Urban Development" (Washington: U.S. Government Printing Office, August 2, 1965), 89th Cong., 1st Sess., Report No. 536, p. 12.

[40] Section 7 of H.R. 12341, 89th Cong., 2d Sess.

[41] U.S. Bureau of the Census, "Governmental Finances in 1963–64" (Washington: U.S. Government Printing Office, 1965), p. 30.

their powers and rights wholly from, the legislature. It breathes into them the breath of life without which they cannot exist. As it creates, so it may destroy. If it may destroy, it may abridge and control." [42]

On the other end of the State-local power continuum, State constitutional guarantees of home rule to municipalities are creating problems for local governments in attempting to meet metropolitan-wide problems. These constitutional provisions, which, in many cases, spell out functions of government with respect to which the State legislature may not intervene, have the effect of preventing the State and the local government in metropolitan areas from solving their own problems. Thus, a metropolitan capital improvement district, financed by a six-county Denver metropolitan area sales tax, was found unconstitutional in a 1962 State Court decision on the grounds that the Colorado Constitution gave home rule cities "exclusive right to govern themselves in matters of local and municipal concern. . . . The General Assembly cannot reinvest itself with any portion of the authority it lost to home-rule cities upon adoption."

The present pattern of fragmentation, overlapping, and absence of leadership in tackling areawide problems has developed, in part, like the British Empire, in a fit of absentmindedness; in part because of local political gamesmanship designed to maximize revenues and minimize demands for governmental services. But here, too, the States must take the lion's share of the blame because of their excessive permissiveness in permitting new incorporations and special districts, the weaknesses built into State legislative and executive branch decision-making processes, and their financial arrangements that support otherwise unviable local jurisdictions. The results of this abdication of concern with local government structure and organization is revealed in the *1962 Census of Governments* and in a host of metropolitan reorganization proposals.

Roscoe Martin, in what will likely be the archetype of the antistate urban volumes for some time to come, *The Cities and the Federal System*, analyzes an important aspect of our new urban federalism—the direct Federal-city relationship. He finds it good and predicts its increase. Assessing the States' capacity to meet the demands of a new urban age, he concludes:

"That state constitutions are outmoded and inflexible; that the legislatures, identified as the keystone of the democratic arch, are not representative; that resources, partly from deliberate choice, are inadequate; that the atmosphere is not congenial to the embrace of new programs; and that state horizons are severely limited by prevailing mythology . . . the vast new problems of urban America are unique in the experience of the states, which react to them in an impatient and sometimes a truculent manner. Nothing would please the states more than for the cities and their problems to dematerialize into thin air." [43]

WHY THE STATES WILL ACT

We have seen that the number of Federal aids and Federal agencies involved in urban affairs have provoked remedial counteraction at the State as well as the Federal and local level. There is increasing evidence that the States are about to come into their own in utilizing their unique governmental powers to play a crucial and positive role in urban development. Such redress is already underway.

Why is the States' urban role going to expand far beyond its present involvement? There are at least four reasons:

(1) the increasing urbanization of State populations to the point of electoral superiority in every region of the country;

(2) the Supreme Court's decisions on reapportionment of both houses of State legislatures, and the rapid implementation of the Court's decisions;

(3) the incentives and support to State action that stem from Federal and local efforts to meet urban citizens' needs; and, finally,

(4) the increasing recognition of the need and knowledge of new methods for reforming the current pattern of "jurisdictional fallout" coupled with restrictions on local powers, that characterize local government today.

One urban man, one urban vote

If the Census Bureau's definition of "urban population (people living in communities of 2,500 or more) is used, 39 of the 50 States today are predominantly urban. In 1910 only 13 States could be so classified. The significance of this in politics—that is, who gets what, how, when, and why—is evident. Predictably, the governors in these 39 States will be the urban residents' friend; they are dependent upon urbanites for nomination and election. Few State political parties today can ignore urban needs and be successful at the polls.

One of the most significant developments in the aftermath of *Baker* v. *Carr* [44] and the June 1964 decisions mandating population as the basis of apportionment in both houses has been the number of reapportionments actually accomplished or in process.

As of January 1966, 40 States had already completed the reapportionment of both houses of their legislatures. In the remaining 10 States, the legislatures are under court order to act. So different from the implementation record of the 1954 school desegregation decision, the rotten-borough system in the State legislatures has been virtually wiped out in less than two years. Attempts in the first session of the 89th Congress to amend such legislation as National American Legion Baseball Week to block the Court's decision are not likely to be seriously attempted again. The tide has turned.

While the primary beneficiaries of reapportionment will be the suburbanites, suburban-rural coalitions in the State legislature are likely be fragile and temporary. Analysis of the 1960 Census of Population and Housing reveals that the classic metropolitan dichotomy in which the poor, the uneducated, and unskilled dominate the central city as contrasted with the comfortable suburb applies primarily to the largest metropolitan areas and to the Northeast. The fact is that for the majority of metropolitan areas in the United States there is not a 10 percent difference between central cities and suburbs in their respective proportions of under-educated adults, high school dropouts, and families with low income. Unsound and low value housing is much more conspicuous in the suburbs than the central cities.[45] In short, the central cities have no monopoly on social problems. The close-in suburbs are already beginning to look more like and face many of the same problems as the cities. Suburban needs for State as well as Federal assistance for transportation, planning, water supply and sewage disposal, air pollution control, hospitals, and education are as real as those of the cities.

Federal-State-local linkage

Reports of a direct Federal-local tie freezing out the States may, like Mark Twain's obituary, be greatly exaggerated. The 1964 Air Pollution Program broke a long tradition of the Public Health Service by making grants directly to cities, as well as to States. The Economic Opportunity Act provides for direct grants to local private and public recipients, as well as to States, leaving, aside from its adult basic education and manpower training titles, a relatively negative role of gubernatorial veto (later modified) for the States.

On the other hand, most of the major Federal urban development programs provide for direct administration by State agencies, financial contributions by the State or approval of local projects as part of a State plan. Only a few of the 25 new or expanded Federal grant programs enacted in the first session of the 89th Congress leave the States without a significant role to play. The direct Federal-city ties established that year are primarily limited to the Housing and Urban Development Act of 1965, continuing a long-established HHFA, and now Department, tradition. In Federal-State-local relations, the Federal agencies, and perhaps especially their layers, are creatures of habit. Federal grants are available for the support of counterpart State level departments and agencies in such fields as agriculture, highways, civil defense, vocational education, water pollution, hospital facilities, and public assistance. For most Federal agencies, ignoring the States would be unthinkable.

State aids for urban services

The winds of change are sweeping across the prairie and mountain States as well as the East and West coasts. State government expenditures continued to increase at a fairly consistent 10 percent rate over the last 15 years. New or added taxes were recommended by the governors to about half of the State legislatures meeting in 1965. Alan Campbell has concluded:

"The most dynamic part of the American economy today is the state-local government sector of that economy. Although public discussion and debate about the appropriate role of government concentrates most of its attention and fire on national government, that level is relatively stagnant compared to state and local levels. In fact, the rate of growth in expenditures, revenues and employment by state and local governments outstrip the growth rate of all other parts of the economy, public or private.

"One indication of the comparative growth of the state and local sectors is to relate it to the growth of federal sector. Federal general expenditures increased 25 per cent in the past decade while state and local expenditures increased 128 percent." [46]

More than half the States now have grants to local governments for public education, health, hospitals, welfare, and highways. A lesser but growing number make payments for libraries, fire, police, water, pollution control, and housing. A number of new technical assistance activities for specific urban operating programs have been authorized in State legislatures.

A whole range of State actions have been taken since 1963 to exercise supervision, make available an arsenal of permissive powers permitting local governments to organize better to meet public service needs and remove undesirable restrictions. During this period a number of State legislatures liberalized annexation laws granting across-the-board inter-local contracting and joint enterprise authority. A number of States extended home rule powers, while retaining

[42] *City of Clinton* v. *Cedar Rapids and Missouri River R.R.*, 24 Iowa 455, 475 (1868).

[43] Martin, op. cit., pp. 80–81.

[44] 369 U.S. 186 (1962).

[45] Advisory Commission on Intergovernmental Relations, "Metropolitan Social and Economic Disparities: Implications for Intergovernmental Relations in Central Cities and Suburbs" (Washington: January 1965), pp. 8–38.

[46] Alan K. Campbell, "Most Dynamic Sector," National Civic Review (Vol. LIII, No. 2, February 1964), p. 1.

the right to act where necessary. No less than six States enacted municipal incorporation control legislation in 1963 and 1964.[47]

Reform of State constitutions and legislatures

Action on legislative reapportionment has had perhaps an even more useful byproduct—stimulating interest and opportunity for long overdue State constitutional reform. After decades of inactivity, State constitutional revision commissions have been established in California, Idaho, Kentucky, New Mexico, Wisconsin, and Maryland, among others. Constitutional conventions have recently been completed or called in Connecticut, New York, and Rhode Island.

Michigan's success indicates what can be done. The 1963-approved Michigan Constitution established a number of State-local reforms. The Constitution removed a number of limitations on that most hobbled level of government, the country. The grant to counties to adopt their own charters now parallels the privileges of home rule previously limited to cities. For metropolitan areas, the legislature is authorized to establish additional forms of government or multi-purpose authorities with prescribed powers, duties, and jurisdiction.

In a closely related development, a number of well-financed efforts have gotten underway to salvage and reform the most scorned link in our federal system—the State legislature. A Citizens Conference on State Legislatures, supported by the Ford Foundation and the Carnegie Corporation and headed by the former Governor of Kansas, John Anderson, Jr., is dedicated to the stimulation of "grass roots" activity designed to overhaul and modernize the legislative articles of State constitution. One of their first research findings revealed that the appropriations to operate the United States Congress are more than twice the amount available for operating the 50 State legislatures combined. Implications of this statistic in terms of State legislative salaries, staff, research, reference services, office space, are clear.

In a parallel development, the Ford Foundation is supporting a National Municipal League multi-phased investigation of the constitutional barriers and other outdated practices which interfere with State legislative effectiveness. Among other things, the League has started a newsletter, *State Legislatures Progress Reporter*. The lead article in the January 1966 issue of the newsletter described the New York State Legislature as "a sort of solid gold oxcart" with "the bulk of its practices and procedures having come down from the last century, untouched by the jet age." Still another development launched in 1965 is a two-year appraisal of State government with emphasis on the execution and administration of State services under the direction of Terry Sanford, former Governor of North Carolina.

SOME FURTHER STEPS TOWARD RECONCILIATION

Additional centripetal action will be needed to bring about a reconciliation of the demographic, social, and governmental forces affecting urban development. It is late, but not too late, to change the recent trends. Fortunately, there has been a badly needed redirection of interest and talent in all fields of endeavor directed to the development of new Federal, State, and local policies for meeting urban problems. The approaches below are representative of the directions likely to be taken.

Areal administration

There is a need to minimize the jurisdictional overlays among federally spawned regional planning and operating agencies. Consideration should be given to utilizing a single agency—a common administrative vessel—to carry out such federally supported programs as Economic Development Administration, the Community Action Program of the Office of Economic Opportunity, and regional planning agencies. With only a handful of exceptions, the economic development district, the local community action agency, and the regional planning commission operate independently with often similar but non-congruent boundaries. When Federal financial assistance is provided for regional programs of physical, economic, and human resource planning and development, aids might well be conditioned upon the programs being planned and conducted by the same regional agencies. The States could aid in this effort by authorizing and providing financial incentives for formation and operation of such multi-functional agencies. For example, Georgia now provides State aid to regional planning and economic development commissions and the Governor follows the boundaries of these commissions in designating areas with the Economic Development Administration and the Appalachian Regional Commission. Not only do these bodies reverse the trends of governmental proliferation but they provide a unified framework for coordinating related programs, make the most use of limited leadership resources, and make the beginnings of regional policy-making possible. Similarly, the continuing transportation planning process, the metropolitan planning agency, and the regional council of elected officials in each metropolitan area would benefit from consolidation of staff resources and political leadership into a single entity.

The Federal field structure should be examined with a view to achieving greater consistency in regional office boundaries, decentralization of decision-making in grant and program administration:

"And with increasing authority assigned to Federal field offices, new interagency information sharing, planning, and program co-ordination must be made possible at the regional as well as at the Washington level. The President should also insist that "overhead" money be given to state and local governments to assist their administrators in setting to rights their present haphazard participation in the scores of Federal aid programs."[48]

Greater geographic juxtaposition of Federal regional office agencies with State, county, and local government office buildings is needed to help achieve "one stop service" and information for the citizen and face-to-face intergovernmental relationships between and among governmental levels and programs.

Urban research

Reform in urban research administration is needed. Despite the importance in an urban society of better understanding of the factors affecting urban social and economic well-being, a survey by the Bureau of the Budget indicates that urban research constitutes only a small fraction of all research undertaken under Federal sponsorship. A general lack of balance in urban research was found with only a handful of the many Federal agencies affecting urban development supporting such efforts. A relative lack at present of what might be called basic as distinguished from applied research was revealed. Finally, no significant focal point within the Government could be identified for consideration of unifying or coordinating machinery in federally sponsored research on urban development.[49]

Some progress can be cited. The Science Information Exchange of the National Science Foundation is now getting underway to make available on a more orderly and continuing basis information on urban research currently in progress, beginning with federally supported research and later to be extended to other public and private activities. A host of research oriented centers, mostly in universities, have sprung up in recent years, operating on an interdisciplinary approach directed to develop a more basic knowledge about structure and functions of urban areas.

Fiscal equalization

A discernable trend in recent years to achieve greater equalization of local fiscal capacities and need is for the Federal Government to pay a preponderance of the total project costs, e.g., the 90–10 highway program and urban renewal, or a large share of the cost of minimum payments as in the case of public assistance. Project grants such as the proposed 100 percent Federal matching "City Demonstration Program" reinforce equalization effect in that they tend to be directed to the communities and individuals in the greatest need. The Elementary-Secondary Education Act, in effect provides unmatched grants to local communities for educational services for culturally disadvantaged children. Other new Federal programs, such as the Economic Opportunity Act, Appalachia, and Economic Development Programs cover 80–90 percent of project costs and go primarily to the poorest jurisdictions for support of a range of local programs. These approaches tend to minimize the importance of the matching provisions.

The States too can administer grants and tax sharing in a way to minimize differences in local fiscal capacity and disparities in services. In Wisconsin, for example, under its residential property tax credit system, a portion of the sales tax is channeled to localities most in need of property tax relief by using a formula which directs the greatest share to districts with the highest effective tax rates. An example of minimizing level-of-service disparities in a specific program area is provided by the inclusion by over half the States in State education grant distribution of factors designed to measure local tax effort and community educational requirements.

Almost all Federal and State grant programs need to be reexamined to remove features that aggravate differences in local fiscal capacity to deal with their public service needs in metropolitan areas. As a beginning, there is need to assess the extent to which variations in local fiscal capacity should be recognized in the distribution of Federal and State grant funds and to assemble data required for measuring State-local fiscal capacity and tax effort.

Metropolitan workable program

A joint metropolitan goals effort should be tried, at least on a demonstration basis. The first step might be an invitation by the President to governors and mayors for a partnership exploration by the key Federal agencies, State representatives, and local governments for the development of agreed-upon goals in a number of selected major metropolitan areas. Within the framework of

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[47] See Norman Beckman and Page I, Ingraham, "The States and Urban Areas," Law and Contemporary Problems (Durham, North Carolina: Winter 1965), pp. 76–102, for additional citations of State aid for urban areas, reform of State tax and revenue authority, exercise of State control coupled with removal of restrictions over local government organization and powers.

[48] Stephen K. Bailey, "Co-ordinating the Great Socley," The Reporter, March 24, 1966, p. 41.

[49] U.S., Senate, "Urban Research Under Federal Auspices" (A Survey Prepared by the Bureau of the Budget for the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, 88th Cong., 2d Sess.) (Washington: U.S. Government Printing Office, April 15, 1964), pp. 5–6.

these agreed-upon goals, an examination might then be made of the present and needed performance of the whole range of urban functions to be followed by development of a Metropolitan Workable Program. Such Metropolitan Workable Program would be multi-program, multi-jurisdictional, and include procedures to assure that before any local government in the metropolitan area would be eligible for any Federal aids that they be a party of the workable program agreement. The plan would include a politically responsible comprehensive planning process, an integrated regional fiscal capital program and budgetary plan, and agreed-upon variety of land development control mechanisms. Federal incentives to such a cooperative regional effort would have to be high and might take the form of cash contributions of unearmarked grants to help meet regional budget needs not available through existing sources. Federal aids for councils of governments and the grant incentives for metropolitanwide projects in the Metropolitan Development Title of the Urban Development Act proposed by the President are steps in the direction of a metropolitan goals effort.

Metropolitan party organization

The classic functions of political parties in the United States are to provide leadership, to crystallize issues and to reconcile diverse community and private interests. These functions are precisely what are needed in our metropolitan areas today. In the not too distant past, parties were well organized from the ward to State party organization. But patronage has declined, and governmental programs today, as a matter of right rather than party favor, increasingly meet peoples' needs for assistance. Local political party organization in metropolitan areas today is simply a pale reflection of the existing pattern of local government.

One approach recently suggested in the Philadelphia metropolitan area called for a supplementing of the existing local party structure "with a unit which will attend to the political realities of today's inter-county, inter-state, super-city . . . Within the inter-county—inter-state area encompassed by urban Philadelphia, the Republican Party was represented by three men seeking seats in the U.S. Senate. Though largely facing the same problems and all campaigning within the area of influence cast by such factors as TV, there was no coordination of candidate or party activity. A minimum of coordination could have improved each campaign and could have saved money through volume purchases of time and space."

Such a council, the proposal goes on, could develop programs in a multitude of critical areawide problems, including transportation, water resources, housing, zoning, and race relations. A similar effort is underway in the Minneapolis-St. Paul metropolitan area. These political leaders understand the importance of the metropolitan area to their party's future, both in terms of the proportion of the vote cast in metropolitan areas and in terms of growing urban problems. This approach has application in both parties. It can revitalize and widen the horizons of the existing central city political machine and add structure, professionalization, and form to today's suburban political efforts.

Public use of the private sector

The private corporation has many of the attributes of an ideal metropolitan government. It can operate across jurisdictional and even State boundaries. It generally has broad legal authority to perform an almost unlimited variety of functions and has always attracted the bulk of the managerial and professional talent of the country. It has broad borrowing power. Its potential excesses can be controlled by government regulation. And, finally, the private corporation, like the public official, is concerned with citizen reaction to its activities, "its image." These qualitites should make the private corporations especially attractive to governmental officials at all levels to help carry out their programs. Many Federal agencies have already, in effect, created their own private corporations, e.g., Rand, Institute for Defense Analysis. Other agencies have done likewise, but more covertly.

A number of contracts have been let under the Economic Opportunity Program with major industrial corporations to operate Job Corps training centers. The corporations diversify their activities while OEO taps their managerial resources for public purposes.

The State of California has let contracts with some of the Nation's aerospace corporations to examine the feasibility of attracting urban problems through the scientific and systems approaches developed by these firms in helping carry out the Nation's defense and space programs. Taking a leaf from this experience, Lyle Fitch of the Institute of Public Administration predicts "the development of public-private 'consortiums' to meet urban social and physical needs. Government . . . might contract with industry for entire systems or urban services." [50]

Given a high degree of competence and concern with the protection of the public interest on the part of government contractors, industry is in a strategic position to make major contributions in such previously exclusive public sectors as crime and delinquency control, government information, economic development, and water supply and sewage disposal.

CONCLUSION

The current trends in the role of government in urban development might have been described in the paradoxical opening lines of Dickens' "A Tale of Two Cities":

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity; it was the season of light, it was the season of darkness; it was the spring of hope, it was the winter of despair."

The role of the Federal and State governments continues to grow. They are helping local government do what local governments cannot do very well for themselves; raise adequate revenues and do it equitably, achieve economies of scale, administer regional programs, and provide a forum for the resolution of conflicting interests.

A new dimension in Federal and State aids is likely to be demanded by local government. In an age of $100 billion Federal budget, civil rights groups are calling for an added $40 billion a year to "aid economic development and racial justice in the Nation's large cities." The lesson of this new dimension of proposed financial aid will not likely be lost on urban interest groups developing a strategy for the future.

The role of the Federal Government will continue to be that of acting when it is the only agency with the necessary resources, when the needed activities cannot be handled within the jurisdictional limits of smaller governmental units, when nationwide minimum standards are justified, when State, local or private groups are likely to take action that injures the interests of people in other States, or when basic political and civil rights are impaired.[51] The vitality of the Federal response to urban problems—in voting rights, education, poverty, increased housing choice, and planning—has been demonstrated. Its role will be increasingly pragmatic and less vulnerable to traditional arguments for limitations on Federal action. It will administer little directly other than the Post Office, national parks, and veterans hospitals.

Until now, the States in the Federal Union have exercised relatively unlimited autonomy, in four major areas of governmental activity: (1) the administration of election machinery and the prescription of voter qualifications in State and local elections; (2) the financing and administration of the public schools; (3) maintenance of law and order; and (4) maintenance of independent tax systems. Pressured by sins of commission and omission in a handful of States, the Federal Government in 1965 entered three of these previously reserved fields in substantial manner, through the Voting Rights Act (P.L. 89–110), the Elementary and Secondary Education Act (P.L. 89–10), the Law Enforcement Assistance Act (P.L. 89–197), and establishment of a National Commission on Law Enforcement and Administration of Justice. If the Heller Plan becomes the Johnson Plan, the Federal Government will enter the fourth previously exclusive area. And once public responsibility revolves upward it rarely devolves again.

Federal programs will continue to use the States, sometimes as a channel as in "701" planning assistance to smaller communities, a priority-setting body as in sewage treatment and hospital construction grants, a planning body as in the Federal-Aid Highway program, a partner as in the River Basin Commission title of the Water Resources Planning Act, and an approving body as in the Land and Water Conservation Fund. In large part, these differences in administrative relationships reflect subtle adaptation to political and administrative necessities, but in larger part arise from piece-meal decision-making and past patterns of behavior. Still needed is a Federal philosophy and broad doctrine on the role of the States in Federal assistance for urban development.

The States will continue to be an indispensable part of the system for a number of old reasons and for a number of new ones. The States do avoid a concentration of power, facilitate a wide participation in government, provide yardsticks and laboratories for experimentation, serve as an outlet for local grievances and for political aspirations, permit administrative decentralization and distribution of work load, allow for diversity and regional adaption, and help protect our two-party system. The State has ample powers and financial resources; it exists, therefore it will be used. It will increasingly be called upon to perform the functions of regulation, leadership, technical and financial assistance, and removing archaic restrictions on local government. With no sign of metropolitan government in sight, the governor's office and the legislatures will increasingly serve as a place of arbitration and for developing understanding among suburban and city dwellers, and among the sometimes competing metropolitan area populations within the same State.

As for local government, like Shakespeare's Cleopatra, "Age cannot wither her, nor custom stale her infinite variety." It is the place where the buck stops, where ultimately most public services will be administered, and where almost all public funds, however collected, will be spent. The role of local governments in urban development will not be tidy, or even efficient, in an accountant's sense.

On the other hand, physical and administrative tidiness (and even economy) is not the only if indeed the principal test of desired urban development. The local community action agencies spawned by the Economic Opportunity Act measure their success in part by the disruption of the status quo. Jane Jacobs (and in our hearts we know she's right) has made an effective case for the central cities being a long way from

[50] Architectural Forum, January-February 1966, Vol. 124, No. 1, p. 94.

[51] Commission on Intergovernmental Relations, "A Report to the President for Transmittal to the Congress" (1955), p. 64.

the demise predicted for them; it is still the locus of governmental faith, hope, and charity.

There is little indication that the local government omelet can be unscrambled. The urban county, interlocal contracting, voluntary councils of elected officials, responsible regional development districts, liberalized annexation, municipal incorporation control, metropolitan planning, supervision of special district activities, and residual home rule powers; these will all help prevent the local government situation from getting worse, or at least slow down the rate of fragmentation. But this may be the best that can be hoped for in the way of intrametropolitan action.

Buckminster Fuller has expressed shock at the realization that in the field of international relations, "continuation of the weapons race and of cold and hot warring are motivated only by intramural party fears of local political disasters. The world's political fate does not rest with leaders at the summit, expressing the will of world people, but with the local ambitions and fears of lower-echelon political machines . . . All political machine professionals of all political states will always oppose loss of sovereignty for their own state. Solution of the impasse, if it comes at all, must clearly come from other than political initiative." [52]

Substitute for the world's fate, "the metropolitan area's fate," and we have a picture of interlocal relations today. Unfortunately for international relations, there is nothing comparable to the Federal and State governments to help keep things manageable.

Much political, professional, and administrative talent will continue to be expended just to make the interdependent metropolitan area work. At a minimum, each metropolitan area will need some form of regional governmental machinery, most likely taking the form of a council of elected officials and staffed by a regional planning unit, a regional citizen information-education-response system and an integrated regional fiscal plan, to meet agreed-upon regional goals.[53]

All three levels are developing a more discriminating form of cooperative federalism [54] to meet the needs and realities of government in metropolitan areas. In a governmental system of shared functions, frictions and anomolies will occur. There are no basic defects, however, in the federal system itself. It has met all of the challenges but one—the Civil War. The system will continue to serve for a long time to come in meeting the problems of race riots, water shortages, traffic congestion, and increasing crime rate, and contaminated air. There are no ultimate solutions in either human or governmental affairs. Consistency in urban development will, in Emerson's words, "continue to be the hobgoblin of little minds, adored by little statesmen and philosophers." The responsibility of the students and practitioners of government in keeping the system in good working order will be to help locate and oil the squeak points as they appear.

REPORT BY ERIC SEVAREID ON SOUTHEAST ASIA

Mr. FULBRIGHT. Mr. President, on Tuesday evening, June 21, the distinguished commentator, Mr. Eric Sevareid, made a personal report on the CBS television network. Mr. Sevareid is well known to all Americans for his penetrating observations over many years to the people of this country on most of the important issues about which all of us are concerned.

He recently spent a month in southeast Asia and this personal report of what he found is one of the best balanced and most objective analyses of the situation that prevails in that unhappy area that has come to my attention.

I believe that what Mr. Sevareid said about this tragic situation will be of interest to Senators and to people of the country. Therefore, I ask unanimous consent that his remarks be printed in the RECORD.

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

VIETNAM: A PERSONAL REPORT

(By Eric Sevareid)

(Below and on the pages that follow is the full text of the CBS News' "Vietnam: Eric Sevareid's Personal Report," scheduled for broadcast Tuesday evening, June 21, on the CBS Television Network. Mr. Sevareid videotaped the broadcast shortly after returning from several weeks in Vietnam followed by a swing through Asia that took him to Hong Kong, Thailand, Japan and Formosa. Text may be reprinted in full or in part, with credit to CBS News.)

Good evening. I'm Eric Sevareid.

I propose to sit here for the next thirty minutes and talk about America in Asia, about war and about truth. This may set television back a long way. We'll find out.

I am not an authority on Asia. Asia is far too big, changing far too rapidly for many certainties.

I am not an expert on war. There is no such thing as military science. War is a rude art, in which human character, will and faith play at least as great a role as figures and logic.

About truth, I hope I know more. It is a reporter's business to tell appearance from reality, rhetoric from fact.

He often fails. In this Vietnam war, he fails unusually often. Because he is normally a stranger to the land, its language and its people. And because at every level—military, political, economic, psychological—the truth is fragmented in a thousand pieces. At each level it is a jigsaw puzzle that no single man is able to piece together. We are therefore confronted with an extraordinary condition: no honest man can return a convincing answer to the great and obvious questions that all men ask:

Is our action there insurance against eventual war with China, as the administration asserts, or is it increasing the risk of such a war? Will the Vietnamese pull themselves together, politically, or fall further apart? Are we winning this war? Do we have a clear strategy for winning it? How many years and men will it take?

To each question, the official rhetoric of Washington gives the optimistic response. These officials speak from faith, not fact. The total of the known facts does not deny their optimism; but it does not confirm it, either.

Through this fog of uncertainties the reporter must pick his way; he must report out of instinct, experience and impression. He can guess, estimate, and try to project what seem to him the probabilities.

And his first task is to break through the crust of his own pre-conceived notions.

I think I was only dimly aware of what the American power in the Pacific world really means. As you fly the great arcs to Alaska and Japan, and down the eastern rim of Asia's land mass, you begin to understand. The vast Pacific and the skies above it belong to American power. America—its men, money and machines—is intermingled with the affairs of governments everywhere, the daily lives of hundreds of millions of people.

Consider the world of the Pacific Ocean and the southern seas in this American era:

Alaska—30,000 military men.
Hawaii—100,000 military men.
Guam—20,000 military men.
Okinawa—25,000 military men.
Japan—39,000 military men.
Korea—55,000 military men.
Taiwan—10,000 military men.
The Philippines—25,000 military men.
Vietnam—about 285,000 military men.
Thailand—20,000 military men.

Besides, of course, the Seventh Fleet itself—60 to 70,000 men.

This is the legacy of the defeat of Japan in World War Two; of the take over of China by the communists; of the collapse of European rule; of the Korean war; and now, of the fighting in Vietnam. It is also the legacy of habit, of the military man's fear of ever giving up any salient, of the idea that Communist China is bent upon military aggression, as were Hitler's Germany and Stalin's Russia.

There is a strange phenomenon that comes into play in the relationship between impressions and reality. It has to do with time and space. For distance lends, not only enchantment, but apprehension. So, to Americans at home, the Buddhist riots in Saigon means that all Saigon is in turmoil. But the man sitting in a cafe a block from the riots is relaxed; he knows it's not. So, to us at home, China appears a frightening monster, straining at the leash, eager to smash her neighbors.

But some of her neighbors are far more relaxed than we. This is true of the government of Japan, the most powerful noncommunist society of eastern Asia. Their view of China as an aggressive threat is closer to the view of Senator FULBRIGHT than to that of Secretary Rusk.

They believe that China *is* already contained. She is contained by the existence of the nuclear bomb, by the simple knowledge that if she marches over the border of a friendly country that we are able to help, we shall immediately help. She is contained by this gigantic ring of steel built by the United States along her eastern and southern borders and by Russia's ring of steel along four thousand miles of her western borders. If she feels encircled, no big power ever had more right to feel that way. She fears what the United States may do more than some of her neighbors fear what she may do.

China can try the methods of subversion in Southeast Asia, she has and she does. But it is doubtful how successful she would be, even without our presence and resistance in Vietnam. Nationalism is basically stronger than any ideology. Most nations are not dominoes, that fall over with a click. These nations of Southeast Asia, like Thailand or Burma, are more like sponges.

Their edges can become waterlogged with Communist-trained resistance groups, but there are a thousand natural obstacles to the water seeping through the whole organism. One is the historic dislike and distrust of the Chinese throughout these regions.

A crucial question is whether our resistance in Vietnam is preventing the spread of Chinese dominance in other Asian countries. through their propaganda, infiltration, subversion.

The administration points to Indonesia where the powerful Chinese-inspired Communist apparatus was smashed not long ago. That would never have happened, they like to think, were we not there, in Vietnam.

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[52] The New Yorker, January 8, 1966, p. 93.

[53] See "The State of the Region," President's Annual Report Delivered to the Board of Trustees of the Metropolitan Fund, Inc., Detroit, Michigan, January 26, 1966, p. 5.

[54] Henry C. Hart, "The Dawn of a Community-Defining Federalism," The Annals, May 1965, p. 149.

If this is true, all of us would all feel very much better about this war in Vietnam. My personal opinion is that that is not true. Indeed, it was the conclusion of Japan's ambassadors to Southeast Asian countries, in recent consultation, that Vietnam had nothing to do with those events in Indonesia, that internal, domestic pressures alone were responsible.

Korea in the north, Thailand in the south are exceptions to this line of thought. The men who rule Thailand have thrown in their lot with the United States and its argument. Contrary to Burma on their west, Cambodia on their east, they do fear China and Communism in general, and they have given welcome and facilities to American power.

The Thai government tries to keep as much of all this as secret as it can; and we help them in this out of diplomatic consideration. For the truth is that we have upwards of twenty thousand military men in Thailand, mostly on the great bomber bases from which we hit North Vietnam and the Ho Chi Minh trail. Reporters are not permitted to see these bases. Twenty thousand is more men than we had in Vietnam itself when Mr. Johnson became the President.

Our military wanted, at one time, to put ground combat units into Northeast Thailand where skirmishes go on with Chinese trained guerrillas. Our diplomats stopped that; but we have more than a few special forces advisory and fighting teams in the Northeast. And there one sees how war tends to spread and of why military men must be kept in constant check by political men.

Laos, technically neutral by the Geneva Agreements, is thoroughly engulfed in the war already. The North Vietnamese run their supplies and fresh soldiers through much of Laos and therefore we bomb it constantly. We admit to no men on the ground in Laos. My information from people I consider reliable, is that we have several thousand soldiers inside Laos, including spotter groups and special forces teams. When an American is killed in or over Laos, his death is officially registered as having occurred in Vietnam.

Cambodia is becoming more and more deeply involved in the fighting. We have bombed and shelled Cambodian territory, more than once, for some time back because we have had to. I believe our front line intelligence reports and our eyewitnesses. When General Larsen, Commander of our second corps, whose boundaries lie along the Cambodian line, said there are heavy North Vietnamese troop concentrations inside Cambodia—I am inclined to believe him rather than the Pentagon's immediate denial of this. After all, he is on the scene.

This, then, is how war spreads—in spite of all the official proclamations that we shall not allow it to spread.

War has a logic, a momentum, imperatives of its own. And in this process, language is adulterated, reason twisted, policy follows in the wake of actions, instead of the other way around, and the inner sequence of cause and effect is lost to men's comprehension.

(And so,) the administration argues that unless we stop communism, or China, or both in Vietnam now, other nations will fail, as happened in Europe in the thirties, until the grand confrontation of World War Three with China will be forced upon the world.

It seems to me that it is quite as logical to argue that our very presence in Vietnam, with this inevitable osmotic spread of hostilities across other borders, is just as likely to produce war with China, unless we are extremely careful and extremely lucky. And if that happens, it will be like World War One, if not World War Two; men still argue how World War One got started, as actions led to reactions and still further reactions, engulfing nation by nation. And if we are sucked into collision with China in these regions, we will never be sure of the precise point in space or time when it happened. How the Vietnam war goes will be the test of all this; Vietnam is the anvil on which our future relations with vast, emerging China are being hammered out, and the sparks fly in all directions.

Until we got into it, the Vietnam war was essentially a civil war; a civil war and a social revolution and a struggle for national identity and freedom from European rule.

For legal and diplomatic reasons, Washington must argue that it is not a civil war at all, but an aggression and invasion by an external power. But when men speaking the same language, living within the same cultural context, raised in the same cities and villages fight one another by the thousands that is civil war. When the men of the north (including Prime Minister Ky) are part of the government of the south, and vice versa, it is civil war. Even the Geneva Agreements called the two "zones" of the one country, not sovereign states.

North Vietnam has gone to the Chinese weapons system; their material help from China and Russia is considerable. But no Chinese officer or soldier has ever been found among the enemy's fighting cadres, to my knowledge.

It is the apparent conviction of Washington that if North Vietnam will just stop its infiltration into the south the war could be settled. Not necessarily, not unless Hanoi also ordered a cease fire all down the line. One of our leading generals there argues strongly that the units from the north need the local guerrillas far more than the guerrillas need them. The guerrillas are home; they need ammunition but not trucks or oil or great depots of rice.

How many men are coming down from the north? Last fall, Secretary McNamara said it was forty five hundred a month; this April we were told in Saigon that it had gone higher and might reach seven thousand. The other day the Pentagon again said forty five hundred. These figures are educated guesses, no more.

How many in all have come down? At the Saigon headquarters you are told there are, at a generous estimate, fifty battalions of North Vietnamese now in the south. Their battalions are far smaller than ours—perhaps four or five hundred men. That means about twenty five thousand northerns in their own combat units. That in turn, is only ten per cent of the estimated total of a quarter million organized (and semi-organized) enemy fighting men that we and the South Vietnamese now face.

On both sides, it's a much bigger war than a year ago, when it was nearly lost and when President Johnson ordered the massive infusions of American troops. Our intelligence officers out there now believe that the enemy is now better armed, man for man, than our South Vietnamese allies. Far worse armed, of course, than we.

Our fighting men, our weapons and devices, our tactical ingenuity—all are profoundly impressive. We could not fight this war at all were it not our side that enjoys the real "privileged sanctuaries"—the sea and the sky. Both are denied to the enemy.

If our tactics are ingenious, our grand strategy remains a mystery, at least to me. We are fighting what is essentially a war of attrition, the most disagreeable kind of war, counting progress by the number of enemy bodies.

The count is accurate when our men can actually go among the bodies; when the Air Force claims so many Viet Cong killed from bombing and strafing runs, those are foolish guesses. The claims of enemy killed by the South Vietnamese forces—and the figures on their own casualties—may be approximately right or widely wrong; none of us can really check.

It might be better if we in the news business reported weekly progress in terms of hamlets restored or re-settled, classrooms built, village chiefs who feel it safe to go back and sleep in their own houses. This, after all, is what the war is about. And in this respect there is progress. It is something to see tough American Marines acting as dedicated social workers; it is a fact worth knowing that of the three thousand Marines who have voluntarily extended their term of duty in Vietnam, most are those men who work daily with the ordinary people. Progress, but painfully slow progress, and against it must be set the great numbers of refugees who come into our secured areas. About a million of them now. And not all, by any means, fleeing from Viet Cong terror; many fleeing from the terror of our napalm and high explosives which have, inescapably, killed and maimed hundreds of innocent people.

We are not really conquering territory. Our official statement is that at the end of last year eight and half per cent of the total land area was considered secure; at the end of February nine and half per cent; all the rest is in enemy hands or disputed and unsafe, or empty. About eight million people, a bit over half the population, are in secure allied controlled areas.

We are using giant sledgehammers to kill hornets. The Vietcong's National Liberation Front in the south has an annual budget estimated at about ten million dollars. Our annual costs in this war run to about fifteen billion. The enemy needs an estimated eighty seven tons of supplies each day; the American establishment alone needs about twenty-thousand tons a day. In terms of last year's total expenditure for the war, each enemy soldier killed last year cost us well over a million dollars.

What of our human investment and human losses? Of the total American military in-country, say 285,000 (or so) only a distinct minority do the real fighting, on the ground and in the air. They alone are the heroes. All the rest, in the enormous support and supply echelons, in the cities and ports, in the countless offices—they may occasionally court danger, but their life is wholly different, usually comfortable, for a great many enjoyable.

We had, when I left, five combat divisions and two brigades in the field, around eighty five thousand men. Add to that the special forces teams and the combat fliers. Of these I would guess, generously, that about sixty thousand can be defined as men in frequent combat. Now this is an arbitrary definition, but necessary—some definitions necessary—if we are to think at all about our human investment and losses.

And thinking, from that rough definition, one feels obliged to say that our casualties are high, not low. They are low in relation to the total number in Vietnam, mostly men who never or rarely ever see the enemy. And low compared to enemy losses. But our losses in combat dead and wounded have mounted rapidly to the current rate of about 30 thousand a year. One year is a man's term of service there. On the statistical face of it, then, the chances for the individual fighting soldier in an active combat zone avoiding death or wounds in his twelve months are not great, about fifty-fifty. What lengthens his odds is the increasing rotation of more units, not just between home and Vietnam, but between the fighting zones and the rest zones. If enemy attacks slacken, that, of course, will improve the odds.

For every man admitted to hospitals, in Vietnam for combat injuries, three times as many are admitted for non-combat injuries and disease. In terms of combat troops, one is forced to the conclusion that we lose the equivalent of about a battalion a week, most of them, of course, to return later on. But this is a rather constant process; the need

for more men and more rotation in combat operations would seem obvious.

In this sense, our casualties are high, not low. And by the other relevant measuring rod—the lasting gain from the average combat operation—some Viet Cong killed, some rice destroyed, a village cleaned out, much of which the enemy will later replace and recover—by this measure, too, the casualties must be considered high, not low.

Last summer began the big increase in the American fighting force. So this summer, tens of thousands of men will leave Vietnam. But they will be replaced, these veterans, by green troops. However good their training at home, all soldiers are green until they have gone through at least one real battle. And green-ness does cost lives. One green company of my acquaintance recently lost a hundred and thirty men, killed and badly wounded, out of its hundred and seventy, in one engagement. In the official handout later, the casualties of that action were desribed as "moderate," presumably because other units were also involved or because the enemy lost even more. The phrase "heavy casualties" I don't think I ever saw in those handout statistics.

I do not believe we are losing this war or will lose it. I am not sure one can call it a stalemate, as some men do. The Viet Cong in the south and those units from the north are getting badly hurt. That is why the Viet Cong is now recruiting kids as young as thirteen from their homes in the south, taxing the people more heavily and thus losing some of their popular support. That is why some of those northern units are not at all well trained; that is why those who desert to the other side are nearly all the enemy fighters, not South Vietnamese or, of course, American.

Hanoi may have to call it off, though we see no signs yet that it will. We are not playing chess. Both sides are playing poker, doubling each lost bet. It is a test of political will.

But, like some others, when I try to envisage the process of winning, I am haunted by a spectre. The spectre of this fragmentized, weary, Vietnamese society.

It was our official belief and the argument among many of the so-called Hawks, that as we stopped losing this war—which we've done—and as we started winning it, which we've not quite done—the bitterly conflicting political and social factions inside South Vietnam would start to pull together, in their national interest. But the trouble is that Vietnam is only a society, not a nation. There is not a single leader of country-wide prestige in South Vietnam. The people have had little experience in responding to general laws and impersonal institutions. They respond to local personalities, cliques, religious groupings or their own private interest. The resistance and rioting of the most militant Buddhists seems to mean that they hate the central government more than they hate the Communist enemy.

We try to apply Western logic and experience to this Oriental land. So we encourage the elections, envisage a parliament, eventual civilian rule, representing groups and regions.

My own guess is that this process of democratizing would produce years of political turmoil before stability is reached. It will probably, though not certainly, open a whole new pandora's box, all the quarrels in the country bursting into the open. Vietnam, I think myself, is not to be compared with Korea or Greece, where we were successful, in these respects; a strong national sense and strong leaders existed in those countries.

If this proves to be the trend, as we try to democratize government in Vietnam, then the immediate consequence will be a nightmare for us—for we should then have to involve ourselves deeper and deeper into their politics, their economy and more and more of the fighting and dying will be done by Americans and less and less by the Vietnamese.

Ten days ago, Secretary McNamara asserted that Vietnamese politics would not hinder our war effort there. It is part of the duty of national leaders to speak from their faith, not their fears. But it is part of the duty of the press to examine their faith, to raise the questions that officials never publicly raise.

The hypothetical alternatives in Vietnam remain about what they were: bomb more of North Vietnam's industry and see what happens while nervously watching nervous China; halt the bombing and pull back to our base areas and see what happens; encourage the various third nation efforts to get negotiations started; quit Vietnam entirely; keep the pressure on, as we are doing, and wait for Hanoi's will to break.

As of now, the prospect is more pressure—more and heavier war; that is the meaning of the stepped-up draft, the new troop shipments, the longer lanes of cargo vessels plowing the South China Sea, the increasing roar of the airplanes settling on to those ever increasing airfields.

I should like to mention, before I end this long and not very happy discourse, two matters: a bit cosmic perhaps, but of fundamental consequence for our future affairs.

One is the fantastic size of our military establishment and the fantastic speed by which its cost increases. This can consume our marginal substance. This is what General Eisenhower warned about in his last words as President. He said we must guard against undue power by a military industrial complex. It will take a very convincing peace and a very strong President to put our military genie back in the bottle.

The other thing is this: the deepest, strongest forces motivating the people of Asia are not those we picture as we sit here at home. From here, one has the illusion that Asia is clanking armies, colliding ideologies, aggression and fear, that Asia is politics.

But the deepest forces moving Asian peoples now are not these at all, but the forces of the modern scientific-industrial revolution. Asians have discovered the great secret, so long hidden from their hope: that man is not born to a short life of pain and work and poverty. They see the marvelous evidence, nearly everywhere they look; Japan, a booming economic colossus whose production may soon pass Great Britain's. Korea, prosperous enough to do without direct American aid. Taiwan, where food production has doubled in fifteen years and where new hotels, highways, factories open every month. Thailand, whose cities boom and grow. Indonesia, which has stopped its ridiculous war with Malaysia and now wants to join the real procession. Even Communist China, where basic comfort now seems assured for most, and where a new generation of economists, engineers, builders is slowly but surely coming to replace the old men of politics and war as they were replaced in Russia when Stalin died.

In Taiwan I had a Chinese driver, name of Jimmy. A mainlander who had to flee the Chinese Communists and has no love for them at all. But he said to me, "If only America and China can learn to get along—what a wonderful thing for us all."

Jimmy perceives what Asia and life can be. Our government perceives it, as attested by the Johnson plans for Southeast Asia's economic development.

But if this war in Vietnam goes wrong and the great collision does come, all this will be lost. And that would break history's heart.

This reporter, like most, even among those who fear and doubt, still believes that God and the stars will again indulge their notorious weakness for Americans and bring us through this unhappy Vietnamese transaction in safety and peace.

There, like the government officials, I speak from faith, not from the facts; knowing, as they know, that faith—even blind faith—can sometimes change the facts.

This is Eric Sevareid in New York. Good evening.

ADDRESS BY AMBASSADOR CHARLES LUCET AND INTERVIEW OF MINISTER OF FOREIGN AFFAIRS COUVE DE MURVILLE, OF FRANCE

Mr. FULBRIGHT. Mr. President, on June 15, His Excellency Charles Lucet, French Ambassador to the United States, made a most interesting address at a luncheon of the National Press Club. The Ambassador's remarks clarify the policies of his Government and of President de Gaulle.

On June 5, M. Couve de Murville, French Minister of Foreign Affairs, was interviewed by the Canadian Broadcasting Corp. His comments also serve to clarify the policies of the French Government.

Mr. President, the Ambassador's address and the Minister's interview deserve the attention of the Senate, and I ask unanimous consent that they be printed at this point in the RECORD.

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

ADDRESS BY HIS EXCELLENCY CHARLES LUCET FRENCH AMBASSADOR TO THE UNITED STATES BEFORE THE NATIONAL PRESS CLUB LUNCHEON ON WEDNESDAY, JUNE 15, 1966

I want to thank you for your welcome and tell you how much it pleases me. This is not the first time, of course, that I have attended a National Press Club Luncheon—even among the honored guests—but it is the first time that I have had the privilege of being your speaker, and that is quite another thing.

A preliminary remark is needed: I have lived in this city and country which I love for thirteen years, and I have spent here the best years of my life. Here I have learned the English language a little, but its pronunciation, not at all. I had hoped to overcome this disability, but it really seems to be "beyond repair." Perhaps you have noticed that my accent is a little like that of Charles Boyer, even if I have passed the age of "bedroom eyes."

The more I think about it, the more delighted I am to have an opportunity to express my views. After all, we have more or less the same duties and, to a certain extent, the same job. You inform your readers of what goes on in a world which you observe with cold, impartial, photographic eyes. I, as unbiased as you, do the same, with one difference—I have fewer readers.

Having returned to the United States after an absence of six years, I naturally see a lot of changes. Those of you who have recently been in my country, perhaps after a long absence, may also have seen a striking transformation in France, and this is what I would like to say a few words about first.

We have lived through two wars, and, in addition, between 1945 and 1962, the ordeals of two colonial wars in Indochina and Algeria. We are now living in peace for the first time in many years of our history—since 1962, to be exact.

We were a nation with a falling birth rate that was slowly moving toward its decline. This trend has been reversed. France is

now a young country. In 1966, 30% of her population is less than thirty years old.

We were a country with an unstable currency and a deficit in our trade balance. How many former French statesmen have you seen at this very rostrum, confessing that, in visiting Washington, their purpose was to obtain a few additional dollars from your Treasury? And they really could do nothing else. But since 1958—following a highly successful devaluation and an indispensable stabilization plan, which is gradually becoming more flexible—our economy is once again prospering. Our currency is strong, and we are repaying our debts—some of them before they are due. Marshall Plan aid and our own efforts have enabled us, at the proper time, to start modernizing our industry and our agriculture. We can now continue, on our own steam, ready to face the rules of international competition with no outside assistance.

Lastly, thanks to a new Constitution, approved by the nation, we have regained political stability, which was so sorely lacking during the two proceding Republics. Need I recall that we had 38 different Cabinets between 1918 and 1940, and 24 different ones between 1945 and 1958? Since 1958 we have had only two, after several electoral consultations.

Believe me that I do not say all this to boast, and much remains to be done. But in today's world, the world of 1966, France—if not on the scale of giants—is at least a nation that is young, stable, balanced and prosperous.

While France has changed, she has not thereby abandoned her traditional mission, which is to seek to weave peaceful bonds with her neighbors, and first of all to help the young nations that have just gained their independence.

In this regard, I do not like the term "nationalism" that is frequently applied to us. It does not correspond to the reality of France. We want to help, and we want to cooperate.

We are applying our aid, as I have just said, first to the developing countries, and primarily to those that we have led to independence, as is only natural. Recent statistics show that while the United States alone provides 56% of all forms of international aid, France ranks second with 16%. If you take the proportion of foreign aid and gross national product, France's aid program—which totals 1.5% of the G.N.P.—is slightly above that of the United States. And, in any case, it is higher than the rate of 1% recommended by the United Nations.

Moreover, France—far from wanting to live closed in by her frontiers—is at this time actively participating in the construction of Europe. It can be said that—contrary to what many claim, and quite wrongly—this is one of her main concerns. You know that sizable progress has recently been made in this area. Customs duties between the six countries forming the Common Market will disappear completely by July 1st, 1968. Already, these duties are only 20% of what they were at the time of the Rome Treaty's signature, and in this area we are eight years ahead of schedule.

In the sphere of agriculture, considerable progress has also been made recently. A month ago, the Six adopted a common financial regulation that sets the conditions for exporting and importing agricultural products. Soon each product will have a single price and will circulate freely. This Europe, which we so keenly desire, will probably achieve its final form—at least on the economic level—between 1968 and 1970. What was a dream many years ago, and even when the Treaty was signed in 1957, has become a concrete reality.

Furthermore, you know that this Europe of the Six is not limited to its initial members. It is ready to welcome those countries that accept its now-established rules and that feel they have a real European vocation. It is also ready to push forward conversations with the world's other great economic and commercial powers—and this is called the Kennedy Round. We recognize the benefits of broader, and simultaneously more liberal, international trade.

My photographic view of the international scene has perhaps been slow to develop, because it is such a complex picture. France is no longer what she was right after the war; Europe is no longer what it was, at least not on the economic level. Nor on the political level.

First, a major event has taken place—the French-German reconciliation sealed by the treaty of January 1963. A few days ago at Verdun—and the choice of the site is especially meaningful—General de Gaulle recalled France's desire to maintain "direct and privileged relations" with that Germany which yesterday had done her so much harm. And we also fully realize that in today's world, if we want to insure peace, Germany cannot remain a divided country forever. Moreover, German reunification is possible only within a global Europe that itself would cease to be divided.

But there is more. Since 1946, Europe—the Europe of traditional geographic frontiers—has been divided by a heavy iron curtain that made all contact impossible. I do not say that the iron curtain has entirely risen, but it is no longer so opaque, so heavy. It is a fact that, due to sociological developments in each of the States, taken separately, due to slow progress in conditions and ways of life, cracks are beginning to appear and people are beginning to communicate. It is a slow evolution, but apparently an irreversible one. The development of exchanges in people, merchandise, books and films will only accelerate. Especially, is there not a new spirit taking shape, and would it be wise—remaining cautious, nonetheless—to ignore the great changes occurring and not to draw certain consequences from them? The matter therefore involves changing the climate so as to engender confidence and pursuing a long-term, but not a dramatic policy.

This stirring and changing world goes beyond the frontiers of Europe. The communist world, as everyone knows, is no longer a monolithic bloc, and two great powers are now vying for its leadership. In addition, Africa and Latin America have opened wide, and the number of United Nations members has today grown to 118.

I am not here, of course, to draw a detailed picture of the world, but to point out that, in the face of a reality so different from that which prevailed at the end of the hostilities, France is trying to adapt herself to this changing world and, if possible, to foresee its further transformation. She is not doing so by yielding to some scheme for grandeur or hegemony that would be outside her means and her intentions. She is doing so only because, being free of mind and having solved most of the problems that have been plaguing her for several years, she can serve as a link and open some doors more easily than others can.

This does not mean that France is trying to move away from her oldest friendships. We know to which world of ideas and to which spiritual family we belong. While we think that the times have changed, we do not therefore draw the conclusion that our friendship with the United States—a friendship two centuries old and cemented on so many battlefields—is any less dear to us. The opposite is true.

We want to remain your friend and your ally within the Atlantic alliance. We know that this alliance is still indispensable for the balance and peace of the world. We do not think that the military threat is so great in Europe today. But if this threat were to be revived, you know which side we would be on. I think we proved this during the Berlin and Cuban crises—and you know it. There was no possible doubt about our determination then. We are not playing the game of ephemeral alliances.

We simply say that the alliance is durable and necessary, but that the organization it adopted to meet the requirements of the cold war, and perhaps of an imminent war, should in our opinion be revised in order to take the world's changes into account. In addition to it we wish to remain in close liaison and cooperation with our other partners to face eventualities in time of war.

France—essentially a Catholic country, as you know—was considered in the 17th and 18th centuries to be the eldest daughter of the Church, and this was true, for she has always been a country of intense faith. But, at the same time, what is known as the Gallican spirit has always existed in our country. By this, you should understand that, in matters of faith, France has never strayed from the straight line, and that she has never been tempted by chism, which is tantamount to separation. But, at the same time, when not dogma, but organization or current practice were involved, we have always upheld our liberties when in our view they better corresponded to a desirable evolution of ideas.

Dare I say, without forcing things, that there are some analogies in the present situation. France is and remains the daughter of the alliance. Faithful, France remains so in her traditional Gallican spirit: the alliance must remain, but its organization and its spirit should take into account the requirements of a changing world.

In saying this—and this will close my remarks—I am well aware that, outside the customary formulas, I again find the old common fund of Franco-American relations. That is why we are such friends, but that is also why we give the appearance of having had so many quarrels and disputes since the dawn of your history. The thirteen revolutionary colonies upheld certain principles, around which we rallied together. New aspirations were seeking a form of expression, and above the ruins of the *ancien régime*, the idea of democracy was new to Europe as well as to America. Since that time we, like you, have had the habit and formidable privilege of raising questions to others. A time comes when the formulas harden, and when we must look for a new form of intellectual ferment. I hope I have demonstrated that, for our part, we are in no way being narrow-minded or backward-looking in this matter. That is why, today as yesterday, I am placing my stakes in the future of Franco-American relations.

SAN JUAN DAY

Mr. DOUGLAS. Mr. President, this June 24 is San Juan Day. It is a day dedicated to St. John the Baptist and it is a day that reminds us of America's outstanding Puerto Rican community. San Juan itself is the beautiful capital of Puerto Rico and was one of the first great cities of the New World. When Columbus discovered Puerto Rico he named the entire island San Juan Bautista. During the three centuries after its discovery Puerto Rico was the center of international rivalry and many fleets tried to fight past the great fort that guarded the harbor of San Juan. In the 19th century the arts and commerce of the island began to flourish. In 1899 Puerto Rico passed from Spanish to American sovereignty.

The people of Puerto Rico have long had a tradition of progressive democratic government. They are proud that they as a group have the ability to make democracy work. Luis Muñoz Rivera, the George Washington of Puerto Rico, started that tradition when he forced the Spanish to grant the island a charter of autonomy.

This tradition lives today in the persons of Mayor Donna Felicia de Gautier and Mr. Luis Muñoz-Marín, the great Puerto Rican statesman. Mrs. Gautier is the dynamic and charming lady who is the mayor of San Juan. She has visited Chicago and because of her reputation for courage and honesty in government she was enthusiastically received by the people of my home city. Mr. Marín is the former Governor of Puerto Rico who conceived and directed Operation Bootstrap. This program, thanks to the dedication of Mr. Marín, has revitalized the entire Puerto Rican economy.

Many Puerto Ricans have come to live on the mainland of the United States and like all of the different groups who have landed on our shores they have found us to be strange and at times difficult. But few people have adapted themselves as rapidly or as successfully as the Puerto Ricans, and few have had so many outstanding individuals representing them in all phases of American life. Teodoro Moscoso was the head of the entire Alliance for Progress under the Kennedy administration, Jose Ferrer is noted for his acting genius, Jesus Maria Sanroma is a famous pianist, Orlando Cepeda is a baseball star of the first rank, and Brig. Gen. Pedro del Valle was decorated for bravery at Guadalcanal and was my commanding general in the 1st Marine Division.

All Americans are proud of our ties with Puerto Rico, and we know that our destiny and that of the Puerto Rican community are inseparable.

DESIGNATION OF HAWAII AS A PLACE OF REST AND RECUPERATION FOR SERVICEMEN IN VIETNAM

Mr. INOUYE. Mr. President, the Department of Defense recently announced that Hawaii would be designated a rest and recuperation area for servicemen in Vietnam.

This decision was very gratifying to me and to the hundreds of wives of servicemen in Vietnam who live in Hawaii or who remained behind in Hawaii when the 25th Division and elements of the 1st Marine Brigade were ordered to Vietnam.

Many of these women wrote letters to me and a number were sent to the Department of Defense for their study before the final decision to go ahead was made.

If there are no objections, Mr. President, I ask that these letters be printed in the RECORD.

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

SCHOFIELD, HAWAII,
April 27, 1966.

DEAR SENATOR INOUYE: I am one of the wives of our 25th Division that are now serving our Country in Viet Nam, and am writing hoping you can help us with the R & R problem. I can't believe the statement that was in our Star Bulletin that it would be worse for our men morale to have to come home & leave there family again, to me its a poor excuse, do the people in Washington realize what it has done to there morale now.

We have appreciate everything you have done & are still doing for our fighting men in Viet Nam.

We want to thank you and we are still hoping & praying.

Sincerely,

MRS. STEPHEN WEDDING.

SCHOFIELD BARRACKS, HAWAII,
May 2, 1966.

DEAR SIR: My husband is serving his 13 mo. tour of duty in Viet Nam with the 25th Inf. Div. formerly station at Schofield Bks., Hawaii.

Earlier this year Hawaii was under consideration as an R & R area for men serving in Viet Nam.

Sir our husbands left with hopes of returning here for R & R. Many of the wives are remaining here at Schofield so they can be together again even if only for a few days. I know myself I had a daughter born 3 days before my husband left and I would be happy if he could only see the kids again if only for a little while.

I also believe that if the men know they have the privilege of returning to their families for R & R they can defend their country and government with all the honor and pride of being American soldiers. I know in my husbands letters he say all that keep's the Guy's going is looking forward to coming home to their family in Hawaii.

There have been statements saying it is to expensive to return these men to Hawaii. Have these people considered how much money the U.S. is losing by forcing our men to other foreign country and denying them the right to return to their homes and families?

Sir will you please support our efforts to let our fighting men return to their homes for a break in their tour.

It is my sincere belief that the morale of our men and the morale of the wives and children waiting for their return will be strengthened by being reunited again. We have gone through the sorrow of being separated and it really hurts. But the happiness of being with my husband for even a few day's during his tour will give us something to look forward to and a beautiful memory to look back on during the remaining mo. he is serving in Viet Nam.

Thank you very much for your interest and concern of this matter. Please let us know what we can do to help our Guy's get R–R in Hawaii.

Yours truly,

Sp5c. and Mrs. C. M. VAUGHN.

APRIL 13, 1966.

DEAR MR. INOUYE: How happy you made myself and countless others that you will continue your fight to make Hawaii an R. & R. station for the military.

Please continue to do all you can to get it approved. Indeed it will bolster morale and help keep families together, and help have more people of an emotional and mental frame of mind.

It will do untold & immeasurable good for wives and husband & children. We will have happier & healthier peace of mind. In addition to this of course it will bring more "revenue" into Hawaii & keep more people here—and even those of us who live "on Post" must do shopping in civilian stores & purchase clothes etc. in civilian shops. My main reason I'm sure you understand is that it will mean so much to be reunited even briefly with my husband & the children will benefit immensely.

We would greatly appreciate any help.

Thank you very much,

Mrs. H. ———.

3608 A SCHOFIELD BARRACKS APO
SAN FRANCISCO, CALIF.,
May 6, 1966.

Senator DANIEL K. INOUYE,
U.S. Senate,
Armed Forces Committee,
Washington, D.C.

SIR: I received the enclosed signatures as a token of their support in our campaign asking reconsideration in designating Hawaii as an R&R center for our husbands now in Viet Nam. Permission was granted to forward them on to you. I hope they can be of some help to you concerning this vital issue.

Sincerely,

MRS. PATRICIA A. MILLER.

Martha Nahamura, Lei Taite, Doris Hayakawa, Zillah Puaala Young, Filomena Cadian, Sue Sugai, Lucille Devers, Valeriamo Rabot, Hazel K. Ho, Robert Masch.

Mary Anne Haime, Elsie Green, Anna Oliver, Frank Farrelly, Mrs. Alex Doninye, Mickey Gib, Thelma Cochrane, Terry Sculd, Sgt. Edward K. Iona, Jr., Edward K. Iona, Sr.

John F. Williams, SF William E. Gulf, Mitzi Pugh, Pearl Fuller, Herbert Cherry, Fumie Nishimura, Charles E. Powell, Isabel Roberta, Janet C. Casomina, Maxine Payne.

Elizabeth Kepilino, Millicent L. Viela, Blanche Anguay, Rachel P. Igasta, Dolores Zolteh, Dorothy L. Ho, Juanita M. Thil, Shirley W. Briggs, George Upeda.

Frances Chef, Sinclair Fsi, Mildred Baker, Eleanor Azeuldo, Margie Denman, Mrs. Ludwick Raymond, John Dagmond, Mrs. Mary K. Waiolama, R. K. Cathy K. Wauleman, Audrey L. Moon.

Iwalane Gomard, Reri Kan Lane, Robert Miyorato, Stan Arjarato, Rose Kamibon, Lorean H. Spell, May Chambers, Peggy Medeiro, Minnie Fallon, Pauline Mumford.

Constance E. Costo, Donald J. Coats, Rose Cleveland, Ileas Ulatsemote, Frances Asano, Phillip C. Fraza, Amy Cummings, Janet Gaison, Stephen Kam, Martha K. A. Enos.

Jo Ramos, Adrian R. Ramif, Robert S. Tate, Mrs. Bernard Skibrinski, Mrs. M. Silva, James R. Ayar, Andrew W. Miller, Richard Quinn, Patricia Espiritu, Matilda W. Ching.

Salome O. Foster, Mrs. Kathleen McMahon, Frieda S. Yokoprina, Mrs. Lanis Meliker, Mrs. Elizabeth Paloma, William Paloma, David H. Malyise, Rona Kalingo, Vivian P. Willing, Anna P. Willing.

APRIL 22, 1966.

DEAR SENATOR INOUYE: I am writing this letter to plead with you to help us, concerning the matter of rest-and-recreation in Hawaii.

Some of these men in war has families here. I know it would help there morale, if they can see and be with there families, if only for two days.

My husband was in Viet Nam when our younger daughter was born. He was home for eight months before he left for thirteen months. I am not complaining or feeling sorry for myself.

I am proud of my husband and the men that are serving in Viet Nam.

But as a wife and mother with two girls. I don't think there are any words in the dictionary that will explain why we are in war. We're not asking much. We just want our husbands home for a couple of days with their children, before returning to combat.

What can a strange country do to there morale, except a little more depressed.

We are hoping you can help us. Thank you for taking your time to read this letter. We know your a busy man.

Sincerely,

MRS. ROSE M. ANDERSON.

HAWAII,
April 27, 1966.

DEAR SENATOR INOUYE: The reason I am writing is for two reasons. One is to say Thank you for all you have done already to help Hawaii to become a rest area for men on duty in Viet Nam. The other is to ask you please on behalf of all families on Schofield and surrounding areas to continue your efforts to get R&R for our husbands. I can't describe the disappointment all of us felt when told R&R to Hawaii was out.

Actually I feel it is even harder for the fighting men than for the families as they have been looking forward to this so very much. Maybe in some way you will be able to make these people in Washington understand that the war effort would be improved with these men's morale built up instead of torn down. I'm sure every soldier would return to his job far better able to do a good job after being able to spend a few days with his family. The cost should not present a problem as there aren't that many men with families on Oahu. With planes coming and going from there so often it would seem these men could come with no cost to the Govt. Please continue to support our cause. All 25th Div. wives are counting on you.

I will close by saying Thank you.

Sincerely,

MRS. BURL BRANHAN.

HAWAII,
April 29, 1966.

DEAR SIR: I am one of the many disappointed Army wives who was left here in Hawaii thinking her husband would be coming home on R.R.

Don't get me wrong, Sir. My husband isn't any better than the next man to fight in this war. But he does love his family very much. It wouldn't have been so bad on us here and our husband's but, we was told there would be R.R. here in Hawaii.

I do hope there is some way you can help us out, and may God bless you in each step you take.

Yours truly,

MRS. BOBBY L. COX.

SCHOFIELD, HAWAII,
April 12, 1966.

Senator DANIEL INOUYE,
Washington, D.C.

DEAR MR. INOUYE: I am a wife of a service man now serving in Viet Nam. Presently, I am living in Hawaii along with many other husbandless families. When our husbands left last Jan. it was a rumor that Ohau, Hawaii would be made into a rest and recuperation center for our fighting men in Viet Nam. Recently some of our men have put in for a week's leave for rest and recuperation in May or June and it was rejected. They were told to take their leaves in some other Asian country other than Hawaii. I don't think this is fair to a Fighting man or to his family that awaits his return home for a visit. We ask ourselves why can't our men spend their money here in our own country and why should a married man spend his valuable leave in some other country when they had much rather be at home with their families. I think we owe this much to our fighting men in Viet Nam to choose their own places of rest and recuperation. Anything you could do for us in this respect would greatly be appreciated.

Respectfully yours,

MRS. COY CROSBY.

MAY 1, 1966.

Senator DANIEL K. INOUYE,
Hawaii State Senator,
Washington, D.C.

DEAR SIR: My husband is serving his 13-month tour of duty in Viet Nam with the 25th Infantry Division formerly stationed at Schofield Barracks, Hawaii.

Earlier this year Hawaii was under consideration as an R & R (Rest and Recuperation) Area for men serving in Viet Nam.

Sir, our husbands left with the hope of returning here for R & R. Many of the wives and children are remaining here at Schofield so they can be together again even if only for a few days. I believe that if the men know they have the privilege of returning to their families for R & R, they can defend their country and government with all the honor and pride of being Americans. The encouragement they have in knowing they can return here will build our men's morale and give them even more desire and determination to end this conflict and to show the other nations that we value our freedom and we will fight to defend these freedoms in other countries, too.

There have been statements saying it is too expensive to return these men to Hawaii. Have these people considered how much money the United States is losing by forcing our men to other countries and denying them the right to return to their homes and families?

Sir, will you please support our efforts to let our fighting men return to their homes for a break in their tours.

It is my sincere belief that the morale of our men and the morale of the wives and children waiting for their return will be strengthened by being reunited again. We have gone through the sorrow of being separated and it really hurts. But the happiness of being with my husband for even a few days during his tour will give us something to look forward to and a beautiful memory to look back on during the remaining months he is serving in Vietnam.

Thank you very much for your interest and concern of this matter.

Sincerely yours,

MRS. HELEN A. ENEBO.

MARINE CORPS AIR STATION, CARE OF
FPO, SAN FRANCISCO,
April 30, 1966.

Hon. DANIEL K. INOUYE,
U.S. Senate,
Committee on Armed Services,
Senate Office Building,
Washington, D.C.

GENTLEMEN: We enclose a letter regarding the reopening of the Rest and Relaxation Center for Hawaii issue along with lists of signatures of service wives who have remained in Hawaii.

This began with a few wives and due to favorable publicity it has snowballed into an island wide project. The response has been tremendous and we have been very pleased that not only service wives have called but civilians and ex-servicemen and even teenagers are offering to assist with it. It is indeed gratifying to know that these people are interested in our problems and are willing to help us.

The letter explains fully our reasons for requesting that the issue be reconsidered. We are sending copies of this letter and the signatures to the House Armed Services Committee. It is our hope that you will give this matter your attention and assist us in getting this done.

Sincerely,

MRS. NANNETTE M. FIELDS.

Enclosures.

Permission is hereby granted to enter this in the CONGRESSIONAL RECORD.

NANNETTE M. FIELDS.

MARINE CORPS AIR STATION, CARE
OF: SAN FRANCISCO,
April 26, 1966.

Hon. DANIEL K. INOUYE,
U.S. Senate, Committee on Armed Services,
442 Senate Office Building,
Washington, D.C.

GENTLEMEN: I have been asked to write to you on behalf of the service wives who have signed the attached page regarding the designation of Hawaii as a Rest and Relaxation Center for our husbands who are currently serving in Viet Nam.

Our main reason for remaining in Hawaii is that we feel closer to our husbands here and most especially because we hoped that the R. & R. would come through. Our letters to our husbands and their letters to us were filled with plans and hopes and dreams for this short leave we would have together. A year is a very long time and all of us feel it would help immensely to be able to see our husbands halfway through it. They feel this way too!

Since the announcement was made that Hawaii would not be made an R. & R. Center, their letters reflect how low their morale is. We get complaints about the heat, the cold water showers, how poorly they sleep, the poor food and a hundred other things which were never mentioned before. We are convinced this is due only to poor morale. No, Gentlemen, saying goodbye twice would never lower our husband's morale—on the contrary, a few days at home with us would raise it far more than spending them in some lonely hotel in a city far from home.

It is our understanding that one of the chief reasons for considering a stateside location was the need to keep U.S. dollars in our Country. Since we have learned that there is no hope of our husbands coming home, many of them have asked us to fly to Japan and other R. & R. centers to meet them for their out of country leaves. This will entail a minimum cost of each family of approximately $1,000, including the commerical air fare. Needless to say, this will work a definite hardship on some families especially those where children are involved. Our husbands do fully realize this but if it is important enough to them to ask us, somehow we will make arrangements to go. In addition, the amount of U.S. Currency going into these other countries will certainly be fantastic.

Our understanding of the R. & R. program is that the men get to choose their own destination. In view of this, we feel that the men whose wives have remained in Hawaii would make up the majority of those who would come here as the unmarried men may prefer to visit the more exotic offerings. We therefore feel that it would not be necessary to renovate Fort DeRussy as most of the men would stay in their homes and the few single men could be accomodated in one of the many available hotels.

It is our sincere hope that you will accept this letter in the spirit in which it was written—simply a statement of our views and our husbands views on the matter and our hope that this issue which is so very important to our husbands and to us will be reopened.

Very truly yours,

MRS. NANNETTE M. FIELDS.

Enclosure

Mrs. Laura Blakey, Mrs. Barbara Buttke, Mrs. Kathryn Kee, Mrs. Theresa Collins, Mrs. Georgia L. Widener, Evangel L. Davis, Mrs. Catherine Phillips, Mrs. Rita Page, Mrs. Darlene Patton, Mrs. Bobbie L. Baker, Mrs. Kay K. Conklin, Mrs. Jacqueline G. Zerbato, Mrs. Julia Daligcon, Mrs. David G. Schnabel, Mrs. Nannette Fields, Mrs. Ursula Tshikawa.

APRIL 26, 1966.

MRS. PATTON: Below is signature for attaching to petition for Hawaii R. & R.

Thanks,

EDITH J. ZUNIGA.

For R and R:

Mrs. Rose M. McCoy, Mrs. Marie Fulmer, Mrs. Donna Penisten, Mrs. Mary A. Sullivan, Mrs. Charles P. Garber (yes), Mrs. Leonard J. Brisco, Mrs. Ronald J. Pascual, Mrs. Jack A. Dozier, Mrs. Suem T. Sampson, Mrs. Lois McGregor, Mrs. Patricia Naisbitt, Mrs. Bernice

M. Bradley, Mrs. Pauline L. Rudolph, Mrs. Thomas Beaudette (yes).

Mrs. Rosie E. Foster, Mrs. Ameline Belcher, Mrs. Marie G. Dudley, Mrs. Henrietta M. Wilson, Mrs. Tsurue Wood, Mrs. Sylvia Russell, Mrs. Joan Fisher, Mrs. Maruska Houser, Chiseheffe Dixon, Anna T. Hollos, Sara Ardrey, Mafhilve Warhado, Eilcie V. Lindquist, Mryna A. Tialler.

Virginia Steele, Joana Barrozo, Anna Maria Ailkin, Beabe Frost, Elaine Flandera, Marie Dudley, Lilde McCoy, Jannie Salley, M. L. Welsh, Rose Wilson, Helen Gonsalzes.

Mrs. Evelyn P. Kashack, 118th Arty.; Mrs. Betty L. Sitz, 2nd Bn., 35th Inf.; Mrs. Helena Rother, 1st Bn. 35th Inf.; Mrs. Tomie Esque, Co. A, 25th Avn.; Mrs. Kay Bennett, 1st Bn. 5th Inf. (M); Mrs. Tolsue Jarvis, 2nd Bn. 14th Inf.; Mrs. Iku S. Hyrne, 25th Admin. Co. (PSD); Mrs. Reiko Thomas, Hq. Co. 69th Armor.; Mrs. Suzanne Scott, 4th Bn., 9th Inf.; Mrs. Eiko Kight, Hq. Hq. Co., 25th Inf. Div.;

Mrs. Hideko Mifiad, HHO &. Co. Sport Comd. 25th Div.; Mrs. Rennell R. Crawford, HHC 2/S School, 25 Div.; Sarah E. Fleming, HHC, 1st Bde., 25th Inf. Div.; Peggy S. Kubo, 168th Engr. Bn., B Co.; Addie P. Garland, 3934C Nelson St.; Daisy M. Smart, 317-B Millett St.; Canal Mantnay, 2nd Bn. 14th Inf.; Ruth Mobley, HHC 1st Brig. 25th Div.; Rita Itao, 7th Bn. 11th Arty.; Starrett Stevens, 4th Bn., 9th Inf., 1st Bde.

Mrs. James R. De Rouin, Mrs. Sorjoke Wilder, Mrs. Yoshiko Youso, Mrs. Yamada, Mrs. Reiko Harris, Mrs. Sachiko Wedlock, Mrs. Duane Wilson, Mrs. Setsuko Kikemoto, Mrs. Emiko Coty, Mrs. Tashiko Vienzle.

Mrs. Christine N. How, Mrs. Hector Serna, Mrs. Conception G. Lanet, Mrs. Ramona Y. Nicolas, Mrs. Bernardita D. Luabena, Mrs. Patricia A. Miller, Mrs. Frank Taylor, Mrs. Curtis, Mrs. LaVerne Sharp, Mrs. Beverly J. Ballard, Anna Barfield.

APRIL 26, 1966.

DEAR MRS. PATTON: Please include our signatures to the letter which will be sent to the U.S. Senate Armed Services Committee. Our husbands are also serving in Viet Nam.

Sincerely,

MRS. GAILE MACMICHAEL.

Mrs. Gaile MacMichael, Mrs. I. V. Faxon, Mrs. Vincent R. Foulkes.

WAIPAHU, HAWAII,
April 27, 1966.

MRS. PATTON: I would like my name added to your letter requesting Hawaii be reconsidered as an R and R center.

Thank you,

MAXINE I. RITTER.

I feel that the proposed "Rest and Recreation" for our men in Viet Nam should be located here in Hawaii and not in a foreign country.

MRS. WILLAM T. ELSTON.
MRS. SHEILA B. DAVIS.
MRS. MARVIN B. MANNING.
MRS. FANNIE L. LITTLE.
MRS. MARILYN E. DALE.

We want R&R in Hawaii for our servicemen in Viet Nam:

Mrs. James P. McClintock, R.R. #1, Box 441-B, Waialua, Hawaii.

Mrs. H. E. Shaw, 8 Malulu Pl., Wahiawa, Hawaii.

Mrs. Saburo Kuboto, 1932 Kiniohu St., Wahiawa, Hawaii.

Mrs. Nadine Chambers, 4959c Hendrick St., Schofield Barracks.

Mrs. Janet Kiriu, 94-223 Pupukui St., Waipahu.

Mrs. L. O. Ennis, 59-181E Ke Nui Rd., Sunset Beach, Hawaii.

Mrs. Edward L. Naorz, 348 Circle Mouhn pl. Aohiawa, Hawaii.

Faye R. Quickman, 3/4 Cav.; Karen Hoyt, 3rd Brigade; Lady A. Johnson, 11th Artillery; Alice M. Bulger, 65th Engineers Br.; Charlotte A. Snyder, 3/4 Cav.; Esther L. Dube, 3 Bde.; Alberta M. Mello, 3rd Bde.; Yuome Branham, 69th Armdr.; Mrs. Bobby L. Cox, Co. B, 25th Avn. Bn.; Mrs. Margaret Wedding, Co. "C" 2nd Bn 27 Inf.

Mrs. Silvia L. Smith, 3 Bde; Annie M. Ware, 725th Main. Bn.; Pollyanna R. Lawrence, 725th Main. Bn.; Mrs. Judith Ann Dake, Troop "A" 3rd Recon. Sqd. 4th Cav.; Mrs. Pecolia M. Boone, 25th Avn. Bn. Co. B; Mrs. James Evrard, Hq. 1 Bn. 14 Inf.; Mrs. Jones, Hq. 1 Bn. 14 Inf.; Mrs. Ivan Crandall, HHT, 3rd Sqdn., 4th Cav.; Mrs. Hart Akagi, 44th Bn.; Mrs. Alice C. Jones, Co. B 25th Avn Bn.

Mrs. Evelyn Price, USAR GAR; Mrs. Katie Partin, 25th Inf Div Arty; Mrs. Moe L. Wooters, 125th Sig. Bn. Co. B; Mrs. Myrtes L. Gilmore, 125th Signal Bn. Hqs., Hqs. Div.; Mrs. Arthur K. Goto, Mrs. Bert M. Yamaguchi, Mrs. Louis J. Pelizzari, Mrs. Johnnie C. Whitfield, Mrs. Jo Anne V. Gaides, Mrs. Marion Lyons.

Mrs. Robert M. Henley, Mrs. Earl E. Griffith, Mrs. George A. Weaver, Mrs. Robert Seigler, Mrs. James H. Dare, Mrs. Douglas K. Allen, Mrs. Mickey Shaw; Mrs. Geraldine Madrigal, Mrs. Christel E. Engum, Mrs. Donald L. Holt, Mrs. William L. Ferguson.

Mrs. Betty Regan, Mrs. Donald E. Cayton, Mrs. Geo. Agnew, Mary H. Nelson, Charlyne M. Riggs, Lillian M. Lambert, Mrs. Kyoko Cawley, Mrs. George P. Jacang, Beatrice Curry.

Mrs. James C. Bosworth, Mrs. Jessie M. Doyle, Mrs. Marie B. Chun, Mrs. Robert L. Sloane, Mrs. William M. Connor, Jr., Mrs. Lee M. Abbott, Mrs. Robert Miller, Mrs. Miguel A. Perez, Mrs. D. S. Debley, Mrs. John P. Irving.

Mrs. Faith D. Napute, Linda M. Braun, Mrs. Harold L. Braun, Jr., Mrs. Frances L. Russell, Mrs. Carrie B. Fish, Mrs. Jerome H. Ongies, Mrs. Edward B. Keyes, Mrs. Ann (Lucio) E. Ygueravide, Mrs. Geo. E. Martz.

Sue Wilson, Opal Holmes, Yolanda Byrd, Patricia Cahill, Dorothy Jose, Frank Grossmer, Annie Franklin, Priscilla Ferriman, Mrs. Wilma Edmundson, Mrs. B. Matswera, Mrs. L. Aster, Mrs. R. Baldorado.

APRIL 26, 1966.

Mrs. PATTON: Please include my signature in favor of the R & R.

Use either signature below, its up to you with or with the address.

MRS. MANOR JANE WATERS.

Please include my name on your petition for G.I. rest center in Hawaii.

MRS. ROBT. H. BRITT.

HONOLULU, HAWAII.

HILO, HAWAII,
April 27, 1966.

DEAR SENATOR INOUYE: Please help to have our men in Viet Nam spend their rest period here in Hawaii. I feel that much of their tension of war would be eased if they could rest on American soil. Also, the new policy is to spend American dollars in our country and this can be done, too, if our men spent their rest period here.

Please do what you think is best for our men.

Thank you for serving our country so well.

Sincerely,

NANCY T. INOUYE.

Aloha!

APO SAN FRANCISCO,
April 28, 1966.

Senator DANIEL INOUYE,
U.S. Senate, Washington, D.C.

DEAR SENATOR: As the wife of a 25th Div. soldier now serving in Viet Nam. I would like to ask your further support in having Ft. De Russy designated an R&R Center.

Many families have decided to remain in Hawaii, solely in the hope their husbands and fathers might be allowed to return here to spend their leave time.

News of the unfavorable reaction in Washington to this proposal had had a demoralizing effect on a great many of our fighting men, and of course was a severe blow to those of us who had been looking forward to spending some time together in the not too distant future.

Not unmindful of what you have already done on our behalf in this respect, and with grateful appreciation, I now ask your continued help, along with every dependent of the division living in your state, in any way which might be beneficial in obtaining a favorable decision in this very important matter.

Yours truly,

TATSUE JARVIS.

SCHOFIELD BARRACKS,
April 29, 1966.

Hon. DANIEL K. INOUYE,
U.S. Senate,
Armed Forces Committee,
Washington, D.C.

SENATOR INOUYE: On behalf of the wives of the 25th Infantry Division, I am writing to enlist your aid in having Hawaii designated as an R&R center for our husbands currently serving in Viet Nam.

We fully realize the difficulties of designating Hawaii as a full scale R&R center, but we believe that for many reasons it could and should be opened up on a limited scale for those men with wives and families here.

The idea that it would be detrimental to the men to return and then have to leave again is certainly and absolutely ridiculous. At all times have our husbands cheerfully and willingly undertaken any assignment anywhere in the world at beck and call of Uncle Sam. A few days of relaxation from the rigors of war would only serve to enhance their performance of duty rather than be a deterrent. We fully realize the conflict in Viet Nam may be a long one, and many of the men, as professional career soldiers, may necessarily serve a second tour of combat.

It seems paradoxical that our leaders on the one hand deplore the gold flow and on the other hand deny our men the opportunity to spend their money in the United States. In addition, the outflow of United States dollars will not be confined to the servicemen alone. Many of the wives are making plans to travel to the approved R&R centers in the Far East to meet their husbands. These are trips most of us can ill afford, but which we will undertake as it may well be the last time we shall see our husbands.

We believe that the establishment of Hawaii as an R&R center is feasible on the aforementioned limited scale. Single men would undoubtedly prefer to visit the exotic Far East centers now in operation, but those with families here have expressed their desire only to return to Hawaii.

We sincerely hope that you will support us in our desire that this issue be reconsidered and approved. It is of grave importance not only to us but to our husbands as well.

Very truly yours,

MRS. PATRICIA A. MILLER.

Permission hereby granted to incorporate this letter into the CONGRESSIONAL RECORD.

EVERY STATE AND DISTRICT AFFECTED BY TARIFF NEGOTIATIONS REPORT OF REPRESENTATIVE THOMAS B. CURTIS, OF MISSOURI

Mr. HRUSKA. Mr. President, Members of Congress, the press and the Nation received recently a most remarkable scholarly report on the trade negotiations currently underway in Geneva as part of

the Sixth Round of Trade Negotiations under the General Agreement on Tariffs and Trade, generally known as the Kennedy round.

My respected colleague and friend, Congressman THOMAS B. CURTIS, of St. Louis County, Mo., is one of the four congressional delegates to the negotiations, a real scholar on the subject of how international trade affects American companies, workingmen, farmers, and stockholders, in addition to overseas interests. All Members of Congress are very fortunate that he is taking so seriously the extra responsibilities which have been placed on his shoulders. In addition to his being the senior House Member of the House-Senate Joint Economic Committee, he is the second ranking Republican member of the Ways and Means Committee and senior House member of the Congressional Reorganization Committee. His personal participation and interviews in Geneva, as well as the extended work he has done in America himself, have provided guidance to many of us who are deeply interested and concerned in these negotiations.

It is a unique aspect of this type of additional congressional responsibility that an individual Member of either body has to use his own staff and facilities in order to fulfill the duties of such a national assignment. To those of us who know TOM CURTIS, it is understandable why he has given so generously of himself and of his office to exercise genuine congressional participation in these talks just as the law specifies.

The executive branch and the Congress is richer in knowledge as a result of this report and we look forward to the second report which will be forthcoming.

I would like to share with my colleagues the following: editorials from the New York Times, June 4, 1966, and the Washington Post of June 6, 1966, praising and commenting intelligently on Congressman CURTIS' unique contribution in this highly complicated and economically important international trade field, and an article by Mr. Sterling Green, the respected chief economic writer of the Associated Press, as printed by the New York Times on June 1, 1966, also Rodney Crowther's story in the Baltimore Sun, June 1, 1966.

These are samples of some of the editorials and accurate news stories about this congressional study.

I ask unanimous consent that the editorials, articles and the full text of Representative CURTIS' report be printed at this point in the RECORD.

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

[From the New York Times, June 4, 1966]

"KENNEDY ROUND" COMES ALIVE

The pall of gloom that has enveloped the "Kennedy Round" of trade negotiations is lifting. Jean Rey, Commissioner for External Affairs for the European Economic Community, has predicted after a visit to Washington that the Common Market would begin bargaining on agricultural products this summer and that agreement, covering both industrial and farm products, will be reached early next year. And Representative THOMAS B. CURTIS of Missouri, who has just returned from the bargaining sessions in Geneva, found "an increasing pace of negotiations" that led him to conclude that there is real hope of accomplishing some trade liberalization.

These optimistic assessments run counter to widely aired notions that the "Kennedy Round" is either dead or dying. They do not mean that there is any chance of achieving the dramatic and exaggerated elimination of trade barriers that had been envisioned when Congress passed the Trade Expansion Act that paved the way for the "Kennedy Round." Nor do they even mean that a more limited liberalization can be taken for granted. Mr. CURTIS made clear in his report that the prospect for a reduction in barriers to freer trade still hinges on the determination of the six members of the Common Market, who have yet to reach agreement among themselves, to enter into meaningful bargaining with the U.S. and other industrialized nations.

But if the negotiations will fall far short of the original and obviously unrealistic expectations, both Commissioner Rey and Representative CURTIS insist that it would be wrong to give up hope for the "Kennedy Round." They are anxious to stem moves toward new regional trading arrangements or unilateral steps designed to bolster protectionism. According to Mr. CURTIS, there is still time for the Common Market to relax its "very tough and inflexible" position and make concessions in dealing with the American delegation, which he described as the most competent ever to represent the United States.

Because the authority provided the White House for the "Kennedy Round" runs out next June, the Europeans have sometimes acted as if they can delay hard bargaining until the last minute—or until Congress provides a new deadline. But Mr. CURTIS warns that Congress will be unwilling to extend fresh authority unless the Administration has something to show for its efforts. If the "Kennedy Round" is to be regarded as even a modest success that can get a new lease on life, hard bargaining on both industry and farm goods must be concluded this year.

[From the Washington Post, June 6, 1966]

REPORT FROM GENEVA

A Congressman cannot expect to capture the limelight by paying meticulous attention to protracted international negotiations. All the more reason why Rep. THOMAS B. CURTIS of Missouri, the leading Republican spokesman on economic affairs, deserves a round of applause for his excellent work as a congressional member of the delegation that is bargaining for tariff reductions in Geneva. Anyone who takes the time to read Mr. CURTIS' latest report to the House will be impressed by its encyclopedic scope and liberal spirit.

Because of the recent progress in settling political differences within the European Economic Community, Mr. CURTIS is now hopeful that "an important package of trade expanding bargains" can be outlined by November. But he warned against a preoccupation with tariffs and the neglect of other barriers to world trade-import quotas; border tax adjustments and antidumping legislation that would eliminate trade rather than unfair competition. When the Kennedy Round is completed, the world community will have to turn to what Mr. CURTIS calls the "lost" trade problems.

[From the New York Times, June 1, 1966]

SPEED-UP IS SEEN ON TARIFF TALKS—HOUSE IS TOLD LEGISLATION HINGES ON SWIFT ACCORD

WASHINGTON, May 31.—Representative THOMAS B. CURTIS reported to Congress today an encouraging if belated speed-up in the 68-nation tariff-cutting negotiations at Geneva.

But CURTIS, a member of the Congressional delegation for trade negotiations, warned that more haste was needed if trade barriers were to be lowered before this country's five-year Trade Expansion Act expired next year.

In a speech to the House, the Missouri Republican said he was convinced by talks with United States negotiators and officers of the General Agreement on Tariffs and Trade that prospects for reciprocal lowering of trade barriers had improved.

"I found an increasing tempo of negotiation, in which many separate subjects are being simultaneously explored, and in which there is reason for hope," he said.

The most urgent obstacle to a successful outcome, he said, is "the European Economic Community's difficulty in solving its own problems." These have been eased by indications from France of a more "constructive" stance, he said, adding:

"The credibility of the French threat to 'torpedo' the Community has certainly been reduced."

Mr. CURTIS indicated agreement with the statement of Secretary of the Treasury Henry H. Fowler last week—that failure to make prompt use of the tariff-cutting authority of the Trade Expansion Act "can trigger a substantial setback for the movement toward liberal trade."

The law "undoubtedly will not be renewed in its present form even if it is given an extension," Representative CURTIS predicted.

After five years, he said, the House "will be impatient to open up and re-examine any new delegation of authority to the President to negotiate United States tariffs and trade treaties."

He implied that American lawmakers were unlikely again to authorize tariff reductions to levels that would encourage more European imports, in view of deep official concern over the dollar outflow.

"This new legislation will be examined in the light of economic and political conditions as they exist in 1967—including the inflationary condition of the domestic economy . . . and, importantly, the heavy United States deficit in the balance of international payments," said Mr. CURTIS, a ranking minority member of the Ways and Means Committee.

[From the Baltimore Sun, June 1, 1966]

GOOD TARIFF WORK NOTED—CURTIS HOPEFUL OF GENEVA TRADE CONFERENCE

(By Rodney Crowther)

WASHINGTON, May 31.—Representative CURTIS (R., Mo.), a member of the Congressional delegation for the "Kennedy" round of trade negotiations, today reported to Congress that "there is reason to hope" for a favorable outcome of the Geneva tariff negotiations.

The Republican Congressman, who is also a member of the House Ways and Means Committee, which wrote the 5-year trade act, also reported that he had discerned a "new willingness of the French to move ahead in the Kennedy round bargaining partly as the result of strong pressures from the French electorate who has demonstrated its approval of the European common market."

He warned, however, that time is running out for achieving the tariff-cutting program which was envisioned when the trade act was written in 1962, and he said more speed is needed.

However, he said in his report to the House that prospects for reciprocal reduction of tariffs by the GATT (General Agreement of Tariffs and Trade) countries has improved. The Missouri Congressman recently attended Geneva sessions.

U.S. NEGOTIATORS PRAISED

"It is my hope," CURTIS said, "and that of United States negotiators that, impelled by

public sentiment, the French will continue to cooperate . . . and that the Geneva negotiations can be pursued intensively on the broadest possible front—agricultural, industrial, nontariff and underdeveloped nation—with a view to beginning the concluding over-all bargaining in November."

The most urgent obstacle to a successful completion of the trade negotiations, CURTIS said, is "the European community's difficulty in solving its own problems."

CURTIS said that his most recent visit to Geneva gave him "great confidence in the knowledge and ability of the United States negotiating team."

"Never before has the United States been as well represented at any trade negotiations," he said.

EUROPEAN OFFER REJECTED

As to the future of the Trade Expansion Act, which must be renewed next year, the Missouri Republican said that Ways and Means Committee and House Members will be "impatient to re-examine any new delegation of authority to the President to negotiate United States tariff and trade treaties."

CURTIS arrived in Geneva just when discussions were getting under way on steel, aluminum, chemicals and anti-dumping proposals. He found the offer of the European economic community unacceptable, as did the United States negotiators who rejected it.

He said that "many difficult problems must be resolved before the industrial negotiations can be successful."

While the European economic community has been tough throughout the negotiations, CURTIS said that "there are now signs that the European community might be able to proceed with modifications of its former unsatisfactory stand."

REPORT ON THE SIXTH ("KENNEDY") ROUND OF TRADE NEGOTIATIONS UNDER THE GENERAL AGREEMENT ON TARIFFS AND TRADE

(Remarks of the Honorable THOMAS B. CURTIS, in the House of Representatives, May 31, 1966)

Mr. Speaker: During much of the year since my report to Congress on the Kennedy Round on June 2, 1965, the trade negotiations under the Geneva Agreement on Tariffs and Trade (GATT) have languished. Pessimism about their outcome has been expressed on all sides. At best U.S. and foreign officials are "guardedly optimistic".

I went to Geneva on May 2–5 to discuss with the U.S. negotiating team, heads of foreign delegations, and the Director General of the General Agreement on Tariffs and Trade (GATT), the progress of the round and its complex negotiating problems. These talks have convinced me that the prospect for the current round is more balanced than it has often been presented to be. I found an increasing pace of negotiation, in which many subjects are being simultaneously explored, and in which there is reason for hope. In this sense the timing of my visit was very appropriate: discussions on steel, aluminum, chemicals and anti-dumping were opening, while long awaited European Economic Community (EEC) decisions on key issues were anticipated during the same week.

In the following report, which I have intended to make as comprehensive as possible within the limits of such a presentation, I explain many of the problems the U.S. and foreign nations are engaged in discussing in these extraordinarily inclusive trade negotiations whose effect will be felt not only by U.S. farmers, laborers and industrialists but by all industrial and most developing nations.

I would make clear at the outset that the reason for this report is my continuing obligation fully and accurately to inform this body about the trade negotiations as a member of the Congressional Delegation for Trade Negotiations, appointed by Speaker MCCORMACK under Section 243 of the 1962 Trade Expansion Act. This is consistent with my philosophy that all national issues should be openly and publicly explored in full.

THE TRADE NEGOTIATIONS AND THE EUROPEAN ECONOMIC COMMUNITY

The trade negotiations in GATT are an important part of U.S. relations both with Atlantic Community and Japan, and the developing countries. Thus the current round of trade negotiations was conceived first as a vital link in forging what has been termed the "Atlantic partnership", as a way of helping developing countries to grow through increased exports, and as a means of strengthening free world nations in relation to Communist nations.

Today the web of inter-relationships surrounding the Kennedy Round is more tangled than in 1962. Due largely to French differences with her partners, the North Atlantic Treaty Organization (NATO) is in disarray and the goal of Atlantic partnership is endangered. The challenge of providing really effective help to the developing countries remains; their problems have not been solved by financial aid and technical assistance programs. The present GATT negotiations hold out hope that the poorer nations can develop their own economies through expanding old and finding new export markets. Recognition of the inter-relationships between the Kennedy Round trade negotiations and world political problems is also a recognition of the importance to world peace of world commercial relationships of all kinds.

Within this broad setting, the most immediate barrier to concluding the trade negotiations successfully is the European Economic Community's difficulty in solving its internal problems. The people of the United States still stand to benefit if the EEC emerges as a unified economic bloc—outward looking and competitive in its commercial relations. The trade negotiations have been useful in this respect. Though impatience with the EEC is expressed by many, we must acknowledge the difficulty of the tasks the Six have undertaken in creating economic and political union.

NEW FRENCH WILLINGNESS TO NEGOTIATE

I believe that General de Gaulle is, especially after the National elections of 1965, much more responsive to the sentiment of the French people than has been reported by the American press. There are indications that the French favor de Gaulle's position on NATO, stemming from a feeling that more independence from the United States in defense matters is desirable. On the other hand, there are strong indications from French public opinion polls that the French favor the European Community. The result is that NATO problems may be more difficult to solve, while there is hope for progressive French action in solving Community problems.

For example, a February 1966 poll by the Institut Francais d'Opinion Publique showed that those polled believed that the European Economic Community "was the most important problem facing France" at that time. In response to the question, "Would you be in favor or opposed to France becoming part of a European union in which certain important political decisions were the responsibility of a central authority rather than of each member country?" 55% of Frenchmen polled responded affirmatively. This percentage rose from 42% in October, 1964, and 32% in June, 1962.

Another factor revealing popular support for integration is the position of the Patronat Francais (the powerful French business and industrial association) which, though it has asked that French industry be given time to adjust to tariff reductions, has nonetheless urged continued French participation in EEC. French agricultural organizations have also issued statements urging continued EEC participation, in part because the French agriculture sector, the most efficient in the Community, will benefit from completion of a common agriculture market.

The strong domestic consensus, and General de Gaulle's resultant very close victory over his opponent in the December 1965 national elections, Mitterand, allow one to conclude that French Prime Minister Pompidou was sincere when he said on April 13 in the National Assembly that:

"Not envisaging the Community as an entity withdrawn within itself under the protection of the external tariff, France is prepared to encourage the progress of the so-called 'Kennedy Round' and, through a generalized reduction in customs duties, to promote the development of international trade from which it expects a strengthening of the ties between the participating countries and general economic progress. However, everything is tied to and depends on the establishment of the agricultural Common Market, hence, the completion of the financial regulations. I am happy that the most recent conversations at Brussels make it possible to contemplate the future, from every aspect, with reasonable, measured optimism."

Other factors lending credibility to this position are the assumption that the elections for the National Assembly to be held next year will be close, the fact that a majority of the electorate voted against General de Gaulle in the Presidential elections, and the failure of de Gaulle to gain the concessions he sought through France's eight-month boycott of the Community last year. The credibility of the French threat to "torpedo" the Community has certainly been reduced.

A series of very important EEC Council of Ministers (the highest decision-making body of EEC) meetings on May 5–6, and 9–11, have proven a decisive step for the Community. These, some of the most important of the EEC talks, resulted in a decision on agriculture financing and on the date (July 1, 1968) for concluding the intra-EEC Customs Union. The tone of these EEC meetings is reported to augur well for continued constructive French positions on the decisions yet to be made through difficult negotiation.

The May 11 agriculture financing decision will not be followed, however, by the immediate beginning of agriculture negotiations in the Kennedy Round. It will instead be kept in "cold storage" until the Council of Ministers can decide other matters such as the fusion of the three Community executives (European Economic Community, European Coal and Steel Community, and European Atomic Energy Agency), agriculture prices and regulations, and various Kennedy Round problems. When all these decisions have been made the Community hopes to be able to remove them from storage and proceed to act on them.

Thus the recent May Council meetings and the meetings that will follow during the next several weeks will be devoted to completing the package of decisions. It is my hope and that of U.S. negotiators that, impelled by favorable public sentiment, the French will continue to cooperate, the package can be brought out of "cold storage" and effectuated by early July, and the Geneva negotiations can be pursued intensively on the broadest possible front—agricultural, industrial, non-tariff, and under-developed nation—with a view to beginning the concluding overall bargains in November.

TRADE EXPANSION ACT RENEWAL

I wish to emphasize several matters of U.S. policy in the Kennedy Round which are of deep concern to the Congress.

First, the Trade Expansion Act will undoubtedly not be renewed in its present form even if it is given an extension. I believe I express the feeling of the House Ways and Means Committee, which has originating authority to set tariffs, in saying that a five-year delegation of authority is a very long one. In terms of the House of Representatives it covers three Congresses.

The Ways and Means Committee and members of the House will be impatient to re-examine any new delegation of authority to the President to negotiate U.S. tariff and trade treaties. This new legislation will be examined in the light of economic and political conditions as they exist whenever a new trade bill is considered—whether in 1967 or later—including inflation in the domestic economy or the after-effects of that inflation and, importantly, the heavy U.S. deficit in its balance of international payments. These conditions are quite different from those in 1962. Another factor is that redistricting and the coming Congressional elections may substantially change the composition of Congress and therefore affect its response to new trade legislation.

These are some of the reasons why it will likely not be possible to renew the Trade Expansion Act in its present form. The Act is unique, the result of the peculiar conditions extant in 1962. Clearly these conditions are not in force today. The European Community and other preferential trade blocs are showing that they can create economic—as well as political—difficulties; a new trade act may have to provide more ample authority to deal with them. At the same time the international economy has become more competitive: the U.S. balance of international payments reflects not only the strains of government programs abroad but of foreign industry's ability to compete. It will also be necessary in a new trade act to provide much broader authority to attack in earnest new trade problems. We should put aside our obsession with tariff barriers to trade. The "lost" trade problems—among them international anti-trust, patent and commodity problems—must be dealt with.

These changed circumstances will be considered by the members of the Ways and Means Committee when they plan beyond June 30, 1967, the date when the Trade Expansion Act's negotiating authority will expire. In conjunction with Ambassador Michael Blumenthal, Deputy Special Representative for Trade Negotiations at Geneva, I made every effort to point out to European and other delegations the realities of this situation, particularly in light of some rather politically naive, although well intentioned, remarks by some of my congressional colleagues who do not have the task of developing and shepherding trade legislation through the House.

The second principle of U.S. "Kennedy Round" policy that I want to stress is that industrial bargains cannot be made without agriculture bargains. A final package must include both. This has been and remains an inviolable U.S. policy objective. Foreign trade is as important to U.S. farmers as it is to industrialists and workers. They have as much to gain or lose by the success or failure of the present negotiations.

AMERICANS' STAKE IN INTERNATIONAL TRADE—THE FLORENCE AGREEMENT

The importance of international trade for many Americans is at best remote, the subject of extended negotiation in a foreign country for unknown stakes. Discussions of foreign trade are couched in difficult language which suffers in translation. To explain that generalized removal of barriers to trade among nations results in more efficient use of the world's material and human resources is meaningless. It helps to say that successful trade negotiations will benefit consumers by making sweaters, cheese and nails less expensive. Missourians will respond when I say that Boone County will sell more of its famous ham if other countries lower their trade barriers against pork products.

One area where the benefits of trade can readily be demonstrated is books and magazines, films and videotapes, paintings and prints, scientific instruments for use in teaching college and university students the most advanced ideas and technology, and articles for display in museums in cities and towns throughout the U.S.: in short, cultural materials of all kinds. The more easily Americans have access to such materials the better informed, the better entertained, the better taught, the more aware of the tides of world events and the cultures of foreign people we will be. Americans thirst for such awareness. The tremendous upsurge in American travel abroad—both in Europe and in less-developed Asia and Africa—proves it.

The need for freer access to all of these good things has been recognized by the United States—at least since 1950—when U.S. representatives helped draft a treaty known as the Florence Agreement. Nations who implement the Florence Agreement agree to allow all the above cultural materials and more to be bought by their people free of import taxes. Forty-nine other nations have implemented the Agreement. The United States has not implemented it in spite of the fact that we signed the Agreement in 1959 and the Senate "ratified" it in 1960. There is no expressed opposition to the Agreement's implementation. It has only required Executive initiative. (CONGRESSIONAL RECORD May 25, 1966, pp. 11419–11422.)

Sixteen years from the creation of the Florence Agreement the United States is still denying to our people the benefits that implementation of the Agreement would bring. Americans can benefit in the best sense from duty-free imports of these materials. It is in all our interests—our personal interests and especially the national interest—to implement the Florence Agreement. How can other nations have any faith in the United States when even in small matters it cannot match its promises and pronouncements with deeds?

As former Democratic Senator William Benton of Connecticut, one of my former Colleagues on the House-Senate Joint Economic Committee and now U.S. Ambasador to the U. N. Educational, Scientific and Cultural Organization (UNESCO) in Paris, has said:

"My fellow-members of the UNESCO Executive Board keep pointing out to me the fact that full U.S. participation in these agreements is not only in line with U.S. doctrine on the free flow of information among nations; they point out to me that U.S. membership in these agreements is strictly in line with the national interest of the United States as the principal exporter of educational and cultural materials."

The Florence Agreement has no direct relation to the Kennedy Round. It stands as a separate measure to promote intellectual and cultural commerce and better understanding among peoples. It recognizes that such misunderstandings are often the root causes of war, just as we know that in the trade negotiations we have an unequalled chance to erase some of the economic dislocations that can cause war.

INDUSTRIAL NEGOTIATIONS

In comparison with agriculture negotiations the industrial negotiations at GATT have made progress. But many problems remain: problems not only of negotiating ground-rules and strategy, such as the "exceptions" lists and the "disparities" issues, but problems also in certain very important industrial sectors that have been set aside for separate negotiations. In the context of the overall negotiations, however, the principal need is to balance the industrial and agricultural bargaining.

Exceptions and the offers tabling process

From their beginning the negotiations have been based on the concept that the maximum number of items, both agricultural and industrial, would be included with a minimum number of exceptions in tariff cutting negotiations. This concept was formally adopted as a ground rule for the negotiations in the Ministerial meetings of May 1963 and 1964. In November, 1964, all nations tabled their industrial offers lists, and in the months that followed a confrontation and justification process was undertaken among all negotiating countries to attack each other's "exceptions lists". I described this process in detail in my June 2, 1965, report (CONGRESSIONAL RECORD, vol. 111, pt. 9, pp. 12361–12365). I would only note that the U.S. exceptions list included fewer items covering less trade than the EEC list. Not only are U.S. offers on a 50% linear basis large and our exceptions list quite small but about 40% of U.S. imports were duty free according to 1961 statistics.

Since June, 1965, negotiators have engaged in extensive bilateral discussions the purpose of which was to discover concretely and finally exactly what cuts are being offered. The U.S. insisted that the EEC specify its offers in order to know how much our major bargaining partner is willing to give in return for what we have offered. This process is now largely complete: the EEC offers, and those of other nations, are known except in the sectors of pulp and paper, and aluminum. The objective is now to enlarge those offers.

The persistent problem of "disparities" between tariff rates

In my June, 1965, report on the trade negotiations I discussed at length the problem of disparities. At that time I warned the European Economic Community had allowed disparities as an issue to become quiescent, but said that this extra-ordinarily complex issue, which kept U.S. and EEC negotiators at work without agreement for at least a year, could yet "raise its ugly head". If it did, I said the possibility loomed that negotiators might once again become embroiled in a wasteful and perhaps fatal discussion. The threat remains. GATT Director-General Eric Wyndham-White has indicated that the problem of disparities might have to be reopened in several areas.

Essentially, a disparity is this: when one country has a high rate on a particular item and another country has a low rate on the same item, and the spread between the two is significant, the EEC claims that a disparity exists and that the country with the low rate should be allowed to reduce tariffs less than 50%, while the high rate country applies a full 50% cut. Negotiators have never been able to agree on rules for defining and acting on disparities.

United States negotiators have consistently taken the position that at best the disparities "rule" should only apply to cases where the spread between high and low tariff rates on the same item has a *significant trade effect*. This is also the sense of the GATT Ministerial Resolution of May 1963 on the subject.

United States negotiators should continue vigorously to make clear the arguments against acceptance of any disparities rule which ignores the criterion of significant trade effect. At the same time we should prepare, in instances where we feel disparities may become a justified trade issue, to work out the terms on which we and other affected countries, such as the United Kingdom, will negotiate. The U.S. is by no means alone in having a few high rates.

The United States must continue its effort to expose the fallacies of disparities as a mathematical concept and stress its prag-

matic effect in part because of the interest of third countries, such as Switzerland or Norway. Should a mathematical disparities rule be adopted regardless of whether a significant trade effect exists, many EEC tariffs will not be cut by the full 50%. This would have the effect of preventing third countries from obtaining access to EEC markets commensurate with the access they offer to their own markets, just because another country's rate was high and therefore a mathematical disparities rule was applied. The obvious effect would be to cause third countries to retract their offers. The application of a mathematical disparities rule would in this way limit quite effectively the tariff-cutting success of these multilateral negotiations.

I am convinced that the problems posed by the lengthy exceptions lists of other countries vis a vis those of the U.S., and the identification and treatment of disparities can be overcome. My observations throughout the current round of negotiations, buttressed once again by my recent visit to Geneva, have given me great confidence in the knowledge and ability of the U.S. negotiating team. Never before has the United States been as well represented at any trade negotiation. In some part this is because procedures which were originated by the Trade Expansion Act as rewritten by the House Ways and Means Committee have been operating to encourage U.S. industry to make available to our negotiators the wealth of knowledge of products and markets that industry alone can provide. I have continuously urged the closest cooperation between government and industry in these negotiations, having sought to assure that mutually confident relations are established, and that valuable business information provided the negotiators is held securely. (CONGRESSIONAL RECORD, April 27, 1966, pp. 9162–9163.)

The time may now have come, moreover, when such industry advice should be used at Geneva. The President's Special Representative for Trade Negotiations, Governor Herter, has established a roster of about 300 technical specialists—people who know about tuna, citrus, steel, chemicals, etc.—to provide information to negotiators in specific products. I suggest a wider use of such industry specialists at Geneva at all times when they can be helpful, to supplement their present usefulness to the Trade Negotiator's Washington office.

Negotiations on steel, pulp and paper, cotton textiles, aluminum, and chemicals

In recognition of their special problems, GATT Director General Wyndham-White suggested in early 1965 that discussions begin in each of the above five "sectors". Preparations for these detailed negotiations have necessitated extensive use of industry advisers by U.S. negotiators in Washington, teams of private advisers having been formed to contribute data on the products and problems within each sector.

I have concluded that the sector approach is a logical one and has been very useful indeed in the present negotiations. The danger has always existed that such an approach to negotiations could result merely in special market arrangements, and this was suggested by the press when the sector technique was adopted. The threat has not yet materialized.

I will discuss below what I believe to be the important negotiating problems and policy issues in each sector.

Steel

On May 4 the steel sector talks opened in Geneva with very difficult problems to resolve. The parties to the steel sector discussions are the U.S., U.K., Japan, Sweden, Austria and the Six European Community nations, who are represented by delegates both from the European Coal and Steel Community (ECSC) and the European Economic Community itself. Benelux members (Belgium, Netherlands, and Luxembourg) have a common tariff. Therefore, essentially four, rather than six, ECSC/EEC rates are being negotiated in the steel sector. ECSC and EEC negotiate as a team in steel sector negotiations, negotiating authority being divided between them on the basis of steel products. ECSC has jurisdiction over unmanufactured products (the bulk of the steel products traded), while EEC has jurisdiction over mostly highly manufactured products.

One ECSC/EEC objective is eventually to establish a common external tariff (CXT), thereby fixing uniform Community rates for each steel product. ECSC/EEC has taken the position that the rates of each of the four for all products must be negotiated separately in the current round, then a CXT for each item fixed at some future time. The U.S. and third countries insist that a bargain be made in the present round on the basis of average rates which will become the ECSC's CXT.

The ECSC/EEC strategy has been to choose as the base from which to bargain an average level of tariff rates of about 14%, and to offer a cut in this average rate, which would at best be about 7%. The 14% average rate chosen by ECSC/EEC was *legally* in effect in January 1964, but its actual effective average rate was about 7%. In February 1964, however, the EEC unilaterally and "temporarily" increased the effective rate from 7% to 9%, where it remains. The U.S. and others insist on the January 1964 actual rate of 7% as the proper average rate from which to cut, by 50% because the trade negotiations were well under way by January 1964. Other sector partners take the same position.

The EEC is therefore offering at best a questionable concession, in effect a cut from a 14% average level of rates. This concession, if held to, can yield little trade benefit to the U.S. because it would cut the present effective 9% ECSC/EEC average rate to at best 7%, the previously existing rate. The U.S. has rejected this reasoning, as have the other negotiating countries. We have accordingly treated ECSC/EEC's "offers" as part of EEC's exceptions list.

The U.S. interest in obtaining truly substantial offers from foreign nations is partly demonstrated by U.S. production and export-import data. In 1964 U.S. shipments of steel products were 84.9 million short tons. Exports that year were $622 million and imports were $749 million, 7.3% of estimated U.S. consumption. In 1965 U.S. shipments of steel products were 92.7 million short tons. Exports were $508 million and imports were $1,177 million, 10.3% of estimated U.S. consumption. Thus U.S shipments of steel products were higher in both 1964 and 1965 than ever before, as was U.S. production of ingots for both years. Imports in 1965 reached a new high, adding emphasis to the shifting balance to larger imports than exports, a reversal from the favorable U.S. steel trade balance existing in 1958, when U.S. exports were $564 million and imports were $192 million. In 1959, a year of prolonged steel strike, the balance shifted.

U.S. steel manufacturers argue in brief that imports are cutting deeper into the U.S. market, partly as a result of foreign over-capacity and cut-rate pricing, and partly because of increased U.S. costs, including wage and other employee benefit costs.

Importers of steel products contend on the other hand that the large increase in imports in 1965 was due largely to temporary factors such as strike hedge buying and increased U.S. demand resulting from continuing economic expansion. The argument continues. I would only observe that the U.S. industry is operating at an estimated 95% of capacity (New York Times, April 17, 1966), and that imports are a traditional and important way of dampening inflation by satisfying demand, in spite of their effect on a balance of payments already strained by U.S. international commitments and short-sighted Administration investment restraint policies. The industry has backed Senate Resolution 149 requesting a Commerce Department study of the import situation. To decide the argument I recommend that a study of the role of imports in the domestic market be made by the competent agency, the U.S. Tariff Commission, which could do so under authority provided in Sec. 221 of the Trade Expansion Act or pursuant to request by the President or Congress under Sec. 332 of the 1930 Tariff Act. Such study could determine whether steel imports are entering the U.S. in greater quantity because of unfair foreign practices, and whether in fact there is serious impairment of U.S. competitive ability in steel.

Austria, Japan and the United Kingdom also have a high stake in obtaining and/or maintaining increased access to ECSC/EEC markets. Austrian exports of steel to W. Germany in 1964 were 40% of Austria's total 1964 steel exports, and about 40% of W. Germany's steel imports from markets outside the EEC. When averaged into the ECSC/EEC common external tariff the present low German average tariff rate would rise, thus effectively decreasing Austrian access to its traditional German market. This is an important example why steel sector participants should negotiate an ECSC/EEC average rate now.

Japan has offered a very substantial linear tariff cut, insisting that as a condition for steel bargains some change in U.S. antidumping practices be made, but at the same time suggesting it would consider an even more liberal offer if this were done. Japanese steel exports were 9.9 million metric tons in 1965, 44% of which, worth $551.5 million, was exported to the U.S. in 1965. By contrast the U.S. exports very little steel to Japan, only 1,000 tons in 1964. Thus opening EEC markets to Japan's exports in the Kennedy Round is important for the United States as well as Japan. If Japan's access to markets of the Six can be widened, the amount of Japanese exports to the U.S. might lessen. In 1964 Japan exported 288,000 metric tons of steel to the Six, only 4% of its total steel exports. Japan is the world's largest steel exporter and the largest foreign steel supplier of the U.S.

The United Kingdom has become somewhat ambivalent about the negotiations, though it has a clear incentive to maintain its substantial export markets. Its position is complicated by a bilateral deal with the ECSC made in 1958, when ECSC and the U.K. negotiated a "Council of Association" Agreement. Part of the Agreement was a duty reduction by both, with the provision that an increase in agreed duties by either party would take place only after consultation. When ECSC raised its effective rate to 9% in February 1964, it claims it fulfilled the consultation requirements of its Council of Negotiation Agreement with the U.K. The U.K. on the other hand claims that ECSC did not do so, and that the U.K. has already paid for the present ECSC offer in the sector talks by the February 1964 ECSC "unilateral" duty increase for steel imports. This may be a hard position for the U.K. to sustain, because its present average effective duty rate is 15%, higher even than ECSC's 14% negotiating rate, and because its exports to ECSC have been substantial: 438,000 tons in 1964 or 12.6% of its total exports. 1964 and 1965 were both record years for U.K. steel exports.

Another complication of the British position is the possibility that the British steel industry might be nationalized, making U.K. cautious about lowering its tariff rates until this situation is resolved. All these factors combine to make the U.K. less aggressive in

seeking ECSC concessions in the sector negotiations than the U.S. might like.

The Effect of U.S. and EEC Customs Valuation Methods on Steel Negotiations. Another factor that must be considered in the steel sector negotiations is the effect on steel mill products trade of the different U.S. and ECSC/EEC customs valuation methods. The U.S. uses as the base on which to assess duties on most imports the price in the country of manufacture for which a product is freely offered for sale as an export to the U.S. Technically this valuation method is called "export value", and is provided for in Sect. 402 of the Tariff Act of 1930. Popularly, however, it is considered that the U.S. uses the F.O.B. (free on board) valuation method, and thus the U.S. customs valuation system is usually referred to as an F.O.B. system.

The EEC, and most other countries, use as the basis of customs valuation the price of an import plus the cost of insurance and freight (the C.I.F. method). The C.I.F. method is roughly analogous to the so-called "Brussels Definition" of value for customs purposes which was formulated in 1950 and has become a general standard for most nations, even though as formulated it has certain deficiencies.

The result is that an EEC rate of duty of 20% yields a higher amount of duty than a U.S. rate of duty of 20% on the same product. The differential between the two customs valuation systems is commonly estimated at 10%, the percentage used by the International Monetary Fund in its statistical reports even though its accuracy is often contested. The Tariff Commission's present study of U.S. and foreign valuation systems will, I hope, throw needed light on this dispute.

For most steel products the cost of insurance and freight in ocean shipping is substantially higher than that for other products—possibly 25% above the F.O.B. price of the product. Thus the ECSC/EEC rates of duty likely have a much greater trade effect than ordinarily because they are assessed on a higher base. This added effect of the C.I.F. valuation method on steel products must be taken into account in the steel sector negotiations as U.S. representatives seek to obtain meaningful foreign offers.

The U.S. strategy at the steel sector talks in May was to specify rates in the tariff schedules of the ECSC/EEC which should be substantially cut and to pinpoint such rates as negotiating targets for improving all sector participants' offers on steel mill products. ECSC/EEC is therefore now in the defensive position of having to justify why it should not offer cuts to the target rates we have suggested.

U.S. negotiators should perhaps seek in conjunction with the other members of the steel sector group to make a concession in another area of the overall negotiations as an incentive to the ECSC/EEC to become more flexible. But this should be done only in the context of a balanced package of total concessions. This means that some type of EEC offer would have to be made in order to balance the U.S. "incentive" concession.

The EEC has not tabled a meaningful offer and at present has not indicated a willingness to offer greater concessions. It must do so if it expects the U.S. to maintain its substantial offer of access to the U.S. market.

Pulp and paper

The United States has a growing export interest in the pulp and paper area. But the countries with greatest export interest are Canada and the Scandinavian countries. The EEC has stipulated that a bilateral agreement with its major suppliers, the Scandinavians, is necessary before multilateral discussion within the sector can begin. Thus negotiations in the pulp and paper sector have been prevented.

The EEC wishes to modify the present Scandinavian practice regarding exports of pulp as opposed to exports of paper products. The EEC obtains about two-thirds of its pulp from Scandinavia and therefore is strongly dependent on this near-by source of supply. Scandinavians maintain artificially high pulp prices, however, in order to ensure that foreign paper products manufacturers will not be able to compete strongly with Scandinavian paper products exports. In short, the Scandinavians, capitalizing on their position as dominant European supplier, maintain a situation whereby their paper products processing industries, which are large employers, will maintain their large foreign markets.

To date the Scandinavian countries have refused EEC's offer for a bilateral deal, preferring to negotiate in a multilateral forum. EEC will have to decide to accept multilateral negotiations before the talks in this sector can get under way.

Cotton textiles

In what form to extend the Long-Term Arrangement (LTA) regarding Trade in Cotton Textiles dominates the cotton textile sector negotiations.

As provided by Section 8 of the Arrangement a meeting must be held before September 30, 1966, to consider whether to renew, revise, or discontinue it. The United States' objective is to renew the LTA, under the authority and provisions of which the U.S. has negotiated 17 bilateral agreements with other countries, each controlling the amounts of cotton textiles these 17 countries can import into the United States. Bilateral discussions with two other exporters are now in progress.

Shorn of its trimmings the LTA is simply a world-wide market control scheme by which the importing (mostly advanced industrial) countries have imposed on the exporting (mostly developing) countries quotas which limit their exports of cotton textiles. The major condition of LTA is that the importing countries should expand their imports by 5% every LTA year. In the past LTA year the U.S. has allowed imports to expand sufficiently to meet the 5% growth requirement, and in aggregate has lived up to its growth commitment. Other advanced nations have not done so. Producing countries have pointed out that the rate of growth for imports of cotton textiles into industrial markets was higher in the years preceding the operation of the Arrangement than during the period of its operation.

LTA has had two principal results. First, the underdeveloped countries (LCD's) are denied what they consider to be justified hard currency earnings from exports of one of the few things they can manufacture. Cotton textiles represent almost half of the total exports of manufactured products from the LDC's. Second, U.S. wool and man-made fibre producers are pressing to share in a protective quota scheme such as that available to cotton textile manufacturers. Wool and man-made fibre producers are sharing in the current textile boom—however their argument for special protective import measures for their industries refers to future rather than to present needs.

The U.S. has taken the position in the cotton textile talks that: 1) the LTA should be extended without change, with the proviso that 2) it will be more liberally administered, and that 3) the maximum possible cuts in industrial nations' cotton textile tariffs will take place.

The EEC has made its cotton textile offers on many items conditional on renewal of LTA. Other consuming countries have also insisted on LTA renewal as a price for tariff concessions.

Because cotton textiles are so clearly a matter of interest to less-developed countries, and therefore to the stature of the GATT and the credibility of its position on its new special LDC trade initiatives, LDC's must receive special consideration in this sector. The outcome of negotiations depends simply on what price the exporting countries will require in order once again to submit to quotas imposed under the LTA. I urge that every possible consideration be given to removing all barriers—tariff and non-tariff—which restrict LDC exports and therefore their ability to earn development capital, and recommend that the importing countries allow substantial liberalization and eventual elimination of import quotas under the LTA. I reject the "ordering" of international or domestic markets so as to control supply or demand factors in any way. It is in this context that the objective "trade not aid" can be more than a slogan.

Liberalization of LTA by allowing gradually larger imports and phasing out the Arrangement should be economically acceptable to U.S. industry under present circumstances. The U.S. cotton textile industry is in a period of boom. Order backlogs are higher than ever, and some firms are not accepting orders for some products. Sales and profits of firms making cotton (and other) textiles have risen faster than any other product group on the stock exchange. The industry's rate of capital spending is as high as any major industry, and return on equity is very near the national average. In a speech to the American Textile Manufacturer's Institute on March 26, Commerce Secretary Connor spoke of the export potential of U.S. cotton textiles, urging the industry to sell more in foreign markets. The U.S. industry is back on its feet after several years of spoon-feeding by means of special depreciation allowances and other devices, including the LTA's quota system. As I said in a letter published in the New York Journal of Commerce on September 9, 1965, now is the time to remove the artificial barriers to increased imports in order to absorb U.S. demand and prevent the development of overcapacity that could contribute to recession when the current boom ends.

Aluminum

Among major aluminum producing and consuming countries having relatively high tariffs on ingots, Japan is largely self-sufficient in aluminum, and the EEC is now, and in the future is likely to be, the major world market where actual and potential production will fall short of consumption. The only other deficit market of note is the United Kingdom, which has a zero duty on unalloyed primary aluminum.

We do not yet know what the extent of the EEC offer on primary aluminum will be. Its present aluminum tariff is 9%, almost double that of the U.S. tariff on primary aluminum. The Japanese rate is 13%. I would ask those who seem so alert to denigrate the United States to take note of this. Indeed the U.S. has its peccadilloes but overall we are by far the most free trading nation in the world, which is as it should be. This is merely enlightened self interest.

The U.S. position should be one of continuing to seek full 50% duty reductions, or bindings on existing duty-free rates, on primary and wrought aluminum by all major producers and consumers of aluminum. The Canadians and Norwegians should play the principal role in confronting the high EEC and Japanese tariffs, since the former are the only producers with actual and potential primary aluminum exportable quantities of real magnitude.

It is expected that the EEC eventually will offer as a concession some type of tariff quota. They now have such a quota (5% rate applies to in-quota amount), but it is unbound in the GATT, and we have no idea of the size of the quota the ECC might offer. The facts of the present quota and the potential trade do not lead to believe that any tariff quota proposal the EEC may offer will be an acceptable substitute for a reduction in the 9% CXT on aluminum. Since the Japanese cannot make a sound case for continuance of their high rate on pri-

mary aluminum imports, every effort must be made to seek a full 50% reduction in the Japanese tariff.

Canada has always presented a special problem to the U.S. in the aluminum area. Its extraordinarily flexible anti-dumping "laws" have been used to exclude American primary aluminum exports, once again revealing the importance the U.S. of reaching an international code on anti-dumping, an important item in the non-tariff barriers area of the present negotiations. Canadian anti-dumping policy is administered at ports of entry by customs officials who are allowed unusual discretion in applying a dumping duty without first having to determine whether the "dumped' items are injurious to Canadian industry. Thus Canadian practice does not conform to GATT Article VI, which requires, in brief, findings first of sales at less than the price in the home market, then injury to domestic industry in the importing country. But most important, Canadian practice prevents effective U.S. price competition with Canadian producers. The U.S. does comply with the GATT requirement for determination of injury. It would be of great benefit to the U.S. and other nations to bring Canadian practice as well as the practices of other countries up to a high stadard through an international anti-dumping agreement. I will discuss anti-dumping further below.

Chemicals

I recognize the importance of the American selling price (ASP) system of customs valuation as a problem in the Kennedy Round negotiations but I strongly deplore both its exaggeration by Europeans and others, and the attempt to include it as a proper subject for determinable negotiation under the Trade Expansion Act.

No authority was given the President by the 1962 Trade Expansion Act to negotiate removal of the ASP method of valuation. Any change in this system of valuation, or any other system, must be made by Congress and Congress cannot be committed ahead of time. This is true of other non-tariff trade barriers such as revision of the U.S. anti-dumping law.

Undoubtedly other countries share this problem in respect to negotiating some of their non-tariff trade barriers, be they patent laws, internal taxes, quotas, licenses, cartel and state trading arrangements, subsidies hidden or open, monetary exchange arrangements or whatever. However, we must not lose sight of the fact that many non-tariff trade barriers which either are not subject to political restriction or which in effect may be extra-legal if not illegal practices, the curbing of which can be done in the negotiations without political approval. Certainly any country can agree that no tariff concessions will be binding if there are not agreements against substituting non-tariff barriers by legislation or administrative discretion which would make the tariff concessions meaningless.

Furthermore, there is no reason why the U.S. and other countries cannot begin on a conditional basis non-tariff trade barriers negotiations which require congressional action, as long as everyone understands that the offers are tentative and conditional upon future action by Congress, and as long as the tentative negotiation is public knowledge so that the U.S. Congress or the legislative organ of another nation is free to exercise its honest judgment on the issue and not be put in the position of either acquiescing or having its country accused of welching on a deal.

American selling price is one among the many trade problems under discussion in the round under these guidelines. I was surprised, in light of the fact that it has been made such a point of discussion, that Ambassador Blumenthal and I should have had to explain to European and other negotiators in Geneva some of the most essential aspects of ASP: not just its technical meaning, but especially its political significance.

U.S. Customs Valuation Methods and American Selling Price: ASP is one of nine U.S. customs valuation methods provided by U.S. law; four under Sec. 402 and five under 402(a) of the Tariff Act of 1930 as amended.

Since the enactment of the Customs Simplification Act of 1956, Section 402 of the Tariff Act of 1930 has provided four methods of customs valuation for purposes of computing ad valorem rates of duty. Three alternative methods are used to compute ad valorem rates on most imported products. Of these the first and preferred method of valuation is known as "export value", or the wholesale price of the imported product offered in arm's-length transactions in the country of origin. If "export value" cannot be determined, the second method of valuation is "U.S. value", or the wholesale price of the imported product in the United States, less such elements as profit, duty, and transportation costs in order to approximate "export value". If "U.S. value" cannot be determined, the third normal method of valuation is "constructed value" or an estimate of what export value would be based upon the costs of production in the country of origin.

The three normal methods of valuation provided by section 402 of the Tariff Act of 1930 do not apply as a matter of law to four groups of imported products: certain benzenoid chemicals, rubber-soled footwear, certain canned clams, and woolen knit gloves. For these classes of goods a special method of valuation known as American selling price applies.

With respect to benzenoid chemicals, the law provides that any imported benzenoid chemical which is *competitive* with a *similar* domestic product shall be valued on the basis of the American selling price of the domestic product (or its wholesale price). If the imported benzenoid chemical is not competitive, it is to be valued, first, on the basis of U.S. value and, if this cannot be determined, then export value or constructed value. Most non-competitive benzenoids are valued on U.S. value.

With respect to rubber-soled footwear, canned clams, and woolen knit gloves, the law provides that any imported product which is *similar* to such a domestic product shall be valued on the basis of the American selling price of the domestic product. If the imported product is not similar to any domestic product, it is to be valued on the basis of the normal methods of valuation: export value, U.S. value, or constructed value.

In accordance with the Customs Simplification Act of 1956, section 402 of the Tariff Act of 1930 largely superseded earlier valuation provisions and contains the current definitions not only of the three normal methods of valuation but also of ASP as it applies to *most* of the products falling into the four groups noted above. Certain of these products, however, are included in the so-called "final list" of imported products established pursuant to the Customs Simplification Act of 1956.

With respect to products on the final list Section 402(a) of the Tariff Act of 1930 provides for the continued application of the old methods of valuation. These methods are five: foreign value, export value, U.S. value, constructed value, and American selling price. Thus, depending upon whether a product is on the final list, either the current (Sec. 402) or old (Sec. 402(a)) definitions of ASP may apply.

The five valuation methods provided by Sec. 402(a) of the 1930 Tariff Act are a vestigial remain of the attempt in the 1956 Customs Simplification Act newly to define four methods to take their place and in so doing to eliminate foreign value as a valuation method. This was done in the bill as it passed the House of Representatives. However, in the Senate, the provision was added to the bill that whenever the foreign value of an item provided 5% more duty, it should be listed by the Treasury Department on a "final list". Thus when an import enters the U.S., if it is on the final list it is valued for customs purposes first on its foreign value, and if foreign value cannot be determined, then export value, U.S. value, and finally constructed value. If an import is on the final list and is also subject to ASP, then the ASP method is used.

Tariff Commission Study of U.S. and Foreign Valuations Methods. Pursuant to a resolution of the Senate Committee on Finance of February 9, 1966, the U.S. Tariff Commission has begun a study of the customs valuation methods of and by the principal trading nations. By June 30, 1966, the Commission must submit to the Committee a preliminary report describing the methods used and comparing the basic differences between such valuation methods. By February 28, 1966, the Commission must submit a report recommending improvement in U.S. customs valuation laws, including the advisability of adopting the Brussels Definition of customs value.

I have urged a review of U.S. customs valuation methods and strongly support the Finance Committee resolution. Such a study is long overdue. I recommend, however, that the U.S. not make any change in its overall valuation methods at a time when such change could endanger the trade negotiations, which will draw to a close only five months after the Tariff Commission's recommendations are due.

It has been argued that the conversion from the ASP method to conventional customs valuation methods should await the completion of the Tariff Commission valuation study. I have argued instead that ASP is an identifiable separate issue which can be discussed in the Kennedy Round.

History of ASP. ASP was first conceived as a means of permitting the existence and growth of the U.S. "infant" chemical industry. During World War I the U.S. found itself cut off from supplies of coal-tar (benzenoid) chemicals, for which we relied on Germany. Thus during and after the war the U.S. began to build its own chemical industry, only to find that by 1920 its traditional, cartelized, German suppliers had begun once again to sell, at cut rate prices, in the U.S. market. Such exports were aided by foreign currency depreciations, which made them cheaper. Depreciation was accompanied by rapid price fluctuations which made it difficult to determine a meaningful value for customs purposes. These factors led to ASP, which was convenient because it was based on relatively easily determined U.S. prices, and because it concealed the actual amount of tariff "protection" afforded by the ad valorem rate listed in the schedules. Congress has traditionally been reluctant to fix rates higher than 50% ad valorem, and the ASP method avoided doing so.

Congress acted first in 1921 to provide a differential between foreign and U.S. prices by enacting the Dye and Chemical Control Act of 1921. It was followed by the Tariff Act of 1922, which established the American selling price system for benzenoid chemicals. In the 1930's ASP was extended by Presidential Proclamation under Sec. 336 of the Tariff Act of 1930 to certain rubber footwear, certain canned clams, and certain wool knit gloves. Section 336 was effectively obviated by the Reciprocal Trade Act of 1934, which provided that no Sec. 336 action could take place on an item on which there was a duty reduction under the Act. This provision of the 1934 Act has been carried forward in successive reciprocal trade acts. Therefore a Sec. 336 determination can only be made on the approximately 400 (out of about 6000)

U.S. tariff items on which there has never been negotiated reduction.

How ASP is Applied. When an import is dutiable under the American selling price method of valuation, the amount of the duty is determined thusly: when an item competitive with a similar U.S. product is imported, the ad valorem rate listed in the U.S. Tariff Schedules (TSUS) is taken as a percentage of the price of the similar U.S. product. This, plus any specific duty which may apply, then yields the amount of the duty on the import. The value of the import is of no relevance in determining the duty. The ASP duty is derived simply from the U.S. price, and the amount of the duty will rise or fall as the U.S. price rises and falls, thus providing a constantly effective differential between the U.S. and foreign goods. If no similar competitive article is manufactured or produced in the U.S., then the ad valorem rate on the import is based on United States value or constructed value.

An import is considered by U.S. Customs similar to and competitive with a U.S. product when it accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner. In the case of chemicals, laboratory analysis is used by Customs to determine similarity. Competitiveness is determined by Customs officials, one reason for the administrative complications which make ASP in chemicals a barrier to trade. A similar problem exists in determining the competitiveness of certain rubber footwear, a problem to be discussed below.

Conversion from ASP to Conventional Valuation Methods. In my report to Congress last June, I recommended that whatever if anything was done about ASP, a study should be made to convert ASP-determined rates to ad valorem rates based on the conventional valuation systems specified by Sec. 402 and 402(a) of the 1930 Tariff Act. This would help us evaluate the real significance of ASP as an economical differential. I have also advocated a study of all of the different methods used by the U.S. and other nations to which tariff rates are applied.

On December 23, 1965, Governor Herter at the direction of the President requested the U.S. Tariff Commission to make such a study and report to him a new schedule containing tentative converted rates for benzenoid chemicals subject to ASP, rubber-soled footwear, certain canned clams, and wool knit gloves. This tentative converted schedule of rates was made public on May 2, 1966. Hearings at which all interested parties including foreign governments may be represented will begin on June 8 at the Commission. The Commission will then publish a recommended list of converted rates later in the summer. These rates can become effective only if enacted by Congress.

The conversion study was requested by Governor Herter at the direction of the President for reasons largely relating to Kennedy Round chemical sector discussions which will be discussed below. In recommending converted ad valorem rates for benzenoids the Tariff Commission also prepared a list of "ad valorem equivalents" (AVE's) of the compound rates now in the schedules. A compound rate is both a specific rate of duty on quantity (x cents per pound) plus a percentage rate on the value of the import. The AVE's, expressed in percentage terms, were calculated for the present (unconverted) schedule based on the export value of 1964 imports of benzenoids. This is the first time that the actual duty on benzenoids has been exposed as a percentage of the value of the import. Many expected this tentative conversion list to show many rates well over 100% of the value of the import. In fact, there are only 6 rates over 100% and only 27 rates over 50%, out of the 92 TSUS items for which AVE's were calculated. The highest AVE is 170%, which results largely because of technical problems existing in the conversion process. If no imports of a TSUS item occurred in 1964 no AVE was calculated. U.S. rates based on ASP were shown by the list of AVE's to be much lower than many had anticipated, therefore less of a trade barrier.

The calculation of AVE's on benzenoids was necessary in order to determine comparability of U.S. rates of duty with foreign rates of duty. If negotiations take place on items with compound rates, such as these, the bargains will be made by cutting the specific rate by a certain amount, and the ad valorem rate by a certain amount. The result will then be calculated as an AVE in order to determine the actual meaning of the cut in terms of a percentage. One effect of the few high AVE's has been to reactivate the European claim of disparities in the chemical sector. However, the public hearings on the tentative schedule of converted rates may well end up with few if any of the rates being above 50%, so the disparities problem may well be minimized. In any case the few high rates are exceptions and should not be used for political purposes by the EEC.

In the conversion from ASP rates to conventional rates certain problems have arisen peculiar to the item being discussed. Conversion problems in the benzenoid and rubber footwear fields deserve separate mention. Thus the four categories of products subject to ASP will be discussed separately below.

ASP and Benzenoid Chemicals. Imported benzenoid chemicals subject to ASP had an invoice value in 1964 of about $53 million and accounted for about 1.5% of domestic benzenoid sales totaling $3.4 billion. In 1964 about 700 manufacturing companies, employing at least 116,000 persons, made benzenoids among other products. About five U.S. firms produce benzenoid chemicals alone. These firms would understandably be most sensitive to change in the present system. Indeed to grant a concession could badly damage them. Most firms that would be affected, however, are large and diversified. U.S. negotiators have made it plain that tentative negotiations on prospective conversion of ASP by the Congress will have to contain some trade concessions on the part of Europeans in the chemical area in order to bring about congressional approval.

In calculating the converted rates, the Tariff Commission chose 1964 data on which to base the conversion. The key statistic in such conversion is the actual export value of the imported benzenoid chemical. The immediate guide to finding such export value is the price on the actual invoice slip which must accompany each import when it enters U.S. Customs at any port (most benzenoids are entered at New York). Invoice prices for benzenoid imports are often inaccurate, however. This is because many benzenoids are only infrequently traded, perhaps only once every several years. When traded, they may come in varying quantities, and in varying "strengths", from different countries, and from different companies. Rather frequently they are traded between parts of the same company. For these reasons invoice prices often do not reflect true sale values.

There is another important reason for invoice price inaccuracy. Benzenoid invoice prices are not normally scrutinized for accuracy by U.S. Customs, because the invoice prices are not used as the base on which to assess duty. They are therefore unimportant except to the U.S. buyer, who might be paying quite a different price from that shown on the invoice.

For all of these reasons the invoice prices for 1964 that were available to the Tariff Commission had to be re-evaluated to reflect realistic import values.

Thus, for 1964, the Tariff Commission selected a sample of about 1,000 invoices out of the approximately 15,000 available to it. In selecting its sample, the Commission considered: the frequency of importation of each compound; the size of individual shipments; unit values; whether duty was based on ASP or another valuation method; names of importers, exporters and makers; and whether the entries represented transactions between affiliated firms.

What emerged from this exercise undertaken in conjunction with the Customs Bureau was a list of more accurate dutiable values (usually export value) for about 1,000 imported benzenoids. These values were then used in computing a converted rate. For example, the benzenoid product Phenol (TSUS 403.40) has a present ad valorem rate of 17% and an American selling price of $.10 as determined by the Tariff Commission. If the export value as determined by the re-evaluated invoice values for Phenol in 1964 were an average of $.065, then the converted ad valorem rate for Phenol would be 26%.

This is determined by using the following formula:

$$\frac{.10 \text{ (ASP)}}{.065 \text{ (export value)}} \times 17\% \text{ (present TSUS ad val. rate)} = 26\% \text{ (tentative converted rate)}$$

Chemical Industry's Conversion Problems. The object of the conversion exercise is to ensure equity of conversion from the ASP valuation method to conventional valuation methods for imported benzenoids. Both methods should provide the same amount of duty. Various uses might be made of the converted rates in the trade negotiations, under certain circumstances to be explored below.

The U.S. industry is aware that if the reconstructed invoice values are incorrect, the rate conversion could result in a rate that is too low. Importers are also afraid that the rates could be too high. Both parties will have an opportunity at hearings beginning June 8 to express their viewpoints and to contest the converted rates based on information available to them. I would hope that in this process the Tariff Commission will make use of any data not previously available to it, in order to arrive at the most equitable possible list of final recommended rates for benzenoids as well as for rubber-soled footwear and certain canned clams. I would expect the hearing process to produce sound decisions ensuring the best possible tentative rate conversion.

Thus both U.S. industry and importers are now attempting to determine average world market prices for those benzenoid chemicals subject to the tentative converted schedules. In order to do so they can call on their network of market information using subsidiaries and affiliates and other trade channels, networks that are often worldwide. The U.S. chemical industry in this instance acts much as a group through the Synthetic Organic Chemical Manufacturers Association (SOCMA) and the Manufacturing Chemists Association.

It would be helpful to the U.S. industry to have access to the invoice information used by the Tariff Commission in arriving at the converted rates, but the Tariff Commission has deemed such information confidential business information on the ground that, except in the form of totals for groups of products, the release of invoice values would reveal certain operations of individual concerns. There are comparatively few foreign manufacturers and U.S. importers involved in the import trade in benzenoid chemicals and names of the traders in particular products are well known. Even if not accompanied by names of traders, release of invoice values would reveal traders' commercial secrets. The Tariff Commission has a reputation as a keeper of the business secrets of both U.S. industry and importers which it must maintain. I have not yet

heard an argument that would convince me that the invoice values could be revealed without damage to their confidentiality and the Tariff Commission's reputation.

The U.S. industry believes that the month first allowed by the Tariff Commission and Special Representative for Trade Negotiations to prepare for the June 8 Tariff Commission hearings was too short. I am in sympathy with this argument. I urged and was pleased that the Commission and Special Representative decided to allow an additional week for industry and importers' preparation for hearings. I believe also that the scheduling of a second hearing for early fall on the economic impact of conversion should also allow industry more time, because industry need prepare and present only its case on conversion at the Tariff Commission hearing beginning June 8. Arguments on the economic impact of conversion can be withheld for presentation at the second hearing, which I think might appropriately be held either by the Tariff Commission or the Trade Information Committee of the Special Trade Representative's office.

The U.S. industry is also concerned that the new benzenoid schedules not group too many items, resulting in an averaging of rates that could mean converted rates too high for some items and too low for others. The Tariff Commission intended that the groupings be made so that only minor changes in duties would result in most cases, especially on important items of trade. Effort was made to arrange the groupings so that the effects on the domestic producers and the importers would be kept to a minimum and so that the disadvantages that might accrue to the U.S. industry or to the importers would be offset by approximately equal advantages to the same groups.

For example, in the proposed TSUS basket item 403.60 G ("other"), there are grouped 980 items at an average tentative converted rate of 36% ad valorem and specific rate of 3.5¢ per pound. An item like 2 Napthol-6-sulfonic acid of which 366,000 pounds were produced in the U.S. in 1964, could perhaps be dutiable at a converted rate of 64% based on its export value, instead of 36%, if listed separate from the basket. Is this an equitable converted rate for this benzenoid? These are the types of questions the Tariff Commission must address itself to. It may be that such basket categories should be further broken down if the information presented at the coming hearings proves it necessary.

Another conversion problem is that of "standards of strength". As noted above, the duties on most benzenoids subject to ASP are compound (contain both a rate of duty per pound and a percentage ad valorem rate). The specific part of the duty on all imports of colors, dyes, and stains which exceed standards of strength established by the Secretary of the Treasury is computed on the weight which the article would have if it were diluted to the standard strength. This is the so-called "Treasury list", which contains only 3 chemicals.

Another list applies to other ASP benzenoids. For all products assessed on ASP value which are imported in a different strength from the similar competitive U.S. article, the value of the imported article is adjusted in the proportion which strength of the imported article bears to that of the domestic article. Industry is concerned that were the ASP-required test of competitiveness and similarity to be deleted from the law, the standards of strength provisions will no longer be applied to imports.

ASP Conversion for Benzenoid Chemicals and International Trade Negotiations. By themselves the tentative converted rates, and even the final Tariff Commission recommended rates, are meaningless except as they help us to understand its impact on imports and U.S. industry. If the President so decides, they may become an item for preliminary negotiation in the Kennedy Round. I have been formally assured that before such decision a second hearing on the economic impact of conversion will be held.

Several uses could be made of the recommended converted rates in the negotiations, all of them subject to Congressional approval.

One outcome of international negotiation on ASP could be simply to adopt the converted rates *per se*, without any lowering, and therefore to remove the ASP valuation method for benzenoids. This would have two effects: first, it would be an advantage to foreign benzenoid exporters because the administrative delay occasioned by the process of determination of similarity and competitiveness with a U.S. benzenoid would be removed. Also eliminated would be the administrative discretion entailed by the system, which we like to think of as a fault only of foreign nations' customs administration. What U.S. industry is most essentially losing, however, is the automatic protection afforded it whenever it chooses to begin to manufacture a product similar to and competitive with an import. Adoption of converted rates would freeze those imports that are at this time competitive and similar at a higher rate of duty than non-competitive unsimilar imports. This flexibility of the ASP system, which helps make it such a unique valuation device, would be lost.

By adopting the converted rates, without lowering those rates, the U.S. would be making a concession in the non-tariff barrier area, and should require a compensating foreign non-tariff or other concession.

Another outcome of negotiation could be both conversion and reduction of converted rates, a truly "meaningful" U.S. offer which would require additional foreign concessions in the form of substantial offers in items in the three Chapters of the Brussels Tariff Nomenclature that EEC has excepted from negotiations, as well as concessions in the non-tariff barriers' and perhaps other areas.

Yet another outcome of the negotiations could simply be a reduction of the present, unconverted, U.S. ad valorem rates (even when subject to ASP) if substantial enough concessions are made by the EEC and others.

Geneva Chemical Sector Discussions Open. During my visit to Geneva, U.S. and foreign negotiators opened discussions in the chemical sector based on the EEC's decision to table its remaining offers in chemicals.

The U.S. made clear at the meeting that it is prepared to explore the possibility of modifying the effect of the ASP system of valuation as it applies to benzenoid chemicals. As a working hypothesis, the U.S. is ready to discuss the possibility of conversion of rates as they might be reduced in the current round to a new set of rates based on standard methods of valuation, designed to yield duties substantially equivalent to those now collected. But the U.S. is not now offering such a conversion, only proposing to explore what is feasible. The U.S. could make a formal offer only in the framework of a separate package including additional and comparable offers by others, and such an agreement would require enactment of implementing legislation by Congress.

The U.S. has made very substantial offers on the bulk of chemicals traded today. These offers would open the U.S. chemical market to increased foreign competition. Ignoring these very attractive and meaningful offers, the EEC has chosen to insist on negotiations on ASP as a price for removing the conditions that it has placed its offers in major areas of the U.S. trade interest. It would be a shame if the EEC were not to proceed with negotiations on the trade offers on which the President presently has full authority to conclude agreements.

Concessions on ASP can only be included in the final agreement if in return the U.S. receives a fully reciprocal *quid pro quo*, in part provided in the chemical sector, and in part provided by concessions by others in the non-tariff barriers field. Such concessions have not been forthcoming from the EEC and Japan and until they do the U.S. cannot and will not continue to offer concessions and will withdraw them if necessary to achieve a balanced package of reciprocal concessions.

Patents are of particular concern to the chemical industry. I have long considered that U.S. chemical concerns should not fear international competition because of their diversity, research orientation, marketing and distribution ability, and size. If an adequate international patent system could be devised, it could prevent foreign firms from selling products newly developed by U.S. firms in the U.S. market at highly competitive prices. I have no indication how much such international competition exists. I do believe, however, in the right of companies everywhere to have as a means of recouping their expenditures exclusive use of the fruits of their own research and development for specific periods and I believe this should extend into international trade. In the chemical and other sectors I think it a perfectly reasonable goal to seek foreign concessions in terms of better patent practices as part of a bargaining package.

In summary. The chemical sector talks have been complicated by the ASP problem. It has been claimed that Europeans and other nations have chosen to select out ASP as a delaying device, without knowing its economic effects and political implications. The U.S. has now disclosed its willingness to discuss ASP, and in doing so has put the Europeans and others on the defensive. It is now up to our negotiating partners to decide whether to "fish or cut bait", to return to the table ready to bargain with improved offers or no.

ASP and Rubber-soled Footwear. Section 336 of the Tariff Act of 1930 provides for Tariff Commission investigations of the differences in the cost of production of domestic articles and of like or similar foreign articles and the equalization of such differences. It provides that a 50% increase in the statutory rate of duty is insufficient to equalize such difference, the Commission shall so state in a report to the President and shall specify an ad valorem rate of duty, based on the American selling price of the domestic article, necessary to equalize such difference.

After due investigation under Section 336 of foreign imports of certain rubber footwear, the Tariff Commission recommended to the President a rate of 35% ad valorem on the ASP value, and the President proclaimed such rates on March 3, 1933. The 35% ad valorem rate was reduced after tariff negotiations under GATT in 1955 to 20%.

The items subject to the 1933 proclamation are provided for in item 700.60 of the TSUS at a rate of 20%. These items are footwear having uppers of fabric and soles of rubber or plastics, items commonly referred to as "sneakers" and variants thereof.

Fifty-one U.S. firms produce rubber-soled fabric-upper footwear among other products. Thirty-six such firms are in the Northeast United States. Production according to Tariff Commission statistics was: 71 million pairs in 1958; 103 million pairs in 1961; and 166 million pairs in 1965, a steadily rising rate of production. Imports were: 4 million pairs in 1958; 28 million pairs in 1961; and 33.4 million pairs in 1965. U.S. exports were 69 thousand pairs in 1960 and 225,000 pairs in 1964. In 1964, 21 million pairs or 73% of total imports under TSUS item 700.60 were dutiable under ASP. In 1965 this figure fell to 18 million pairs or 53%, a significant change in trade, the reason for which industry and importers claim they do not

understand. To try to determine the reason the industry and importers alike have asked the Tariff Commission for data on the 47% of imports defined by U.S. Customs as outside the ASP provision.

In 1965 a major change in the administration of the ASP provision was made by the Treasury Department after a lengthy decision-making process. Prior to 1963 the practice of the Customs Bureau in the appraisement of such footwear was to assess the duty on the value of the highest-priced like or similar domestic article. Early in 1963, the Bureau suspended appraisement of footwear found to be subject to the ASP provision, pending a possible change in the method of determining ASP.

In the Federal Register of August 19, 1965, the Bureau announced proposed new guidelines providing that the appraisement of such footwear should be made on the value of the closest priced like or similar domestic article: "the product which is closest in price to the price of the imported article shall be selected as the most similar." This provision was finally adopted in February 1966.

The new guidelines have the effect that less duty has to be paid on imports because the American selling price on which the duty is assessed is lower than previously. The new guidelines are retroactive to early 1963 (date of suspended appraisement) on all imports of such footwear, which had been entered in bond pending Treasury decision.

The industry claims that the Treasury decision was improper and perhaps an illegal use of the Treasury's authority. Whether or not the Treasury decision was a correct one, the industry on paper has taken a very substantial tariff cut, because the new guidelines have resulted in considerably lower rates of duty on imported rubber-soled canvas-upper footwear. A bill (H.R. 12983) to rescind the new guidelines and reinstate the old has been introduced.

Under the new Treasury guidelines a weighted average converted rate for the four basic types of footwear imports is 59.5% rounded off at 60%. Under the old Treasury guidelines the weighted average ad valorem rate of duty for the same types of footwear would have been 96.1%. The difference between the two is 36.6%, a significant loss of duty.

This is the U.S. industry's case for claiming that it has suffered a unilateral reduction of duty and that traiffs on its products, either in their present or in converted form, should not be negotiated in the Kennedy Round. It is a strong case. The case is contested by importers who claim that since the suspension of appraisement in 1963 and the bonding of imports pending a decision, importers have calculated and taken into account of an average duty on the four types of footwear in question of about 60%. Imports, they argue, have actually been priced in U.S. markets for the past three years at prices reflecting the duties resulting from the new guidelines. They point to statistics showing that imports entering the United States at this level of duty have remained at a plateau during this time. In essence, they argue that the 60% rate has been in effect throughout the past three years without and damage to the domestic industry in terms, at least, of increased imports.

These complex problems are complicated by the difficulty of obtaining statistics regarding production, imports, and employment that can be agreed by both sides. For such reasons the Tariff Commission was established as an adjunct of Congress. Congress must rely on the Commission for impartial and scholarly study of technical matters such as these. Once again I express the hope that the June 8 Tariff Commission hearings, and the later hearings on the economic impact of ASP conversion, will help to complete the picture and produce truly equitable decisions. In spite of my confidence in the Tariff Commission, it cannot supplant the need for careful determinations by the House Ways and Means and Senate Finance Committees, and continuing through scholarship by their Members and staffs.

In converting rates for these footwear, the Tariff Commission used data covering nearly half of the total imports of footwear for 1965, collected at the four major ports of entry. They calculated the rate of duty for these invoice values on the basis of the new guidelines, and arrived at a weighted average converted rate of 60%, as noted above. In the new proposed schedule a Subclass A would cover types of footwear not subject to ASP valuation at a rate of 20%, and Subclass B would set a tentative converted rate of 60% covering types of footwear now dutiable under ASP.

Both industry and importers have certain problems with the conversion of rates that should be considered. First, there is the question of trade data on which the tentative conversion is based. As noted above, there was an unusual drop in the amount of imports entered under ASP in 1965. In this circumstance, was the choice of 1965 data alone for conversion purposes a wise one? The industry asks whether it would have been more appropriate to take data from 1962, the year prior to the suspension of appraisement and the eventual adoption of new guidelines. The industry now asks to have sufficient data to be able to construct weighted average converted rates under both new and old guidelines for 1962, 1963, and 1964, in order to be able to determine the fairness of the 60% converted average rates. Importers argue on the other hand that the trade data used should be as current as possible to reflect present competitive trends.

Another problem is the fairness of the price of footwear used as the comparable price by Customs. In the first three months of this year data was gathered for the first time to show that canvas for making the uppers of rubber-soled footwear was being imported in large quantity, a projected 15 million pairs of uppers for 1966. Uppers made of such imported canvas are of unmarked origin and therefore, industry claims, difficult to trace as they emerge in a final product. But they would contribute to making a cheaper sneaker. If the imported canvas uppers are in fact used in large enough quantity, the industry argues that they could lower the price of the shoe against which the import is being in fact compared for purposes of its ASP valuation.

Finally, the industry is wary of the use of the converted rates on rubber-soled footwear in the trade negotiations. As in the case of chemicals, there are really two principal ways of negotiating ASP. First is to simply remove ASP as a valuation method, offering a conversion of rates in return for some foreign *quid pro quo*. Second is not only to convert ASP rates but to reduce them in negotiations. Given the unilateral reduction of duties effectuated by the new Treasury guidelines for which we get no concessions it would seem unfair to further reduce the converted rates even by reciprocal concession.

The rubber footwear industry argues that, just as the chemical industry has been assured some element of *quid pro quo* in terms of export interest in the same sector, so the rubber footwear industry should receive a *quid pro quo*. The industry argues, however, that it has no export potential, pointing to 1965 exports of only 225,000 pairs of rubber-soled shoes, and concludes that no negotiations are possible on the condition of industry reciprocity. They ask what they could possibly get in return for a concession on ASP.

The answer is obvious. Just as in the case of the chemical industry, only a small number of firms produce only rubber-soled footwear, and could therefore obtain no reciprocal benefit from negotiations. Some very large rubber footwear manufacturers like U.S. Rubber and B. F. Goodrich could benefit strongly from successful trade negotiations. One healthy outcome of negotiations would be to achieve liberalization of EEC markets to imports of Japanese rubber-soled footwear which would reduce pressure on the U.S. market.

Further, I would like to stress that the concept of reciprocity within sectors, especially such a narrow sector as rubber footwear, has not and should not be adopted in the current trade negotiations. We have been very careful to circumscribe this theory in the chemical sector, making clear first that reciprocal chemical concessions are only one of the needed *quid pro quos*, and that such concessions would apply to the broad range of chemicals in which the U.S. has an export interest.

ASP and Canned Clams. Canned boiled baby clams are the only article in TSUS item 114.05 which the Customs Bureau finds like or similar to a domestic product. On May 31, 1934, the duty of 35% ad valorem on ASP basis was proclaimed by the President after a Section 335 investigation and recommendation by the Tariff Commission.

In 1965 boiled baby canned clams were 73% of imports of clams in the relevant TSUS item, or 1,025,000 pounds. U.S. production of similar clams in 1965 was 460,000 pounds. Such clams are packed in three plants in Maine, two in the State of Washington and one each in Delaware, New York and Alaska.

The Tariff Commission in its conversion effort determined that in view of the stability of the ASP and the relatively uniform unit foreign export value, the best conversion rate for canned boiled baby clams appears to be a specific rate of 12.5¢ per pound. This rate is set for clams valued at not over $.40 per pound, a value bracket which would include all imports now dutiable on the ASP basis, and would exclude virtually all imports not dutiable on such basis. Canned clams valued over $.40 per pound would continue to be dutiable at 20% ad valorem based on export value.

ASP and Wool Knit Gloves and Mittens. A Presidential proclamation on March 22, 1936, set a tariff of 35% ad valorem based on ASP valuation for gloves and mittens, finished or unfinished, wholly or in chief value of wool, valued at not more than $1.75 per dozen pairs. Imports of such gloves virtually ceased in the late 1930's because the value limitation (less than $.15 per pair) precluded any imports under that item. Future imports of such low cost gloves are unlikely. The National Association of Glove Manufacturers has suggested that the rate of duty now applicable to the gloves in item 704.35 be retained with the deletion of the ASP headnote, and this suggestion has been followed, resulting in a "converted" rate of $.40 per pound plus 35% ad valorem.

Summary

One danger of the sector approach, a danger shared by bilateral negotiation, is that concentration on the problems of a single group of products tends to limit the available alternatives for use in bargaining. One of the truly useful innovations of the current round of negotiations is the linear cut approach and the agreement that balancing should be achieved in the negotiated package as a whole rather than in each of its sectors. This very flexible approach may be compromised to some extent by the sector talks. On the other hand, the sector discussions have been very useful in identifying the key problems in these difficult areas, and bringing to bear on them the combined resources of the majority of negotiating countries who want meaningful negotiations to be concluded.

Many difficult problems must be resolved before the industrial negotiations can be successful. Hopefully the EEC, faced by nego-

tiating partners anxious to make trade-stimulating concessions, will now recede from the very tough and inflexible bargaining positions it has taken on many matters. It is the natural inclination of any hard bargainer to hold on to a hard position up to the wire. There is time for the EEC and others to make meaningful offers and to conclude an important package of bargains in all sectors.

If the EEC is unwilling to make meaningful concessions the United States and other nations should so adjust their packages of offers as to achieve a balanced negotiation, even though this could mean the Kennedy Round might not achieve its original objectives. Under no circumstances should the U.S. conclude a hasty negotiation in order not to have to admit that the Kennedy Round was unsuccessful.

AGRICULTURE

The decision to negotiate agriculture problems in the Kennedy Round was itself ground-breaking. Agriculture is of great political importance to all nations, and national agriculture policies are expressed in special measures both for promotion and control of agricultural production. The effort to grapple with the various national subsidy, state trading, license and quota, and embargo programs in an international trade negotiation is a great step forward.

The goal of the United States in the agriculture negotiations is to achieve acceptable conditions of access to world markets for agricultural products in furtherance of a significant development and expansion of world trade in such products. Thus the main thrust of the negotiations is the United States effort to maintain "acceptable conditions" of access to traditional European markets. The U.S. exported a record $4.7 billion in 1965, compared to the previous record of $4.6 billion in 1964. These sales represented over 25% in value of U.S. merchandise exports. This is why the U.S. is determined to obtain in the Kennedy Round improved access to world markets for its agricultural exports. How to define and achieve "acceptable conditions" of access is therefore the major problem of the negotiations.

Because the United States has such a deep export interest to maintain, the U.S. could offer little in the way of reciprocal concessions in agriculture. This is one reason why the rules established for the negotiations by Ministerial Resolutions in May 1963 and May 1964, and agreement at lower levels, have provided that the final package of concessions should not be balanced sector by sector but across the board on all items, including those in the industrial and non-tariff barrier sectors. To some extent the EEC agriculture bargains will be tied in with U.S. industrial and non-tariff offers. Thus a key element of U.S. policy has been that industrial bargains cannot be concluded without agriculture bargains.

Progress has been slow in the agriculture sector because of the EEC's inability to forge an internal agriculture policy, which includes two principal problems. First, a common pricing system must be established. This means creating a uniform community target price, a price at which support would be maintained ("target price"), and a price at which imports would be allowed to enter ("sluicegate" or "threshold" price). The latter is often referred to as the variable levy system. The variable levy is actually the difference between the world price and the threshold price, and constitutes an import tax which raises the price of the import to a high enough price to provide protection in all EEC domestic markets.

The second element of the pricing system is the financing of the price support program and agricultural export subsidies, and certain Community technical services to agriculture. Some of the funds for this support are supplied by variable levies and other import taxes. The remainder was contributed by member nations in varying proportions. It was the requirement that the final arrangements for agriculture financing, plus the French concern that some aspects of its sovereignty might be impaired by the gradual accretion of powers by the Community, that led to France's boycott on June 30, 1965, for the most part resolved in Luxembourg in February this year.

This in bare outline is the problem the U.S. is faced with in trying to achieve "acceptable conditions of access," to European markets. In a sense it may be too late to try to achieve such modification. So many political decisions have been built into the agreed pricing system that it may be difficult to alter. The U.S. might have moved earlier to try to prevent the establishment of such a system, inasmuch as the EEC agriculture proposals now being put into action were a long time being conceived.

The negotiating problems in agriculture vis-a-vis the EEC divide into two major areas, grains and "other" farm products.

Grains. The discussions of GATT's "Cereals Group" have moved ahead faster than any other agricultural area. Major negotiating participants are the U.S., Canada, Australia, Argentina, EEC, United Kingdom, Japan and Switzerland. On May 17, 1965, all negotiating countries tabled offers in this category of farm product. Generally the grains negotiations are proceeding on the official assumption that a world grains arrangement is the best means whereby the goals of the agriculture negotiations, which include sharing the supply of food to the LDC's, can be achieved. Without such agreements, the U.S. argues, it would lose its foreign markets. The U.S. objective is to utilize as much of the market place mechanism as possible and to avoid an agreement that would fix trading prices and likely lead to market allocation, but at the same time, through a Kennedy Round grains agreement, remove the barriers to U.S. agriculture exports.

Much work has been done by the date of the French boycott of the Community beginning June 30, 1965, but further negotiation by the Cereals Group must await EEC Council decision in three key areas:

1. Access to traditional markets. To help achieve the major objective of gaining acceptable conditions of access to markets efforts must be made to allow market forces to adjust commercial market suppliers to effective demand. The EEC under its present artificial pricing practices will probably increase grain production much more rapidly than consumption. This would increase the problem of grain exporters, such as the U.S., maintaining access to the EEC market.

The U.S. has taken the position that a world agreement on access arrangements is necessary and can be obtained through the current negotiations. But the former U.S. position that control of production on a world basis was necessary has been weakened by the recent entering into production of new U.S. acreage. On May 5, 1966, Secretary of Agriculture Freeman announced an increase of 15% in the national acreage allotment for wheat for the 1967 crop. One reason for the increase was explained by the Secretary to be that "strong demand for wheat exports both for dollars and for food assistance programs has reduced our stocks sharply." Previously the U.S. had supplied food aid from its surplus stocks. Official policy is stated to be to shift from supplying food aid from stocks to supplying it from current production.

2. On international pricing system including minimum and maximum prices. It is considered that efficient producers of grains, such as the United States, should find such prices remunerative. The U.S. has rejected the EEC "montant de soutien", or "margin of support", scheme for establishing such prices.

The margin of support proposal would, essentially, freeze the amount of the difference between the domestic support price, or target price, and the minimum threshold price. This would amount only to an EEC guarantee that the import price—against which foreign sellers have to compete—would move up or down only when the domestic support price fluctuated. It would not provide for a freeing of trade by reduction of levies and modification of the present import price levy system, and is unacceptable to the United States.

The EEC should realize that the U.S. cannot accept such a scheme, and modify its proposal accordingly by providing acceptable access arrangements. This must be done soon so that Cereals Group discussions can begin again by July at the latest. There is now indication that the EEC Commission is willing to do so.

3. Joint sharing by all developed countries of the program of food aid. United States officials insist that other producing nations should share the U.S. program of supplying food to less-developed countries on an other than direct sales plan. Very little attention has been given this problem in previous Cereals Groups discussions! The U.S. position is that as other countries such as the EEC become substantial commercial grain exporters they will be able to take part in this supply program. Shipments under U.S. food programs totaled about $1.5 billion in 1965 compared with $1.8 billion in 1964. It is estimated that the U.S. sends about one-fourth of its food wheat to India alone.

"Other Farm Products. Under a timetable agreed in March 1965, all participating nations were to have tabled their offers for products other than grains by September 16, 1965. The EEC crisis beginning June 30, 1965, made it obvious that the EEC would not be able to table, being prevented by the French boycott from making the necessary decisions regarding the price system for many of the products to be negotiated. The U.S. continued to use the September 16 deadline to exert pressure on the EEC, but to no avail; the EEC notified its partners of its inability to table on the agreed date. The President then made the decision, in order to try to prevent the negotiations from "losing momentum", to table the U.S. offers, excluding those of major interest to the EEC. This allowed some exploration of third country offers to proceed. The negotiations remain at a standstill. There is hope that the EEC can move ahead with tabling soon, but this must be done by July at the latest, in order that progress might be made before the traditional European August recess.

The U.S. has made clear that in the broad area of processed foods, tariffs are still the traditional form of protection and that negotiation should be concluded on the basis of reduction in fixed tariffs.

U.S. "Section 22" Quotas. At the March 24, 1961, meeting of the Contracting Parties of the General Agreement on Tariffs and Trade member nations discussed U.S. import quotas on certain agricultural commodities, called "Section 22 quotas" because they are fixed under authority of Section 22 of the Agricultural Adjustment Act, effective August 1935. The purpose of the quotas is to prevent imports from undercutting U.S. agricultural commodity prices held above world market levels. The U.S. has a permanent waiver under GATT, and reports annually on its quota program. Many GATT members maintain restrictions on agricultural imports. Scandinavian countries, for example, maintain quotas against imports of U.S. horticultural products such as citrus fruits, contrary to GATT obligations. The United Kingdom maintains very restrictive quotas on citrus fruits exported from the U.S., that are illegal under GATT. Section 22 quotas include twenty TSUS items covering milk in

various forms, cheese, wheat and wheat products, peanuts, and cotton in various forms. Other U.S. quotas are imposed under the Sugar Act of 1948, the Philippine Trade Agreement Revision Act of 1955, and other quotas and embargoes as provided in the TSUS. These are quotas on furs imported from the USSR or Communist China, impure tea; bird feathers, skins and eggs; crude petroleum and petroleum products; cattle and beef; tuna; potatoes; brooms and bushes of broom corn. Some of these quotas are imposed for health and conservation reasons.

In the discussions at the March meeting nations with export interest called for increase in U.S. quotas on products such as butter where U.S. surplus stocks have been greatly reduced. Many of those taking part in the discussion questioned whether the maintenance of the waiver was still justifiable in view of the drastic changes in the U.S. dairy products situation. Others expressed their concern that the United States felt able to make only a minor improvement in the quota for cheddar cheese in April this year. (CONGRESSIONAL RECORD, April 6, 1966, p. 7787).

Section 22 quotas are allowed by the GATT under permission given in 1955 as a measure necessary to achieve a broader economic objective. In this light and in light of the extraordinary "variable levy" protection scheme devised by the European Community, and the protection devices of other countries, Section 22 quotas seem to be a minor matter indeed.

NONTARIFF BARRIERS

I have frequently stressed the importance of "other-than-tariff" barriers to international trade. My colleagues on the House-Senate Joint Economic Committee and I stated last February in our unanimous Republican views on the 1966 Economic Report of the President that a new emphasis on non-tariff-barriers is needed:

". . . were the Kennedy Round to be successfully completed, tariffs on the whole would cease to become a major trade barrier. Unfortunately, as tariff barriers have diminished other barriers to international trade, more pernicious and often hidden, have arisen. These 'non-tariff barriers' can take many forms . . . They can have a highly protective effect . . .

"We believe the future trade negotiations must concentrate not only on tariff but on non-tariff barriers. These far more knotty international problems should be the subject of consistent effort by the Special Representative for Trade Negotiations, during and between formal GATT negotiating rounds. Fetters on international trade cannot be removed so long as there is a preoccupation with tariffs and a neglect of non-tariff barriers."

The U.S. has several non-tariff barriers about which we are frequently reminded not only by foreign nations but our own press. I have admitted that these problems exist, and have urged U.S. negotiators with some success to consider changing them. At the same time I have insisted, however, that the U.S. look equally hard at the non-tariff practices of other nations, which far exceed those of the U.S.

Among the most important of the non-tariff barriers the U.S. seeks to modify are high European road taxes, which effectively discriminate against American automobiles, border tax adjustments, coal quotas and tobacco monopolies, and restrictions against showing of American films and videotapes. Buying practices of foreign governments often discriminate against foreign goods and are not publicly administered or even known, while the same nations criticize U.S. buying practices which are fully known.

Foreign nations have concentrated in the Kennedy Round on several U.S. nontariff barriers, chief among them U.S. anti-dumping practices and Buy American practices, and American selling price has been discussed above in the context of the chemical sector.

An Anti-dumping Code. Anti-dumping has been of special interest to me because I believe that the U.S. and other nations have much to gain from an international agreement on anti-dumping measures. To that end I introduced on June 1, 1965, House Resolution 405, directing the President to pursue the negotiation of an international anti-dumping harmonization code. (CONGRESSIONAL RECORD, vol. 111, pt. 9, p. 12075, and March 8, 1966, p. 5333.)

Since that time, due in part to the prodding of the United Kingdom and other nations, and the new willingness of the U.S. Treasury to consider modifying its present anti-dumping administrative regulations, the possibility exists that an agreement may be reached which might require some change (after Congressional approval) in the U.S. Anti-dumping Act of 1921 and changes also in Treasury's administrative regulations. Chief among other nations' complaints is the U.S. system of withholding of appraisement, whereby U.S. Customs suspends appraisement of an import for duty purposes when a dumping investigation is initiated by Treasury, pending completion of the dumping investigation.

In return for modifying U.S. practice, the U.S. must require our negotiating partners to modify their own practices in order most importantly to assure fair and open anti-dumping proceedings in which notice at least of dumping investigation and publication of reasons for findings is required. We must also require such procedures to be consistent with Article VI of the GATT, which sets forth the two determinations that must under GATT precede imposition of a penalty dumping duty: first, finding of sales at less than home market price in the exporting country; second, finding of injury from the dumped goods to industry in the importing country. The Canadian practices described under the aluminum sector above are an example of the capricious administration of anti-dumping provisions, as well as the provisions of Article VI.

Other nations also apply anti-dumping in a manner which I regard as a serious harassment to international trade, and as harmful to U.S. exporters. A recent British anti-dumping action provides a case in point. On March 24, 1966, the British Board of Trade announced that a dumping duty would be imposed the following day on diphenyl ether and diphenyl exported by the Dow Chemical Corporation. A like product is made in Britain by the giant firm, Imperial Chemical Industries. In imposing the dumping duty the U.K. provided no notice of investigation either of "sales at less than fair value" or "injury". It did not give the U.S. industry opportunity to learn the substance of the dumping charge, or to rebut the charge. The penalty duty was imposed literally by fiat after determination of dumping and injury by administrative officers without benefit of public exposure of the charges and facts of the case. This is in contrast with U.S. procedure which requires detailed public investigation with full opportunity for both sides to be heard in both stages of the investigation of the dumping complaint.

In the Geneva Anti-dumping Group discussions on May 9 and 10 the United States for the first time expressed its willingness to reconsider its practices in light of the criticism of foreign nations if those nations agree to consider modifying their practices. The meeting was therefore constructive because it succeeded in shifting to foreign nations the responsibility for proposing the next step in negotiations. As in the question of ASP, the U.S. has shown its willingness to discuss and consider modifying reciprocally practices that Europeans and others have used to belabor the U.S. In both instances we have succeeded in putting those nations on the defensive.

In taking a position in favor of internationally agreed anti-dumping practices, I disagree with those Congressmen and Senators who would rather make the U.S. anti-dumping law an effective barrier to international trade before seeking to reach international agreement, at the same time agreeing that dumping is an unfair trade practice and that anti-dumping measures are necessary. Instead, I suggest that if their proposals for change in the present system have merit, they should be adopted internationally and applied uniformly by trading nations.

I will confess to a certain puzzlement about the need for tightening amendments in the present U.S. anti-dumping law and procedures. It is accepted that industries of all nations dump. Do foreign industries dump in the U.S. more than U.S. industries dump in foreign markets? Does injury from such dumping occur more frequently than the Tariff Commission's investigations have found? I have looked briefly into the economics of a major industry which has strongly supported the effort to amend the anti-dumping law, the U.S. cement industry. My examination has not been intensive but I would be led to the following conclusion: imports of cement have a negligible effect on total U.S. industry, and dumped cement is not a problem.

Record production and shipment of cement was reported in 1965 for the third consecutive year. Domestic production reached 385 million barrels at the end of 1965. Imports of cement reached 5.6 million barrels in 1965, less than 2% of domestic shipments. Bahamas is a large exporter to the U.S., but exports are produced by a plant of the Universal Atlas Company, a division of United States Steel. Imported cement may be a problem in some markets on the Eastern coast, where most of the imported cement is sold, but it is less likely to be strongly competitive in midland areas because of high transportation costs.

It is estimated that the U.S. cement industry is in better condition than previous years, with continued high production, increased capital spending, more efficient ways of transporting and storing cement, and the pruning out of old manufacturing units. Nonetheless, I have asked for and would be pleased to discuss any data proving the contrary.

Buy American. U.S. Buy American policies are by no means as onerous as the government purchasing practices of foreign nations. The U.S. is the only nation to publish fully its administrative procedures on government buying. A certain confusion does exist, however, due to the action of the Defense Department to increase the amount of defense dollars spent in the United States and minimize the effect of foreign spending on the U.S. balance of payments. The Defense Department's new policy of buying U.S. goods unless the foreign goods are 50% cheaper means that its practices differ widely from those of all other government agencies, who buy foreign goods when they are 6% cheaper. The House-Senate Joint Economic Committee's Subcommittee on Federal Procurement and Regulation has in recent hearings broached this subject and will pursue it.

The effects of the Defense Department's new policies, which are somewhat flexible besides, need examination to determine exactly what their economic effects are. A uniform procedure should be established by the Budget Bureau governing buying practices of all agencies, because the present differential will encourage firms to sell only to the agency providing the highest differential. Under these circumstances it is possible that an industry could become entirely dependent on the Defense Department, always assured of sales in spite of a wide differential between its costs and those of foreign makers.

The Defense Department's Buy American guidelines are only another example of the palliative measures undertaken to try to control basic balance of payments maladjustments.

As a step toward improvement of national buying practices, emphasis should be put behind the Organization for Economic Cooperation and Development (OECD) to begin to develop a code of policies and practices related to government purchasing, and this OECD effort should be coordinated with the present GATT negotiations, if possible.

CONCLUSION

This has been a review of the major problems of the present negotiations. Only one of its major aspects has not been discussed, that is the role of the negotiations in removing barriers to exports from developing countries. This, and other problems such as fisheries and the role of patents, anti-trust, and restrictive business practices in international trade will be discussed in a second section to this report. The U.S. Government's organization for conducting foreign economic policy will also be discussed. This second section will soon be forthcoming.

As the above report witnesses, the trade negotiations at Geneva are proceeding intensively on many fronts. There is a new air of optimism resulting from the EEC's recent decisions on financing its agriculture program and its anticipated decisions in other areas. The progress of the next two months preceding the August vacation period in Europe will in large part determine whether satisfactory bargains can be outlined in general form by November. In my view there is time to make an important package of trade expanding bargains that will substantially increase U.S. exports and promote the world economy.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock tomorrow morning.

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

THE METAL AND NONMETALLIC MINE SAFETY ACT

The PRESIDING OFFICER. Two hours having elapsed, the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8989) to promote health and safety in metal and nonmetallic mineral industries and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare, with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Metal and Nonmetallic Mine Safety Act".

DEFINITIONS AND EXEMPTIONS

SEC. 2. For the purposes of this Act.

(a) The term "commerce" means trade, traffic, commerce, transportation, or communication between any State, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States, and any other place outside the respective boundaries thereof, or wholly within the District of Columbia, or any territory or possession of the United States, or between points in the same State, if passing through any point outside the boundaries thereof.

(b) The term "mine" means (1) an area of land from which minerals other than coal or lignite are extracted in nonliquid form or, if in liquid form, are extracted with workers underground, (2) private ways and roads appurtenant to such area, and (3) land, excavations, underground passageways, and workings, structures, facilities, equipment, machines, tools, or other property, on the surface or underground, used in the work of extracting such minerals other than coal or lignite from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in the milling of such minerals, except that with respect to protection against radiation hazards such term shall not include property used in the milling of source material as defined in the Atomic Energy Act of 1954, as amended.

(c) The term "operator" means the person, partnership, association, or corporation, or subsidiary of a corporation operating a mine, and owning the right to do so, and includes any agent thereof charged with responsibility for the operation of such mine.

(d) The term "Secretary" means the Secretary of the Interior or his duly authorized representative.

(e) The term "Board" means the Federal Metal and Nonmetallic Mine Safety Board of Review created by section 10.

SEC. 3. Each mine the products of which regularly enter commerce, or the operations of which affect commerce, shall be subject to this Act.

The Secretary may, by published rules adopted pursuant to the Administrative Procedure Act, decline to assert jurisdiction under this Act over any class or category of mines where, in the opinion of the Secretary, either the effect of the operations of such mines on commerce is not sufficiently substantial to warrant the exercise of jurisdiction under this Act, or such exercise of jurisdiction would impair the effective overall realization of the objectives of this Act.

INSPECTIONS

SEC. 4. The Secretary of the Interior is authorized at any time to cause to be made such inspections and investigations as he shall deem necessary in mines which are subject to this Act (1) for the purpose of obtaining, utilizing, and disseminating information relating to health and safety conditions in such mines, the causes of accidents involving bodily injury or loss of life, or the causes of occupational diseases originating therein, (2) for the purpose of determining whether or not there is compliance with a health and safety standard or order issued under this Act, or (3) for the purpose of evaluating the manner in which a State plan approved under section 16 is being carried out. At least once each calendar year the Secretary shall inspect each underground mine which is subject to this Act.

SEC. 5. For the purpose of making any inspection or investigation authorized by this Act, authorized representatives of the Secretary shall be entitled to admission to, and shall have the right of entry to, upon, or through, any mine which is subject to this Act.

HEALTH AND SAFETY STANDARDS

SEC. 6. (a) The Secretary shall develop, and from time to time revise, after consultation with advisory committees appointed pursuant to section 7 of this Act, and promulgate health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in mines which are subject to this Act.

(b) After consultation with an appropriate advisory committee established pursuant to section 7 of this Act, the Secretary, by a notice published in the Federal Register, shall designate as mandatory standards those standards promulgated pursuant to subsection (a) of this section which deal with conditions or practices which could reasonably be expected to cause death or serious physical harm, and the operators of mines to which such standards are applicable shall comply with such mandatory standards pursuant to the provisions of section 8 and section 9 of this Act.

(c)(1) The provisions of the Administrative Procedure Act (5 U.S.C. 1001–1014) shall be applicable with respect to the promulgation of health and safety standards, and to the designation of any standard as a mandatory standard.

(2) Any person aggrieved by an order of the Secretary promulgating health and safety standards or designating any such standard as a mandatory standard may obtain a review of such order by the United States Court of Appeals for the District of Columbia by filing in such court within twenty days following the issuance of such order a petition praying that the order of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court a transcript of the record upon which the order complained of was issued. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this paragraph (2) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order.

(3) The provisions of paragraph (2) of this subsection (c) shall not be applicable to any standard promulgated by the Secretary which has been recommended to the Secretary by an Advisory Committee appointed pursuant to section 7 of this Act.

ADVISORY COMMITTEES

SEC. 7. (a) The Secretary is authorized to establish advisory committees to assist him in the development of health and safety standards for mines which are subject to this Act, and to advise him on other matters relating to health and safety in such mines. Each such advisory committee shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of operators of such mines, and of persons similarly qualified to present the viewpoint of workers in such mines, as well as one or more representatives of mine inspection or safety agencies of the States.

(b) Members appointed to such a committee from private life shall, while serving on business of the committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time; and while so serving away from their homes or regular places of business, they may be paid travel expenses

and per diem in lieu of subsistence at the rates authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C., sec. 73b-2).

FINDINGS AND ORDERS

SEC. 8. (a) If, upon any inspection or investigation of a mine which is subject to this Act, an authorized representative of the Secretary finds that conditions or practices in such mine are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated, such representative shall determine the extent of the area of such mine throughout which the danger exists, and thereupon issue an order requiring the operator of such mine to cause all persons, except the following persons whose presence in such area is necessary to eliminate the danger described in such order, to be withdrawn from, and to be debarred from, entering such area:

(1) Any person whose presence in such area is necessary, in the judgment of the operator of the mine, to eliminate the danger described in the order; (2) any public official whose official duties require him to enter such area; or (3) any legal or technical consultant, or any representative of the employees of the mine, who is a certified person qualified to make mine examinations, or is accompanied by such a person, and whose presence in such area is necessary, in the judgment of the operator of the mine, for the proper investigation of the conditions described in the order.

(b) If, upon any such inspection or investigation, an authorized representative finds that there has been a failure to comply with a mandatory standard which is applicable to such mine, but that such failure to comply has not created a danger that could reasonably be expected to cause death or serious physical harm in such mine immediately or before the imminence of such danger can be eliminated, he shall find what would be a reasonable period of time within which such violation should be totally abated and thereupon issue a notice fixing a reasonable time for the abatement of the violation. If, upon the expiration of such period of time as originally fixed or extended, the authorized representative finds that such violation has not been totally abated, and if he also finds that such period of time should not be further extended, he shall also find the extent of the area which is affected by such violation. Thereupon, he shall promptly make an order requiring the operator of such mine to cause all persons in such area, excepting the following persons whose presence in such area is necessary to abate the violation described in the order, to be withdrawn from, and to be debarred from, entering such area:

(1) Any person whose presence in such area is necessary, in the judgment of the operator of the mine, to abate the violation described in the order; (2) any public official whose official duties require him to enter such area; or (3) any legal or technical consultant, or any representative of the employees of the mine, who is a certified person qualified to make mine examinations, or is accompanied by such a person, and whose presence in such area is necessary, in the judgment of the operator of the mine, for the proper investigation of the conditions described in the order.

(c) Findings and orders issued pursuant to this section shall contain a detailed description of the conditions or practices which cause and constitute a situation of imminent danger or a violation of a mandatory standard, and a description of the area of the mine throughout which persons must be withdrawn and debarred.

(d) Each finding made and notice or order issued under section 8 of this Act shall be given promptly to the operator of the mine to which it pertains by the person making such finding or order, and all such findings, orders, and notices shall be in writing, and shall be signed by the person making them. A notice or order issued pursuant to section 8 of this Act may be annulled, canceled, or revised by an authorized representative of the Secretary.

REVIEW BY SECRETARY

SEC. 9. (a) Except as provided in section 9(c), an operator notified of an order made pursuant to section 8(a) may apply to the Secretary for annulment or revision of such order. Upon receipt of such application the Secretary shall make a special inspection of the mine affected by such order, or cause three duly authorized representatives of the Secretary of the Interior, other than the representative who made such order, to make such inspection of such mine and to report thereon to him. Upon making such special inspection himself, or upon receiving the report of such inspection made by such representatives, the Secretary shall find whether or not danger throughout the area of such mine as set out in such order existed at the time of making such special inspection. If he finds that such danger did not then exist throughout such area of such mine, he shall make an order, consistent with his findings, revising or annulling the order under review. If he finds that such danger did then exist throughout such area of such mine, he shall make an order denying such application.

(b) Except as provided in section 9(c), an operator notified of an order made pursuant to section 8(b) may apply to the Secretary for annulment or revision of such order. Upon receipt of such application the Secretary shall make a special inspection of the mine affected by such order, or cause three duly authorized representatives of the Secretary of the Interior, other than the representative who made such order, to make such inspection of such mine and report thereon to him. Upon making such special inspection himself, or upon receiving the report of such inspection made by such representatives, the Secretary shall find whether or not there was a violation of a mandatory safety standard as described in such order, at the time of the making of such order. If he finds there was no such violation, he shall make an order annulling the order under review. If he finds there was such a violation, he shall also find whether or not such violation was totally abated at the time of the making of such special inspection. If he finds that such violation was totally abated at such time, he shall make an order annulling the order under review. If he finds that such violation was not totally abated at such time, he shall find whether or not the period of time within which such violation should be totally abated, fixed under section 8(b), should be extended. If he finds that such period of time should be extended, he shall find what a reasonable extension of such period of time would be. Thereupon he shall find the extent of the area of such mine which was affected by such violation at the time such special inspection was made, and then he shall make an order, consistent with his findings, revising the order under review. If he finds that such violation was not totally abated at the time of such inspection, and that such period of time should not be extended, he shall find the extent of the area of such mine which was affected by such violation at the time such special inspection was made, and he shall then make an order, consistent with his findings, affirming or revising the order under review.

(c) An order made pursuant to section 8 with respect to a mine in a State in which a State plan approved under section 16 is in effect shall not be subject to review under section 9 (a) and (b), but shall be subject to review under section 11.

(d) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, all actions which the Secretary or his representatives are required to take under this section shall be taken as rapidly as practicable, consistent with adequate consideration of the issues involved.

CREATION OF REVIEW BOARD

SEC. 10. (a) An agency is hereby created to be known as the Federal Metal and Nonmetallic Mine Safety Board of Review, which shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The terms of office of members of the Board shall be five years, except that the terms of office of the members first appointed shall commence on the effective date of this section and shall expire one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years and one at the end of five years, as designated by the President at the time of appointment. A member appointed to fill a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be appointed only for the remainder of such unexpired term. The members of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(c) Each member of the Board shall be compensated at the rate of $50 for each day of actual service (including each day he is traveling on official business) and shall, notwithstanding the Travel Expense Act of 1949, be fully reimbursed for traveling, subsistence, and other related expenses. The Board, at all times, shall consist of two persons who by reason of previous training and experience may reasonably be said to represent the viewpoint of metal and nonmetallic mine operators, two persons who by reason of previous training and experience may reasonably be said to represent the viewpoint of metal and nonmetallic mine workers, and one person, who shall be Chairman of the Board, who shall be a graduate engineer with experience in the metal and nonmetallic mining industry or shall have had at least five years' experience as a practical mining engineer in the metal and nonmetallic mining industry, and who shall not, within one year of his appointment as a member of the Board, have had a pecuniary interest in, or have been regularly employed or engaged in, the metal or nonmetallic mining industry, or have regularly represented either metal or nonmetallic mine operators or workers, or have been an officer or employee of the Department of the Interior assigned to duty in the Bureau of Mines.

(d) The principal office of the Board shall be in the District of Columbia. Whenever the Board deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the secretary of the Board.

(e) The Board shall, without regard to the civil service laws, appoint and prescribe the duties of a secretary of the Board and such legal counsel as it deems necessary. Subject to the civil service laws, the Board shall appoint such other employees as it deems necessary in exercising its powers and duties. The compensation of all employees appointed by the Board shall be fixed in accordance with the Classification Act of 1949, as amended.

(f) Three members of the Board shall constitute a quorum, and official actions of the Board shall be taken only on the affirmative vote of at least three members; but a special panel composed of one or more members, upon order of the Board, shall conduct any hearing provided for in section 11 and submit the transcript of such hearing to the entire Board for its action thereon. Every official

act of the Board shall be entered of record, and its hearings and records thereof shall be open to the public.

(g) The Board shall hear and determine applications filed pursuant to section 11 for annulment or revision of orders made pursuant to section 8 or section 9. The Board shall not make or cause to be made any inspection of a mine for the purpose of determining any pending application.

(h) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings, which shall include requirement for adequate notice of hearings to all parties.

(i) Any member of the Board may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(j) The Board may order testimony to be taken by deposition in any proceeding pending before it, at any stage of such proceeding. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (i). Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(k) In the case of contumacy by, or refusal to obey a subpena served upon, any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Board or to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(l) The Board shall submit annually to the Congress as soon as practicable after the beginning of each regular session, a full report of its activities during the preceding calendar year. Such report shall include, either in summary or detailed form, information regarding the cases heard by it and the disposition of each.

REVIEW BY BOARD

SEC. 11. (a) An operator notified of an order made pursuant to section 8 may apply to the Federal Metal and Nonmetallic Mine Safety Board of Review for annulment or revision of such order without seeking its annulment or revision under section 9. An operator notified of an order made pursuant to section 9 may apply to the Board for annulment or revision of such order.

(b) The operator shall be designated as the applicant in such proceeding, and the application filed by him shall recite the order complained of and other facts sufficient to advise the Board of the nature of the proceeding. He may allege in such application: that danger as set out in such order does not exist at the time of the filing of such application; that violation of a mandatory safety standard, as set out in such order, has not occurred; that such violation has been totally or partially abated; that the period of time within which such violation should be totally abated, as fixed in the findings upon which such order was based, was not reasonable; or that the area of the mine described in such order as the area affected by the violation referred to in such order is not so affected at the time of the filing of such application. The Secretary shall be the respondent in such proceeding, and the applicant shall send a copy of such application by registered mail or by certified mail to the Secretary at Washington, District of Columbia.

(c) Immediately upon the filing of such an application the Board shall fix the time for a prompt hearing thereof.

(d) Pending such hearing the applicant may file with the Board a written request that the Board grant such temporary relief from such order as the Board may deem just and proper. Such temporary relief may be granted by the Board only after a hearing by the Board at which both the applicant and the respondent were afforded an opportunity to be heard, and only if respondent was given ample notice of the filing of applicant's request and of the time and place of the hearing thereon as fixed by the Board.

(e) The Board shall not be bound by any previous findings of fact by the respondent. Evidence relating to the making of the order complained of and relating to the questions raised by the allegations of the pleadings or other questions pertinent in the proceeding may be offered by both parties to the proceeding. If the respondent claims that imminent danger or violation of a mandatory safety standard, as set out in such order, existed at the time of the filing of the application, the burden of proving the then existence of such danger or violation shall be upon the respondent, and the respondent shall present his evidence first to prove the then existence of such danger or violation. Following presentation of respondent's evidence the applicant may present his evidence, and thereupon respondent may present evidence to rebut the applicant's evidence.

(f) If the proceedings is one in which an operator seeks annulment or revision of an order made pursuant to section 8(a) the Board, upon conclusion of the hearing, shall find whether or not danger throughout the area of such mine as set out in such order existed at the time of the filing of the operator's application. If the Board finds that such danger did not then exist throughout such area of such mine, the Board shall make an order, consistent with its findings, revising or annulling the order under review. If the Board finds that such danger did then exist throughout such area of such mine, the Board shall make an order denying such application.

(g) If the proceeding is one in which an operator seeks annulment or revision of an order made pursuant to section 8(b), the Board upon conclusion of the hearing shall find whether or not there was a violation of a mandatory safety standard as described in such order, at the time of the making of such order. If the Board finds there was no such violation, the Board shall make an order annulling the order under review. If the Board finds there was such a violation, the Board shall also find whether or not such violation was totally abated at the time of the filing of the operator's application. If the Board finds that such violation was totally abated at such time, the Board shall make an order annulling the order under review. If the Board finds that such violation was not totally abated at such time, the Board shall find whether or not the period of time within which such violation should be totally abated fixed under section 8(b) or section 9(b) should be extended. If the Board finds that such period of time should be extended, the Board shall also find what a reasonable extension of time should be, and shall immediately also find the extent of the area of such mine which was affected by such violation at the time of the filing of such application and the Board shall then make an order consistent with its findings, revising the order under review. If the Board finds that such violation was not totally abated at the time of the filing of the operator's application and that such period of time should not be extended, the Board shall find the extent of the area of such mine which was affected by such violation at such time, and shall make an order, consistent with its findings affirming or revising the order under review.

(h) Each finding and order made by the Board shall be in writing. It shall show the date on which it is made, and shall bear the signatures of the members of the Board who concur therein. Upon making a finding and order the Board shall cause a true copy thereof to be sent by registered mail or by certified mail to all parties or their attorneys of record. The Board shall cause each such finding and order to be entered on its official record, together with any written opinion prepared by any members in support of, or dissenting from, any such finding or order.

(i) In view of the urgent need for prompt decision of matters submitted to the Board under this section, all action which the Board is required to take under this section shall be taken as rapidly as practicable, consistent with adequate consideration of the issues involved.

JUDICIAL REVIEW

SEC. 12. (a) Any final order issued by the Board under section 11 shall be subject to judicial review by the United States court of appeals for the circuit in which the mine affected is located, upon the filing in such court of a notice of appeal by the Secretary or the operator aggrieved by such final order within thirty days from the date of the making of such final order.

(b) The party making such appeal shall forthwith send a copy of such notice of appeal, by registered mail or by certified mail, to the other party and to the Board. Upon receipt of such copy of a notice of appeal the Board shall promptly certify and file in such court a complete transcript of the record upon which the order complained of was made. The costs of such transcript shall be paid by the party making the appeal.

(c) The court shall hear such appeal on the record made before the Board, and shall permit argument, oral or written or both, by both parties. The court shall permit such pleadings, in addition to the pleadings before the Board, as it deems to be required or as provided for in the Rules of Civil Procedure governing appeals in such court.

(d) Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, the United States court of appeals may, after due notice to and hearing of the parties to the appeal, issue all necessary and appropriate process to postpone the effective date of the final order of the Board or to grant such other relief as may be appropriate pending final determination of the appeal.

(e) The United States court of appeals may affirm, annul, or revise the final order of the Board, or it may remand the proceeding to the Board for such further action as it directs. The findings of the Board as to facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(f) The decision of a United States court of appeals on an appeal from the Board shall be final, subject only to review by the Supreme Court as provided in section 1254 of title 28 of the United States Code.

MANDATORY REPORTING

SEC. 13. The Secretary shall require operators of mines which are subject to this Act to submit, at least annually and at such other times as he deems necessary, and in such form as he may prescribe, reports of

accidents, injuries, and occupational diseases, and related data, and the Secretary shall compile, analyze, and publish, either in summary or detailed form, the information obtained; and all information, reports, orders, or findings, obtained or issued under this Act may be published and released to any interested person, and shall be made available for public inspection.

PENALTIES

SEC. 14. (a) Whenever an operator (1) violates or fails or refuses to comply with any order of withdrawal and debarment issued under section 8 or section 9 of this Act, or (2) interferes with, hinders, or delays the Secretary, or his duly authorized representative, in carrying out his duties under this Act, or (3) refuses to admit an authorized representative of the Secretary to any mine which is subject to this Act, or (4) refuses to permit the inspection or investigation of any mine which is subject to this Act, or of an accident, injury, or occupational disease occurring in or connected with such a mine or (5) being subject to the provisions of section 13 of this Act, refuses to furnish any information or report requested by the Secretary, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the Secetary in the district court of the United States for the district in which the mine in question is located or in which the mine operator has its principal office.

(b) Whoever violates or fails or refuses to comply with an order of withdrawal and debarment issued (1) under subsection (a) of section 8 or (2) under subsection (b) of section 8 if the failure to comply with an order of abatement has created a danger that could cause death or serious physical harm in such mine immediately or before the imminence of such danger can be eliminated, shall upon conviction thereof be punished for each such offense by a fine of not less than $100, or more than $3,000, or by imprisonment not to exceed sixty days, or both. In any instance in which such offense is committed by a corporation, the officer or authorized representative of such corporation who knowingly permits such offense to be committed shall, upon conviction, be subject to the same fine or imprisonment, or both.

EDUCATION AND TRAINING

SEC. 15. The Secretary shall develop expanded programs for the education and training of employers and employees in the recognition, avoidance, and prevention of accidents or unsafe or unhealthful working conditions in mines which are subject to this Act.

STATE PLANS

SEC. 16. (a) In order to promote sound and effective coordination in Federal and State activities within the field covered by this Act, the Secretary shall cooperate with the official mine inspection or safety agencies of the several States.

(b) Any State desiring to cooperate in making the inspections required under this Act may submit, through its official mine inspection or safety agency, a State plan for carrying out the purposes of this section. Such State plan shall—

(1) designate such State mine inspection or safety agency as the sole agency responsible for administering the plan throughout the State and contain satisfactory evidence that such agency will have the authority to carry out the plan: *Provided*, That the Secretary may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency provision hereof and approve another State administrative structure or arrangement if the Secretary determines that the objectives of this Act will not be endangered by the use of such other State structure or arrangement,

(2) give assurances that such agency has or will employ an adequate and competent staff of inspectors qualified under the laws of such State to make mine inspections within such State,

(3) give assurances, that upon request of the Secretary, the agency will assign inspectors employed by it to participate in inspections to be made in such State under this Act, and

(4) provide that the agency will make such reports to the Secretary, in such form and containing such information, as the Secretary may from time to time require.

(c) The Secretary shall approve a State plan or any modification thereof which complies with the provisions of subsection (b) of this section. He shall not finally disapprove a State plan or modification thereof without first affording the State agency reasonable notice and opportunity for hearing.

(d) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency, finds that in the administration of the State plan there is—

(1) a failure to comply substantially with any provision of the State plan; or

(2) a failure to afford reasonable cooperation in administering the provisions of this Act,

the Secretary shall notify such State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

(e) No inspection of a mine shall be made by a representative of the Secretary under this Act in any State in which a State plan is in effect unless a State inspector participates in such inspection in accordance with such plan, except where, in the Secretary's judgment, an inspection is urgently needed to determine whether a danger described in section 8(a) exists in such mine, and participation by a State inspector would unreasonably delay such inspection.

(f) The Secretary or any duly authorized representative, and any State inspector assigned in accordance with a State plan shall be entitled to admission to any mine subject to this Act for the purpose of making any inspection authorized under this Act.

ADMINISTRATIVE PROVISIONS

SEC. 17. The Secretary shall provide that the major responsibility for administering the provisions of this Act shall be vested in the Bureau of Mines of the Department of the Interior which has the major responsibility for carrying out the Federal Coal Mine Safety Act. The Secretary acting through the Bureau, shall have authority to appoint, subject to the civil service laws, such officers and employees as he may deem requisite for the administration of this Act; and to prescribe powers, duties, and responsibilities of all officers and employees engaged in the administration of this Act: *Provided, however*, That, to the maximum extent feasible, in the selection of persons for appointment as mine inspectors, no person shall be so selected unless he has the basic qualification of at least five years practical mining experience and in assigning mine inspectors to the inspection and investigation of individual mines, due consideration shall be given to their previous practical experience in the State, district, or region, and in the particular type of mining operation where such inspections are to be made.

EXCLUSION FROM ADMINISTRATIVE PROCEDURE ACT

SEC. 18. Except as provided in subsection (c) of section 6 of this Act the Administrative Procedure Act shall not apply to the making of any finding, order, or notice pursuant to this Act, or to any proceeding for the annulment or revision of any such finding, order, or notice.

EFFECT ON STATE LAWS

SEC. 19. (a) No State or territorial law in effect upon the effective date of this Act or which may become effective thereafter, shall be superseded by any provision of this Act, except insofar as such State or territorial law is in conflict with this Act, or with orders issued pursuant to this Act.

(b) Provisions in any State or territorial law in effect upon the effective date of this Act, or which may become effective thereafter, which provide for greater safety of persons in a mine as defined in this Act, than do provisions of this Act, which relate to the same phase of such operations, shall not be construed or held to be in conflict with this Act. Provisions in any State or territorial law in effect upon the effective date of this Act, or which may become effective thereafter, which provide for the safety of persons in a mine as defined in this Act concerning which no provision is contained in this Act, shall not be construed or held to be superseded by this Act.

(c) Nothing in this Act shall be construed or held to supersede or in any manner affect the workmen's compensation laws of any State or territory, or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under State or territorial laws in respect of injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment.

REPORT OF SECRETARY

SEC. 20. The Secretary shall submit annually to the Congress, as soon as practicable after the beginning of each regular session, a full report of the administration of his functions under this Act during the preceding calendar year. Such report shall include, either in summary or detailed form, the information obtained by him under this Act, together with such findings and comments thereon and such recommendations for legislative action as he may deem proper.

AUTHORIZATION OF APPROPRIATIONS

SEC. 21. There are hereby authorized to be appropriated not to exceed $650,000 for the fiscal year ending June 30, 1967, and $900,000 annually for the fiscal year ending June 30, 1968, and each succeeding fiscal year thereafter.

EFFECTIVE DATE OF ACT

SEC. 22. This Act shall become effective on the date of its enactment, except that sections 8 and 9, and subsection (b) and paragraph (1) of subsection (a) of section 14 shall become effective one year after the date of publication of notice in the Federal Register of the designation of mandatory standards as provided for in section 6(b) of this Act.

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

The PRESIDING OFFICER. The clerk will call the roll.

The clerk proceeded to call the roll.

Mr. MORSE. 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. MORSE. Mr. President, I deeply regret that the chairman of the subcommittee which handled the pending bill, the distinguished Senator from Wisconsin [Mr. NELSON] is away from Washington on official business of the Senate and could not be here today to take charge of the bill.

It was my preference that the bill be postponed until the Senator from Wisconsin could return, but the leadership

of the Senate advises me that it is the desire of the Senator from Wisconsin [Mr. NELSON] that we proceed with the consideration of the bill in accordance with the previous scheduling of its handling.

Mr. President, the members of the subcommittee, of which I was one, will be of assistance to me in the handling of the bill, and we shall also be ably assisted by the Senator from Montana [Mr. METCALF].

I believe the RECORD will show that for 14 years the Senator from Montana [Mr. METCALF], including his years of public service in the House of Representatives, and ever since he has been a Member of this body, has been greatly interested in the purposes of the pending bill.

In my opinion, there is no one in the Senate, and I doubt if there is anyone in the Congress, who has worked harder and done more in connection with reaching the point that we have reached today for formal legislative consideration of the bill.

I have asked the Senator from Montana [Mr. METCALF] to be of assistance to me in my floor management of the bill. When I shall have completed my opening remarks the Senator from Montana [Mr. METCALF] will follow me, presenting a further viewpoint based on his expertise on the subject matter to the Senate.

The purpose of this act is to reduce the high accident rate and improve health and safety conditions in mining and milling operations carried on in the metal and nonmetallic mineral industries. Coverage is extended to all metal and nonmetallic mining other than coal and lignite mining.

The responsibility for carrying out the purposes of the act is vested in the Bureau of Mines of the Department of the Interior. The Bureau is the agency which has the major responsibility for carrying out the Federal Coal Mine Safety Act. The Secretary is directed to cause inspections to be made as required by the act, and to develop and enforce health and safety standards.

BACKGROUND OF LEGISLATION

Although the Congress has never enacted safety legislation in mining other than coal, it has demonstrated its concern with the high accident rate and hazardous nature of mining. In 1910 the Bureau of Mines was established with one of its principal responsibilities the promotion of improved mine health and safety conditions. The Bureau has worked to develop safer mining techniques and equipment, collected and analyzed accident reports, studied the dangers of excessive concentrations of dust and radiation in mines, provided an extensive program of safety education and training to mine supervisors and workers, and taken other appropriate steps to reduce the hazards of mining.

In 1941, the Congress enacted the Federal Coal Mine Safety Act, authorizing the Bureau of Mines to make annual or necessary inspections of coal and lignite mines, for the purpose of promoting improved health and safety conditions in these mines. This act required operators of coal and lignite mines to admit Federal inspectors to their properties and to provide the Bureau, upon request, with information concerning all mine accidents involving injury or death. It did not, however, empower the Bureau to enforce health and safety standards.

In 1952, in the wake of heavy loss of lives in several coal mine disasters, the Federal Coal Mine Safety Act was amended to make a number of health and safety standards mandatory, and the Bureau of Mines was empowered to enforce these standards upon all coal and lignite mines regularly employing 15 or more persons underground.

Since 1952, the Congress has repeatedly considered legislation to eliminate the exemption granted mines employing less than 15 persons underground. On March 26, 1966, such a provision became law, subjecting all underground coal mines to the Bureau of Mines power to enforce the mandatory health and safety standards specified in the Federal Coal Mine Safety Act.

Mr. President, I am very proud of the amendments to the Federal Coal Mine Safety Act of 1966, and somewhat biased, perhaps, because of my connection with those amendments. The chairman of the Committee on Labor and Public Welfare appointed me to serve as chairman of an ad hoc subcommittee to hold the hearings on the 1966 act.

We held those hearings, made a voluminous record in regard to the problems of coal miners of the country in respect to their safety and health problems, took the bill as it was approved by the subcommittee and by the full committee to the floor of the Senate, and enacted it, as I mention in my statement today, on March 26, 1966.

Mr. President, I want the Senate to keep in mind that the debate this afternoon will revolve in no small measure around the action taken by the Senate in connection with the Federal Coal Mine Safety Act Amendments of March 26, 1966. A substantial majority of our committee, in regard to the pending bill, takes exactly the same position that we took in the coal mine safety bill in regard to the procedures that should be approved by the Congress.

We take the position that a life is a life, a limb is a limb, whether it is endangered in a coal mine or a metal and nonmetallic mine. We take the position—and I want to say this early in debate, because it will be one of the issues of considerable contention—that the history of safety legislation is clear, that unless we vest in the Bureau of Mines the ultimate and final authority to see to it that safety regulations are enforced, there will be no uniformity of protection to the miners in this country from coast to coast.

True, there are some States, such as New York, which have very fine State inspection and enforcement systems. There is nothing in the bill, which I am managing this afternoon at the request of the majority leader, which does not recognize this. A State with good State laws has nothing to fear from this legislation. The fact is we must have uniform application of safety regulations in this country if we are going to protect the miners.

When those who will propose this afternoon that there should be a different enforcement procedure in this bill than there is in the Federal Coal Mine Safety Act, I want to say that what they will be doing will be relying on the good States and forgetting the bad States in respect to safety regulations and enforcement. Therefore, if we are going to protect the miners of this country, it is just as sound in connection with this bill as it was in connection with the coal safety bill that the ultimate responsibility be vested in the U.S. Bureau of Mines.

If we do not do that this afternoon, then the Senate, in my judgment, will have to assume responsibility of an absolute certainty that in the future there will be loss of life and loss of limb and great bodily injury because the Senate did not live up to what I consider to be its full responsibility. The Senate should pass legislation to protect the lives and limbs of miners in the metal and nonmetallic mines as we have protected them in the coal mines.

There are States with good coal mine safety laws. But we learned when we considered legislation amending the Federal Coal Mine Safety Act that we cannot rely upon uniform protection of the miners in this country by trying to make the kind of exception that those who are opposed to this bill in some particulars this afternoon are going to try to propose; namely, to place final enforcement upon the State.

While the Congress has taken action to provide Federal enforcement in coal mines, it has not enacted legislation extending such Federal protection to workers in other types of mines. Yet the hazards faced by workers in these mines are quite comparable to those encountered by coal miners.

Numerous bills have been introduced in Congress during the last decade relating to health and safety in the Nation's metal and nonmetallic mines. Congressional hearings were held as early as 1956 to consider ways and means of dealing more effectively with the health and safety problems in these industries. These early bills would extend Federal inspection to mines other than coal mines. Extensive hearings were held on similar bills in 1961 by the House Select Subcommittee on Labor.

As a result of the evidence of a continuing high rate of serious injuries and deaths in these mines, Public Law 87-300 was enacted in 1961. This law authorized the Secretary of Interior to conduct a study covering the causes and prevention of injuries and health hazards, the existing health and safety conditions and the scope and adequacy of State mine safety laws applicable to such mines including the enforcement of such laws. The report was to be filed within 2 years of enactment of Public Law 87-300. Thereafter, a special Mine Safety Study Board, appointed by the Secretary, conducted this study, and the Secretary transmitted its report with recommendations to Congress on November 13, 1963. The study's chief source of information was mine inspections by Bureau of Mines personnel in 1961-63 and mandatory reporting from each mine operator whose operations

substantially affected commerce—as required by Public Law 87-300.

The report by the Mine Safety Study Board clearly demonstrated first, the widespread existence of correctable hazards to life and health in mines; second, a high casualty rate suffered by working miners from dangerous conditions beyond their own control; and third, the ineffectiveness of State and local efforts to reduce the mine health and safety hazards.

Several of the major findings of the report are:

First. During calendar year 1962 there were at least 212 deaths and 9,977 nonfatal lost-time injuries from accidents in metal and nonmetallic mining and milling operations—including stone quarries and sand and gravel operations—surveyed by the Mine Safety Study Board. Of these, 65 deaths and 3,556 injuries were reported from underground mine operations which fall within the jurisdiction of this bill.

Second. Bureau of Mines personnel analyzed the circumstances of 270 fatal injuries occurring in the surveyed mining and milling operations during an 18-month period, from early December 1961 through May 1963, in an attempt to determine the primary responsibility for each of these fatalities. On the basis of this analysis, 50.7 percent of the fatal injuries were classified as resulting "from circumstances over which the workmen had no control, but which were within the scope or range of supervisory responsibility." That is: approximately half of the 270 men killed were classified as victims of inadequate supervision, failure to provide safety devices, defective equipment, collapses of roof which supervisors permitted to be unsupported, inadequate ventilation, and other hazardous environmental conditions reasonably within the power of management to prevent.

Third. During the study, initial inspections were made of a representative sample of 800 mines. More than 12,000 remediable hazards—an average of approximately 15 per mine inspected—were found. These hazards included a great variety of conditions, such as: unguarded machinery and chutes; lack of fire alarm systems or adequate firefighting equipment; improper handling and storage of explosives; absence of second escapeways to surface; lack of safety devices on locomotives, mucking machines, and other equipment; damaged and deteriorated supporting timbers; inadequate ventilation equipment; excessive concentrations of dust; excessive levels of radioactivity in uranium mines; lack of air-testing devices; lack of adequate communication systems between surface and underground; cave-in dangers from loose or inadequately supported ground; failure to maintain escapeways in passable condition.

Fourth. Reinspection of these mines indicated a lax attitude on the part of many mine operators toward hazards that had been called to their attention. More than 700 mines were inspected a second time during the course of the study. Only about half of the thousands of hazards revealed on initial inspection, and recommended for elimination in written reports given by the Bureau of Mines inspectors to the mine operators, were found to have been corrected in the interim.

If there had been some Federal inspection authority, that would not have been the case. These studies were made without the requirement, proposed in the bill, of placing final authority and power in the Bureau of Mines; authority and power that the States do not exercise, as they should, to provide the inspection and protection to which the men are entitled.

On March 29, 1965, Secretary Udall sent to Congress a message and a proposed bill based upon this study. The House Select Subcommittee on Labor held hearings on the administration's proposals and related bills during 1965. The House passed H.R. 8989 by voice vote on September 2, 1965.

The Senate Subcommittee on Labor held hearings on H.R. 8989 March 21 and 22 of this year. During the hearings, oral testimony was received from Secretary Udall and other officials of the Department of Interior, from Senators LEE METCALF, ROBERT F. KENNEDY, EUGENE J. MCCARTHY, FRANK E. MOSS, WALTER F. MONDALE, and JOSEPH M. MONTOYA, as well as several Members of the House of Representatives; also from Dr. Doyle, of the Public Health Service, from representatives of labor organizations, mine operators and other employer groups, and from officials of several State mine safety agencies.

On June 8, 1966, the committee, after lengthy consideration of the House bill in executive session, ordered it reported with an amendment in the nature of a substitute. A number of amendments had been adopted both in subcommittee and full committee executive sessions. These amendments were offered by Senators from the majority and the minority. I believe that these amendments have vastly improved the bill. I wish to give credit to Senator JAVITS and his colleagues on the committee who offered many constructive amendments which are included in the reported bill. I particularly wish to compliment Senator GAYLORD NELSON, who at the request of the subcommittee chairman, the late Senator Pat McNamara, conducted the hearings and handled the bill during executive sessions. As I said at the beginning of my remarks, Senator NELSON is, unavoidably, unable to manage Senate consideration of the bill today because of his appointment to the International Labor Organization Conference in Geneva. All the members of the committee spent many hours giving careful consideration to this important legislation. In addition, Senator LEE METCALF, as I have already pointed out, a former member of the committee attended the hearings because of his past and continuing interest in mine safety which is extremely important to the interest of his State, Montana. Senator METCALF, by making available his expertise and experience, made a valuable contribution to the record of hearings and reporting of the bill.

MAJOR PROVISIONS OF THE BILL

The major provisions of the bill are as follows:

First. A Federal Metal and Nonmetallic Mine Safety Act is established which is applicable to each mine in commerce. Mine is defined to cover any area of land from which minerals, other than coal and lignite, are extracted.

Second. Inspection and investigation by the Secretary are authorized, whenever deemed necessary; however, each underground mine must be inspected annually.

Third. The Secretary is required to promulgate health and safety standards for the protection of life, health, and safety, and the prevention of accidents in the mines after consultation with advisory committees. The Secretary shall designate as mandatory standards those standards dealing with conditions or practices which could reasonably be expected to cause death or serious physical harm. Operators must comply with such standards. Provision is made for making the Administrative Procedure Act applicable and judicial review available to the promulgation and designation of such standards.

Fourth. Advisory committees composed of representatives of the operators, workers, and State safety agencies shall advise and assist the Secretary on the standards and other matters.

Fifth. The authorized representative of the Secretary is authorized to issue findings and orders of withdrawal and debarment where he finds during inspection that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of danger can be eliminated.

If the authorized representative finds that a mandatory standard has been violated but that such violation has not created an immediate or imminent danger, he shall issue findings and orders to have the violation abated or orders heretofore described of debarment and withdrawal.

Sixth. Except in States having an approved State plan—I repeat, except in States having an approved State plan—provision is made for application to the Secretary for annulment or revision of the order issued by the authorized representative. In a State with an approved State plan, an order issued shall not be subject to review by the Secretary but by the Review Board under section 11 of the act.

Seventh. A Federal Metal and Nonmetallic Review Board is created consisting of five members appointed by the President, by and with the consent of the Senate. Their term of office, compensation, place of office, and procedure is set forth in the act. Two of the members of the Board represent mine operators, two represent mineworkers, and the Chairman shall be a graduate engineer with experience in the industry or at least 5 years' experience as a practical mining engineer in the industry. The Board is required to submit an annual report of its activities to Congress.

Eighth. An operator notified of a final order closing all or part of a mine issued by the authorized representative of the Secretary or by the Secretary upon review may apply to the Board for annulment or revision of the order. The procedure for application, including a prompt de novo hearing, is set forth in the act.

Ninth. Any final order of the Board is subject to judicial review by the U.S. court of appeals.

Tenth. The act provides for mandatory annual reporting of all covered mine operators. Such reporting shall be published and all other information of the Secretary shall be made public.

Eleventh. The act provides civil penalties for violation of the provisions of the act other than violation of safety orders. In those instances, criminal penalties are provided.

Twelfth. The Secretary is required to continue education and training programs in mine safety under the act.

Thirteenth. The Secretary is directed to cooperate and coordinate with State agencies in the promotion of health and safety in mines. Further, provision is made for a State plan for any State desiring to cooperate in making inspections. A State agreeing to participate with Federal inspectors is entitled to have a State inspector accompany the Federal inspector in every mine inspection within the State, unless in the Secretary's judgment an inspection is urgently needed to determine if imminent or immediate danger exists in the mine, and State participation would unreasonably delay the inspection.

Fourteenth. No State laws shall be superseded by this act except to the extent such law is in conflict. Further, State laws providing greater safety of persons in a mine or concerning which no provision is in this act shall not be in conflict with it. Nor shall State workmen's compensation laws be affected.

Fifteenth. The Secretary is required to file with the Congress an annual report of his administration of this act with comments and recommendations for legislative action.

Sixteenth. There is authorized $650,000 during the first year and $900,000 annually thereafter—a smaller amount for this year because this money, to a great degree, will be needed to get the program set up and administratively into operation.

Seventeenth. The act shall be effective as of the date of enactment except for the provisions of sections 8 and 9—orders of debarment and withdrawal—and 14 (a)(1) and (b) dealing with penalties.

The committee adopted and rejected certain amendments upon which minority and individual views have been written and are included in the report on each Senator's desk.

SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

The committee adopted an amendment authorizing the Secretary to decline jurisdiction over certain mining operations after rejecting several amendments offered in the subcommittee and full committee executive consideration of H.R. 8989 to delete entirely or exempt partially sand, gravel, and crushed stone operations. The committee did not agree to such amendments because the results of the study—page 130 of the Senate hearings—and information in certain Bureau of Labor Statistics tables—pages 211 and 212 of the Senate hearings—on injury frequency and severity rate conclusively show that the sand and gravel industry is the most hazardous except for the underground coal and mineral mining industries.

Mr. President, a man killed in a sand or gravel pit is just as dead as a man killed in a metal and nonmetallic mine. A man injured in a sand or gravel pit is just as injured, if he suffers the same mayhem upon his body, as if he were injured in a metal and nonmetallic mine.

Therefore, throughout the executive sessions, Mr. President, I refused to take my thoughts off of what the objective of safety legislation is.

Let us try to give greater protection to human beings. There is no doubt about the fact that if we did not have on the books the safety legislation we already have, there would be greater suffering on the part of workers both by way of injuries and, in those tragic cases, fatalities.

Mr. President, we cannot erase the indelible figures from the injury and fatality lists in respect to sand and gravel operations. They are there, and, although undoubtedly an attempt will be made on the floor this afternoon to exempt them, I hope my fellow Senators will not take their thoughts off the objective of safety legislation, which is to protect human beings.

A sand and gravel pit operator, in my judgment, has no moral right to enjoy the benefits of our great system of economic freedom which we call the private enterprise system, the profits of which are essential for maintaining what we call the American way of life under our system of economic and political freedom, and not comply with the safety regulations that he would be required to comply with after the passage of this bill. In my judgment, no employer has the moral right to ask for or expect exemptions from the application of those safety regulations. I do not care what is said in the debate, Mr. President, in regard to this subject—it never can change the major premise I have just laid down. That is the purpose of the bill—to protect the bodies of workers.

Mr. President, the cost of compliance with safety regulations must be accepted by management in this country as a part of the cost of operating in a system of private enterprise. For private enterprise gives to no employer in this country the right to avoid the reasonable safety regulations envisioned by this bill, and which in my judgment will flow from the bill if enacted. I would have my fellow Senators come back to that major premise as the debate develops here in the Senate.

Although, as I say, the committee did not agree to these amendments, it was concerned about inspection—although only inspection of underground mines is required—and mandatory reporting requirements in the bill with respect to small mine operators, including sand, gravel and crushed stone operations which often employ few persons and whose operation is often of short duration. In the experience of some members of the committee, many sand and gravel pits and comparable crushed stone operations operate for a short period of time, often with respect to a particular job such as highway construction. In these situations the Secretary is expected to consider carefully whether his authority to decline jurisdiction should be exercised. He would be expected to exercise his authority to decline jurisdiction if the safety experience warranted it. The committee would expect the Secretary to give controlling weight to the evidence of hazard in such operations in determining whether jurisdiction should be exercised. Likewise, in the case of the small operator, consideration should be given to simplifying the reporting required of all mine operators under section 13 of the act. Reporting forms should be adequate but clear and concise, so as not to place too great a burden on the person reporting. But the responsibility for seeing to it that safety is maintained will continue to rest with the Secretary.

STATE PLANS

The committee amended the House bill on my motion to delete the State plan provision provided in section 13. Under this section, if a State had presented a plan which met the qualifications set out in section 13 of the House bill, it could assume all responsibility for development and enforcement of health and safety standards in mines located in the State through a State mine inspection or safety agency.

A State plan similar to the State plan in the Federal Coal Mine Safety Act was offered on my motion and accepted by the committee. The committee had considerable discussion on amendments to delete the State plan provision entirely, leaving all inspection and enforcement under the proposed act with the Federal Government. The original administration proposals did not include a State plan. We were faced with the mine operators and the State inspectors on the one hand who desired the State plan as provided in H.R. 8989, and the labor representatives of many of the employees in these mines who favored no State plan but solely Federal inspection and enforcement.

The State plan adopted by the committee patterned after provisions of the Federal Coal Mine Safety Act would permit any State desiring to cooperate in making inspections to submit a State plan which, if it met the requirements provided in section 16 of the reported bill, would require the presence of a State inspector whenever a representative of the Secretary made an inspection under the proposed act. The only exception, as I have already pointed out, would be in the case of imminent danger as described under section 8(a) of the bill, where the Secretary or his authorized representative finds that participation

by a State inspector would unreasonably delay such inspection. The Secretary would retain the sole responsibility for enforcement of health and safety standards promulgated by him. The Secretary is required under section 16(a) of the bill to cooperate with official State mine inspection or safety agencies.

I firmly believe that the provision for a State plan patterned after the Federal Coal Mine Safety Act best meets the needs of health and safety in the mines to be covered by this act. By providing for sole Federal enforcement of health and safety standards promulgated by the Secretary, there will be unifomity of inspection and enforcement. During the testimony at the hearings, I was impressed by the failure of the States to update and improve their mine safety codes, although in recent years since this legislation has been pending there has been a greater effort on the part of some State legislatures. In a few instances, the State governments were providing excellent mine health and safety standards as well as enforcement of those standards. However, in general the States have not enacted and implemented health and safety standards adequate to overcome the injury severity and frequency rates and fatalities in these mines. Earlier this year, as I said earlier, the Senate passed amendments to the Federal Coal Mine Safety Act which extended coverage to the so-called small mines employing 14 or fewer persons. The hearings and statements presented to the committee at that time showed that five States had submitted plans under the Federal Coal Mine Safety Act so that in those instances joint and cooperative inspection was carried on by Federal and State governments. In the other States where coal was produced and no State plan had been accepted, the State inspectors continued their inspection and enforcement of State codes where the Federal code is silent, or the State code provides greater safety or where there is no conflict with the Federal code. In addition, State coal mine safety codes were constantly improved. The enactment of the Federal Coal Mine Safety Act in 1952 did not lessen State inspection and in fact encouraged State inspection and improvement of State safety codes.

I firmly believe that this bill with a State plan providing for joint and cooperative Federal and State inspection will result in better health and safety standards and better enforcement of those standards.

Mr. President, I say quite frankly that what we did in the subcommittee and in the full committee was to reject what could be described as the industry's desire for the elimination of the enforcement power of Federal officials.

We rejected the proposal of organized labor representing workers in these mines that sought to eliminate entirely any State cooperative participation in connection with the enforcement of the act.

We struck what I considered to be a very fair compromise of the two points of view.

I made the motion, as I said a moment ago, by simply proposing the same procedure that the Senate adopted earlier this year in connection with the coal mine safety bill.

I think the same uniformity ought to be available to the workers in the metal and nonmetallic mines and in the sand and gravel pits of the country as are available to the workers in the coal mines.

The provision of H.R. 8989, as amended by the committee, have been carefully designed to advance the safety of those persons who must earn their livelihood in one of the Nation's most hazardous industries, metal and nonmetallic mining. At the same time, we attempt to attain this goal with a minimum burden upon those engaged in the mining industry and to augment, rather than duplicate, State efforts in this field.

The safety of the men employed in these mines, the security of their employment, and the economic well-being of the industry have been thoroughly considered and the conclusions have been adopted in H.R. 8989, as reported.

Mr. President, it is my understanding that the Senator from Montana [Mr. METCALF] would appreciate an opportunity to proceed with a supporting statement on the floor manager's description of the bill.

Mr. METCALF. Mr. President, this bill embodies an idea whose time is past due. The idea is that men who labor under the earth deserve adequate protection from injury or ill health caused by job hazards.

The men in the metallic and nonmetallic mining industry have not had that protection in the past. They do not have it now. That is why this bill is before us today.

There is nothing sudden or surprising about this legislation. National concern in this general area goes back a long time. For example, the report of President Theodore Roosevelt's National Conservation Commission in 1909 stated:

> Even more serious than the question of waste of materials is the excessive loss of life in our mining and metallurgical operation.

The very next year, concern over health and safety conditions in some mines resulted in establishment of the U.S. Bureau of Mines.

Mr. President, I am grateful for the opportunity that I had to participate in hearings through the courtesy of the committee and to question the witnesses and to take part in the hearings held by the Senate subcommittee.

I am also grateful, of course, for the kind words of the senior Senator from Oregon who has outlined that 14 years ago I introduced the first mine safety bill. It was one of the first bills that I introduced upon coming to Congress.

The direct history of today's legislation can be traced back to the bills introduced that long ago. However, this legislation first started a decade ago. In 1956, the House Committee on Education and Labor set up a special subcommittee to consider several bills, among them my own, relating to safety in the mines. I was named chairman. Other members were Congressmen Carl Elliott of Alabama, PHIL LANDRUM, of Georgia, JOHN RHODES, of Arizona, and Orvin Fjare, of Montana.

We held hearings in Minnesota, Montana, and Colorado in addition to a 3-day hearing in Washington that December. Our unanimous report recommended:

> The overall subject of safety in the Nation's metallic and nonmetallic mines should be given further study.

By direction of that subcommittee, I went before House Appropriations subcommittees early in 1957 to urge additional funds for the Public Health Service and Bureau of Mines to increase their research and education activities to improve mine safety. The Appropriations Committees provided the money for expansion and improvement of their programs.

In 1961, the House Committee on Education and Labor directed another set of subcommittee hearings to be held on the continuing serious problem of health and safety in the mines. Those hearings led to the enactment of Public Law 87-300, which instructed the Secretary of Interior to conduct an intensive 2-year study of health and safety hazards in the mines, to evaluate the adequacy of mine safety legislation and programs of individual States, and to present his findings and recommendations to the Congress.

That study was carried out skillfully and thoroughly by a special mine safety study board. Findings and recommendations filling two volumes were published in November 1963.

As the committee report points out, this study was the only nationwide study that has ever been made on the basis of mandatory, rather than voluntary, reporting of employment and accident information by metal and nonmetallic mine operators.

Based upon those findings, the administration was prompted to draft a proposed Federal Metal and Nonmetallic Mines Safety Act, which was transmitted by the Secretary of the Interior on March 29 of last year. The Select Subcommittee on Labor held a week of hearings on that bill in May.

Those hearings resulted in a number of amendments to the administration bill, and a revised version incorporating those amendments was passed by the House on September 2 of last year.

Next, the Labor Subcommittee of the Senate Committee on Labor and Public Welfare conducted 2 days of hearings in March of this year on the House-passed mine safety measure and three other bills introduced in the Senate, including one I introduced for myself, the junior Senator from New Mexico [Mr. MONTOYA] and the junior Senator from Utah [Mr. MOSS].

I should note in passing that our bill contained more stringent provisions than the bill we consider today. I am conscious that the bill before us represents an effective and fair compromise in which a sincere effort has been made to accommodate the legitimate views of all interested parties within the limits of achieving a meaningful bill responsive to the broad public interest.

Out of its deliberations, the Committee on Labor and Public Welfare has reported to the Senate the bill we consider today.

That is an outline of the unhurried path along which the proposed legislation has moved. It is a path marked by thorough and detailed study and consideration. The activity in this past decade, building up to the proposed legislation, has been spurred by a demonstrated compelling need. So let us review for a moment the factors that compose that need.

We get a true perspective of the situation by turning to the job-injury data collected by the National Safety Council and the U.S. Bureau of Labor Statistics. Year after year, the injury rates for "underground mining, except coal," are equaled or exceeded by only two other categories. One of these is underground coal mining; the other is marine transportation. In both these other industries the hazards of the job have caught congressional attention. We have acted with respect to both of these industries by passing legislation that establishes the Federal responsibility for promoting improved safety. The Federal Coal Mine Safety Act and the Longshoremen's and Harbor Worker's Compensation Act are on the books. All I am arguing today is that the time is past due when we should also place on the books similar legislation to protect workers in the only other line of work where the job hazards are equal to or worse than the two for which we have already legislated.

I have noted that part of the effort building up to this legislation consisted of a 2-year study by a special mine safety study board. That study showed, among other things, that accidents in metal and nonmetallic mining and milling establishments were claiming lives at a rate of more than 200 a year, and causing some 10,000 nonfatal injuries a year. We should remember that many of these injuries leave the victim permanently disabled.

The sad fact is, Mr. President, that if we project into the future the statistical record of the past, we can say outright that of every hundred underground metal miners who enter this line of work, seven will be killed in accidents on the job before reaching retirement age.

As the Senator from Oregon has already pointed out, in the course of the 2-year study of mine conditions, Bureau of Mines field teams checked some 800 mines, quarries, and mills which made up "a representative sample of metal mining activities." The report showed 10,180 lost-time injuries and 212 accidents in 1962 in the metallic and nonmetallic mineral industry.

Evaluating the fatal accidents investigated, the board concluded:

> Accidents resulting from unsafe conditions over which workmen had no control accounted for more than half of the fatalities that occurred.

The inspectors discovered an average of 15 identifiable hazards in each mine visited—hazards endangering the worker's life and health.

These conditions were found to exist in spite of the fact that many—although not all—of the mines visited were covered by some form of State safety legislation. The existence of various State laws in this field is said by some to obviate the need for Federal action. But if I say to you that, "the present structure of State law coverage and enforcement is clearly inadequate to deal comprehensively with the problem of safety in the mineral industry," I am only concurring with—indeed, quoting directly from—the report of the special mine safety study board which studied this subject for 2 years.

Authority to regulate mineral mine safety is provided in widely differing degrees by 45 States. According to the study, and quoting again from the report of the Committee on Labor and Public Welfare, 13 of the 50 States had no specific mine safety law at all applicable to mines other than coal and lignite mines. The laws of only 33 States specifically require the inspection of all mines. The staff available for this vital inspection function varies as widely as the content of the laws. The chief of the inspection agency is the sole inspector in two States; in 30 States, the inspection force ranges from 2 to 10 men. Only 14 States have more than 10 inspectors.

In compiling its survey results, the special mine safety study board made a list of some 57 elementary provisions that could be incorporated in laws governing the health and safety of mineworkers. It then rated the scope of applicable laws in the various States on a scale in which a State law containing all 57 provisions would receive a 100-percent rating.

The highest rating achieved by any single State's laws was 91 percent; only nine others exceeded 75 percent. Twenty-five States failed to get a 50-percent rating.

Turning to the number of miners covered by these State laws, the board discovered that some 470,000 employees—28 percent of the mineral mining population in 1960—were either exempt from State mine safety laws or were not covered by specific laws.

The fact of the matter is that some States and some companies have moved ahead in admirable fashion to make mines safer. But there are wide variations in the effectiveness of the protection offered by State laws, State programs, company policies, and company programs.

If anything, the legislation we propose today will afford the most progressive States and companies a greater degree of equity with those States and firms who are slack in this field.

It is plain that safety equipment, training, and education cost money. Mining is a highly competitive business. The companies that spend more to safeguard the lives and health of their employees—and the States that effectively enforce adequate requirements in this field—are placed at a competitive disadvantage to the less conscientious States and companies. The purpose of a Federal statute in this field is to require a minimum effort in all areas and by all firms, so that none can gain an advantage of profit by slighting this responsibility.

The pending bill follows the pattern of other safety legislation in hazardous occupations by giving the Secretary authority to set standards and to make mandatory inspections. In setting the standards he is, in the language of the bill, "required to consult with advisory committees."

A second major point of this bill is that it extends the definition of mining. It goes beyond underground operations, and into the first stage of the milling operations located on the mine premises.

The bill provides for a review of the decisions of the Secretary by a review board, and it provides for judicial review of the standards and enforcement of closure orders.

It requires annual reports from mine operators of injuries and occupational diseases.

A key section, and perhaps the most important, directs the Secretary to develop training and education programs for supervisors and employees in accident prevention.

A significant difference between the measure before us today and the bill approved by the other body is that the Committee on Labor and Public Welfare has deleted the State plan provided by section 13 of the original bill and substituted therefor a plan similar to that provided by the Federal Coal Mine Safety Act.

Section 16 of the bill as it is before us provides that wherever there is a State mine safety law, a State inspector shall accompany the Federal inspector. However, the Secretary would retain the sole responsibility for enforcing health and safety standards promulgated by him. This provision would recognize existing plans in those States which have moved to meet the need in this vital area, and will encourage other States to do likewise.

A significant section is 19(b). It provides that no State or territorial law which provides for standards higher than those to be set by the Secretary shall be superseded by this legislation.

The effective authority of the Secretary of Interior to enforce standards giving mine workers adequate protection rests in the requirement for orders of withdrawal and debarment. Whenever an inspection reveals a hazardous condition which threatens imminent death or serious physical harm, the Federal inspector must issue an order of withdrawal and debarment. Such an order forbids the presence of any person in the area in which danger exists, except those persons whose presence is required to eliminate the danger.

These orders may also be issued to mine operators who have failed to take proper action to correct violations of mandatory health and safety standards within a specified reasonable time.

Again, let me stress that the bill contains protection against arbitrary use of orders of withdrawal and debarment.

The Secretary's authority to issue such orders is qualified by procedures of appeal and review available to mine operators.

Mr. President, almost 50,000 men in this vital industry, one of the most dangerous industries in the United States,

are not covered by any safety legislation at all. The only way to get such legislation enacted and to update the other safety legislation in the States is to pass this kind of national inspection legislation. I urge the passage of the pending bill.

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

Mr. METCALF. I yield.

Mr. MOSS. Mr. President, I commend the junior Senator from Montana for his long and able work in the field of mine safety. I am a cosponsor with him on this bill, and I believe that I have been a cosponsor with him on the mine safety bills that he has introduced heretofore, since he came to the Senate. Before coming to the Senate, the junior Senator from Montana worked in this field in the House. I congratulate him for the fine exposition that he has just made of the terms of the pending bill.

Mr. President, I rejoice that at long last we have before the Senate a bill to give better protection to the workers in the Nation's metal and nonmetallic mines. The measure as reported by the Senate Committee on Labor and Public Welfare is a stronger and more desirable bill than the one passed by the House, and I hope the Senate will pass it.

Mining has played a tremendous role in the economy of my State of Utah over the years. Copper, gold, silver, lead-zinc, iron, uranium, potash, beryllium—we have been and still are leading producers of these and other metals. They provide many jobs and considerable revenue for our merchants, our counties, and our State.

We are, as almost everybody knows, one of the Nation's leading producers of uranium. It is hard to believe that in this enlightened day and age more than half of this country's underground uranium miners are exposed regularly to lung cancer and hazards from radium gas. In a recent U.S. Public Health Service survey, 1,264 miners were found breathing radon gas on the job in concentrations declared unsafe. Out of the 544 mines examined, there were 4,080 violations of State mine safety laws, with little or no attempt in many instances by State enforcement agencies to enforce or correct the situation causing the dangers. Some 28 percent of the total number of miners employed were not covered by any safety legislation whatsoever.

The job Utah is doing in mine safety in uranium and other mines is constantly improving. But this is not the case in some of our States. What we must have is Federal consistency in both inspection and enforcement of health and safety standards.

I have always believed that, all other things being equal, enforcement should be kept close to the people. But in mine safety, all other things are not equal. Due to the competitive nature of mining, it is extremely difficult for one operator to maintain proper safety standards as long as competitors refuse to do so. This is true, also, of the States themselves—each State is competing with its sister States to attract more business, and finds itself at a distadvantage if it has to enforce safety regulations which might have a tendency to drive business away or to discourage the establishment of new business.

The bill before the Senate today places the major responsibility for the inspection of metal and nonmetallic mines and the enforcement of safety provisions in the hands of the Secretary of the Interior, through the Bureau of Mines, although the States are by no means bypassed.

Any State desiring to cooperate with the Federal Government in making mine inspections can do so. A system of joint Federal-State inspection is provided when a State has an approved plan. This would give Federal and State inspectors an opportunity to work together and compare findings and procedures, to the benefit of both. There is nothing in the bill, of course, which precludes the State from making inspections for compliance with the State code at any time.

Frank Memmott, Deputy Director of the Bureau of Mines, in a statement made in hearings before the Senate Labor Subcommittee on the bill, stated the Federal position very clearly:

> We do not expect, at least as long as I have anything to do with the administration, to duplicate or take away any prerogatives of the State.

He continued:

> However, we do expect the States to take a more aggressive attitude and accept their responsibility.

When inspection turns up a condition or practice which creates a danger which could reasonably be expected to cause death or serious physical harm immediately or before the condition can be eliminated, the bill empowers the Secretary of the Interior to issue an order that the mine operator must remove workers from a mine.

Once this is done, if the mine owner feels that the order was unjustified, he has two channels of appeal. The first is the Federal Metal and Nonmetallic Mine Safety Review Board, an innovation in this bill, whose members shall be appointed by the President, with the advice and consent of the Senate. If the mine operator is not satisfied with the decision of this board, he can take his second appeal to the U.S. court of appeals.

So the bill as reported is equitable to all concerned, and goes far toward establishing a fair and workable code for safety standards for metal and nonmetallic mines.

This measure is based on the findings of a 2-year study by the Mine Safety Board—the only nationwide study which has ever been made on the basis of mandatory reporting of employment and accident information in metal and nonmetallic mines. It is sound legislation which is the result of many years of debate and consideration. I have been sponsoring and cosponsoring mine safety legislation ever since I came to the Senate—the bill before us today is a refinement of earlier measures.

It provides for the gathering of data on accidents, fatalities, and occupational diseases on a regular basis, with mandatory reporting, so that health and safety standards can be developed in a thoroughgoing and scientific manner. It establishes realistic and consistent nationwide inspection procedures, and effective machinery to take miners out of unsafe and dangerous conditions when they are found in them. It gives industry a direct channel of appeal if a mine owner feels a safety order is unfair. It is the best bill we have produced. I commend the committee for its fine work.

Mr. President, earlier this session we strengthened the Coal Mine Safety Act by making its provisions applicable to small mines of less than 15 employees as well as large ones. I hope we can now embellish the record of the 89th Congress by enacting an effective bill to assure the protection they so well deserve to our men working in metal and nonmetallic mines.

I join the Senator from Montana [Mr. METCALF] in his plea for the passage of the bill.

Mr. MONTOYA. Mr. President, will the Senator from Montana yield?

Mr. METCALF. I shall be delighted to yield in a moment. First, I wish to make comment in respect to the statement made by the Senator from Utah [Mr. MOSS].

It is true that we worked together, shoulder to shoulder, for many years to try to achieve some sort of mine safety legislation. We have a good bill before us today, one which we can both support.

I am glad that the Senator mentioned the President's statement on the question of May 23. On May 23, in his remarks to the labor press editors, the President said:

> And we are going to extend Federal health standards to cover, not only coal miners, but all other miners as well. The Metallic and Nonmetallic Mine Act, which has passed the House and is now in Senate committee, will protect our men mining copper and uranium, or working in sand and gravel quarries—practically everyone who labors under the earth to earn his livelihood.

I am happy to yield to the Senator from New Mexico [Mr. MONTOYA].

Mr. MONTOYA. I wish to commend the Senator from Montana [Mr. METCALF] for being one of the pioneers in this type of legislation. I had the great honor to cosponsor the bill with him while we were both Members of the House of Representatives. I had the honor of being a cosponsor with him of his bill which went before the Committee on Labor and Public Welfare.

I also wish to commend the senior Senator from Oregon [Mr. MORSE] for lending his usual leadership in trying to get this legislation before the Senate and eventually enacted. Throughout his career he has distinguished himself as being a strong voice in behalf of the working people of this Nation. I wish to avail myself of this opportunity to pass a deserved word of commendation to the distinguished Senator from Oregon [Mr. MORSE].

The report of the Labor subcommittee brings out the findings of the Mine Safety Study Board's report.

Mr. President, I ask unanimous consent that page 4, paragraph 6, subpara-

graphs a, b, c, and d, extending over to the last paragraph on page 5 of the report, be printed in the RECORD at this point.

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

6. The study's thorough analysis of the scope and adequacy of present State mine safety laws, and the adequacy of their enforcement, revealed an unsatisfactory record. A brief outline follows of the detailed indictment which the Mine Safety Study Board's report makes of current State laws and practices:

(*a*) The large majority of State mine safety laws—and 13 of the 50 States had no specific mine safety law at all applicable to mines other than coal and lignite mines—fell substantially short of establishing adequate enforcible standards. The Board evaluated each State law or safety code by means of a "scope rating" which measured the extent to which it "reflected 57 reasonable and elementary provisions for the health and safety of mineworkers"—such provisions, for example, as requirement of a second escapeway, regulations for safe handling of explosives, minimum ventilation standards, limitations on allowable concentration of dust, or requirements for the support of mine roof. A State law or safety code which directly or indirectly incorporated all such provisions applicable to conditions within the State would have received a scope rating of 100 percent. None, however, did. Only 10 States merited a scope rating of more than 75 percent, and 25 failed even to merit a rating of 50 percent. (Some States, of course, received a zero rating since they had no enforcible State law applicable to the mining and milling operations covered by the study.) At least half the States, in other words, either had established no enforcible standards applicable to non-coal mining, or had drawn up sets of standards which included less than half of the "reasonable and elementary provisions" that Bureau of Mines personnel considered necessary for the protection of mineworkers.

(*b*) State mine safety laws and codes by no means covered all the workers in mineral mining operations. In only 24 States was there coverage of 100 percent of these workers. The remaining States either had no specific laws or codes, or made them applicable only to certain categories of mining. For the Nation as a whole, the Mine Safety Study Board estimated that approximately one-third of the workers engaged in mineral mining, other than coal, were employed in operations not subject to any State mine safety law.

(*c*) Whatever the health and safety standards which an individual State proposed to maintain, the funds and qualified personnel actually required to enforce these standards were all too frequently, not provided. The Board's report shows that: many States employed too few inspectors to allow thorough coverage of the mining operations within their jurisdiction; in some States those serving as mine inspectors were not required to have had specific experience in the mining industry, or to have demonstrated their competence through a civil service examination or in any other way; salaries paid State mine inspectors were frequently so low as to raise a serious question of the ability of many States to attract and hold well-qualified inspection personnel.

(*d*) The mine inspections carried out by Bureau of Mines personnel during the study cast grave doubt upon the present effectiveness of the individual States in enforcing health and safety standards spelled out in State laws and codes. In the process of inspecting 800 mines, the Bureau's inspectors not only found more than 12,000 remediable hazards—but found more than 1,700 such hazards which could be reasonably categorized as long-standing violations of existing State laws. (The figure of 1,700 is a conservative one, since only those violations of State laws were included which, in the judgment of the inspector, "obviously had existed for a time sufficient to have allowed prior correction.") The fact that Federal inspectors could go into mines subject to State mine safety laws and uncover so many long-standing violations of these laws—violations which had remained uncorrected by State authorities—speaks for itself.

The conclusions reached by the Mine Safety Study Board, in submitting its report in November 1963, included these summary statements:

"The number and severity of the injuries experienced each year by persons employed in the extractive industries should be alarming to an America that prides itself on its * * * concern for the welfare of its citizens. In the face of 10,000 lost-time injuries and more than 200 deaths in a single year, it would be difficult to ignore the need for positive action * * *. The present structure of State-laws coverage and enforcement is clearly inadequate to deal comprehensively with the problem of safety in the mineral industry."

Mr. MONTOYA. Mr. President, this is an important day for the metal and nonmetallic miners and quarrymen of this country as the Senate considers H.R. 8989, the proposed Federal Metal and Nonmetallic Mine Safety Act.

This bill, similar to S. 996 which I cosponsored early in the last session of this Congress, will go a long way toward reducing the accident toll and the health hazards which plague the mining industry of this country. Action in this field is long overdue, and I am happy to lend my support to H.R. 8989, as amended by the Committee on Labor and Public Welfare.

The fact that mining and quarrying are unusually hazardous occupations has been well known to the miners themselves for many years, but, surprisingly, there was little official evidence to confirm this view until the comprehensive study by the Mine Safety Study Board was completed 2 years ago.

This study demonstrated conclusively the hazards of mining and quarrying. In this special report to the Secretary of the Interior, it was found that in 1962, there were 44.11 fatal and injury accidents in underground mining operations for every 1 million man-hours worked in the industry.

By way of comparison, for textile mills it is 9.3, for machinery manufacturing 11, for oil and gas extraction 17.6. I would point out that the latter is generally considered a dangerous occupation, yet the rate for underground mineral mining is nearly three times as great.

The overall rate for American industry is 6.12.

The mine safety report clearly demonstrated the widespread existence of correctable hazards to life and health in mines inspected during the study, a high casualty rate suffered by miners from dangerous conditions beyond their control, and the ineffectiveness of present efforts to reduce mine health and safety hazards.

In 1962 there were 212 fatal accidents in mineral mining and milling operations, including stone quarries and sand and gravel operations, and 9,977 injuries. Of this total, 65 deaths and 3,556 of the injuries occurred underground.

It is high time the Congress acted to correct this situation by enactment of H.R. 8989.

This is a matter of particular concern to me because mineral mining is one of New Mexico's most important industries. Federal mine safety regulations will affect some 9,000 men of my State who work in those mines. Miners throughout the United States are entitled to: First, better safety education; second, uniform safety and health rules and regulations; third, frequent and strict inspection and enforcement; and fourth, competent administration of good mine safety laws and standards.

Mr. President, this afternoon we may be asked to pass upon an amendment which would deprive the Federal Government of jurisdiction provided in the bill and relegate mine safety to the sanctuary of the States.

In my State the experience has been as follows: First of all, the legislature has refused on many occasions to update standards or regulations that might be required to enforce a proper safety program. Second, we have lacked the manpower in our State to properly safeguard the miner in the mines. This is the situation and pattern in most States having mine safety regulations and laws. There is not adequate personnel to police safety in those States.

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

Mr. MONTOYA. I yield.

Mr. MORSE. I express my appreciation to the Senator from New Mexico [Mr. MONTOYA] for his kind and generous remarks concerning my work in the mine safety field, including both coal and metal and nonmetallic minerals.

But I really rise to thank him for the argument which he has just made. It is an argument to which I have given great emphasis in committee, and one which I do not think that we should ever lose sight of when we come to consider whether or not an amendment should be added to the bill that would turn control over to the States.

As the Senator has pointed out, there are many States that have not taken the action necessary to provide a mine safety code to give protection to the men.

That is the objective of the legislation before us. I believe the pending bill has worked out a very acceptable compromise of the Federal-State issue and will prove to be an inducement to proceed to pass necessary legislation so that they can conform to a safety program that will make it possible for a State plan to be adopted in respect to them.

Once a State plan is adopted in respect to a State, joint and cooperative inspection will follow resulting in better administration of safety regulations.

I thank the Senator.

Mr. MONTOYA. I thank the Senator from Oregon for his remarks. I also want to say that the passage of this legislation as recommended by the committee will encourage many of the States to implement the defective legislation—or

should I say "outdated" legislation?—which is now on their books. I think this piece of legislation will bring a happy day for the miners of America because under Federal inspection there will be new safety standards, and uniform standards throughout the country, which will inure to the benefit of these working people who, when they are injured, are not adequately compensated by workmen's compensation laws in their respective States. I say this authoritatively. They are maimed for life if they survive an accident, and therefore, I believe it is high time that we in the National Government, through Congress, do something about these working people by providing safety standards which will prevent accidents, so that they can continue to be wage earners for their families instead of being maimed individuals, living in poverty.

Mr. METCALF. Mr. President, I commend the Senator from New Mexico for his persistent efforts in getting this proposed legislation before Congress.

Both as a Member of the House of Representatives and during his current tenure as a Senator, he has labored very hard to get mine safety standards adopted, so that there will be no more injuries, no more maiming of workers in the mines of his and my State and all of the States. As a result of our activity in this field in the Senate today, the miners of our country will be able to live longer, and permanent disabilities or injuries will be prevented, not only in New Mexico, Montana, and Utah, but everywhere in the United States.

I also concur in his praise of the Senator from Oregon [Mr. MORSE], whose leadership has permitted the Senate to consider the bill today and engage in this debate.

Mr. DOMINICK. Mr. President, I am always reluctant to take the floor in disagreement with the distinguished chairman of the Subcommittee on Education, and in opposition to some of my good friends and Western colleagues.

In listening to the debate, I take interest in automatic assumption that if the Federal Government should assume mine safety authority, the person working in the mine would be automatically benefited.

Let me say in deference to my colleagues that their words are magnificent, but the proof is not in the hearings. I am astounded to hear time and again that we are for the workingman and therefore we will put the Federal Government in charge of this program. This is an assumption that the workingman will be benefited by this bill, an assumption which, in my opinion, has not been in any way backed up by the evidence before us.

I participated in the hearings with the Senator from Montana [Mr. METCALF]. I also listened to the evidence and read the hearings, and I have since written some individual views on this particular bill. I think some points should be made in the process of debate, because I believe they are important.

First. Let me say that everyone of the State representatives appearing before the committee—there may be an exception, but I have not found it—testified emphatically that he felt there was no need for this legislation, that it would not improve safety so far as the mines are concerned.

Second. I would point out that the bill requires that there be Federal uniform—and I emphasize the word "uniform"—health and safety standards for mining, and uniform inspection standards.

The question is: Can we apply uniform health and safety standards to mining, using the word in as broad a context as it is used in this particular bill?

I quote from the testimony of the deputy head of our Colorado State agency. Let me say for the RECORD that he is a very fine person whom I have known for a long period of time. Also, let me say that Colorado in the safety field is No. 1 in the entire country. It has done more in the way of providing health and safety regulations than any other State in the country, a fact to which members of the Department of the Interior testified, by means of the Department's report which was placed in the hearings.

Mr. Franz stated as follows:

> Mining problems are different at each property. This condition requires intimate and personal attention from the inspection agencies so that the problems can be worked out to the satisfaction of both parties without unnecessary delay. Even in our State, rules for one property cannot be imposed on an adjoining property. This should indicate that it would be a decided if not a fatal hardship on many mining properties to be subject to set rules of national rights.

Mr. President, it seems to me that this is self-evident—that health and safety standards applicable to sand and gravel operations are not going to be applicable necessarily to uranium operations in the State of Wyoming or Colorado, even though they may be open pit properties. To me, it seems self-evident that, in underground mining we are not going to have health and safety conditions which are similar in uranium mining to the conditions in lead and zinc mines, or gold or silver mines—or whatever it may be.

It seems self-evident that the conditions under which these properties are operated will vary depending upon the geological formation, depending upon the exterior contour of the land, depending upon the ore deposits, and their thickness, the availability of equipment, and the degree to which these properties can be mined in an efficient manner.

Mr. President, let me make this personal reference. During the early 1950's, long before I became active in political affairs, a company in which I was interested was mining uranium in Utah. We had a 1,200-foot cliff that we had to get down by road or continue operating it by air. There was no way to get to the bottom of the cliff except by a river barge from upstream. This was only a shallow draft barge, and we could not get equipment down. Thus, we started to build and operate a road, operating the mine by air and building the road as we went. The interesting thing was that the geological formation we were trying to put a road into, in order to get down to the mining property, was so friable that we had to put parachute harnesses on the "cat" drivers and hammer pitons in the wall so that if the road should collapse and the "cat" went over the side, we would still find our operators safe, hanging by the pitons and the parachute harness.

This is an example of the problems we can run into in the process of trying to operate mining properties. I am happy to advise the Senate that we were able to complete that road without a single fatality or casualty—in fact, with no injuries.

I bring this up, because, as I say, I think that it is important to show the difference in formations in properties from place to place.

The automatic assumption of this bill is that if we adopt uniform Federal rules, we will immediately have an increase in safety for all miners everywhere in the country. So, the first proposition I think we should look into is: Do we have any Federal uniform rules on health and safety?

I refer to the examination I made of Mr. Boyajian, the coordinator for the Department of the Interior, who testified before the committee. I have quotations from his testimony in my individual views contained in the Senate report on this bill; but, for emphasis' sake, I would like to present them to the Senate as a whole. I asked him:

> Well, you are actually going ahead and advising on health and safety standards now in every State in the Union, are you not?

I was referring to the Bureau of Mines.

> Mr. BOYAJIAN. Yes, sir; that is correct.

Then I said further:

> Then why do we have to develop something new; have you not already done it?
>
> Mr. BOYAJIAN. They have not been established, sir, to my knowledge, on a uniform basis.

I added:

> I am not talking about whether they are established. You are talking about the developing of health and safety standards. Now, have you not developed those already?
>
> Mr. BOYAJIAN. We have not developed the standards; no, sir.

So here is testimony from the Department of the Interior that they have not even developed Federal health and safety standards of any kind on a uniform basis.

Then I went into whether they had inspection standards developed. Again I refer to my individual views on page 33 of the report on this bill, in which it was stated, to get to the meat of the problem, by Mr. Moyer, who was with Mr. Boyajian:

> Well, they have been working at it—

Safety standards—

> but not as intensively, as they would if there was an authorized inspection program.

Prior to that, Mr. Boyajian had said that they had no standards set up for inspection purposes.

I could go on and on, but the point I have been trying to make is that if we are to have any Federal authority to improve safety, we ought to know whether there are safety standards established and health standards established, and procedures developed. In the meantime the testimony of the Department is that

there are no health and safety standards. They have not been developed.

The third point which I think is of importance and should be pointed out is that there is a requirement that every underground mine be federally inspected at least once each year. When I asked Mr. Boyajian how many people he had who were qualified to serve as Federal inspectors, he said he had 40.

As a matter of fact, he did not know how many he had. He had to supply that information for the record later. This appears on page 35 of the report. He said he had 40 inspectors.

There are 1,857 underground mines, according to the Bureau of Mines, as of 1963. Mining has received some boost since that time, so possibly the number is larger.

How in the world are we to improve the safety factor by having only 85 Federal inspectors? There are only 40 safety inspectors now. How are we going to improve safety in the mines by increasing over a period of 3 years the number of Federal inspectors from 40 to 85, when they will still be required to inspect all underground mines once a year? They could not possibly travel around to all the Western States, much less the other States, with any reasonable hope of having effective inspection by Federal inspectors.

This is my whole point. There are no safety standards or procedures. They are absent. There are no standards for health or safety, nor are there standards for inspections, nor is there an adequate number of inspectors.

In addition to the 1,857 underground mines as of 1963, it is also required that Federal inspectors take care of all other mining operations, which include open pit mining, sand and gravel pit mining; and according to the information which was given in the process of the hearing, there are over 5,300 sand and gravel operations alone which would have to be inspected by the 40 inspectors in addition to the 1,857 underground mines.

I just do not see how we, in all conscience, can say, as the committee has said, "Now, we are going to improve mine safety," when, as a matter of fact, we are taking over the role of the States and are, in effect, saying to the States, "There is no point in your going forward with your State procedures, because the Federal Government has primary responsibility in this field."

One of the witnesses who testified before the committee was Dr. James Boyd. He is well known nationally. He is chairman of the Noncoal Mine Safety Committee of the American Mining Congress. In reply to the Senator from New Mexico, who said that there is some kind of conspiracy against the safety of miners by the mining industry or State officials, let me say I can think of nothing further from being accurate than that statement. It is perfectly obvious that those who work in the mines are interested in their safety, and that those operating the mines are interested in the safety of the people working in them, because if there is no safety they will not get production out of those mines. So it is a self-interest proposition as well as a humanitarian proposition.

At this point I wish to quote from the testimony of Dr. Boyd, at page 289 of the hearings:

> We in the noncoal segment of the mining industry are firmly opposed to the legislation being discussed by this committee today. We are opposed because:
>
> 1. It involves unnecessary duplication of effort.
>
> 2. Where Federal authority has been tried in similar fields, it has failed to achieve its objectives.
>
> 3. The powers are far better exercised at the local level and have so proved themselves.

It is extraordinary to me that we happily go along in the name of safety, which is a magic word and with which no one can quarrel, and yet establish procedures which, in fact, will be detrimental to the safety of the people working in the industry. This is the point I wish to emphasize. This is what I emphasized time and time again during the hearings. I received then, the most unsatisfactory answers from a representative of the Department of the Interior that I have ever received during my service in the Congress. It was absolutely contrary to the background which would justify the passage of this bill.

Mr. President, I shall not take much longer. This measure possibly could have been palatable if we had been able to preserve in it the section, numbered 13, which had been added by my very distinguished colleague in the House, Mr. ASPINALL.

That was deleted in our committee, in favor of a modified form of provision which was more or less based on the Coal Mine Safety Act. And yet, although this provision says that a State plan may be adopted if the Secretary would approve it, the fact of the matter is that this coal mine safety provision has been in effect since 1952, and there have been only six State plans adopted. And none of these States are major coal-producing States.

I see no reason to think that the experience level in the metallic and nonmetallic minefields would be any different than it has been in the coalfield. I might add that out of the six States whose plans have been adopted, two of them do not have any underground coal mining—namely, North Carolina and Alaska. The others have an infinitesimal amount of underground coal mining compared to the total amount of coal that they produce—largely by open pit and strip mining.

If we are able, today, to adopt the amendment which will be jointly proposed by the Senator from New York [Mr. JAVITS], the Senator from New Hampshire [Mr. PROUTY], the Senator from Arizona [Mr. FANNIN] and myself, then I think perhaps we will have a bill that we can live with. But it strikes me that if we do not follow that course, we will be taking a long step, not in the interests of mine safety, but toward superimposing Federal control over operations that are not basically oriented to Federal controls and which will not improve the safety of miners, but rather will be detrimental to them.

Mr. JAVITS. 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. JAVITS. 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. JAVITS. Mr. President, I call up amendment No. 615 on behalf of myself, Senator PROUTY, Senator DOMINICK, and Senator FANNIN of the minority on the Labor and Public Welfare Committee, and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from New York [Mr. JAVITS], for himself and others, proposes amendment No. 615.

Mr. JAVITS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. I shall explain the amendment.

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

The amendment proposed by Mr. JAVITS is as follows:

AMENDMENT NO. 615

On page 18, delete line 12 and insert, in lieu thereof, the following: "each underground mine which is subject to this Act, except mines located in States having in effect State plans approved under section 16(b)."

Strike out all beginning on page 39, line 18, through page 42, line 7, and insert in lieu thereof the following:

"SEC. 16. (a) Any State which, at any time, desires to assume responsibility for development and enforcement of health and safety standards in mines located in the State which are subject to this Act shall submit, through a State mine inspection or safety agency, a State plan for the development of such standards and their enforcement.

"(b) The Secretary shall approve the plan submitted by a State under subsection (a), or any modification thereof, if such plan—

"(1) designates the State agency submitting such plan as the sole agency responsible for administering the plan throughout the State: *Provided*, That the Secretary may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency provision hereof and approve another State administrative structure or arrangement if the Secretary determines that the objectives of this Act will not be endangered by the use of such other State structure or arrangement,

"(2) provides for the development and enforcement of health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in mines in the States which are subject to this Act, which are or will be substantially as effective for such purposes as the mandatory standards designated under section 6(b) and which provide for inspection at least annually of all such mines, other than quarries and sand and gravel pits,

"(3) contains assurances that such agency has, or will have, the legal authority and qualified personnel necessary for the enforcement of such standards,

"(4) gives assurances that such State will devote adequate funds to the administration and enforcement of such standards.

"(5) contains reasonable safeguards against loss of life or property arising from mines which are closed or abandoned after the effective date of this Act,

"(6) provides that the State agency will make such reports to the Secretary, in such form and containing such information, as the Secretary shall from time to time require.

"(c) The Secretary shall, on the basis of reports submitted by the State agency and his own inspection of mines, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

"(d) The provisions of sections 8 and 9, and of subsection (b) and paragraph (1) of subsection (a) of section 14 of this Act shall not be applicable in any State in which there is in effect a State plan approved under subsection (b)."

Mr. JAVITS. Mr. President, the essential purpose of this amendment is to allow States which have the capacity, and which meet rigorous tests with respect to that capacity, to take over the inspection responsibilities and to carry them out, as long as they carry them out in strict accordance with the statute.

Two things are to be emphasized, so that there will be no uncertainty about it. Point No. 1 is that we are not dealing with coal mining here—which is confined to certain States of the Union—but we are dealing with other mines of all kinds, including sand and gravel pits, which occur in every one of the 50 States. The fundamental postulates of the Coal Mine Safety Act are therefore not the same as for this act; and unless Senators agree with that fundamental proposition, it is impossible to understand why we are doing what we are doing. So the first point is that we are dealing with 50 States, not just a limited number of coal mining States.

Secondly, and equally important, this is not a matter of imposing on the States a responsibility of the Federal Government. This is a matter of permitting the States, if they wish and if they can comply with very strict standards, to carry out the Federal law—with the right of the Federal Government to move back in at any time that it thinks the State is not doing the job, and to keep close tabs on it, even to the extent of inspection to make sure that the State is doing the job it has undertaken. The States are very strictly tied, Mr. President; they would have no general warrant of authority. The amendment expressly says that approval may be granted only to such State plans—I refer to page 2, lines 22 to 24, inclusive:

Which are or will be substantially as effective for such purposes as the mandatory standards designated under Section 6(b) and which provide for inspection at least annually of all such mines, other than quarries and sand and gravel pits.

In other words, precisely the same standards are applicable to the State as we wish to impose upon the Secretary and the Federal Government—if the States wish to do it, if they demonstrate that they can do it, and if they continue to do it.

Indeed, Mr. President, the amendment places a greater responsibility on the States than does the bill on the Federal Government because the States are required to demonstrate that they have a State agency which is adequately financed and has enough employees to do the job. We make no such requirement on the Federal Government, and, indeed the Federal Government at present is a far cry from measuring up to that standard, and will have to build up a staff to do it.

Mr. President, I am sponsoring this amendment, with other Senators, for a very good reason. I am a liberal, and I am proud of it. I am very favorable to labor, and I am very proud of that. I yield to nobody, Mr. President, in terms of my solicitude for the safety and security of the men in the mines, no matter what it costs or how much time and attention it may require.

But, Mr. President, I have a hard head, and I do not favor wasting money nor building up Federal bureaucracies which are not valid and which exist only because we do not trust anybody else but the Federal Government to do the job. I do not think that is the way to do it.

I do not think that is the Federal system. If it can be demonstrated that the States can do the job, and that the States want to do the job, then I am for letting them do it. I see no reason whatever to turn those propositions down.

My own State has 70 inspectors. The Federal Government would have 85 inspectors, 3 years from now. New York is only one State. The State of New York is perfectly willing to do this job. Why should it not be willing? It is willing to pay for the job. Why should the State of New York not relieve the Federal Treasury to that extent, if we have that much pride in our own State administration?

Why should not California or any other State which can qualify under these extremely rigorous conditions set forth in the bill do the same?

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

Mr. JAVITS. I yield.

Mr. LAUSCHE. Mr. President, in the event the bill is passed as written, what will become of the State enforcement agencies which now exist? Would there still be a need for them, or would that need be eliminated because the Federal Government would take over the inspections under the law?

Mr. JAVITS. A prediction on that would be difficult. It is a very pertinent question. I shall relate the situation.

The committee was trying to compromise that proposition, but I do not think it is a compromise at all.

The Federal Government continues to have the responsibility to inspect the underground mines at least once a year. If a State wishes to continue its own plan, it must nonetheless have a Federal inspection of the underground mines at least once a year. That means, for all practical purposes, that the State inspector will have to wait on the Federal inspector at least once a year for that purpose.

States may prefer under those circumstances to lay it all on the Federal Government and dismantle their apparatus completely, since they would not be charged with the sole responsibility. They may, on the other hand, decide to go ahead and carry out that responsibility. I do not know what will be done. However, the important point is that the Federal Government should have an opportunity to hold down its own bureaucracy, and it is not availing itself of that opportunity, notwithstanding the strict requirements of the amendment.

The Federal Government would go ahead and duplicate the work and expense by having inspections of these underground mines every year according to the mandate of the law. That is the thing that made me bridle at the proposition.

I told the Senator, and the Senator knows from my record, that I would be expected to be the last one to offer the amendment. However, it seemed to be a glaring case of the Government's wasting money and effort for no good reason, since the standards required were so strict.

I took the additional precaution, to show my good faith—since there was a requirement in the House bill for judicial review—of eliminating the provision for judicial review.

The only provision for such review is in the mandatory standards which the Secretary sets for safety, and so forth, and then only if his mandatory standards are not in agreement with the advice of the Advisory Committee as provided by the bill.

While the bill provides limited judicial review in other respects, also State plans, no review is provided. Enforcement cannot be held up. There are no problems of injunctions or anything else. There is no delegation of authority unless the Secretary approves the State plans. Then and then only is there delegation of his authority to the States, to the extent that they will do the bulk of the work and pay for it, rather than the Secretary. This is an elementary accommodation in the Federal system.

As a very careful lawyer, I looked over the restrictions upon the authority of the States. I found that they must really toe the mark, as I pointed out, more strictly than the Federal Government. They must be ready with employees and financing and so forth. The Federal Government does not have that restriction.

We may not appropriate anything for the bill. We might let it ride. There is no requirement that we should appropriate. However, if a State takes it over, it must go forward to the satisfaction of the Secretary.

Mr. LAUSCHE. Do I correctly understand the Senator to say that in the event the State does not do a job in compliance with the law, and the Federal Government so determines, the Federal Government can step into the operation?

Mr. JAVITS. The Senator is correct. I should like to read to the Senator from

page 3, line 20, to page 4, line 2, of my amendment. It reads as follows, and remember there is no judicial review:

Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein)—

Remember, that requires that the State plan must have fidelity to the mandatory standards. I continue to read from the amendment:

he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

That is rather condign authority, not coupled with any provision for judicial review. It would not require injunctions or anything else to carry it out.

Mr. LAUSCHE. Mr. President, merely for the purpose of recording information, would the Senator state why he believes that this power, if a State desires to exercise it, should be allowed to remain in the State.

Mr. JAVITS. Mr. President, I emphasize the fact that under the Federal system of compatibility between State and Federal administration, where it is possible to get every conceivable thing out of the State and, indeed, I point out that it would require of the States even more, because the State must be ready—which the Federal Government does not have to be—to accomplish the Federal objective. The compatibility of the Federal system requires that we do it, and that is the purpose of the amendment.

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

Mr. JAVITS. I yield.

Mr. DOMINICK. Mr. President, I point out that the Senator from New York is not only offering a very important amendment—if the amendment be agreed to—but the amendment is also in accord with the resolution adopted at the Western Governors Conference in April of this year in Las Vegas.

The resolution stated:

If the Congress should deem it advisable to enact federal non-coal mine safety legislation, such legislation should provide that the individual states may retain jurisdiction over inspections and enforcements under such reasonable and practical provisions as will permit effective exercise of those functions.

It seems to me that the amendment of the Senator is in accord with that particular resolution.

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

Mr. JAVITS. I yield.

Mr. LAUSCHE. Mr. President, I did not hear the identity of the agency that adopted that resolution.

Mr. DOMINICK. The resolution was adopted by the Western Governors Conference in April of this year at Las Vegas, Nev.

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

Mr. JAVITS. I yield.

Mr. METCALF. Mr. President, I know that the Senator from New York is familiar with the very fine statement that was made before the committee by Mr. Lefkowitz, deputy industrial commissioner of the New York State Department of Labor, in which he pointed out——

Mr. JAVITS. What is the page number?

Mr. METCALF. I shall refer to page No. 325 in a moment.

Mr. Lefkowitz pointed out that New York State rated 88 percent in the scope of its mine safety provisions—table 6–2—and those provisions were enforced, in part, by 70 inspectors, 5 of whom were experienced in mining.

The reason for this dichotomy of 70 and 5 is that much, if not most, of the problems dealt with were open pit and quarry work where we do not have mine specialists as such, but rather use our construction experts. Most of the work in open-pit mining is much more comparable to construction work with the shoring of ditches and such and, therefore, we use our construction men for open-pit mining and have five trained mine experts who do the work in the deep-cut mines.

That is an explanation of the number of inspectors in the State of New York. Only five inspectors are the kind of experienced inspectors that we would have under the inspecting of underground mines under this bill.

Mr. JAVITS. Mr. President, I point out to the Senator that it is entirely within the power of the Secretary to turn down the State of New York if he does not think it has enough underground inspectors to take care of its underground mines.

We have comparatively few underground mines in New York.

I refer to my amendment.

On page 3, lines 3 to 5, my amendment reads: "contains assurances that such agency has, or will have, the legal authority and qualified personnel necessary for the enforcement of such standards,".

I should like to ask the Senator from Montana if in the pending bill a similar requirement is imposed on the Secretary of the Interior, if he administers it?

Mr. METCALF. The only inspection required by the bill, as I understand it, is of underground mines; and in the State of New York there are only five experienced inspectors for such underground mines.

In the House hearings, Mr. O'HARA said that the State of Montana has one of the best mine laws of all the mining States. But consider the situation in Montana. The report revealed that Montana has 350 mines—that would be about one-fifth of the 1,850 mining operations in the United States—and nearly 5,000 employees. It has one of the most comprehensive State laws, and has one mine inspector, who is directed to inspect every mine in the State at least annually.

Montana, one of the States with a better mining safety code, has one mine inspector for one-fifth of the underground mines in the entire United States. Does that not indicate a need for additional Federal inspection?

Mr. JAVITS. If additional Federal inspection is required, I shall be the first to vote for it. However, I should like to minimize it, if I can, with the application of wit and with the application of the carrot and the stick.

As to New York, I request the Senator from Montana to refer to page 330 of the hearings. There he will find a letter from John F. O'Leary, Deputy Assistant Secretary of the Interior, to Representative ROBERT C. MCEWEN, in which he said:

We feel confident that your State will submit a plan that will meet the 6 requirements set forth in H.R. 8989 and thus be acceptable to the Secretary.

So he was not worried about the five inspectors.

Mr. METCALF. As pointed out by Mr. Lefkowitz in his testimony, the State of New York was one of the highest in compliance with the criteria that were set for it—88 out of 100.

Mr. JAVITS. New York State has 10 percent of the population. If we can save a little money for the United States in administering the plan in my State, why not, with the regulations as strict as they are? If another State cannot qualify, then it will not. But why not attempt to minimize this new expansion of the Federal bureaucracy? I do not say that invidiously. This type of legislation is essential. I have supported it before, and I shall support it again. But why not use our wit to minimize it in this one respect—and without minimizing its effectiveness—if we can? That is all I am arguing for, with my amendment.

Mr. METCALF. My State has not 10 percent of the population. It is a sparsely populated State. However, it has 20 percent of the underground mines in the country. Certainly, one inspector in the State of Montana, to carry out the provisions of the State law for an annual inspection, is an inadequate provision.

Thirteen States have no regulation whatsoever. That is why the bill is before us. It is not because we are looking at the best State or the best of all possible worlds. We are looking at the States that have no regulations, no control. We are concerned with the 47,000 employees of the mining industry in the United States who have no Federal or statutory protection.

Mr. JAVITS. Mr. President, I am for the bill, and I am for supplying the necessary regulation in States which cannot muster the money or the personnel or cannot meet the standards of the proposed amendment. My argument is that in the case of States that can do so, I desire to give them the main responsibility, so long as they meet it. That is the whole argument of my amendment.

(At this point Mr. BURDICK took the chair as Presiding Officer.)

Mr. METCALF. I commend the Senator from New York. I know he is for the bill. He has performed a great service in having the bill come before Congress.

Mr. JAVITS. I thank the Senator from Montana.

Mr. President, I desire to make a few other observations. I should like to point out why there must be a material expansion of the Federal Establishment if

the bill is passed without the amendment I have offered on behalf of myself and the other minority Senators who are members of the committee.

According to our figures, in excess of 10,000 open pit mines are in operation in the United States, and more than 4,000 of these employ 5 or more men. In addition, there are over 1,500 underground mines.

Mr. President, I am informed that sufficient Senators are present for the yeas and nays. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I point out that under the pending bill as it stands, at least one inspection a year would be necessary in each underground mine. As I have said, they number between 1,500 and 1,800.

Then, some inspection of the open pit mines would be necessary. Even if the inspection were confined to those with 5 or more employees, that would be approximately 4,000. That is about the outside maximum of the workload which could possibly be carried by the present Bureau, as it has been estimated that 85 inspectors could do no more than 5,100 inspections a year.

So, if inspection occurs, it will occur to every State in the Union. Geographical problems exist as well.

If States are not adequately equipped for this purpose, to the satisfaction of the Secretary of the Interior, a material increase would be necessary in the Federal inspection staff.

If my amendment should not be adopted, I would be the first to support the pending legislation, because good faith is involved. If we really wish to do this job, we cannot expect the Department of the Interior to do it, unless we give it the personnel for the purpose.

Finally, and very important to me, we must remember that many things are legislated in Congress.

Before I come to my final argument, I should like to point out that the accident experience in the smaller open-pit mines is a very serious problem. This is not just a problem of accident experience in underground mines.

The table of the Department of the Interior, appearing at page 130 of the record, indicates that during a typical period of survey, more accidents of a fatal character occurred in surface metal and nonmetallic, open stone-quarry, and open sand and gravel than in the underground mines. The figures were, roughly, 99 to 65.

So, we are dealing with very pertinent problems of peril in both types of mining, requiring rather high standards of inspection.

Now I come to the final point. We legislate a great deal in the area of Federal and State responsibility; and I felt that I would be derelict in my duty if I did not make this point and offer my amendment now, in a situation which seems as open and shut as this one, for this reason: People like myself, who are inclined to support many advances in what I consider—with all respect for the views of others—to be improvements in the economic, social, and political life of the country, are constantly charged with voting for Federal program after Federal program. We are charged with being heedless of the fact that we have a Federal system in which considerable political and financial responsibility exists in the States and in the local units of government. Therefore, we should pay more attention to the capabilities which inhere in that kind of State and local administration.

Therefore, Mr. President, when a situation such as this occurs, in which it is crystal clear to me that an important responsibility could feasibly be carried by the States, not only without risk to the fundamental purpose of the bill, but also in embellishment and improvement of the fundamental purpose of the bill the States should do so; because if my amendment is adopted, the standard would be higher for the States than it would be for the Federal Government.

The States have to be ready to perform—with personnel, with money, and so forth. Under the bill, the Federal Government does not. It seems to me that it is my duty, under such circumstances, to seek to honor the Federal system, when it can be honored, in a way completely consistent with the purpose of a highly important national objective.

In this same connection, I point out that the committee acted because it was mindful to some extent of what we are trying to do in adopting a State plan idea: It coupled with it a requirement for at least an annual inspection by the Secretary of the Interior. It seems to me that this unduly compromises and unnecessarily complicates the State plan, and calls for an increase in the Federal establishment which is not warranted, in my judgment, under the circumstances.

Therefore, what the House did—and this is essentially what the House did, minus the provision for judicial review—gives us an excellent scheme for the enforcement of a national objective by Federal means and fully protects against the possibility of dilution or debasement. It should be made a part of the statute.

I sincerely hope that the amendment will be adopted.

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

Mr. JAVITS. I yield.

Mr. COTTON. First, I commend the distinguished Senator from New York for his amendment and assure him of my hearty support of it.

Mr. JAVITS. I thank the Senator from New Hampshire.

Mr. COTTON. Included in the bill are sand and gravel pits. I shall not discuss them at length, because it is my understanding that the distinguished Senator will take them up later. But they should not be included.

Mr. JAVITS. The Senator from Arizona [Mr. FANNIN] will discuss them.

Mr. COTTON. But with sand and gravel pits included in the bill—and there are thousands of such pits throughout the country—if the Senator's amendment is not adopted, the Federal Government cannot escape inspecting them, and must inspect all of them.

In a State like my own, where most of the sand and gravel, I am informed, is furnished to the State highway department, it might be perfectly feasible for the highway department to take over the inspection of the sand and gravel pits. But if the Senator's amendment is not adopted, and if sand and gravel pits remain in the bill—I think they should not remain in the bill—a State that has practically no underground mines whatever could of itself, through its highway department or through the proper officials, and to the satisfaction of the Secretary of the Interior, take over the jurisdiction and relieve itself and relieve the Federal Government of the cost of sending inspectors into a State that has no underground mining.

Mr. JAVITS. In reply to the Senator I wish to say that under the amendment adopted by the committee the State can get a plan adopted by the Secretary of the Interior free of Federal inspection because there are no underground mines. This is one amendment that the minority was successful in pursuing—allowing the Secretary to decline to assert jurisdiction—although the Senator from Arizona [Mr. FANNIN] will move to eliminate sand and gravel pits. On page 17, of the bill, line 14, it is stated:

> The Secretary may, by published rules adopted pursuant to the Administrative Procedure Act, decline to assert jurisdiction under this Act over any class or category of mines where, in the opinion of the Secretary, either the effect of the operations of such mines on commerce is not sufficiently substantial to warrant the exercise of jurisdiction under this Act, or such exercise of jurisdiction would impair the effective overall realization of the objectives of this Act.

As far as the State is concerned the bill would not present insurmountable obstacles in respect to other than underground mines, and the Senator has no problem with underground mines.

Mr. COTTON. It would present very serious problems but they are not particularly affected by the amendment of the Senator.

Mr. JAVITS. Exactly. I thank the Senator.

Mr. COTTON. I support the amendment of the Senator.

Mr. CLARK. Mr. President, I shall vote for H.R. 8989, the metallic and nonmetallic mine safety bill, as completely rewritten by the Senate.

This bill has been a long time in reaching the floor of the Senate. In fact the initial appeal as to the need for this bill was presented in the 81st Congress at the request of President Philip Murray of the United Steelworkers of America who appealed to Senator Robert A. Taft and to Senator James E. Murray who was then chairman of the Senate Labor Committee.

With the advice and help of the U.S. Bureau of Mines, a mine safety bill was eventually drafted and introduced by Senator Murray and other Senators interested in mine safety. That was in 1953.

This bill gave the Bureau of Mines the right of entry into any metallic or nonmetallic mine. It also empowered the Secretary acting through the Bureau to make annual or necessary inspections of the metallic or nonmetallic mines for the purpose of obtaining information re-

lating to health and safety conditions in the mines. I reintroduced that bill this year.

I regret that the majority members of the Labor Committee, under the leadership of the able senior Senator from Oregon [Mr. MORSE] did not feel inclined to accept that bill. I pressed the substance of it to a vote in committee and was defeated. I am content now to accept the compromise which the Senator from Oregon is managing on the floor.

He has successfully presented to this body a compromise which in many ways pleases neither the mine workers nor the operators, but in many ways is a fair and equitable bill.

The original Murray bill, which I introduced, provided an approach to mine safety which called for inspection coupled with gathering and reporting of all data relating to accidents, fatalities and working conditions in these mines. Unfortunately, some of the operators and the American Mining Congress were opposed to that bill in 1953. It did not pass. They are opposed to H.R. 8989 in 1966. But I predict the bill brought forward by the Senator from Oregon will pass today.

Mr. President, the hearings record contains abundant statistical justification of the need for the pending compromise bill. One is particularly revealing. It is that of each 100 young men entering a lifetime career as an underground metal miner, no less than 7 of them can expect to die on the job as the result of an accident before retirement age.

That is a shocking fact.

Yet the operators are against this bill.

Some operators realize that all mines do not live up to safety standards. There are no means by which the industry can enforce compliance on itself.

Many of the corporations engaged in metallic and nonmetallic mining are cooperating with the Bureau of Mines health and safety programs at this very moment.

I should like to read from a statement on page 58 of the House hearings on mine safety, 87th Congress:

> Mineowners are indebted to the U.S. Bureau of Mines for its data on accidents and recommendations for their prevention. The Bureau employs competent engineers and obtains trustworthy data in rendering its service.

The attempt to augment this excellent and necessary activity with Federal inspection saw the operators retreat to State inspection and statutes as the better approach to mine safety.

If they have such great respect for the Bureau staff on an educational basis, why the resistance when an inspector is given the authority to see that all mines are made as safe as they can humanly be made?

The very nature of underground mining makes it a dangerous industry in which to operate and to work.

We cannot have too many involved in safety, be they State or Federal agencies, or private associations. The operators admit they cannot enforce compliance.

This bill, in my opinion, is the least we can do for the metallic and nonmetallic miners of the Nation. It is infinitely preferable to the procedures under the Javits amendment.

Accordingly, I shall oppose the Javits amendment and support the pending measure offered by the senior Senator from Oregon.

Mr. MORSE. Mr. President, I shall reply to the Senator from New York [Mr. JAVITS]. Before doing so I wish to make a comment or two on the statement which has just been made by the Senator from Pennsylvania [Mr. CLARK].

The Senator from Pennsylvania [Mr. CLARK] has outlined to the Senate with complete accuracy what happened in the full committee, and his statement of what is possible to be done under the bill is also typical of him.

The Senator from Pennsylvania presented an amendment in committee which, in effect, eliminated the State plans and made the Federal Bureau of Mines controlling and supreme in the situation.

On the other hand we had presented to us in committee the proposal of the Senator from New York [Mr. JAVITS], which we likewise turned down, and which in effect, would place ultimate control in the States.

We adopted the compromise that I offered, which is the procedure of the Federal Coal Mine Safety Act which we amended March 26, this year.

I said then, I said in my opening remarks today, and I repeat now, that in my judgment it is a good proposal. It is a fair compromise of the two positions. It will do what we seek to do in carrying out the objectives of the bill, and from which I am not going to take my eyes for a moment in this debate. It will provide, I think, the best possible safety for the workers. After all, that is the objective: To pass a bill that will protect life and limb. This is a humanitarian bill.

Let me say most respectfully that I am not interested in saving money at the cost of failing to protect life and limb, if anyone wishes to put it in terms of saving money. Anyone that wants to argue economy with me on this bill, if they think it is not an economic bill—and, in my judgment, it is an economic bill—I can give them instances as long as both my arms as to where Congress can save money by the millions and millions of dollars without involving human values.

Mr. President, we have an obligation to do what we can to pass legislation in this field which will save lives and prevent serious injuries in the nonmetallic mines of this country and in the sand and gravel pits.

Let me point out to the Senate that the States have had decades in which to do this and they have not done so. In fact, the proponents of this amendment have a hard time finding half a dozen State plans that begin to provide the minimum standards that should be provided for protecting life and limb. They come a little late, in my judgment, with this great plea to put the States in the saddle. We are confronted with a national safety problem in connection with these mines. The Federal Government has the primary responsibility and we have come forth with a bill this afternoon that works out a compromise; that provides complete cooperation with the States; and that recognizes, because the States have in the past, in the overwhelming majority of instances, have not protected life and limb. The Federal Government deserves criticism for this; and past Congresses, too, for not having done something about it on a Federal basis, as we now propose this afternoon, to accept what we think is a fair, equitable, and workable compromise.

Thus, I briefly wish to make this statement as my reply to my good friend from New York in opposition to his amendment and hope that the Senate will reject it.

This amendment would substitute the State plan which was in the House-passed bill for the State plan patterned after the Federal Coal Mine Safety Act State plan provision. The State plan under the House bill would place the entire inspection and enforcement of mine safety within the jurisdiction of the State mine safety agency where it presently is located. The basic reason for this bill is the failure of the States to provide adequate mine safety standards and enforcement. The proponents of this legislation are asking the Senate to leave it with the States with no Federal inspection and enforcement where the State plan qualifies under the act.

The adoption of this amendment for such a State plan would mark a departure from the practice and procedure under the Federal Coal Mine Safety Act. We will recall we amended that act this year making no change in the State plan provision.

Let me recite for the Senate the action of the committee on this amendment.

The committee on my motion amended the House bill H.R. 8989 to delete the State plan provision provided in section 13. Under this section, if a State had presented a plan which met the qualifications set out in section 13 of the House bill, it could assume all responsibility for development and enforcement of health and safety standards in mines located in the State through a State mine inspection or safety agency. A State plan similar to the State plan in the Federal Coal Mine Safety Act was substituted.

The committee had considerable discussion on amendments to delete the State plan provision entirely, leaving all inspection and enforcement under the proposed act with the Federal Government. The original administration proposals did not include a State plan. We were faced with the mine operators and the State inspectors on the one hand who desired the State plan as provided in H.R. 8989, and the labor representatives of many of the employees in these mines who favored no State plan but sole Federal inspection and enforcement.

Based upon our experience with coal mine inspection, let me say that it will continue and it will be strengthened. The States which provide inspections

plan to continue to exercise inspections. We also need Federal inspectors to work with the States. We have worked out here a program whereby, except where there is imminent danger, the Federal inspector cannot go in without a State inspector with him. They will work together. The State inspector will make available to the Federal inspector and to Federal authorities any special problems in the State that exists there with which he may not be familiar because of nonexistence elsewhere in the country.

This is a cooperative program between the Federal Government and the State. I am for developing more cooperation in areas where human values are involved, as they are in this case. We have found that under the system which exists in the coal mining industry, State programs are constantly being strengthened, and so is the Federal program. In fact, in my judgment, neither the State program nor the Federal program has yet reached the level for adequate protection of the coal mining industry. We need them both under procedures provided for in this bill.

The State plan adopted by the committee patterned after the provisions of the Federal Coal Mine Safety Act would permit any State desiring to cooperate in making inspections to submit a State plan which, if it met the requirements provided in section 16 of the reported bill, would require the presence of a State inspector whenever a representative of the Secretary made an inspection under the proposed act. The only exception would be in the case of imminent danger as described under section 8(a) of the bill, where the Secretary or his authorized representative finds that participation by a State inspector would unreasonably delay such inspection. The Secretary would retain the sole responsibility for enforcement of health and safety standards promulgated by him. The Secretary is required under section 16(a) of the bill to cooperate with official State mine inspection or safety agencies.

I firmly believe that the provision for a State plan patterned after the Federal Coal Mine Safety Act is the plan which best meets the needs of health and safety in the mines to be covered by this act. By providing for sole Federal enforcement of health and safety standards promulgated by the Secretary, there will be uniformity of inspection and enforcement. The committee was impressed by the failure of the States to update and improve their mine safety codes, although in recent years since this legislation has been pending there has been a greater effort on the part of some State legislatures.

In fact, passage of the proposed legislation, in my judgment, will speed up that State action.

In a few instances, we found State governments that were providing excellent mine health and safety standards as well as enforcement of those standards. However, in general the States have not enacted and implemented health and safety standards adequate to overcome the injury severity and frequency rates and fatalities in these mines. Earlier this year, the Senate passed amendments to the Federal Coal Mine Safety Act which extended coverage to the so-called small mines employing 14 or fewer persons. The hearings and statements presented to the committee at that time showed that five States had submitted State plans under the Federal Coal Mine Safety Act so that in those instances joint and cooperative inspection was carried on by Federal and State Governments. In the other States where coal was produced and no State plan had been accepted, the State inspectors continued their inspection and enforcement of State codes where the Federal code is silent, or the State code provides greater safety or where there is no conflict with the Federal code. In addition, State coal mine safety codes were constantly improved. The enactment of the Federal Coal Mine Safety Act in 1952 did not lessen State inspection and in fact encouraged State inspection and improvement of State safety codes. I believe that this bill with a State plan providing for joint and cooperative Federal and State inspection will result in better health and safety standards and better enforcement of those standards.

For those reasons I urge that the amendment be defeated.

But I want to comment on an ancilliary issue that has been brought into the debate with reference to the amendment. It has to do with the development of health and safety standards.

A question has been submitted as to the status of development of Federal health and safety standards to be enforced under this act. It has been stated in the report by the minority that the Bureau of Mines has not developed health and safety standards, although it has had many years to do so.

First, let me state that the record is clear that the Bureau of Mines had no discretion under present legislation to develop such standards for inspection. It has, however, as a part of its education and training program and general assistance to the State mine safety agency worked on the development of model State standards.

If the bill is passed, the Federal Bureau of Mines will have authority to develop health and safety standards for enforcement. But the Federal Bureau of Mines does not have any legislative authority to do what has been raised here this afternoon as not having been done.

It is also clear that the Department will have drafted standards ready for the advisory committees to consider as soon as this proposed legislation becomes law.

That is the pledge we extracted from the administration witnesses at the hearing. They pointed out that they had no code because there is no legislative authority for it. Give them this bill and this authorization and then they can proceed to bring together clearly many of the recommendations they have already made to the States in connection with their cooperative programs in developing State codes. They will be able to get together and make recommendations for the advisory committees for a Federal code.

On page 205 of our hearings the Department provided a memo for insertion stating that at that time it estimated such standards would be drafted by May 1, 1966. There is no final model set of health and safety standards for these mines because this legislation specifically provides that the Secretary must consult with the advisory committees before promulgating such standards and designating certain of them mandatory standards.

Because this point was mentioned, I have made this comment on it for two reasons. First, the Bureau had no model code because it had no legislative authority to have one. Second, as soon as the advisory committees are established, as provided by this bill, there will be a model code for the advisory committees.

My third point is that this is a good example of the preferability of having a cooperative arrangement built up between the Federal Government and State authorities.

For those reasons, I urge that the amendment be defeated.

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

Mr. MORSE. I yield.

Mr. PASTORE. Mr. President, I have been reading the amendment offered by the distinguished Senator from New York. If I read it correctly—and I hope I may have the attention of the Senator from New York—the only time a State shall have autonomy is whenever it has submitted a plan which must be approved by the Secretary. If the plan and its standards are approved, then the State is granted autonomy. We are all for safety of human life. That is not the question. The question is, What are the standards? If a State's plan is a good one, why should not that be satisfactory? To me, the question is as simple as that. If I am wrong, I would like to be corrected.

Mr. MORSE. I think there is a facet that the Senator is overlooking. Under the bill as the committee brings it, the Secretary is required to cooperate with the States and in case of a State plan conduct joint inspections. I happen to think that in the case of New York there undoubtedly would be that arrangement. But the difference is that there is a reservation, which it is important should be retained, that the final authority is vested in the Secretary. That authority should be kept and should stay in the bill. The bill carries out the major objective of the Senator from New York, because an arrangement can be worked out between the Federal Government and the State, but the bill leaves the final decision to the Federal Government.

Mr. PASTORE. I point out that under the amendment, and I am looking at page 3, subsection (c), line 20:

> Whenever the Secretary finds—

We are talking about the Federal Secretary—

> after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure . . .

Therefore, the Secretary at all times has the final say. If he determines there is a failure, he can then say what shall be done.

Mr. MORSE. Under the Federal Coal Mine Safety Act State plan, which is the provision the committee adopted, the cooperative arrangement exists. It has worked very well. The Javits amendment is not needed. The bill leaves no question as to any difference with respect to a uniform procedure in every State. Why should there be one procedure in one State and a different procedure in another State?

Mr. PASTORE. I am not concerned so much with New York or Colorado or Montana, or my own State of Rhode Island, which has no mining. But I have to go home and answer questions. Somebody is going to ask me, "Why do we have to have a Federal inspector? Why should we pay money for a Federal inspector that comes from the taxpayers of Rhode Island when a State code will comply with all the Federal standards?"

Mr. MORSE. The answer to that question is that we must have a Federal check. We have a joint arrangement under the Federal Coal Mine Safety Act.

Mr. PASTORE. But the State must submit the plan to the Secretary under the amendment, and he must approve it. If he does approve it, it goes into effect.

Mr. MORSE. The Secretary continues, as under the Federal Coal Mine Safety Act procedure, to have authority to have Federal inspection. We want to maintain that authority. If that authority is not maintained, safety in the mine is jeopardized.

Mr. PASTORE. But the Secretary of the Interior can assume his responsibility if the State does not live up to the standards.

Mr. MORSE. I do not see that that follows at all. This bill provides for a check. Under the proposal the Federal bureau will go in after the fact. It does not do any good to go in after the fact if we want to prevent accidents. The Federal Government must be able to go in before the fact. We need constant inspection in order to give protection. The State inspectors are not going to be in mine X except infrequently during the year, in addition the Federal inspector will be able to go in there.

It is a question of whether we will place safety first, and we cannot place safety first to the degree we ought to unless we establish procedures for the Federal Government to inspect, as well as the State. They can both inspect.

Mr. PASTORE. But I was Governor of my State, and I was just as interested in the safety of the people of my State as is the President of the United States.

Mr. MORSE. Yes; the Senator from Rhode Island was.

Mr. PASTORE. Do not tell me that the State authorities, the Governor and the State legislatures, are not as interested in the welfare and safety of their people.

Mr. MORSE. The Senator makes an error when he assumes that the same thing will take place with reference to some States. The Senator makes a mistake in assuming that because, when he was Governor, he was interested in inspections for the safety of the people, all the States in all circumstances will do the same.

Mr. PASTORE. I am not saying that at all. All I am saying is that this proposal requires that a State must submit a plan which meets Federal standards.

Mr. MORSE. Submitting a plan does not mean that the plan will be enforced without continuous Federal inspection to check up on them. What is involved is a checkup on the State, rather than saying, "All right, we are going to turn the autonomy over to the State," and then waking up to the fact that a lot of men have been hurt and killed and saying, "It is just too bad, we will have to take the authority away from them now."

This is one case, may I say, where a double standard is justifiable.

Mr. PASTORE. I do not wish to quarrel with the Senator from Oregon and the Senator from Montana, who are high in my esteem and my affection.

I realize that what the Senator says is true. But say that we pass this bill, together with the proposed amendment making this requirement. To be practical about it, there are unions in these States, and if the States are not living up to the safety standards, the Secretary will be hearing about it within a matter of minutes.

Mr. MORSE. I say to the Senator, take a look at what the position of the unions has been in this case. They do not want any State inspection at all, because their testimony was that State inspection has caused them a great many workmen's lives and a great many injuries.

Management wanted nothing but State inspection. I did not buy it, because we have already passed a Federal Coal Mine Safety Act that has exactly the double standard of inspection proposed in this bill. It is working well, and in the interest of the human values involved, we should apply it here.

Mr. PASTORE. I would not buy it, either, to be perfectly honest about it. But what I am saying is this: Inasmuch as we are seeking to pass this bill, which would bring the entire matter up to date, I can see the wisdom of an amendment which would go so far as the Senator feels would be proper.

But where a State is willing to assume the responsibility and do the job as the job should be done, then that State should be given autonomy.

Mr. MORSE. Then the Senator is buying it. That is what management wants, because they feel that they will have greater autonomy at the State level than at the Federal level. And in too many States, that is true. In too many States, powerful industries such as the mining industry can exercise much more influence at the State level than they can against the Federal Bureau of Mines.

It comes down to insisting that we have a check upon the State, when we have a matter, as here, which basically also involves a Federal responsibility.

Mr. METCALF. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I have finished.

The PRESIDING OFFICER. The Senator from Montana.

Mr. METCALF. One of the original reasons urged for the passage of this legislation was the occurrence of silicosis in many of the deep underground mines, and the failure of the mineowners and operators to have standards for ventilation, dust reduction, and so forth. It is still an important reason.

According to a study of 540 mines made in connection with Public Law 87-300, mines subject to State laws which were inspected in the course of the study, 460 were found to be in violation of the silicosis provisions in the State safety laws.

Mr. PASTORE. I realize that.

Mr. METCALF. A total of 4,080 violations were noted.

Mr. PASTORE. I read the report.

Mr. METCALF. Those States were presumed to have proper silicosis prevention plans. They would have argued that their State laws so provided. They would have said, "Mr. Secretary, we have a program here that provides, as a matter of statute, that there will be only so much silica dust in the air. We have mandatory ventilation."

But 460 of those 540 mines were found to be in violation of those State laws or State plans. How is the Secretary of the Interior to find out whether or not they are carrying out the provisions of those plans, unless we have this dual inspection procedure?

Mr. PASTORE. They can find it out in very many different ways. As a matter of fact, let us be practical about it: Most of these people are unionized, at least they are in my State. Many of these safety measures they insist upon in collective bargaining—which of course should not be complete and final—and in many instances, the Senator would find that they would make their complaints to the Federal Government if the standards were not being met.

I am not arguing against this legislation.

Mr. METCALF. I understand.

Mr. PASTORE. I am all for this legislation. All I am saying is that here is an amendment which says that where a State fully complies with the standards, and is willing to assume its responsibility—as we in Congress want every State to assume that responsibility, by a Federal fiat—then the States, if they comply with all of those standards, should be left alone to carry out the responsibility, and pay for the expense on their own. As one who is interested, of course, in saving as much as we possibly can and still doing the job, I do not see why this amendment is so obnoxious.

I concede that there are many States which have never lived up to their responsibilities. The law would take care of that. But there are States which have lived up to their responsibilities, so why not leave them to take care of the matter as they have in the past, meeting all of the requirements and all of the standards which we seek to promulgate on a national level? That is how simple it is to me.

I am not arguing against protecting people. I am not arguing against safety laws. I merely say that where a State is doing the job, doing it adequately, and meeting all of the requirements, why do we have to supersede that arrangement, and add to the expense?

Mr. METCALF. But how are we to know? Even such a State as New York, which, it has been demonstrated, has a good law, good procedures, and so forth, in this very matter of control of silica dust has no standards whatever; and they have inferior enforcement.

Mr. PASTORE. But under the Senator's bill, and under the proposed amendment, they would have to have standards, would they not?

Mr. METCALF. They would. But the only way we would be able to find out whether or not they were enforcing the safety provisions as to ventilation, for example, or storage of dynamite, or any of the other various matters—the kind of ladders, the kind of skips, the kind of hoists that are needed—is to have the kind of inspection envisioned in this bill. Where the State inspector and the Federal inspector go in together, they inspect the mine together, the Federal inspector says, "Look, you are not carrying out the provisions of the Federal statutes," the State inspector then continues to work under his State law. He continues to inspect and enforce the State mine procedures, and if there are superior or better safety regulations, the State inspector enforces those procedures.

Mr. PASTORE. That is absolutely true. But let us assume they both go in, and they find that everything is properly being done; then are we not paying one man unnecessarily? That is my point.

Mr. METCALF. No, then we are fortunate. That may be true in 1966, and in 1967 we will find out there is a violation of that State plan in that very same mine.

Mr. PASTORE. All I wish to say in conclusion is that I shall vote for the amendment. I add only this: Please let us not FBI the country unless it is absolutely necessary.

Mr. MORSE. Mr. President, I judge from what the Senator says nothing can change his mind. But I do not wish the record to stand without at least a reply to one or two of the observations the Senator from Rhode Island has made.

In the first place, when he points out that the Federal Government will have ways and means of finding out without following the procedures in the Federal Coal Mine Safety Act—which, incidentally, the Senator from Rhode Island voted for, and we heard no argument then of the nature he is making here today, in opposition to so-called dual inspection in the coal mines.

But when he says that he seeks to protect the workers, I do not question that. I do not know of anyone more desirous of protecting the workers than the Senator from Rhode Island.

Mr. PASTORE. I certainly am.

Mr. MORSE. But the result of his position will not be the protection of workers, in many instances, because if he is proceeding on the assumption that the Federal Government, under the Javits amendment, will know of any failure within the State because the mines are unionized, I reply that the majority of the gravel and sand operations in this country are not unionized, and a good many of them——

Mr. PASTORE. They are in Rhode Island.

Mr. MORSE. Well, certainly we are not going to adopt a law here this afternoon, I hope, just because conditions are good in Rhode Island.

Mr. PASTORE. No; all I am saying——

Mr. MORSE. We have the record before us, and the record is that in many of the States very deplorable conditions exist, and the adoption of a State plan on paper will not guarantee to the miners that they will receive protection.

But the Federal Government is free to go anywhere, in any State, and make an inspection to see whether or not the State plan is being lived up to. If a violation is found, the Federal inspector calls to the attention of the State the improvements which are necessary.

Mr. PASTORE. I realize that.

Mr. MORSE. Experience shows that there are accidents in a good many of those States, accidents which could be prevented. However, the kind of inspection that we are calling for is preventative.

When the Senator argues concerning whether we will pay both inspectors, my reply is that we ought to be willing to pay both inspectors if that provides a stronger safety system.

Mr. PASTORE. Whether it is necessary or not.

Mr. MORSE. All I can reply to the Senator is that the coal mine safety program, for which the Senator voted, provides a double inspection system. It is a very sound procedure for us to follow in order to afford the maximum possible assurance to these workers, that we have both the Federal and State Governments maintaining surveillance over working conditions.

Mr. PASTORE. The Senator from Rhode Island has the highest respect for the point of view of the senior Senator from Oregon. I hope that he reciprocates and renders the same to me. It is not because I do not understand the situation. I understand what the law would do. I understand what we are trying to do.

All I say is that in my own State we are very careful. We maintain about the highest level of standards to protect our workers, no matter where they work. I merely say that insofar as I am concerned, I think the dual inspection is just a waste of money in Rhode Island. That may not be true somewhere else. That is the reason that we have this provision. There is nothing frivolous about the amendment.

Where a State is willing to protect its workers on its own and live up to the standards promulgated by the Federal Government, why should we have to waste money by sending in two inspectors when one inspector could do the job?

Mr. MORSE. We have no assurance that Rhode Island will have the same conditions in effect 5 or 10 years from now. Rhode Island, as well as every other State, ought to welcome the cooperative program that the bill provides with the Federal Government, and not take the position that we ought to throw the Federal Government out as far as inspection is concerned merely because the State thinks it will always protect their citizens.

The Senator from Rhode Island is no longer Governor, and I do not know who the future Governors will be. But I know that this kind of inspection on the basis of the record shows the desirability for protecting human life and limb.

Mr. PASTORE. That is true. But I do not know who the next Secretary of the Interior is going to be.

Mr. MORSE. We would have the States to check on him. That is why a dual system is so sound.

Mr. JAVITS. Mr. President, the Senator from Rhode Island, with his usual, cogent insight, recognized two things. He recognized the existence of the role of the minority and the need for autonomy, the real issue involved here. I am pleading for autonomy in which the worker is fully protected.

With all respect, I am also pleading for the role of the minority. I think the duty of the minority is to pick up things like this in legislation in order to afford an opportunity to correct them.

I believe that the whole process of government is materially improved if the majority has an open mind on the subject and understands that the administration or those concerned with the administration may miss a very important point. I think that has been illustrated in this debate. I think that the Senator from Rhode Island has clearly punctured the balloon with his answer to the argument concerning the future of the administration.

The Senator from Rhode Island asked about the future of the Federal administration. The essential point is, that a tougher standard is provided for the States in this amendment than is provided for the Federal Government. There is no assurance whatever provided in the bill that the Federal Government will have the qualified personnel necessary for the enforcement of the standards. However, there is a mandatory requirement that before a State plan can be approved the State must have the necessary qualified personnel for the enforcement of such standards. The Secretary of the Interior is not bound by whatever a State might tell him. Indeed, my amendment provides:

> The Secretary shall, on the basis of reports submitted by the State agency and his own inspection of mines, make a continuing evaluation—

The Secretary is not shut out from the mines. The only thing that is not enforced is the coal mining safety scheme of dual inspection, which the senior Senator from Oregon has now admitted is the purpose of the bill as reported.

The majority has not even followed the coal mining safety scheme which provided for dual inspection. They have not provided for the breaking of a deadlock as is done in the Coal Mine Safety Act. Under the Coal Mine Safety Act, if the two inspectors do not agree, they may go to a U.S. district judge and get a third inspector appointed. That is not provided for under the pending bill.

The majority has not even followed the coal mine safety scheme. But, be that as it may, the Senator from Rhode Island has quite properly set out the basic issue of State autonomy by which every safeguard can be put into a law in order to protect autonomy, and still fully protect the worker.

I say with all due respect to the senior Senator from Oregon that no guarantee is provided against accidents because of the dual inspection system. Coal mines have not been accident-free since the Coal Mine Safety Act has been in effect.

It seems to me that the scheme of the law as we have it with this amendment would be effective for the purpose. It will make for a very marked reform and progress and will at the same time give the States a legitimate role, where they have a legitimate role to play.

For those reasons, the amendment should be agreed to.

Mr. MORSE. Mr. President, let me say to my friend, the senior Senator from New York, that of course we will have accidents, no matter whether we have inspectors or not. But we will have fewer accidents with inspection because the inspections are preventative.

It is perfectly clear that if the State and Federal inspectors go into a mine, they can see the danger ahead of time if preventative measures are not taken. Inspection is very important.

I say good naturedly to my friend, the senior Senator from Rhode Island, that his State is not a very good measuring rod that the Senate ought to follow this afternoon in regard to the pending bill. For example, including all the operations that would be under the jurisdiction of the bill, including the sand and gravel pits, there would be 34 operations with a total of 214 employees in the whole State of Rhode Island. It is not more than a pebble on the beach in comparison.

Rhode Island rates 8 percent on the 100-percent scope rating. It is 8 percent as far as having the applicable standards and objectives that we have in mind in connection with the type of inspection program that ought to exist.

Rhode Island is a State that is not presented with the problems of States in which there are thousands of employees and large and expansive operations which would fall under the jurisdiction of the bill.

I am not going to let the almost de minimis operations of Rhode Island be considered by me as having any weight as to what I ought to do in trying to get the double inspection for accident prevention that I think the provisions of the Federal Coal Mining Safety Act would afford. I do not intend, may I say, to vote this afternoon for what the mine operators are after in this country, which is the provisions of the present amendment, because they obviously consider that to be of advantage to them.

I desire no advantage for the mine operators and no advantage for the workers. I only desire a bill passed that in my opinion is obviously in the public interest. The Federal Coal Mine Safety Act has proved, in my judgment, to be in the public interest.

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

Mr. MORSE. I yield.

Mr. JAVITS. I should like to say a word about the matter of the mine operators that the Senator from Oregon has spoken about.

I have not been in touch with any mine operators, and I am not being motivated by mine operators, and my strings are not being pulled by mine operators. But quite apart from that, suppose they were—suppose the mine operators did represent something. Is there some anathema about the fact that the Senate can listen to mine operators, as well as mine workers, as well as other individuals? Are they second-class citizens? If they make a good suggestion, I shall be for it. I am not afraid of the fact that it comes from the mine operators.

This matter is quite beyond the amendment. I am not intimidated by the fact that that is what they may want. Maybe it is good. If so, I shall look at it objectively; and if I think it is good, I shall be in favor of it.

Mr. MORSE. The Senator from New York is laboring under the impression that I think he is controlled by the mine operators. Nothing in my statement would justify his concern about that. I listen to them, too. I listen to the representatives of the unions, too. When they have someting good, I shall give my support to it.

I have reached a valued judgment. I believe both parties are wrong. I believe the better solution is the solution that better represents the public interest, by providing for the dual inspection system of the Coal Mine Act.

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

Mr. MORSE. I yield.

Mr. JAVITS. I did not draw the implication from the statement of the Senator from Oregon that I was necessarily controlled or that I was sensitive on that point. I was stating a general proposition.

As an argument, the Senator from Oregon said that this is what the mine operators seek, and therefore it is wrong; that they are attempting to get the inside track with the State. I was answering the point that even if they do want it—maybe they want it selfishly. Labor wants many things selfishly, too. They may be good. If so, I shall be in favor of them. I am not inhibited, ipso facto, by the fact that they want something.

Mr. MORSE. I listened to them, also, and I came to the conclusion that they desire this program because they believe it would be to their advantage, that it would give them a more lax safety procedure, and that it would be less costly to them than the procedure which is being offered. That is why I rejected their proposals. I do not think those proposals are in the public interest.

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

Mr. MORSE. I yield.

Mr. JAVITS. It is not their position. But whatever it may be, I believe their position—the argument has demonstrated it—is as sound as can be obtained under the federal system, and still give some honor to the federal system.

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

Mr. MORSE. I yield.

Mr. DOMINICK. Mr. President, I support what the Senator from New York has said.

The Senator from Oregon has replied that Rhode Island's laws are only 8 percent in compliance with the proposed standard. Colorado has 91. It has led the way, and has created many of the standards. Colorado is described by the Bureau of Mines report as the best mine safety State in the entire country, and it will be wiped out under the provisions of the bill, unless we adopt the amendment of the Senator from New York.

What incentive is there for any State to put its own program into effect and to attempt to develop its own mine safety program? It will be effectively eliminated anyway.

The bill, as it has now been developed, would not result in any additional safety, nor does it provide incentive to any State to develop its own program. We do not have uniform inspection standards, and we do not have enough inspectors to do the inspection provided by the bill.

Mr. MORSE. In reply, I wish to say that Colorado's mine safety program will not be wiped out; it will continue with its program. It will strengthen its program over the years, just as every State has done under the coal mine safety program. The Federal Government has not wiped them out. They have continued to develop their programs. By developing their programs in conjunction with the arrangements that are made between the Secretary of the Interior and the States, the Federal costs are kept down. Were it not for the State programs, the program would be much more expensive. The Federal Government must be included, in order to do some of the inspecting and to keep check on the States.

Mr. FANNIN. Mr. President, I hope my colleagues will support this amendment.

In passing H.R. 8989, the House of Representatives, without a dissenting vote, incorporated into the bill a section—section 13 in the House-passed bill—establishing a State plan. Under this provision, a State, if it meets certain specific criteria spelled out in the legislation, would be permitted to assume the responsibility for inspection and enforcement of Federal safety standards under the act.

Far from weakening the legislation, this provision strengthened it. Such a State plan is designed to encourage States to expand and increase their safety programs. It will insure more frequent inspections by qualified personnel who are intimately familiar with the problems of the particular area involved. I know from experience in my own State of Arizona.

The sponsors of this provision in the House clearly recognized its importance. This section was described on the House floor as "an unusual and imaginative

feature." During the House debate, Representative O'HARA of Michigan, the bill sponsor, said that this provision:

Sets forth two alternative routes toward the accomplishment of the same goal: improved health and safety conditions in our mining industry. In effect, each State is offered the option of choosing between its own State enforcement, and Federal enforcement, of adequate standards—and, indeed, each State is encouraged to opt for State enforcement. This bill, therefore, will not necessarily lead to direct enforcement of mine health and safety standards by Federal authority in any State of the Union. The decision is left to each individual State, and each State is invited to take upon itself the responsibility that must otherwise be shouldered by Federal authority.

Representative O'HARA goes on to state:

The responsibility of the Secretary of the Interior does not, of course, entirely cease upon his approval of a State plan. He will be required to make a continuing evaluation of the manner in which the plan is carried out, to assure that the State continues, over the years, to provide necessary financial resources, competent personnel, and conscientious administration.

The Subcommittee on Labor of the Senate Labor Committee carefully considered this provision both in its open hearings on the legislation and in executive session. In reporting the measure to the full committee, it reported this section without recommendation but with perfecting amendments designed to further strengthen the workability of a State plan.

However, the measure reported by the full committee totally eliminated this plan and substituted for it a State plan similar to that contained in the Federal Coal Mine Safety Act. But it should be noted that this plan is not identical to the one found in the Federal Coal Act, because it omits one vital provision of that plan. The key provision of the State plan reported by the full committee is subsection (e) of section 16, which states:

No inspection of a mine shall be made by a representative of the Secretary under this act in any State in which a State plan is in effect unless a State inspector participates in such inspection in accordance with such plan, except where, in the Secretary's judgment, an inspection is urgently needed to determine whether a danger described in section 8(a) exists in such mine, and participation by a State inspector would unreasonably delay such inspection.

But what happens if the Federal inspector and the State inspector disagree on the question of whether or not a mandatory standard has been violated? This bill is silent on this point. The Federal Coal Mine Safety Act, however, contains the following provision—(2), (3), subsection (e), section 203:

No order shall be made pursuant to subsection (c) of this section with respect to a mine in a State in which a State plan approved under section 202(b) is in effect unless a State inspector participated in the inspection on which such order is based and concurs in such order, or an independent inspector appointed under paragraph (3) concurs in such order. If the State inspector does not concur in such order, the operator of the mine, the duly authorized representative of the Bureau who proposes to make such order, or the State inspector may apply within 24 hours after the completion of the inspection involved, for the appointment of an independent inspector under paragraph (3). Within 5 days after the date of his appointment, the independent inspector shall inspect the mine. The representative of the Bureau and the State inspector shall be given the opportunity to accompany the independent inspector during such inspection. If, after such inspection is completed, either the independent inspector or the State inspector concurs in the order, it shall be issued.

Within 5 days after the date of receipt of an application under paragraph (2) of this subsection, the Chief Judge of the United States district court for the district in which the mine involved is located (or in his absence, the clerk of such court) shall appoint a graduate engineer with experience in the coal-mining industry to serve as an independent inspector under this subsection. Each independent inspector so appointed shall be compensated at the rate of $50 for each day of actual service (including each day he is traveling on official business) and shall, notwithstanding the Travel Expense Act of 1949, be fully reimbursed for traveling, subsistence, and related expenses.

This omission, vital as it is, is not the fundamental reason that mitigates against the workability of this so-called State provision. The very purpose of a State plan is to encourage the various States to increase their activities in the field of metal and nonmetallic mine safety. The experience under the Federal Coal Mine Safety Act clearly demonstrates that the State plan contained in that act has failed in accomplishing this purpose. Only six States have seen fit to qualify under this plan: Alaska, Wyoming, Washington, North Dakota, North Carolina, and Oklahoma. It is readily apparent that most of the major coal-producing States are not included in this group.

The inhibiting factor in this plan is its requirement for joint Federal-State inspections. Quite obviously this creates a needless duplication of effort, both from the standpoint of State inspection agencies and the Federal Government.

The State plan contained in H.R. 8989, as passed by the House and as proposed in this amendment, is an effective and fully workable provision. The provision contained in the bill before you now will only result in the various States taking the attitude of "let the Federal Government go ahead and carry through this program." In order to encourage greater State activity in the field of mine safety and assure that qualified inspections will be made by qualified inspectors who know and understand the area to which they are assigned, I urge that this amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. JAVITS]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. INOUYE. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from New York [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], and the Senator from Georgia [Mr. RUSSELL], are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER] is absent because of illness.

I further announce that the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from Alabama [Mr. HILL], the Senator from South Carolina [Mr. RUSSELL], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. HARRIS], the Senator from Wisconsin [Mr. NELSON], the Senator from Louisiana [Mr. LONG], and the Senator from Arkansas [Mr. FULBRIGHT] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. CURTIS], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] and the Senator from Massachusetts [Mr. SALTONSTALL] are detained on official business.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from Nebraska [Mr. CURTIS], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 41, nays 39, as follows:

[No. 108 Leg.]

YEAS—41

Aiken	Fannin	Mundt
Allott	Fong	Pastore
Bennett	Griffin	Pearson
Boggs	Hickenlooper	Prouty
Byrd, Va.	Holland	Robertson
Case	Hruska	Scott
Cooper	Javits	Simpson
Cotton	Jordan, N.C.	Smith
Dirksen	Jordan, Idaho	Stennis
Dodd	Kuchel	Talmadge
Dominick	Lausche	Thurmond
Eastland	McClellan	Williams, Del.
Ellender	McIntyre	Young, N. Dak.
Ervin	Miller	

NAYS—39

Anderson	Inouye	Morse
Bartlett	Jackson	Moss
Bayh	Kennedy, Mass.	Neuberger
Bible	Long, Mo.	Pell
Burdick	Magnuson	Proxmire
Byrd, W. Va.	Mansfield	Randolph
Cannon	McCarthy	Ribicoff
Church	McGee	Smathers
Clark	McGovern	Symington
Douglas	Metcalf	Tydings
Gruening	Mondale	Williams, N.J.
Hart	Monroney	Yarborough
Hayden	Montoya	Young, Ohio

NOT VOTING—20

Bass	Hartke	Nelson
Brewster	Hill	Russell, S.C.
Carlson	Kennedy, N.Y.	Russell, Ga.
Curtis	Long, La.	Saltonstall
Fulbright	Morton	Sparkman
Gore	Murphy	Tower
Harris	Muskie	

So Mr. JAVITS' amendment was agreed to.

Mr. JAVITS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

Mr. MORSE. Mr. President, I ask for the yeas and nays on the motion to reconsider.

The yeas and nays were ordered.

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

Mr. MANSFIELD. Mr. President, will the Senator from Oregon withhold his request?

Mr. MORSE. Mr. President, I withdraw my request for the call of a quorum.

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

The question is on agreeing to the motion to reconsider the vote by which the amendment was agreed to.

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from New York [Mr. KENNEDY], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Georgia [Mr. RUSSELL], and the Senator from Mississippi [Mr. STENNIS] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER] is absent because of illness.

I further announce that the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from Alabama [Mr. HILL], the Senator from South Carolina [Mr. RUSSELL], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. HARRIS] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. CURTIS], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] and the Senator from Massachusetts [Mr. SALTONSTALL] are detained on official business.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from Nebraska [Mr. CURTIS], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Texas [Mr. TOWER] would each vote "nay."

The result was announced—yeas 42, nays 38, as follows:

[No. 109 Leg.]

YEAS—42

Anderson	Hart	Montoya
Bartlett	Inouye	Morse
Bayh	Jackson	Moss
Bible	Kennedy, Mass.	Neuberger
Burdick	Long, Mo.	Pell
Byrd, W. Va.	Long, La.	Proxmire
Cannon	Magnuson	Randolph
Church	Mansfield	Ribicoff
Clark	McCarthy	Smathers
Dodd	McGee	Symington
Douglas	McGovern	Tydings
Eastland	Metcalf	Williams, N.J.
Fulbright	Mondale	Yarborough
Gruening	Monroney	Young, Ohio

NAYS—38

Aiken	Fong	Mundt
Allott	Griffin	Pastore
Bennett	Hickenlooper	Pearson
Boggs	Holland	Prouty
Byrd, Va.	Hruska	Robertson
Case	Javits	Scott
Cooper	Jordan, N.C.	Simpson
Cotton	Jordan, Idaho	Smith
Dirksen	Kuchel	Talmadge
Dominick	Lausche	Thurmond
Ellender	McClellan	Williams, Del.
Ervin	McIntyre	Young, N. Dak.
Fannin	Miller	

NOT VOTING—20

Bass	Hayden	Russell, S.C.
Brewster	Hill	Russell, Ga.
Carlson	Kennedy, N.Y.	Saltonstall
Curtis	Morton	Sparkman
Gore	Murphy	Stennis
Harris	Muskie	Tower
Hartke	Nelson	

So the motion to reconsider the vote by which the amendment was agreed to was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from New York.

Mr. JAVITS. Mr. President, is the amendment debatable?

The PRESIDING OFFICER. It is.

Mr. JAVITS. I would like to be recognized to debate it.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I think often we vote these matters with very few Senators in the Chamber and in the absence of any real knowledge of what we are asked to vote on, and the tendency is to follow party lines or what we consider allegiances of the minority or majority, rather than on the merits of the issue. I submit that on its merits, this amendment should be adopted. It will follow the pattern of this legislation. It will make it a much better bill.

I shall bear the burden of convincing Senators of that statement if the Senate will bear with me for less than 5 minutes.

The bill before us is one to regulate safety of mines other than coal mines.

The question to be resolved is what is the best way to protect the safety of mines, the most economic as well as the most efficient way.

There is no question about the bill vesting authority in the Secretary of Interior to promulgate standards of health and safety for all the mines. The question is, When, if at all, shall a State be entitled, if it shows itself capable of doing so, to take over the administration of the safety standards promulgated by the Secretary of the Interior?

My amendment provides that if a State is qualified to do so, by its organization and personnel, and satisfies the Secretary that it is able to enforce the standards which he has promulgated, it will take over the administration of the safety standards.

The bill before us provides for dual inspection by the Federal Government and the State authorities. The essence of the amendment is that dual inspection is completely unnecessary, the safety standards being so tight that if the Secretary does not approve a State plan, he then proceeds to take over the inspection. And if he first approves the plan and then ascertains that the standards are not being followed, he can revoke the approval of the State plan and then do the inspecting.

This is the essence of the Federal-State system. The bill is a hybrid. It follows the coal mine safety plan, although not entirely, because the coal mine pattern provides for joint inspection, and for a third inspector if the two cannot agree. The pending bill does not provide for breaking a deadlock.

But the critical difference between what is planned for noncoal mine inspection and what we already have for coal mine inspection is that in coal mine inspection we are dealing with a relatively small number of States. In this bill, we are dealing with every State, because every State has some mining operations, even though it be only sand and gravel. When we have such widespread operations, let us not defer to the Federal Government as being the most efficient way to do it. The Federal Government will have 85 inspectors. It is inconceivable—knowing how the Government operates—if the bill as proposed is passed and the States are not given the authority to do it when they are able and qualified to take over effective administration of the bill, that the job will be done effectively. There will be a material expansion of the Federal Establishment. But as the Senator from Rhode Island [Mr. PASTORE] has said, it is unnecessary.

The amendment is even tougher than the bill. The amendment requires the personnel of the State to be ready, willing, and able to do the job. The bill does not require that of the Federal Government. The Secretary of the Interior does not have the staff or facilities now, and he cannot have them unless Congress appropriates money for them. But if the State is to take over the inspection, under my amendment, it must be fully qualified to do so. Then the Secretary may select States such as New York, California, Rhode Island, and perhaps other States that are qualified to do it. Many States may not be qualified, in which case the Secretary of the Interior will administer the law.

I think we ought to vote to permit the States that are qualified to do the inspection.

There is no predilection on my part to thwart the passage of the bill. I am as liberal as anyone here, as I am sure Senators know, but where there is compatibility between the Federal system and Federal-State system, I think we ought to adopt the one which is more efficient. What is the Federal system for if it is not to encourage the adoption of the more efficient system?

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

Mr. JAVITS. I yield.

Mr. PASTORE. In any event, the standards promulgated must meet the Federal standards and be approved by the Secretary of the Interior before any State can do the job. Is that correct?

Mr. JAVITS. Absolutely.

Mr. PASTORE. If it fails in any way, the Secretary can, ex parte, move against any State and bring in his own inspector. Is that correct?

Mr. JAVITS. Yes.

Let me complete my statement. I am not unsophisticated politically. I think there are times when it is the duty of the minority to make proposals which will help the majority to keep its "eye on the ball" and to correct errors. I do not think there should be an attitude of merely sweeping things under the rug, when they should be adopted, merely because they are proposed by members of the minority. I think if members of the minority offer amendments that are good, the majority ought to vote for them, and not oppose them merely because they come from this side of the aisle. I do not do that, and I hope the Senate does not do it, either.

My amendment is a deserving change in the bill that I think should be adopted.

Mr. MORSE. Mr. President, the amendment offered by the Senator from New York was offered and rejected by the committee. The unions wanted no State inspections at all. Then we took the position that what the Senate adopted on March 26, 1966, by way of an inspection program for the coal industry was also sound for this industry. That is what Senators voted on March 26 when the Senate adopted the coal mine amendments.

Under the bill the committee brings out, the Secretary of the Interior has authority to enter into agreements, contracts, and arrangements with States for cooperative programs for the States to administer inspection systems, but with the very important check of the right of the Federal Government to go into the States and make inspections.

Unless the Federal Government can make inspections, the accident rate will grow. It is good for the Federal Government to be able to make inspections under the dual system, because it has worked so well in the coal area.

The Senator speaks of the Federal inspectors. But let me refer to page 436 of the hearings:

> Experience gained over the past 24 years under the Federal coal mine inspection program reveals that an inspector completes an average of 60 inspections per year. On this basis, a force of 85 inspectors would make 5,100 inspections per year. This would mean that each of the 1,500 underground mines could be inspected at least two times a year, with leeway to inspect recalcitrant operations more often and that each of the 800 larger open-pit mines could be inspected once a year with leeway to inspect recalcitrant open cut operations.

These inspectors cooperate with the State inspectors under the coal mine arrangement.

But what does the record of the hearings show? It shows that in the mining industry, there are many States with exceedingly low standards. The procedure that we are urging will help raise those standards.

Although the unions did not want any State inspection, and management wanted only State inspection, we feel that the proposed dual inspection is highly preventive of accidents. The Senator from New York pointed out one difference between this bill and the coal mine bill, but that difference will not exist after today.

Under this bill, where an approved State plan exists, the Federal Government does not go in without offering the State the right to come in to join them with a State inspector, so that any controversy as to what the situation is will be checked by the State.

The only time that the Federal Government can go in without a State inspector is when there is some imminent danger. The Federal Government should be in a position to inspect on its own when there is an imminent danger. If there is not a closeby State inspector, then the Federal Government can go in alone.

But let us assume that subsequently the State says there is not an imminent danger. Although the Secretary's ruling will prevail until the difference is resolved, under the Federal Coal Mine Safety Act, they resort to the Federal district judge in the area to appoint a third person to make a decision on the facts. And under an amendment which will be offered before the afternoon is over, this bill will be brought on all fours with the coal mine bill.

But, Mr. President, we are looking at a situation here in which the record of the hazards and the injuries lead me to believe that we cannot justify turning enforcement over to the States with no compatible concomitant Federal check by way of an inspection. It is this so-called dual inspection referred to by the Senator from New York that gives us the preventive check that is so important.

I close by saying again, as I said in committee and have stated earlier today, we have a responsibility to exercise those safeguards legislatively that will give to the workers the greatest assurance of a preventive system that will stop loss of life and damage to limb. We have a program working in the coal mines area. We have that experience to rely upon. The same argument could be made in regard to the coal mines, Mr. President, but we have learned the advantage of the dual check.

It does not follow, as some of the proponents of the amendment would give the impression, that dual inspection would lead to a great deal of duplication. What happens in actual practice is that the State inspectors inspect a good many mines and the Federal inspector inspect a good many mines, but not always the same mines. Only when a controversy develops, or the allegation is made that there is some danger in a particular mine, will the inspector go in on the imminent danger theory and make the inspection without a State inspector, if one is not available.

All I wish to say as I close is that if Senators wish to vote for a program which has worked, if they wish to vote for a program which is a fair compromise between the two positions in this case—we rejected the unions' position and we rejected management's position, as the Senator from West Virginia, who ably supported me in this compromise and who comes from a great mining State, will tell you—then support your committee. The Javits amendment was defeated in the committee. We believe the committee has performed a very worthwhile service in preparing the bill which we offer.

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

Mr. MORSE. I yield to the Senator from West Virginia.

Mr. RANDOLPH. I wish to commend the able manager of this legislation upon the clarity of his explanation.

There is no conflict between Federal and State authorities embodied in the legislation here proposed. With reference to the partnership, that is exactly what it is, a partnership in the prevention of accidents in the hazardous mining operations, which exist not only within the coal mining industry, but in metallic and nonmetallic mines as well.

Both the Senator from Oregon and the Senator from New York know that this is a matter which was not passed over lightly in the subcommittee or in the full committee. It was clearly and adequately debated. And I repeat, what the bill provides is a partnership, and in no way conflicts the Federal and the State Governments.

Mr. JAVITS. Mr. President, I do not wish to take much of the Senate's time, but there are two points which need to be made clear. One is that the amendment I have proposed is essentially the amendment which was enacted in the House, except that the House bill as passed provided for judicial review. Here the provision for judicial review has been omitted, to buttress the idea that the Secretary shall have complete authority in passing on State plans.

Second, my amendment does not deprive the Secretary of authority to make spot inspections. It specifically says, at page 3, lines 17 and 18, that the Secretary may make spot inspections.

The real issue between the Senator from Oregon and myself is the question of autonomy, where autonomy is practical and will fully protect the objective of the Federal law; and duality, where duality, in my judgment—and I have argued that to the Senate—is duplication rather than duality.

The fine word "partnership" cannot disguise the fact that it is duplication in those States which are ready, willing, and able to meet their responsibility; and, indeed, they are called upon for a higher standard, even, than the Federal Government under my amendment. As I pointed out, they must have the people ready, able, and willing to do the job.

I believe the amendment should be agreed to. Therefore, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I will be very brief. I merely wish to reply to some of the comments made by the distinguished Senator from Oregon.

There is one big difference between this bill and the coal mine safety bill. The Coal Mine Safety Act has been in effect for a long period of time. This bill has never been in effect; and the undisputed testimony before the committee was that the Interior Department did not have health and safety standards already developed, that they did not have inspection procedures already developed, and that they had only 40 inspectors. So I would remind the Senate that this is a different situation than exists under the Coal Mine Safety Act. I think that

we should agree to the amendment, and allow those States which are able to make the inspections meeting with the approval of the Secretary, to take over that role.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. TYDINGS in the chair) (after having voted in the affirmative). The Chair withdraws his vote. On this vote the Chair has a pair with the junior Senator from Wisconsin [Mr. NELSON]. If he were present and voting, he would vote "nay." If the Chair were at liberty to vote, he would vote "yea." The Chair withholds his vote.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Tennessee [Mr. GORE], the Senator from New York [Mr. KENNEDY], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER] is absent because of illness.

I further announce that the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from Alabama [Mr. HILL], the Senator from South Carolina [Mr. RUSSELL], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. HARRIS] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. CURTIS], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] and the Senator from Massachusetts [Mr. SALTONSTALL] are detained on official business.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from Nebraska [Mr. CURTIS], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 40, nays 41, as follows:

[No. 110 Leg.]

YEAS—40

Aiken	Fong	Pastore
Allott	Griffin	Pearson
Bennett	Hickenlooper	Prouty
Boggs	Holland	Robertson
Byrd, Va.	Hruska	Scott
Case	Javits	Simpson
Cooper	Jordan, N.C.	Smith
Cotton	Jordan, Idaho	Stennis
Dirksen	Kuchel	Talmadge
Dodd	Lausche	Thurmond
Dominick	McClellan	Williams, Del.
Ellender	McIntyre	Young, N. Dak.
Ervin	Miller	
Fannin	Mundt	

NAYS—41

Anderson	Hayden	Montoya
Bartlett	Inouye	Morse
Bayh	Jackson	Moss
Bible	Kennedy, Mass.	Neuberger
Burdick	Long, Mo.	Pell
Byrd, W. Va.	Long, La.	Proxmire
Cannon	Magnuson	Randolph
Church	Mansfield	Ribicoff
Clark	McCarthy	Smathers
Douglas	McGee	Symington
Eastland	McGovern	Williams, N.J.
Fulbright	Metcalf	Yarborough
Gruening	Mondale	Young, Ohio
Hart	Monroney	

NOT VOTING—19

Bass	Hill	Russell, Ga.
Brewster	Kennedy, N.Y.	Saltonstall
Carlson	Morton	Sparkman
Curtis	Murphy	Tower
Gore	Muskie	Tydings
Harris	Nelson	
Hartke	Russell, S.C.	

So Mr. JAVITS' amendment was rejected.

Mr. FANNIN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 16, line 13, strike out "coal or lignite" and substitute "coal, lignite, gravel, or sand".

On page 16, line 20, strike out "coal or lignite" and substitute "coal, lignite, gravel, or sand".

Mr. FANNIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

LIMITATION ON DEBATE

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

Mr. FANNIN. I yield.

Mr. MANSFIELD. Mr. President, I have discussed the possibility of a consent agreement with the distinguished Senator from Arizona [Mr. FANNIN], the distinguished Senator from Colorado [Mr. DOMINICK], and the distinguished minority leader [Mr. DIRKSEN], and I am about to propound a unanimous-consent request which I hope the Senate will look upon with favor.

I ask unanimous consent that there be a time limitation of 40 minutes on the pending measure, one-half to be under the control of the distinguished Senator from Arizona [Mr. FANNIN], and the other half to be under the control of the distinguished Senator from Oregon [Mr. MORSE].

Mr. COTTON. Reserving the right to object, I would like at least 5 or 8 minutes.

Mr. MANSFIELD. The Senator from New Hampshire will receive the time.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. FANNIN. Mr. President, I yield myself 5 minutes.

Mr. President, my proposed amendment is a simple one. It would exempt from the provisions of the act the sand and gravel industry. I offered the amendment in committee and it was discussed extensively. I believe that a specific exemption in the law should be provided.

The sand and gravel industry consists of a large number of small companies extracting materials from loose deposits by digging pits which are generally shallow in nature. Sand and gravel is a surface mining operation. Underground work is not involved and explosives are not used. Extraction is accomplished by power shovels, cranes, front-end loaders, and similar equipment, and, on occasion, dredges. The processing operations consist of washing, screening, separation of deleterious particles, and, to some extent, crushing of oversized materials. The market for these materials must be within close proximity to the operations, generally less than 20 miles.

In 1963, the most recent year for which Bureau of Mines figures are available, 5,835 plants in the United States were producing commercial sand and gravel. Almost 60 percent of these plants produced less than 50,000 tons of material in that year. The average plant employed only seven men. In other words, the industry contains no large individual plants in terms of personnel exposed to catastrophic hazards.

H.R. 8989 calls for the promulgation and enforcement of safety standards for every segment of the mining industry. The task of applying these safety standards to the sand and gravel industry would be a difficult one. While the bill does not call for annual inspection of sand and gravel pits, they are nevertheless included in the application of the proposed legislation. The bill would not improve or contribute to the improvement of safety conditions in the sand and gravel industry, which must, by its nature, be regulated from a State or local basis. Although the application of this proposed legislation is limited to mines engaged in interstate commerce, under current constitutional interpretation, any sand and gravel producer who sells material used in road construction would be declared to be engaged in interstate commerce, although there are very few producers who actually ship material across State lines. Practically all sand and gravel producers sell material used in road construction. Indeed, many road contractors, and State and local governments as well, produce sand and gravel from roadside borrow pits for use in road construction.

The operations of a sand and gravel producer are essentially the same as a road contractor or, indeed, any construction company which excavates the earth and hauls the material away. In terms of hazards, therefore, a sand and gravel operation is more akin to a construction job than to a mining operation. Accordingly, it is inappropriate to include this industry under a Federal law which is designed to regulate safety in the mining industry. It is best regulated by existing State and local codes applicable to manufacturing and construction operations which contain hazards similar to those encountered in this industry.

Mr. President, I commend the Senators who have spoken so eloquently this afternoon on safety. We all have the same objective. The question is, How can we achieve the greatest safety for our workers?

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

Mr. FANNIN. I yield myself 2 more minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. FANNIN. If the problem is continuous inspections, this could be brought about by other legislation. In many instances, both Federal and State agencies are involved in the operation and in the control of sand and gravel pits—the Bureau of Public Roads, our highway departments, in many cases local governments.

If the desire is to provide continuous inspections, this can be easily accomplished by putting safety legislation under the jurisdiction of one of those departments or of both the State and the Federal Government.

No one wants a hit-or-miss program. I believe that the sand and gravel pits should be eliminated from the proposed legislation, and covered under other legislation or under legislation enacted by the States or the local governments.

Mr. President, in my opinion, this is the question: How can we best carry through a safety program?

Mr. MORSE. Mr. President, I yield myself 10 minutes.

The proposed amendment was rejected by the subcommittee and the full committee. This amendment deals with the protection of the lives and the safety of workers in the most hazardous industry next to underground mining in this country. The dangers of sand and pit operations are clearly established by data on pages 130, 131, 211, and 212 of the hearings.

I call attention to page 212. It will be noted that the rate of injury for sand and pit operations is next to that of underground mining.

It has been stated that the bill would require an army of inspectors to inspect the mines covered by the bill, including approximately 6,000 sand and gravel pits. I reiterate that the bill in no instance requires the inspection of sand and gravel pits. It only requires the inspection of underground mines, which number approximately 1,500.

The Department submitted a statement to the committee, to which I referred a few moments ago, making clear that those 80 inspectors would have no difficulty in inspecting the 1,500 underground mines. Additional inspectors would be required with respect to sand and gravel pits.

However, I wish to point to the agreement that was reached in committee on what was known as the Javits proposal. It was written into the committee report, because we agreed with the Senator from New York that we should put language in the report that would make clear that the Secretary can enter into arrangements with an industry that shows freedom from a high accident rate. Proponents of the amendment would delete sand and gravel pits from the bill, and claim that the administration cannot administer the program.

I call attention to the two largest States—California and New York. Both these States include sand and gravel operations within the jurisdiction of their mine safety codes, because they recognize the hazards of the sand and gravel pits where not properly supervised. Most States do not include these operations.

New York is considered a leading State in coverage of sand and gravel in the country, together with California. Both States are leaders in providing supervision in regard to this industry.

The following appears on page 6 of the report:

> The committee adopted the amendment authorizing the Secretary to decline jurisdiction over certain mining operations after rejecting several amendments offered in the subcommittee and full committee executive consideration of H.R. 8989 to delete entirely or exempt partially sand, gravel, and crushed stone operations. The committee did not agree to such amendments because the results of the study (p. 130 of the Senate hearings) and information in certain Bureau of Labor Statistics tables (pp. 211 and 212 of the Senate hearing) on injury frequency and severity rate conclusively show that the sand and gravel industry is the most hazardous except for the underground coal and mineral mining industries.

I wish to tell the Senate what I think will happen by the adoption of the bill in its present form. You will find the industries working out arrangements with the Secretary of Interior that will not require frequent inspections. But because you have involved the industry which is second in the Nation, so far as hazards from the standpoint of accidents are concerned, I think we would make a great mistake by adopting the amendment of the Senator from Arizona [Mr. FANNIN], I urge its defeat.

Mr. DOMINICK. Mr. President, will the Senator from Oregon yield for a question?

Mr. MORSE. I yield.

Mr. DOMINICK. Does the Senator from Oregon know whether or not the Secretary of the Interior or the Bureau of Mines has set up health and safety standards and inspection procedures for sand and gravel mines?

Mr. MORSE. I have already told the Senator that as soon as the pending bill is adopted we have the assurance there that they will proceed to produce health and safety standards. They have already made recommendations to State agencies. At the present time they do not have a code that they can lay before us immediately.

What they will do will be to take a good many of the recommendations that they previously made and proceed to give us a code. It will not take much time.

Mr. DOMINICK. Then, the answer is——

Mr. MORSE. The bill requires that they first consult with the advisory committees and the advisory committees in Arizona, Oregon, and other States will confer with them as to what they think will be a fair code for inspection.

Mr. DOMINICK. Then, the answer is that they have been consulting with them on the mines, and they have not had a code there for 20 years or more.

Mr. MORSE. There is no question about the fact that they have a great body of information they can use for consultation, which they will be required to do under the bill.

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

Mr. MORSE. I yield.

Mr. AIKEN. I note that section 3 on page 17 states:

> SEC. 3. Each mine the products of which regularly enter commerce, or the operations of which affect commerce, shall be subject to this Act.

Is that intended as an exemption of the sand pit where a few loads may be sold or loads may be taken without the knowledge of the owner?

Mr. MORSE. No; it is not.

Mr. AIKEN. Certainly, that is not done regularly. But usually when sand is taken from somebody's farm pit it does not affect commerce. Frequently it is taken by the community for the repair of roads. The man who owns the pit may be giving it to the community.

Mr. MORSE. Counsel advises me that there are court decisions which make very clear that the pits to which the Senator refers are covered.

Mr. AIKEN. Every little farm pit is covered. The neighbors' children can stop playing in the sand or the owner is liable for any injuries.

Mr. MORSE. Under the Javits amendment and the language in the bill the Secretary obviously is going to take jurisdiction over this. We have the provision in here which does not require him to take jurisdiction.

Mr. AIKEN. Would he take jurisdiction after an accident occurred?

Mr. MORSE. He would, if he has information that there is a dangerous situation.

Mr. AIKEN. It should be remembered that this is not a situation of 1,700 of those establishments; there are tens of thousands of them in the country.

Mr. MORSE. I am aware of that. Any time he gets evidence that there is an area so lax in safety regulations, he can order an inspection.

Mr. AIKEN. That is on a commercial enterprise. I am speaking of the small sandpit where it is customary for the neighbors to go there and take a load of sand.

Mr. MORSE. Does the Senator mean on a perfectly private operation? That obviously is not included.

But there is the situation where there is a sandpit that is operated on a commercial basis where there is employment of a few people to work in that sandpit. If it can be shown that it is necessary for the Secretary to inspect, he would have the power to inspect.

But under the Javits proposal in the bill, the Secretary has the discretion not to bring that type of pit under his jurisdiction. But he should be allowed to if he finds that the facts warrant the inspection.

Mr. AIKEN. I once owned a farm that had a gravel pit on it. The neighbors would come around there when they wanted sand and gravel and they took it. I do not own it any more and so I feel that I have no conflict of interest.

However, under the pending bill would I have been responsible if any of them or their children came there, became bogged down in the sand, and smothered?

Mr. MORSE. In my opinion, no. I do not think that is covered.

Mr. AIKEN. The owner would not be responsible?

Mr. MORSE. That is covered by the language which the Senator read.

Mr. AIKEN. We are responsible for nearly everything now.

Mr. MORSE. I do not think they would be responsible. It has to be a commercial operation.

Mr. AIKEN. I wanted to hear the Senator say so.

Mr. MORSE. I think that it is important for the legislative history. I am glad to state it. It has to be a business commercial operation; not a situation where a farmer says to a neighbor who wants gravel to put in his barnyard, "Go over and take what you want." That farmer is not liable.

Mr. AIKEN. I agree with the Senator. It would only be the commercial enterprise of sand and gravel.

Mr. MORSE. That is all that is covered.

Mr. AIKEN. It should be covered because certainly we have fatalities every year in almost every community.

Mr. MORSE. Let the legislative history show that if it is noncommercial, it is not covered.

Mr. AIKEN. But suppose they sell only a few dollars worth a year. Would that be commercial?

Mr. MORSE. That would be diminutive. Absolutely not.

Mr. COTTON. Mr. President, will the Senator from Arizona yield?

Mr. FANNIN. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Arizona [Mr. FANNIN] has 13 minutes remaining.

Mr. FANNIN. Mr. President, I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, the idea that sand and gravel pits on the surface are mining operations, from a common sense viewpoint, is almost ridiculous.

I am perfectly ready to cast my vote for a bill that is reported by a committee of the Senate to make more safe the men who go down into the mines in this country, who work underground, and who are subject from time to time to the most shocking accidents, injury, and loss of life.

But when the hand of the Federal Government, under the guise of mining legislation, is stretched to take in the operations of the sand and gravel pits of this country it does violence to commonsense.

The Senator from Arizona [Mr. FANNIN] has very well said that the operation of sand and gravel pits is much more in the nature of roadbuilding and similar types of contract work.

There may be and undoubtedly are reports of injuries, dangers, and hazards. Dangers and hazards exist in many occupations. But the Federal Government, unless it has a phobia for getting its finger into every single pie in this country, should not stretch mining legislation to include activities that are obviously and patently not true mining operations.

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

Mr. COTTON. I will yield in a moment.

I have been informed by telephone from my own State this afternoon that most of those accidents which have occurred over the years in sand and gravel pits have occurred in pits that have been abandoned. Children have played in them, landslides have occurred, and injuries have resulted. I have been unable to ascertain the exact number of such injuries. But I do know, in these circumstances, that there could be no Federal recourse. The bill does not provide, and we could not expect, effective Federal inspection. To do so would mean that the Department of the Interior, in Washington, would have to establish standards for sand and gravel operations. To establish standards for that kind of operation would be a good deal like establishing standards for controlling the sands of the sea.

Those of us who have seen roadbuilding operations know that they open a pit in a certain location one week, 3 weeks later it is closed and another one opened 4, 5, 6, or 8 miles down the highway. It encourages all kinds of activities, including those of farmers who sell a limited amount of sand and gravel, from time to time, from their farms to local highway departments for use on the roads.

While I was listening to the debate, I thumbed through the record of the hearings. I always try to be cautious in criticizing or characterizing anyone, and certainly I do not want to be unjust to individuals; but as I read the testimony of members of the Bureau of Mines in the Department of the Interior, I came to the conclusion that they were about the last people in the world I would want to have sit down in Washington and dream up standards to be applied to the ordinary operations of roadbuilding in the State of New Hampshire. Those standards could not be enforced. They would not be inspected. It would be impossible to do so without a multitude of inspectors and it is not even called for in the bill. About all they would accomplish on this would be that, if an accident occurred and a civil suit followed, some plaintiff's lawyer would come into court with some standards promulgated in Washington and try to establish a prima facie case of negligence against the owner.

Those who employ these people in these operations are insured. Insurance companies are keenly aware of the hazards and conduct their own inspections. Contractors are aware of the hazards and they are aware of the insurance rates as well. They also have some milk of human kindness and solicitude in their minds for the protection of employees. Why, then, this desire to reach into every nook and crevice and drag sand and gravel into this so-called mining bill.

To me, it seems not only illogical and inconsistent but also very much of an injustice. It would lead to careless supervision in establishing standards which, in turn, would be dangerous.

Mr. CANNON. Mr. President, will the Senator from New Hampshire yield?

Mr. FANNIN. Mr. President, before I yield further I should like to make a short statement in regard to some statistical information.

Permit me to state that statistics have been quoted which I believe to be misleading. Not that they are not correct from the standpoint of the record, but I would say that road equipment and truck equipment has perhaps caused most of the injuries which have been involved. Therefore, I would say that we cannot control this trucking equipment under the mine safety bill, but it can be controlled under a highway safety bill, or an industry control bill, where an industrial commission or the agencies of the highway department in a State would have control.

I believe it is important to realize that we are not going to accomplish our objective in this regard.

Mr. COTTON. I am glad to yield now to the Senator from Nevada and apologize for keeping him waiting.

Mr. CANNON. I should like to ask the Senator from New Hampshire if it is not a fact that the Secretary of the Interior himself, in administering the mining laws of this country over which he exercises jurisdiction, has taken the position that sand and gravel is not locatable under the mining laws?

Mr. COTTON. That is my understanding, and I thank the distinguished Senator from Nevada for adding that sterling point to this colloquy.

Mr. President, I commend the Senator from Arizona for his amendment, and I hope that in the interest of justice and commonsense the amendment will be adopted.

Mr. FANNIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Five minutes remain to the Senator from Arizona.

Mr. MILLER. Mr. President, will the Senator from Arizona yield for a question?

Mr. FANNIN. I am happy to yield to the Senator from Iowa.

Mr. MILLER. Is dirt mining covered by this bill? It is my understanding that it is not.

Mr. FANNIN. I do not think so. But it is difficult to determine from the wording in the bill.

Mr. MILLER. I should like to ask the Senator in charge of the bill, the Senator from Oregon [Mr. MORSE], whether earth is covered by this bill? Will the Senator from Oregon be good enough to respond to my question as to whether earth removal is covered by this bill?

Mr. MORSE. If it comes under the definition of sand and gravel pits, it is covered.

Mr. MILLER. I am not talking about sand and gravel. I am talking about——

Mr. MORSE. That is what the bill is talking about, not earth removal.

Mr. MILLER. I am talking about dirt, whether dirt is covered by the bill.

Mr. MORSE. Earth is neither sand nor gravel.

Mr. MILLER. That is what I wanted to bring out. If the bill does not cover it, I am wondering why it covers sand and gravel, because the operations in connection with the removal of dirt for

filling on highway constructions and other types of public works are identical.

Therefore, I believe that the Senator's amendment is perfectly in order.

Mr. FANNIN. Mr. President, further on that subject——

Mr. HOLLAND. Mr. President, will the Senator from Oregon yield? Does the Senator from Oregon have any time left?

The PRESIDING OFFICER. The Senator from Oregon has 10 minutes remaining.

Mr. HOLLAND. Could I ask a question of the Senator from Oregon?

Mr. MORSE. I want to yield most of my time to the Senator from Montana, but I am glad to yield to the Senator from Florida for a question.

The PRESIDING OFFICER. How much time is yielded to the Senator from Florida by the Senator from Oregon?

Mr. MORSE. As long a time as it takes him to ask his question.

Mr. HOLLAND. I wanted to find out whether such operations as borrow pits along the side of a road's right-of-way being constructed by a contractor are covered by the bill which the Senator from Oregon is now handling.

Mr. MORSE. We discussed that point at considerable length in the committee. That is not, at present, involved in the Javits amendment and is covered by the language I cited on page 7, as follows:

> In the experience of some members of the committee, many sand and gravel pits and comparable crushed stone operations operate for a short period of time, often with respect to a particular job such as highway construction. In these situations the Secretary is expected to consider carefully whether his authority to decline jurisdiction should be exercised. He would be expected to exercise his authority to decline jurisdiction if the safety experience warranted it. The committee would expect the Secretary to give controlling weight to the evidence of hazard in such operations in determining whether jurisdiction should be exercised.

This is the area in which the great contribution to accidents comes from. But we are dealing with the sand and gravel industry. They rate second to underground mining in this country in accidents and hazards. Let me say respectfully that the record does not show that most of these accidents are caused by trucks. They are third in the cause of accidents within sand and gravel pits—others are cave-ins, improper timbering—a great many of these sand and gravel type pits have to be timbered for protection and there is great laxity on the part of some companies to protect them. That is why in California and New York they have the best recognized safety code procedure in the country. They have included sand and gravel for years, and that is why it has been helpful in those two States in bringing them far below the average of accidents in this industry in other States.

Mr. HOLLAND. Do I correctly understand the Senator to hold that the bill does cover the operations which I have described?

Mr. MORSE. As long as it is commercial sand and gravel. We think that is made perfectly clear by the Javits language. But suppose there is a contractor who has a terrible record of accidents and he has sand and gravel pits on his road construction. He should be covered. He should be inspected as he establishes sand and gravel pits along the highways. But if he has got a good record, he is not going to be covered.

Mr. HOLLAND. My State happens to be in large part flat, for mile after mile after mile, where there would be required an excavation on each side of the road and borrow pits every quarter of a mile in order to get the necessary grade material. It seems to me unreasonable to cover that kind of operation.

Mr. MORSE. It would be unreasonable if the Secretary insisted on it, but I do not think that is probable.

Mr. FANNIN. Mr. President, I am vitally interested in the safety of the workers, but I think it can better be obtained by other means than through the Bureau of Mines or under this legislation.

We know that commercial enterprises, companies working with the industry, are interested in safety from the standpoint not only of their workers but also from their own standpoint. But the Bureau of Public Roads, especially in the area mentioned by the distinguished Senator from Florida [Mr. HOLLAND], does have jurisdiction and responsibility, and I believe it and the highway departments can best cover that particular area. It is my opinion that it would be highly desirable, if we are to have additional safety legislation, to have it under the jurisdiction of other departments.

Mr. MORSE. Mr. President, I yield the remaining time to the Senator from Montana [Mr. METCALF], but before I do so let me comment that an insurance policy does not bring a person back to life or replace a lost limb. We have to have safety standards, and there must be sound safety measures.

Mr. FANNIN. Mr. President, if the Senator will yield, let me say my point is that it would be better done by turning it over to the highway departments.

Mr. MORSE. They would inspect if there was a bad accident rate. If there was not, the inspector would not inspect.

Mr. FANNIN. The point is that the Bureau of Public Roads should be involved in this procedure. This is its daily activity. An inspector of underground mines is not qualified for this type of inspection.

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

Mr. FANNIN. I yield.

Mr. COTTON. An insurance policy does not bring a person back to life, but an insurance policy does make it possible for the inspector to see what is going on, and that would be more than what would be done under the bill.

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

Mr. FANNIN. I yield to the Senator from Ohio.

Mr. LAUSCHE. The Senator from Oregon has said that New York and California have their own safety laws, including sand and gravel pits. How many other States have laws of their own?

Mr. MORSE. Very few. All the more reason why the Federal Government should have people there to inspect to prevent injuries, when this is the second most hazardous activity.

Mr. FANNIN. Mr. President, if the Senator will yield, the Bureau of Public Roads and the department of highways give protection.

Mr. MORSE. No; not under the code developed under the bill.

Mr. LAUSCHE. Mr. President, I want to reply to what the Senator from Oregon has said. He argues that only the the U.S. Congress knows what is sound, and that the other 48-State legislatures do not know.

Mr. MORSE. That is the Senator's own comment. That is the Senator's fallacious deduction.

Mr. LAUSCHE. That is a correct deduction.

Mr. MORSE. According to the Senator's own sights. The Senator is blind, though.

Mr. LAUSCHE. The Senator is over-intelligent.

Mr. MORSE. I yield now to the Senator from Montana [Mr. METCALF].

Mr. METCALF. Mr. President, I want to go over some of the statistics to remind Senators that this is the second most hazardous industry. These statistics are not statistics of children playing around in pits. They are not statistics of boys playing around abandoned pits. These statistics are from page 133 of the hearings, statistics showing required injury reports.

Handling materials was the most frequent cause of injuries. Handling of materials covered certain specifications, such as conveyor belts, and so forth.

The second most important cause of injuries was slips or falls of persons.

The third most frequent cause was haulage, but not necessarily within the sand and gravel pit itself. These are standard operations within and around the pit. They would be comparable to the same sort of operation as open pit mining.

I know the Senator from Arizona, as a former Governor, is also concerned with mine safety, and is concerned with mine safety at all levels. Certainly he is concerned with open pit operations which are common in his State and mine.

The statistics I have referred to relate to gravel and sand pits.

As the Senator from Oregon [Mr. MORSE] has pointed out, the Secretary is permitted to enter into negotiations with respect to operations of these activities and borrow pits along the road and permit continued highway inspections, but the operations of conveyor belts and huge machinery within the mines are the kinds of activities that have caused the large number of accidents that we are trying to prevent.

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

Mr. METCALF. I yield.

Mr. FANNIN. I recognize the need for safety in those instances. I merely say this is not the place for legislating for such safety. It should be done by other departments. The Bureau of Public Roads is one. There will be a safety bill coming up tomorrow. I think that would be a better safety program for this purpose.

Mr. METCALF. This is certainly analogous to open pit mining. In New York there are 70 inspectors for mine operations, and only 5 of them qualify for deep underground inspections. The other 65 are for operations of this kind, sand and gravel open pits, and highway inspection. In the two States that have the best safety program, they have adopted the same procedure we have adopted in the bill to provide for safety inspection for open mining and gravel and sand pits, as well as for underground mines.

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

Mr. METCALF. I yield.

Mr. PASTORE. How will the Secretary in this particular case exempt certain gravel pits? Will he enter into an arrangement with State authorities, or is it required in every situation that either he or a contractor should come to Washington and work out that exemption?

Mr. METCALF. It does not mean that in every instance he would have to come to Washington to negotiate a contract or arrangement. I read from page 17 of the bill:

> The Secretary may, by published rules adopted pursuant to the Administrative Procedure Act, decline to assert jurisdiction under this Act over any class or category of mines where, in the opinion of the Secretary, either the effect of the operations of such mines on commerce is not sufficiently substantial to warrant the exercise of jurisdiction under this Act, or such exercise of jurisdiction would impair the effective overall realization of the objectives of this Act.

Mr. PASTORE. In other words, is it fair to assume he would assume jurisdiction only in large operations?

Mr. METCALF. From large operations, he would exempt the categories mentioned by the Senator from Florida from regular inspections. Necessarily he would have to, because of the limitation of the number of inspectors put on.

Mr. FANNIN. Mr. President, I yield back the remainder of my time.

Mr. MORSE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Arizona. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished junior Senator from Wisconsin [Mr. NELSON], who is absent on official business by leave and order the Senate. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from New York [Mr. KENNEDY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER] is absent because of illness.

I further announce that the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from Alabama [Mr. HILL], the Senator from Oregon [Mrs. NEUBERGER], the Senator from South Carolina [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. HARRIS], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mrs. NEUBERGER] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. CURTIS], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] and the Senator from Massachusetts [Mr. SALTONSTALL] are detained on official business.

If present and voting, the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Texas [Mr. TOWER] would each vote "yea."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the the Senator from Kansas [Mr. CARLSON]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Kansas would vote "nay."

The result was announced—yeas 35, nays 42, as follows:

[No. 111 Leg.]

YEAS—35

Allott	Ervin	Miller
Bennett	Fannin	Mundt
Bible	Fong	Prouty
Boggs	Griffin	Robertson
Cannon	Hickenlooper	Scott
Church	Holland	Simpson
Cooper	Hruska	Stennis
Cotton	Jordan, N.C.	Talmadge
Dirksen	Jordan, Idaho	Thurmond
Dominick	Kuchel	Williams, Del.
Eastland	Lausche	Young, N. Dak.
Ellender	McClellan	

NAYS—42

Aiken	Inouye	Morse
Anderson	Jackson	Moss
Bartlett	Javits	Pastore
Bayh	Kennedy, Mass.	Pearson
Burdick	Long, Mo.	Pell
Byrd, Va.	Long, La.	Proxmire
Byrd, W. Va.	Magnuson	Randolph
Case	McCarthy	Ribicoff
Clark	McGee	Smith
Dodd	McGovern	Symington
Douglas	McIntyre	Tydings
Fulbright	Metcalf	Williams, N.J.
Gruening	Mondale	Yarborough
Hart	Monroney	Young, Ohio

NOT VOTING—23

Bass	Hill	Neuberger
Brewster	Kennedy, N.Y.	Russell, S.C.
Carlson	Mansfield	Russell, Ga.
Curtis	Montoya	Saltonstall
Gore	Morton	Smathers
Harris	Murphy	Sparkman
Hartke	Muskie	Tower
Hayden	Nelson	

So Mr. FANNIN'S amendment was rejected.

Mr. MORSE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METCALF. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon is recognized.

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

Mr. MORSE. I am in this situation. People have come to me and asked if I was going to ask for any more rollcall votes. I said I was not going to ask for any more rollcall votes. The majority leader was one of those who asked me. I have been advised by the minority leader—and I can be corrected if I am wrong—that some Members on the other side of the aisle have asked for a rollcall vote on passage of the bill.

I do not want anyone to think that I am walking out on my word. As the Senator in charge of the bill, I was not going to ask for a rollcall vote on the final passage. I do not want anyone to think that I am walking out on my word.

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

Mr. MORSE. I yield.

Mr. JAVITS. Mr. President, it was my thought that we could go forward without a rollcall vote. I am the acting minority leader. However, there is a request on this side for a rollcall vote, and as the Senate honors those requests, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, I send to the desk on behalf of myself and the senior Senator from New York [Mr. JAVITS], an amendment on which I shall not ask for a rollcall vote.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. MORSE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

> On page 24, between lines 10 and 11, insert the following subsection:
>
> "(e)(1) If an order is made pursuant to subsection (a) of this section, and a State inspector did not participate in the inspection on which such order is based, the duly authorized representative of the Secretary who issued the order shall notify the State mine inspection or safety agency immediately, but not later than 24 hours after the issuance of such order, that such order has been issued. Following such order the operator of the mine may immediately request the State mine inspection or safety agency to assign a State inspector to inspect the mine. The State agency shall then promptly assign a State inspector to inspect the mine affected by such order and file an inspection report with the Secretary and the State agency. The order of the duly authorized representative of the Secretary shall remain in effect, but shall immediately be subject to review as provided in this section.
>
> "(2) No order shall be made pursuant to subsection (b) of this section with respect

to a mine in a State in which a State plan approved under section 16(b) is in effect unless a State inspector participated in the inspection on which such order is based and concurs in such order, or an independent inspector appointed under paragraph (3) of this subsection concurs in such order. If the State inspector does not concur in such order, the operator of the mine, the duly authorized representative of the Secretary who proposes to make such order, or the State inspector may apply, within twenty-four hours after the completion of the inspection involved, for the appointment of an independent inspector under paragraph (3). Within five days after the date of his appointment, the independent inspector shall inspect the mine. The representative of the Secretary and the State inspector shall be given the opportunity to accompany the independent inspector during such inspection. If, after such inspection is completed, either the independent inspector or the State inspector concurs in the order, it shall be issued.

"(3) Within five days after the date of receipt of an application under paragraph (2) of this subsection, the chief judge of the United States district court for the district in which the mine involved is located (or in his absence, the clerk of such court) shall appoint a graduate engineer with experience in the type of mining involved to serve as an independent inspector under this subsection. Each independent inspector so appointed shall be compensated at the rate of $50 for each day of actual service (including each day he is traveling on official business) and shall, notwithstanding the Travel Expense Act of 1949, be fully reimbursed for traveling, subsistence, and related expenses."

Mr. MORSE. Mr. President, I can explain the amendment very quickly. The amendment provides that when the Secretary orders an inspection because of an imminent danger, and there is no State inspector to go with him, the inspection may be made. If an imminent danger is found to exist, the Secretary issues certain orders for safety precautions. If the State disputes that question of fact, the bill does not provide for a procedure to break the deadlock as does the mine safety bill.

The mine safety bill contains a provision that in such a situation the Federal district judge at the location of the mine will appoint a third person to make the determining decision as to whether there is an imminent danger.

All that the senior Senator from New York and I have done is to take the language on this procedural matter out of the mine safety bill and include it in the pending bill.

We think that it greatly strengthens the bill.

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

Mr. MORSE. I yield.

Mr. JAVITS. Mr. President, the reason for doing this is so that we might offer the complete matter to a conference committee. The Senate version is not complete. It does not contain the coal mine safety version.

I am not confident that our view will prevail, but as a member of the conference committee, I will honestly do my best to sustain the views of the Senate. We must have the complete version incorporated in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the senior Senator from Oregon.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment, as amended, and the third reading of the bill.

The committee amendment, as amended, was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. DOMINICK. Mr. President, before we vote, I should like to make a few comments. As I said earlier in the debate, the State of Colorado has been the leader in mine safety.

If the pending measure is enacted into law, all the work that Colorado has expended in becoming the leading State in mine safety will be thrown out the window.

There will be no opportunity for the State to go forward under its own inspection procedures and its own plan will be knocked out by the pending bill. The Federal Government would take over.

This is not the first time that this has happened under the measures enacted into law by the majority party. It will be recalled that in enacting the poverty program into law we knocked out the veto right of the Governor thus taking away the Governor's responsibility in that matter.

We have witnessed case after case of this. It was even tried in the field of civil rights, in which field Colorado once again had been in the forefront of the field. We had passed all these laws, and yet the Federal Government was going to take over until our minority leader was able to get the Senate to agree to an amendment to cure that situation.

In all humility, I ask what possible incentive there is for State governments to become better qualified and to try to move forward in such an important field if every time one or two States do not follow a course of procedure, we come in and pass a Federal law which supersedes everything which is going on in the enlightened State.

We have been working in this mine field for many years. As I said, our code in many instances has been the basis for much of the education and assistance that the Bureau of Mines has given to other States.

I suggest that perhaps we ought to look to see what we are trying to do. If we are trying to retain any kind of a Federal system, I cannot see the rationale for saying that those States which have performed their functions and provided the services that the people are asking for should also be made subservient to the Federal Government because some of the other State governments have not adequately performed their functions.

Unanimity for the sake of unanimity does not seem to me to raise up the ones that are below.

I ask Senators, What are we doing here? We are asked to pass a bill in the holy name of safety. Those of us who oppose the bill will be attacked in the next election because we are not in favor of safety. How ridiculous can we get? All Senators are in favor of safety. We are being asked to pass a bill which will federalize this system. We are being asked to do so at a time when the very department which would be responsible does not have the safety codes and does not have the inspection procedures set up. It has only 40 qualified people, by their own testimony, and 3 years of training would be required to increase their number to 85. In the States at present are a minimum of 202 inspectors. However, there is no percentage in going forward that way, because there is no percentage in having a State mining agency, really.

We are being asked, in the name of safety, to put something into effect, with no programs, no plans, and no inspectors. We are asked to do it in the name of safety.

I say, in all humility, that by downgrading the very agencies which have accomplished the most in the safety field, we are not aiding safety; we are hurting the miners, we are hurting the States, and we are violating, in my opinion, the fundamental concept of our Federal system.

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

Mr. DOMINICK. I yield.

Mr. SIMPSON. Mr. President, I associate myself with the remarks of the distinguished Senator from Colorado.

This is another evidence of the head-on, headlong rush into Federal control of anything and everything. It is high time for the Senate to do something about it and to stop it.

Mr. DOMINICK. I thank the Senator from Wyoming.

Mr. COTTON. Mr. President, I shall not repeat the words of the distinguished Senator from Colorado, although I am impressed by them.

For a long period, I have seen a situation developing in this Congress in which, again and again, Members are placed in the position of voting against education, of voting against health, of voting against safety, unless they are prepared to knuckle under and submit to measures placing completely in the hands of the Federal Government and its agencies autocratic powers which are entirely repugnant to the fundamental rules of this Republic.

I have no intention, and never have had an intention, as an eastern Senator, coming from a State which now has little if any mining, of casting a vote against a mining safety bill brought in by a committee which has considered it. But this is not a mining bill.

I shall not be bludgeoned by any considerations of political consequences, of what someone may say or think, into voting to place in the hands of a bunch of Federal bureaucrats the power to harass and oppress the small business people of the State of New Hampshire, and to increase the costs of our highway construction, by a bill which extends to

a subject that is no more associated with mining than it is with cutting timber.

When the amendment offered by the distinguished Senator from Arizona [Mr. FANNIN] was rejected, an amendment that would have divorced from the bill an activity that certainly is not mining—the matter of sand and gravel operations by small operators along the highways and byways of this country—I resolved that I am here to represent a State, and I shall represent it with principle and conviction. I shall not be intimidated into voting for a measure simply because it is a so-called safety bill. I shall not allow my State to be trampled on.

As I said before, when the amendment was being discussed I have been reading the testimony of the representatives of the Bureau of Mines and of the Department of the Interior before the committee. I do not like to say this, but in 20 years in Congress, I have never read such uninformed testimony. It may have sounded better than it read. But if those spokesmen are competent to step into every State in the Union, lay down standards and disregard the State or override the State or compel the State to accept the Secretary's standards, then God help this Republic.

I regret exceedingly that I must vote against a mining bill designed and promulgated as a mining safety bill. What I have said does not constitute the slightest reflection on the able members of the committee and the Senators who have managed the bill, of whose complete sincerity I am aware.

The proposed legislation represents a trend, and either we oppose it or we surrender a principle that is very dear. For that reason, contrary to my expectations, I shall be compelled to join the distinguished Senator from Colorado and the distinguished Senator from Wyoming, whom I know have the highest regard for safety, in voting against this so-called mining safety bill.

Mr. ALLOTT. Mr. President, I join with the distinguished junior Senator from Colorado and with the others who have spoken in opposition to the bill.

This is not an easy decision for me to make, because if I am a candidate for reelection, there will be those who will use this in the election.

I am as aware as anyone else, of the need for safety but I also know that Colorado has been in the forefront of hard-rock mining in this country, almost since this country has existed. I also know that our standards of safety and inspection are far ahead of anything we can expect to receive from the Federal Government for many, many years. It is a function under the police powers of the State, one which the State should exercise, and we are only dragging it in the back door, through a supposed extension of part of the Federal Constitution.

According to the words of the Senator from Oregon [Mr. MORSE] who managed the bill this afternoon, this leaves a dual responsibility. These were the words he used. Mr. President, a dual responsibility means no responsibility.

In this regard, I wish to bring to the attention of the Senate the comments of the Deputy Commissioner of Mines of the State of Colorado. I quote from page 36 of the report:

> Mr. G. A. Franz, Jr., deputy commissioner of mines in the State of Colorado, summarized his concern over this legislation as follows:
>
> "First, may we state that we hold the highest regard for the Department of the Interior and the U.S. Bureau of Mines and have enjoyed excellent cooperation between the Colorado Bureau of Mines and the U.S. Bureau of Mines.
>
> "We maintain that dual inspection in States that are properly equipped to do their own inspecting will result in a contempt for both organizations and severely interfere with the progress that has been made under single inspection" (hearing record, p. 388).

I am convinced that the State of Colorado has led the way and has supplied the standards for safety in mines, hard rock mines. I cannot abrogate to the Federal Government a job which it is our duty, as citizens, to do in Colorado, and which without question we have done well.

A Member of the House of Representatives, a member of another party, foresaw this, and inserted in the bill provisions which would be acceptable to me when the bill came to the Senate.

The effect of the bill in its present form is to substitute an inspection system with no standards, with only a handful of inspectors, and no real experience for systems that have standards, have hundreds of inspectors, and have a wealth of experiences. How does this help mine safety? It does not help mine safety; it hurts it. The amendment inserted in the bill in the other body by Mr. ASPINALL corrected this deficiency, but that amendment has been deleted by the Senate.

I am sure that that distinguished Representative is no more interested in tearing down the standards of safety than is my colleague, or the distinguished Senator from Wyoming [Mr. SIMPSON], in whose State there is also considerable hard rock mining, or the distinguished Senator from New Hampshire [Mr. COTTON], or many others.

For that reason, and for that reason alone, I cannot accept this measure in its present form. I believe that the Senate had within its power today to adopt an amendment which would have enabled us to pass a better bill, one which I think would have promoted safety rather than causing its deterioration, as this bill will cause in the States which already have good mining inspection systems.

For that reason, Mr. President, I shall vote against the bill.

(At this point Mr. PELL assumed the chair.)

Mr. LAUSCHE. Mr. President, for a moment I thought there would be an overwhelming vote in favor of the bill and that, therefore, I might as well yield and go along with the mob—I should say "go along with the majority"—to be in conformity with the thinking of the Senate. But upon reflection I decided that to do so, I would have to abandon my honest thinking and the dictates of my reasoning.

From the standpoint of those who are supposed to deliver votes, those who were in the reception room following me as I came through this afternoon, I should vote for the bill. I came through the reception room, and I was cowed by three persons telling me that they wanted the bill passed, and that they wanted the amendments defeated.

Now, the query is, Why do they come to Congress to seek the relief which they were pressuring me to give to them? They pressured 50 legislatures. In those legislatures there are thousands of minds, not so rich in thinking as that of the Senator from Oregon [Mr. MORSE], but still minds.

They could not succeed in procuring in the 50 States what they wanted, so they came to the Congress of the United States, with its 100 Members of the Senate, and stood in the doorway, impliedly indicating the thousands of votes that they can deliver, and convinced that by that show of force they can get the bill passed.

I have been through this. I do not say it vainly, but I was Governor for a number of years, and I was in contact with what is sought to be done.

This is supposed to be a mining law. Well, study it closely and see what relationship it has to the great specter facing the American people; what they think of individuals going down into the black subterranean surfaces of the land. There is no relationship to that principle at all.

Yet, the bill is brought before this body with all of the facets and aspects of a mining bill intended to protect the workers down in the black pits beneath the surface of the land.

Certainly with that facade, with that aegis, there is an appeal to protect the strip miners or to protect the miners. But as the Senator from New Hampshire [Mr. COTTON] has said, there is no relationship to the subject about which we are concerned, which is the blackened face of the miner down below the land.

As I said in the beginning, I had told the Senator from Florida [Mr. HOLLAND], "Why should I buck my head against a stone wall? The bill will pass. I will vote for it."

To do so I would have to stultify my conscience and vote contrary to what my honest judgment is.

Mr. President, we are witnessing week after week the theft of the powers of the State and the transition of them to the Federal Government. Week after week we are announcing to the people of the Nation impliedly: Do not depend upon your senators and representatives in the legislatures; they know not what they are doing. Rely on the Congress of the United States, because good judgment lies with them.

I will not vote for the pending bill, Mr. President. I believe that in the end, when the people of Ohio learn the true facts, my political strength will be lifted. I am convinced that if they become fixed in their judgment that I bowed my reasoning and the dictates of my conscience to those who cowed me outside of this Chamber, they would say to me, "We did not elect you to allow others to formulate your judgment. We elected you because we had faith in your thinking and

in your execution of that which you believe is in the best interest of the country."

The bill will be passed. Let us not delude ourselves that it will not. But the tragedy is that we are only at the beginning of the movement. Week after week, more bills will be encroaching, on the part of the Federal Government, upon those rights which legitimately belong to the States.

Mr. President, as I have said, I cannot support the pending bill.

Mr. HOLLAND. Mr. President, I shall vote against the pending bill. I would be very happy to join in giving appropriate protection to those who work in the mines. We have some mines in my State of Florida. I would be glad to see them have the additional protection that the bill would give to them.

However, I cannot vote for the pending bill. In the first place, I think we should have given some reasonable consideration to the responsibility, authority, and powers of the States, and the good work done by many of the States, by adopting the amendment offered by the senior Senator from New York [Mr. JAVITS].

In the second place, I thought we would have given reasonable scope to the bill by the adoption of the amendment offered by the Senator from Arizona [Mr. FANNIN]. The report of the majority on the committee clearly and succinctly states that such work as work in gravel pits and sand pits alongside roads and highways is covered by the terms of the bill.

Mr. President, I ask unanimous consent to have printed in the RECORD the first paragraph of page 7 of the report.

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

Although the committee did not agree to these amendments, it was concerned about inspection (only inspection of underground mines is required) and mandatory reporting requirements in the bill with respect to small mine operators, including sand, gravel, and crushed stone operations which often employ a few persons and whose operation is often of short duration. In the experience of some members of the committee, many sand and gravel pits and comparable crushed stone operations operate for a short period of time, often with respect to a particular job such as highway construction. In these situations the Secretary is expected to consider carefully whether his authority to decline jurisdiction should be exercised. He would be expected to exercise his authority to decline jurisdiction if the safety experience warranted it. The committee would expect the Secretary to give controlling weight to the evidence of hazard in such operations in determining whether jurisdiction should be exercised. Likewise, in the case of the small operator, consideration should be given to simplifying the reporting required of all mine operators under section 13 of the act. Reporting forms should be adequate but clear and concise so as not to place too great a burden on the person reporting.

Further, the Secretary shall include in the annual report to the Congress his administration of the reporting inspection requirements of sand and gravel pits under this act; in particular, it should include the violations reported and safety practices in the sand and gravel industry.

Mr. HOLLAND. Mr. President, that paragraph makes it clear that the committee is almost apologetic concerning some of the terms of the bill.

For instance, I read from the paragraph:

Although the committee did not agree to these amendments, it was concerned about inspection (only inspection of underground mines is required) and mandatory reporting requirements in the bill with respect to small mine operators, including sand, gravel, and crushed stone operations which often employ a few persons and whose operation is often of short duration. In the experience of some members of the committee, many sand and gravel pits and comparable crushed stone operations operate for a short period of time, often with respect to a particular job such as highway construction. In these situations the Secretary is expected to consider carefully whether his authority to decline jurisdiction should be exercised.

I close the quotation at that point, but there is more of the same. It seems to me that instead of telling the Secretary what his jurisdiction is and when it should be exercised, the committee is merely expressing, and rather weakly, its hope that the Secretary, on such matters as borrow pits and ditches along the highways, and other things which are absolute necessities in the construction of modern highways, modern railroads, or any other modern construction in low, flat country, will decline to exercise his jurisdiction.

I do not believe that that is the way to pass strong, meaningful, and effective legislation. Instead, we should instruct the Secretary as to what his jurisdiction is and what his jurisdiction is not.

Mr. President, I cannot vote for the bill. I believe it is a weak bill. I believe that it has hurt—by some of the provisions which I have mentioned only briefly—some of the very fine things which are intended to be accomplished by the bill, and which I would gladly support; but I cannot support it in its present form.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, the Senator from Wisconsin [Mr. NELSON], who worked so hard and so long on this bill in committee, is entitled to all the credit possible for its passage. Therefore, I must state that had the Senator from Wisconsin been present, he would have voted "yea." Under the circumstances, therefore, I vote "nay."

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from New York [Mr. KENNEDY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Ohio [Mr. YOUNG], and the Senator from Arkansas [Mr. MCCLELLAN] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER] is absent because of illness.

I further announce that the Senator from Connecticut [Mr. DODD], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from Alabama [Mr. HILL], the Senator from Oregon [Mrs. NEUBERGER], the Senator from South Carolina [Mr. RUSSELL], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Connecticut [Mr. DODD], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from New York [Mr. KENNEDY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. CURTIS], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] and the Senator from Massachusetts [Mr. SALTONSTALL] are detained on official business.

On this vote, the Senator from Kansas [Mr. CARLSON] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from Kansas would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from California [Mr. MURPHY]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from Massachusetts [Mr. SALTONSTALL] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 57, nays 18, as follows:

[No. 112 Leg.]

YEAS—57

Aiken	Gruening	Moss
Anderson	Hart	Pastore
Bartlett	Inouye	Pearson
Bayh	Jackson	Pell
Bible	Javits	Prouty
Boggs	Jordan, Idaho	Proxmire
Burdick	Kennedy, Mass.	Randolph
Byrd, Va.	Kuchel	Ribicoff
Byrd, W. Va.	Long, Mo.	Robertson
Cannon	Long, La.	Scott
Case	Magnuson	Smathers
Church	McCarthy	Smith
Clark	McGee	Stennis
Cooper	McGovern	Symington
Dirksen	Metcalf	Talmadge
Douglas	Miller	Tydings
Fong	Mondale	Williams, N.J.
Fulbright	Monroney	Williams, Del.
Griffin	Morse	Yarborough

NAYS—18

Allott	Ervin	Lausche
Bennett	Fannin	McIntyre
Cotton	Hickenlooper	Mundt
Dominick	Holland	Simpson
Eastland	Hruska	Thurmond
Ellender	Jordan, N.C.	Young N. Dak.

NOT VOTING—25

Bass	Hill	Neuberger
Brewster	Kennedy, N.Y.	Russell, S.C.
Carlson	Mansfield	Russell, Ga.
Curtis	McClellan	Saltonstall
Dodd	Montoya	Sparkman
Gore	Morton	Tower
Harris	Murphy	Young, Ohio
Hartke	Muskie	
Hayden	Nelson	

So the bill (H.R. 8989) was passed.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. METCALF. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, now that the voting is over, I wish to make a brief statement expressing my deep appreciation for the cooperation I have received this afternoon, and previous to this afternoon, in connection with the bill by my many colleagues on the committee and off the committee, and by members of the staff.

First, as I pointed out in my explanation of the bill earlier today, I am very sorry the Senator from Wisconsin [Mr. NELSON], himself, was not here to take the bill through the Senate. The Senator from Wisconsin was the chairman of the special subcommittee that was appointed by the late Senator McNamara to handle the bill. He conducted the hearings. We are all very much indebted to him for his leadership in respect to the bill.

I know that he would be delighted with the decision of the Senate, because he was an advocate of the bill.

I also had help in the committee, because during the committee consideration, as my colleagues know, I was very active in connection with the bill. The handling of the bill in committee would simply not have produced the bill that came to the floor of the Senate today if the Senator from West Virginia [Mr. RANDOLPH] had not exercised a great deal of assistance as we faced up to the various amendments that were offered, and which, if adopted, would not have given us as good a bill as was reported to the Senate.

With his long experience in this field, both in the House and in the Senate, we had associated with us in the committee—although he is not a member of the Committee on Labor and Public Welfare, he has been a member of it—the Senator from Montana, LEE METCALF. He has demonstrated on the floor of the Senate the able leadership he made available during the committee's handling of the bill. On behalf of the committee, I thank him very much for his great help.

Although we opposed many of their amendments, we nevertheless, received the finest of cooperation from Senators JAVITS, DOMINICK, PROUTY, and FANNIN on the Republican side of the committee. They offered many amendments, including some of the amendments that were offered in the Senate today.

As I said to Senators JAVITS, FANNIN, DOMINICK, and PROUTY in personal conversations, I say for the RECORD this afternoon, once again, that I very much appreciate being associated with them on the Committee on Labor and Public Welfare. Although we sometimes had different points of view, they were not narrow points of view in the sense of being partisan.

I particularly wish to thank Senator JAVITS, since he is in the Chamber, for the courtesy and consideration he has extended to me not only in connection with so-called labor legislation but also with education legislation as well.

The chairman of the Committee on Labor and Public Welfare, the distinguished Senator from Alabama [Mr. HILL], who was not able to be here this afternoon because of other official business, was very cooperative with us in giving us the procedural clearance that only he as chairman of the committee could give to us, thus making it possible for us to present the bill, first, to the committee, and then to the Senate for action today.

We Senators, may I say most respectfully, are not the most important people, after all, in many respects, in the preparation of a bill for floor handling—or for committee handling, for that matter. After all, we rely heavily—and it is in the very nature of the work that we should—upon our able committee staff members.

So I wish particularly to thank Mr. John Bruff, counsel for the majority of the Committee on Labor and Public Welfare, who was assigned to the proponents of the bill, for his invaluable and dedicated work, on which hours and hours were spent far beyond his line of duty. I also thank the general counsel of the committee, Mr. Jack Forsythe, who has never failed me in connection with my work on the Committee on Labor and Public Welfare in giving me yeoman service, and high-quality service, whenever I have sought his help.

Also, I say to the Senator from New York [Mr. JAVITS] that we on the majority are indebted to him for making available to us Mr. Frank Cummings, his very able assistant, who has served, in this instance, really as legal counsel for the committee.

Mr. JAVITS. He is labor counsel.

Mr. MORSE. His exact title is that of labor counsel for the minority. I wish to thank him for helping to bring into focus these differences of opinion that develop within a committee on various amendments, and also for helping bring us together on a good many amendments.

The debate this afternoon has not shown the areas of agreement between the majority and the minority in respect to various amendments that were first offered by each side, and then modified as we discussed them across the table and reached a mutuality of understanding which made it unnecessary to press for any action on the floor of the Senate.

Then, of course, as always, our majority leader, the Senator from Montana [Mr. MANSFIELD], who cooperated with us in having the bill scheduled for debate today, deserves, again, our thanks for his leadership, as does the minority leader, who joined with Senator MANSFIELD in providing the necessary leadership clearance for consideration of the bill.

To all these, and to the present Presiding Officer of the Senate [Mr. PELL], who worked with us on the committee, as did all of our colleagues on the committee, express my very sincere thanks.

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

Mr. MORSE. I yield the floor.

Mr. JAVITS. Mr. President, I, too, would like to join with the Senator from Oregon in his very gracious words to all of those, other than myself, whom he mentioned, and to thank also the other members of the committee. I do not believe the Senator mentioned the Senator from West Virginia [Mr. RANDOLPH], who represents a mining area. I know the Senator feels as grateful for his service as do I.

The members of the minority cooperated particularly fully, and I think deserve a great deal of credit for the passage of the bill. It could have been held up, bedeviled, riddled with many amendments; but their eye was single toward giving the Senate an opportunity to exercise its judgment, and at least a majority of the minority stood with the bill, although we were disappointed at our very close loss of what we considered to be the most important amendment, for which we all were fighting together.

I, too, wish to thank our majority and minority leaders, as well as those who participated in the work on the bill, and to express my gratification to Mr. Cummings, who is one of the minority counsel particularly concerned with labor matters, the minority labor counsel, who, as the Senator from Oregon has generously said, is a splendid lawyer, and, I think, one of the finest anywhere in Congress in this particular field, and was of invaluable service in bringing about and consummating this result.

I should like to say just one further word, if I may, for the benefit of the Secretary of the Interior. I hope that when it comes to administering this statute, he will take some cognizance of the things we have discussed.

For example, we had no idea that the little sand and gravel operations were going to be bedeviled with elaborate schemes for inspection. They were to be kept safe and obedient to the law, but we had clearly in mind the fact that these were peripheral operations, and we expected good sense and practicality to prevail.

Mr. MORSE. Mr. President, will the Senator yield in regard to that particular matter?

Mr. JAVITS. I yield.

Mr. MORSE. I did not intend to comment upon it, but as the Senator from New York knows, I joined with him in having included in the report the language that has been interpreted by one Senator as language of instructions to the Secretary of the Interior. We decided that we would join in that language, rather than seek to jeopardize providing for inspection within the industry, in view, as I stated during the

debate, of the very alarming rate of accidents that occur in this particular segment of American industry—the second most dangerous industry in the country.

We were confronted with the problem of what we could do to protect the workers in the industry as a whole, and at the same time advised the Secretary of the Interior that these small operations, where they are safe operations—and most of them have a good safety record—could very well be excused from his taking jurisdiction, in the absence of a showing that they are not safe.

But I repeat that I think we would have been derelict in our responsibilities if we had not included the sand and gravel industry, because there are many operations in that industry that are exceedingly dangerous. The Senator's own State of New York, as well as the State of California, has recognized that, and has included sand and gravel operations within its safety code.

So I would not wish a discussion of the bill to close without this reference to the contribution which the Senator from New York made, and in which I joined him; and the committee, even those who wished to exclude sand and gravel entirely, voted with us unanimously that this language should be included in the report by way of instruction to the Secretary of the Interior; and I have every confidence that he will follow our instructions.

Mr. JAVITS. I thank the Senator. I think that does set the matter, for both of us, exactly straight for the Secretary of the Interior.

I wish to say just one further word. I have said this before, and I shall say it again. The Senator from Oregon is considered more or less an independent in the Senate. It bothers some of us sometimes when we wish to go home early. But when it comes to the handling of bills, he certainly has no superior and few peers. So I should like to pay tribute today to my beloved friend of so many years and my colleague on the committee for the particularly able way in which the Senator—a totally different character of man, with a strong sense of a Senator's responsibility—has piloted this bill through the Senate.

Mr. MORSE. Most people think I cannot be embarrassed, but the Senator from New York embarrasses me again with his generosity of comment. The thing I like best about what he has said—though naturally I appreciate everything he has said—was his use of one of the most precious words in the English language, his reference to me as a friend. I want him to know that that is very mutual. I have said out of his hearing what I wish to now say in his hearing: Of the many, many people in this country whom I count as friends, I consider Senator JAVITS, of New York, one of my close and true friends.

I do not know of anything more precious than a true friend, unless it might be a biased friend. I think he meets that definition also, and I thank him.

Mr. METCALF. Mr. President when I first came to Congress, I had the pleasure of introducing in the House a mine safety bill introduced by my colleague in the Senate, the late Senator James E. Murray, of Montana. That was in 1953.

Over the years we worked for that bill. Had it not been for the superb leadership of the Senator from Oregon in the committee, in the course of the hearings, in the course of the deliberations, in executive session, and of course, the masterly way in which he handled the bill on the floor of the Senate, that act would not be an accomplished fact today.

I also wish to thank the members of the committee for their courtesy to me in permitting me to participate in the hearings and discussions, and especially to both the majority and the minority members of the staff, who have always been helpful in answering any interrogations I have made on the bill.

I think that the minority members—through their participation in the hearings, their knowledge of the mining situation in Colorado, Arizona, and other Western States—have made a substantial contribution to making this a better piece of legislation than it was when originally introduced.

Their searching inquiry, some of the amendments that they submitted, and some of the ways in which they worked for the betterment of the bill have shown cooperation that is in the highest tradition of the Senate.

I think that the senior Senator from New York has especially helped to save the lives of dozens of miners in my State as well as in his State.

I am grateful, after all my service in Congress, to all who have assisted in having this piece of legislation passed. Had it not been for the work of the senior Senator from New York and the senior Senator from Oregon and their colleagues, I do not think that we would have had this legislation passed today.

Mr. BURDICK. Mr. President, I add my note of commendation to the senior Senator from Oregon and the junior Senator from Montana for their expeditious and able handling of the bill just passed.

Mr. MANSFIELD. Mr. President, I join my colleagues in what they have had to say about the usual—which in a sense is unusual—skill of the distinguished senior Senator from Oregon who has just piloted another most important, most noteworthy, and most needed bill through the Senate.

Only yesterday I approached Senator MORSE to request his services along with the services of my Montana colleague [Mr. METCALF] to handle this measure on the floor today. His presentation of the purposes and objectives of the proposal, along with his articulate and strong advocacy, contributed greatly to its passage. Plainly, Senator MORSE's long experience and careful study of the problems of the miners of the Nation, those employed in metal and nonmetallic mines as well as in coal mines, served immeasurably to assure its success.

My praise also goes to the ranking minority member of the committee which handled this legislation, the distinguished senior Senator from New York [Mr. JAVITS], who has always shown his fine intelligence and deep understanding of the issues involved, and who has made many contributions to the passage of this legislation.

I pay especial tribute to my colleague, the distinguished junior Senator from Montana [Mr. METCALF], who has followed in the footsteps of Jim Murray, who served for many years in this body and who tried during almost his entire career of service to have a bill of this kind passed. It fell to his successor, Senator METCALF, to pick up the ball and carry it forward. Senator METCALF has long been devoted to improving the working conditions in the mines, both in our State of Montana and throughout the Nation. His service in the cause of safe mining practices has been distinguished always by tireless efforts and great success. The miners of the Nation are fortunate indeed to have an advocate of his outstanding skill and ability.

The fact that the junior Senator from Wisconsin [Mr. NELSON] was not present is no fault of his, because at the request of and on the order of the Senate he is away on official business; therefore, his absence can be easily understood. However, I am very glad personally that on all the votes which were held today his position was noted. I am sure that every Senator is aware of his keen and intense interest in this type of legislation and his regret that he was not here personally to carry forward the responsibility which ordinarily would have been his.

His strong support and highly capable guidance of the proposal from its inception in this body has earned for him the sincere appreciation of all Americans interested in improving the working conditions in the mines of the Nation. We are grateful.

Others also are to be thanked for their splendid cooperation and strong and articulate support which assured this great success. The Senator from Utah [Mr. MOSS] and the Senator from New Mexico [Mr. MONTOYA] are thus to be commended for backing the measure with their typically highly capable abilities as are the Senator from Pennsylvania [Mr. CLARK] and the Senator from New Hampshire [Mr. COTTON].

I pay tribute also to the Senator from West Virginia [Mr. RANDOLPH], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. FANNIN], and all other Senators who participated in the debate today, for the worthwhile contributions they have made to the bill that has just been passed.

PROVISION FOR ISSUANCE BY THE SECRETARY OF AGRICULTURE OF A 25-PERCENT-PER-BUSHEL EXPORT MARKETING CERTIFICATE ON WHEAT FOR 1967, 1968, AND 1969 WHEAT CROPS

Mr. BURDICK. Mr. President, I introduce, for appropriate reference, a bill to provide for the issuance by the Secretary of Agriculture of a 25-percent-per-

bushel export marketing certificate on wheat for 1967, 1968, and 1969 crops of wheat.

I ask unanimous consent that the bill lie on the table until June 30 for additional cosponsors.

Mr. METCALF. Mr. President, I ask unanimous consent to have my name added as a cosponsor of the bill just introduced by the Senator from North Dakota.

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

The bill will be received and appropriately referred; and, without objection, the bill will lie on the table for additional cosponsors as requested.

The bill (S. 3550) to provide for the issuance by the Secretary of Agriculture of a 25-cent-per-bushel export marketing certificate on wheat for the 1967, 1968, and 1969 crops of wheat, introduced by Mr. BURDICK (for himself and Mr. METCALF), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

TRAFFIC SAFETY ACT OF 1966

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3005. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3005) to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce traffic accidents and the deaths, injuries, and property damage which occur in such accidents.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, it is so ordered.

The Senate proceeded to consider the bill.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, with the approval of the minority leader, the distinguished Senator from Illinois [Mr. DIRKSEN], I ask unanimous consent that all committees be authorized to meet during the session of the Senate tomorrow.

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

THE OTHER SIDE OF THE SOUTH AFRICA STORY

Mr. BYRD of West Virginia. Mr. President, much has been in the news recently about South Africa. Presenting "The Other Side of the South Africa Story," the U.S. News & World Report, on June 27, carries the full text of a recent adress by H. L. T. Taswell, South African Ambassador to the United States. Ambassador Taswell's address was delivered before the Executives' Club of Chicago. Ambassador Taswell's address is both interesting and informative, and I feel that the facts which he presents should be brought to the attention of the American people, as I would assume that most Americans know very little of the details as they are told by the Ambassador.

For example, he points out that the biggest hospital on the continent of Africa is in the Republic of South Africa and that it caters almost exclusively to black people. He points out that virtually every black child of South Africa is in walking distance to a primary school.

Also of interest to Americans is the fact that American foreign aid to Africa this year will amount to $205 million but that not one cent will go to South Africa and that South Africa has never asked for or accepted foreign aid. Americans might also like to know that 30 to 40 percent of all American exports to the continent of Africa go to the Republic of South Africa and that our exports to South Africa are in excess of our imports from South Africa, thus giving the United States a very favorable balance of trade.

While one government after another on the African Continent has toppled, the Government of South Africa continues to be a stable government. Moreover, and very importantly to ourselves, the Government of South Africa remains friendly and well disposed toward the United States even in the face of uncomplimentary remarks, from time to time, by some Americans.

Ambassador Taswell closed his speech with a sentence which should give us satisfaction and, at the same time, cause us to reflect a bit on our attitude toward the government of South Africa:

> We do not nationalize American industries, nor do we defile the American flag.

I ask unanimous consent to have printed in the RECORD the article from the forthcoming June 27 issue of U.S. News & World Report.

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

[From the U.S. News & World Report, June 27, 1966]

THE OTHER SIDE OF THE SOUTH AFRICA STORY

(Following is full text of a recent address, "South Africa Prospers While Critics Crumble," made by H. L. T. Taswell, South African Ambassador to the U.S., before the Executives' Club of Chicago.)

Recently, a certain millionaire revealed that his personal fortune amounted to about 48 million dollars. He likes to work on a cash basis, and put his "petty cash" resources at 5.6 million. In preparation for a big deal in properties, he had this "petty cash" counted out in bills. It took 20 assistants over two days to complete the task.

This millionaire happens to be a black man living in the Republic of South Africa—or, to be more precise, in the territory of the Transkei, the centuries-old home of the Xhosa people in the Republic. The Transkei already has its own all-black legislature, made up partly of traditional leaders and partly of members elected on a "one man, one vote" basis. Executive authority is vested in an all-black cabinet. The territory has its own national anthem, its own official language, and is currently deciding on the final design of its own flag. The territory's constitution, providing for self-government, came into effect two years ago. Of the 2,478 posts in its civil service, 1,900 were filled by black people. Within the next two or three years, all the posts should be filled by black people.

The biggest hospital on the continent of Africa treats on an average 2,000 inpatients and 2,000 outpatients *every single day of the year*. It performs 1,800 operations each month, and serves over 10,000 meals every 24 hours.

This hospital happens to be in the Republic of South Africa at Baragwanath, near Johannesburg, and it caters almost exclusively to black people.

In 1965, over 6,500 nonwhite undergraduates studied at South African universities. Among the Bantu alone in the Republic, there are already over 2,800 university graduates. In 16 years, South African universities produced more black graduates than nine other countries on the African continent, with a population of 70 million, succeeded in doing in 50 years.

In other parts of independent Africa, the number of children at school, in the age group 7–12, varies from 49 percent down to 5 per cent. In our country, it is 83 per cent among the Bantu alone, and it is rising steadily. Today, virtually every black child in South Africa is within walking distance of a primary school.

This year, it is expected that American foreign aid to Africa will amount to about 205 million dollars.

Not one cent of this will go to South Africa. We have never asked for or accepted foreign aid.

South Africa is one of only three countries in the world which have paid all their war debts.

Latest statistics indicate that American exports to South Africa in 1965 reached a record figure of about 438 million dollars. Our exports to you were about 225 million, giving you a very favorable balance of trade.

Between 30 and 40 percent of all American exports to the continent of Africa go to the Republic of South Africa.

Only 13 other countries in the whole world purchase more from you than we do.

Your investments in our country are valued at between 489 million and 650 million dollars. On these you obtain a very substantial return.

Total American and foreign investment in South Africa is equal to that on the rest of the African continent put together. People have not invested in our country for sentimental reasons. They have invested because of the soundness of our economy, because of the stability of our country, and because we have given ample proof that we believe in the principles of free enterprise.

Our industrial, mining, agricultural and economic production has been prodigious. Annual gold production has reached a record level of over 1 billion dollars. Between 1945 and 1964, industrial production increased sixfold. Our exports and imports last year reached new record levels.

Domestic capital formation has reached the point where we can, if necessary, maintain a reasonable rate of growth by financing developments solely from our own resources.

Our railroads carry as much freight as those on the rest of the continent put together. Latest figures show that we produce over seven times as much steel as the whole of the rest of Africa combined, 10 times as much coal, and over twice as much electricity.

About half of the telephones and automobiles in Africa are in our Republic. As a matter of interest, an independent survey showed that there is one car for every 13 persons in South Africa. Only six other countries in the

world show better figures for car ownership than that.

Skills have greatly improved in our country. From a technical point of view, the number of things which we cannot ourselves produce is steadily diminishing. In common with the United States and Russia, we were one of the first three countries to make synthetic diamonds. With only 6 per cent of Africa's population, we generate 20 per cent of the continent's total geographic income. All sections of our population benefit from our prosperity. That holds good for our whites, whose ancestors came to South Africa over 300 years ago and settled areas which were virtually unoccupied; it also holds good for our colored people, for our Indians, and for our Bantu or black national groups.

These various Bantu national groups, each one with its own language, customs and traditions, migrated from Central Africa at about the same time as whites settled at the Cape. The black national groups occupied other parts of the country.

Our very close association over a long period of time with all the various groups constituting our population has given us a keen insight into their customs, traditions and general way of life. It has brought to light the sharp contrasts between them and shown the frictions which can readily arise when the differences are ignored.

Our aim is to improve relations between the various racial groups. We are against domination of any one race by another.

With this in mind, we are working in the direction of a commonwealth or common market, based on political independence and economic interdependence. Within this framework, we see the formation ultimately of separate states for the whites and for the black, or Bantu, national groups and the development of the greatest degree of governmental autonomy for the colored people and for the Indians. We also see the creation of a consultative body in which leaders may meet on a basis of equality to consider matters of common interest and ways of removing possible friction. The Transkei, to which I referred earlier, is one striking example of the positive progress we are making in this direction.

Such have been the achievements in our country that nowhere in independent Africa do people, regardless of their race or color, have as high a general standard of living, education or health as they do in South Africa.

Forming part of Africa as we do, we in South Africa watch with keen interest the development taking place in various parts of that continent.

We are frequently asked what our attitude is to events in Rhodesia, our immediate neighbor to the north, which declared its independence from Britain on Nov. 11, 1965.

As our Prime Minister recently pointed out, our basic policy is one of nonintervention in this domestic confrontation between Britain and Rhodesia. We deprecate the intervention of others.

The question which many people ask is whether the action being taken against Rhodesia might not bring about a collapse of order and economic development and precipitate the very confusion which it is said the actions are designed to avoid. What sorely tried Africa needs is not further confusion but the maintenance of order, stability and peaceful development.

We in South Africa continue regular relations with both Britain and Rhodesia. We do not support or participate in any form of boycott, nor are we yielding to any pressure to do so.

We have, over a long period of years, maintained and promoted the closest of relations with Rhodesia. Our bonds of friendship and our economic ties have grown.

It is our aim to maintain ties of friendship with all neighboring countries, whether white or black. We are anxious to expand our trade with them, to improve our relations with them, to assist and cooperate with them in any way we can.

Much has been happening on the African continent of late to cause concern.

One government after another has been toppled—five alone by military take-over during the last four months.

Sad to relate, these events have frequently been accompanied by violence, bloodshed, a heavy toll of life, murder, and even assassination. Some countries on which great hopes had been placed as models of stability and democracy have crumbled. Developments have occurred which have, unfortunately, made a mockery of the Western concepts of majority rule and "one man, one vote."

But what does not make the headlines is the untold human suffering, the hunger and disease that go with all this, while leaders vie for position and try to undermine other countries.

There are many ugly realities in Africa from which people wish to hedge away. Collapsing economies, instability, falling standards of living, of education and of health have, unfortunately, characterized so many parts of Africa in recent years, following the rapid transition to independence.

Added to this there have been serious border clashes and other disorders. Tribal warfare in one country alone resulted in the slaughter of an estimated 8,000 men, women and children. A revolt in another country caused loss of life estimated at 40,000. Barbarous atrocities included the savage beating to death or shooting of people whose only apparent crime was that they could read and write.

We in South Africa have so often been told that we are wrong in what we are doing and that we must conform to the pattern in Africa! We in the Republic do not claim to be perfect, but Africa has certainly furnished us with some striking examples of just how not to run our affairs.

Two decades ago, there were only four independent states on the African continent. Early last year, the number rose to 37. We in South Africa have much sympathy and understanding for the people of Africa. We can readily appreciate their desire for independence. We, after all, strove for many years to obtain our own.

Many of the ills from which independent Africa is suffering can be traced to the attempts to impose a Western form of government on people which is not only foreign to their nature, but one in the arts of which they have received very little training. Far too little value has been attached to the basic social structure on which so much of Africa has operated in the past and on which it will, no doubt, continue to operate for years to come. Attempts to destroy it—and there are many in progress—take away the very mainstay of African community life and create a dangerous void which promotes insecurity and instability.

Enemies of the West are profiting from instability in Africa and from the fact that Africa countries hold about one third of the total votes at the United Nations—this notwithstanding the fact that they contribute just over 2 per cent of the U.N. budget.

Red China is now represented in about 17 countries in Africa. Roughly one third of all Peking's diplomatic missions throughout the world are in Africa. When the issue of Communist China's membership arose at the United Nations recently, the voting was 47–47. Of the African countries, 18 voted in favor of seating Peking and seven abstained. South Africa took the same position as the United States and voted against admission.

Problems in Africa will not be solved by emotional hysteria or by the incessant repetition of hollow slogans and platitudes. Nor will the lasting friendship of the black man be won by undermining the white man in Africa, as is still believed in certain quarters.

We are proud of our achievements in South Africa. Each day takes us a further step forward on our path of positive progress. Our aim is to allow all groups to preserve their own way of life and to prosper to the maximum of their ability without undermining one another.

Today, about 1 million foreign Africans work in our country. One of our greatest problems is presented by the thousands of others who constantly cross our borders illegally in order to seek the benefits of life which our country has to offer.

We have great confidence in our future. We are jealous of our sovereignty, and mighty resentful of attempts to interfere in our internal affairs. What we have built up during the last 300 years is something which we are ready to defend with all the forces at our disposal.

In spite of the fact that some people in influential positions in your country at times make most uncomplimentary remarks about us, we remain friendly and well disposed toward the United States. American satellite and missile-tracking stations in our country receive the fullest assistance from our Government. We do not nationalize American industries, nor do we defile the American flag.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand adjourned until 10 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 56 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 24, 1966, at 10 a.m.

NOMINATION

Executive nomination received by the Senate June 23, 1966:

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be captains

Harry D. Reed, Jr.
Emerson E. Jones
Wiliam E. Randall
Allen L. Powell

To be lieutenant commander

Walter L. Bradly

To be ensigns

Jeremy R. Hutt
Willis J. Kircik
Phillip B. Clark
Peter F. MacDoran
Donald R. Askew
Charles Y. Molyneaux

CONFIRMATION

Executive nomination confirmed by the Senate June 23, 1966:

ATOMIC ENERGY COMMISSION

Gerald F. Tape, of Maryland, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1971.