Youthful voters will bring a fresh breeze of idealism and enthusiasm to the conduct of politics. If anyone doubts this, let him only remember the tremendous enthusiasm that the 1960 presidential election generated among our youth. They provided a good measure of the zest exhibited in that campaign.

I also must mention the traditional argument that those who are old enough to fight are old enough to vote. It seems to me that both fighting and voting assume a sense of duty and responsibility in the individual. I submit that our 18-, 19-, and 20-year-olds have displayed a keen sense of duty and responsibility when it comes to fighting for our country. This is particularly true in Vietnam where reports of military commanders indicate that young men serving today are the most intelligent and responsible ever to have served our country.

And so, gentlemen, I feel that it is time that we tried a full partnership in voting participation between the experience of age and the daring vitality of youth.

SENATE—*Thursday, October 3, 1968*

The Senate met at 10 a.m., and was called to order by the President pro tempore.

Rev. Edward B. Lewis, D.D., pastor, Capitol Hill United Methodist Church, Washington, D.C., offered the following prayer:

Gracious God, we remember with hope the words of Holy Scripture, "With God all things are possible."

We know that any condition can be changed by faith in ourselves and our fellow men based on faith in Thee. Thus, we pray for the healing of the nations of this world.

First, we pray for our own healing. Administer to us a love that will prepare our hearts and minds to help and understand others. Give us a new dose of the medicine of repentent hearts and humble dependence. May we feel the relief of forgiving grace relieving our troubled conscience.

Pour upon this world of war and frustration the balm of peace from the source of all life—Thou God, the ruler and healer of us all. We find new hope when we find our faith in Thee. We pray in the Master's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 2, 1968, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Aeronautical and Space Sciences be authorized to meet during the session of the Senate today.

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

THE SUPREME COURT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a press release I prepared on the basis of the letter sent to the President by Mr. Justice Fortas requesting the withdrawal of his nomination as Chief Justice of the United States, and the acceptance of that letter by the President.

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

The necessity on the part of Associate Justice Fortas to withdraw his name is regrettable and unfortunate. It is regrettable because Mr. Fortas was not given the opportunity to have his name considered on the basis of merit. It is unfortunate because of the manner in which he was denied this opportunity. A dangerous precedent has been instituted by the Senate in this matter which may afflict not only future nominations for the Supreme Court but all other Presidential appointments.

In a Constitutional sense this could be a sad day for the doctrine of separation of powers as it has been maintained since the founding of the nation.

The Leadership understands the action of Mr. Justice Fortas and respects his wishes. It will abide by his request and the President's decision. I know that Mr. Justice Fortas will continue to serve the nation by giving of his outstanding qualities and capabilities to the Supreme Court where he has already served with distinction.

ORDER OF BUSINESS

Mr. JACKSON. Mr. President, I ask unanimous consent that I may proceed for 12 minutes.

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

CZECHOSLOVAKIA AND WESTERN SECURITY

Mr. JACKSON. Mr. President, there have been those in recent years who argued that the Soviet Union was on an irreversible course toward more moderate policies, and that détente was here to stay. We were told that "the cold war is history," that "the threat of military aggression by the Communists in Europe has all but vanished."

As my colleagues in the Senate know, I have not shared this optimistic view.

But whether we have been optimistic or pessimistic about Russian policy, the brutal invasion of Czechoslovakia has been a sobering experience for all of us. It evokes memories of comparable acts in other years—the Nazi military occupation of Czechoslovakia in 1938–39, and the Kremlin takeover of Czechoslovakia in 1948.

Our task now, as I see it, is to keep our eye on what is going on in the real world, on what our Soviet adversary is up to, and then be sure we undertake appropriate actions.

I

Mr. President, let us look at the military situation in central Europe as it actually is today, not as we might wish it were. The cold fact is that the military balance in central Europe has been very significantly altered, to the disadvantage of the West.

Within the past 2 months, the Soviets have mobilized several hundred thousand additional men. They have added at least 10 combat-ready divisions to the forces they previously had deployed in the central European area.

The U.S.S.R. has brought into being extensive support and logistic services to sustain the forward deployed forces. It has established, and is exercising on a continuing basis, improved and expanded lines of communication for the support of military operations in central Europe.

Moscow has undertaken this massive expansion of its military capability in Europe while continuing to increase the forces deployed along the Soviet frontier with China.

The Soviets now have in central Europe the largest and most readily usable combat force they have put into the field since World War II. It is a force that has the capability for further moves. And there is no indication that this expanded force is soon going to return home. Even now, Soviet troops in Czechoslovakia are preparing winter quarters.

With this grim picture in mind, what can we say about Soviet intentions toward Rumania, Yugoslavia, and Austria? At this stage, I do not think any of us can be sanguine.

Certainly we cannot discount the dangers that the course of suppression and counteraction in East Europe will produce new crises spilling over the borders

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of East European states. There is always the possibility that Moscow may try to restore some unity to the Warsaw Pact nations by manufacturing a major crisis centered on Berlin and West Germany.

I expect to see some repercussions of recent events in the policy councils of the Soviet Union. I would not be too surprised at some shifts in the Politburo that could portend still more difficulties for the Western nations. There are already some indications of a move to the right within the Kremlin.

Nor is the prospect reassuring in the Middle East and north Africa. Will the Soviet leaders seek to step up Arab-Israeli tensions? Will they promote greater Algerian pressure on its neighbor states?

Nor does the bitter rivalry between Moscow and Peking necessarily presage less troubles for the free world. In fact, China's brand of communism is generating pressures on Moscow to demonstrate its own forms of militancy. And we cannot assume that Moscow and Peking are headed for a final separation. Some reconciliation is conceivable in the post-Mao period.

I think we can all agree that the future is filled with grave uncertainties and continuing perils for free nations and the cause of individual liberty. It was difficult enough to do business with the U.S.S.R., to identify areas of shared interests and to make progress in those areas, before Czechoslovakia. This most recent demonstration of Soviet suppression surely does not make our problems easier.

II

In all this the growing productive power of the Soviet Union is a factor of great significance. With its large command economy the U.S.S.R. can now produce across-the-board capabilities that enable the Kremlin to move simultaneously on many fronts: increased consumer goods and services for Soviet citizens; a massive space program; aid to other Communist nations—including substantial support for North Vietnam; and a steady rise in its defense budget, permitting it to build a large and diversified arsenal of sophisticated weapons.

Of special significance is Moscow's formidable drive to reach a level of nuclear parity with the United States. This is a very serious worry.

The Soviets are increasing their ICBM force at a very fast rate. The number of operational ICBM's targeted against the United States has nearly tripled in the last 2 years. The evidence I have indicates the Soviets will have rough parity with the United States in operational land-based missiles within a year or so, and that they intend to surpass us in numbers of ICBM's shortly. By the mid-1970's, about 80 percent of Soviet ICBM's will be in dispersed single silos; 2 years ago the bulk of the force was in vulnerable soft sites or in clustered silos. Also, the larger missile payload the Soviets can mount on their bigger ICBM's gives them the capability to deploy higher yield nuclear warheads per missile than we can.

In addition, Moscow has in full swing the production of the new 16-tube Polaris-type submarine, and the number of submarine-launched ballistic missiles available to the U.S.S.R. in mid-1970 will be two and a half times the level of 1966. It is likely that their goal is a seaborne nuclear force comparable to our own Polaris capability.

At the same time, the Soviet leaders are deploying the Galosh defensive missile system in the Moscow area and our best intelligence is that they are continuing to build and improve their ballistic missile defense.

The U.S.S.R. is also making heavy investments in mobile long-range forces capable of conventional operations at extended distances from its own borders. Soviet ships are no longer confined to the Russian coastal areas of the Baltic and Arctic Oceans and the Black Sea; Moscow has boldly extended its naval strength into the Mediterranean Sea, the Indian Ocean, and also into the Persian Gulf.

Even when the Russians have been in a condition vis-a-vis the West of admitted inferiority in strategic power and in mobile long-range capabilities, Moscow has periodically pressed forward policies designed to extend its influence and to push history along the path of Soviet expectations. One recalls the repeated threats to the freedom of Berlin, the Cuban missile venture and now the ruthless subjugation of Czechoslovakia.

In past Soviet adventures, the strategic inferiority of Soviet power has set limits to the extent of the risks that Moscow was willing to run. It is disquieting to contemplate the still more dangerous range of risks which the Kremlin might accept in the future if it was confident of being closer to an equality or a superiority of overall deterrent strength—however that is measured in terms of the ratio between offensive and defensive nuclear systems—and also possessed a local superiority of force in the area of intervention. The stage would be set for the most perilous kind of confrontations—showdowns between nuclear powers in which Moscow did not feel fully deterred by our nuclear forces.

Mr. President, the Soviet Union is a dangerous and unpredictable adversary. We cannot be confident that a Soviet Union that spearheads a five-nation intervention in Czechoslovakia will not use military force in pursuing its objectives in other situations, when it believes this can be done without incurring unacceptable risks.

In the wake of Czechoslovakia, there is no excuse for any American to ignore the first priority of American policy. And the first priority in this uncertain and dangerous world is to maintain a greater nuclear power and strength than the Soviet Union. Strategic parity with the Soviet adversary is not good enough. The survival of our Nation and our allies in freedom depends not on a parity of nuclear power but on a margin of advantage in nuclear power for the peace-keepers over the peace-upsetters.

Our aim is not, of course, an unlimited accumulation of nuclear weapons. Our policy should be to create and maintain a relationship of nuclear forces favorable to the deterrence of adventurism and aggression.

In this connection, I commend Secretary Clifford for going forward with the tests of the MIRV principle and for proceeding, without delay, in the deployment of the Sentinel ABM. Also, given the rapid buildup of Soviet offensive nuclear strength, this country must promptly provide for a new generation of ICBM's with a larger payload and for more advanced Poseidon-type nuclear submarines.

III

We have been told that if we concede nuclear parity to the Soviets, we will be in a better position to persuade the Soviet Union to limit or reduce their nuclear arms. I do not accept this notion. On the contrary, I believe the Soviets are less likely to engage in productive arms limitation talks if we let our margin of strategic advantage go by default. All of us should understand by now that the way to encourage a reasonable response from Moscow is to maintain strong positions which make negotiated agreements more attractive to them than continued disagreements.

Quite obviously, the assault on Czechoslovakia has set back the prospects for top-level East-West discussions on the control and limitation of nuclear offensive and defensive forces. We will continue to hope for such discussions—at a proper time under appropriate circumstances.

If and when such arms talks materialize, however, we and our allies should be prepared to bargain toughly. The productive power of the Soviet economy is not nearly as great as that of the American economy. Any big expenditures on a new generation of nuclear weapons puts greater pressures on the Soviet economy than on ours and means greater sacrifices for the Russians than for us. In possible negotiations with the Soviets, we should not give up the idea of a margin of safety for the free world in nuclear power.

And in the aftermath of the Czech invasion, I hope that we will be more vigilant than ever in insisting upon adequate safeguards in any armaments agreements we may negotiate with Moscow. What we and our allies are after in any arms talks with the U.S.S.R. is a system of limitation and control of armaments that will reduce existing risks in the world without introducing new ones. Obviously, we should avoid entrusting our security to any agreements with the Soviet Union that are not self-enforcing, or that cannot be effectively enforced at every stage.

IV

Mr. President, the struggle in Vietnam is very important and clearly requires much of our national thought and effort. We want to end not just the bombing of the North; we want to end the war. We are trying to achieve a political settlement on honorable terms that would not increase the danger of a later, larger conflict in Asia. But it is high time that we in this country again gave the problems of Europe the close and sustained attention they deserve.

The North Atlantic area is still the most decisive region for the future of this Nation. The strength and mutual confidence of the Atlantic allies are the

single most important safeguard of peace with freedom in the Western World. It is of fundamental importance that this country meet its responsibilities in the Atlantic Alliance with the mature judgment that marks a great nation.

Given the lightning-like Czech invasion, it is now necessary to reexamine the assumption of Western defense planners that there would be early "political warning" of a Soviet conventional military move against NATO. The assumption of early warning—warning that would give us time to get our forces back to Germany—was behind the decision announced last year to redeploy 35,000 U.S. NATO-assigned troops from Germany to the United States. Also, NATO's heavy reliance on mobilization arrangements has been justified on the ground that there would be ample political warning of attack.

Yet in the Czech crisis, until the moment of assault, the political signals from Moscow were at best ambiguous. The Soviet leaders used Warsaw Pact maneuvers to conceal plans for the invasion. The discussions inside the Kremlin were secret and thoroughly guarded. The five-nation move on the morning of August 21 took almost everybody by surprise.

With the military balance in central Europe now significantly changed to the disadvantage of the West, it makes no sense to talk about any early reduction in the ready combat capability of NATO forces in Europe. All NATO members should stop discussing cutbacks and redeployments and start preparing to carry, for as far ahead as one can see, their full share in the forward defense of Europe.

As a starter, the proposed reductions in force contributions by certain European governments and by Canada should be suspended and concrete steps should be taken by our NATO partners to strengthen and improve the readiness of their NATO-assigned forces. For our part, we should move promptly to bring American combat units in Europe up to full strength, return needed specialists and longer experienced officers, and increase the scale and quality of U.S. troop training and maneuvers in Europe.

Looking ahead, we can reasonably expect our European allies to share more of the common load in the defense of Europe. What is needed is a NATO program for the orderly and fair adjustment over a period of years of burden sharing among all the Atlantic allies. This task is at the heart of effective force planning under the North Atlantic Council and its Defense Planning Committee. I believe it is time for a European initiative to get such a NATO program underway.

V

Mr. President, the occupation of Czechoslovakia may clear the air in another respect. We are often told to cut back key defense programs because they divert funds from urgent homefront tasks. Certainly, the attack on poverty and the drive to overcome the remaining barriers to full and equal participation in American life of all our citizens are urgent. I, for one, am no recent convert to this point of view. Over the years I have sponsored and fought for liberal legislation to improve the plight of the poor, to protect the health of all our people, and to open up educational opportunities to every American child. We should do many more things for justice and fairness at home. We will. But make no mistake about it: we will not be able to keep building a better America at home unless we also attend to our fundamental security requirements abroad.

A sound national policy, of course, rests on an understanding that the Nation's resources are limited. Our capabilities must be committed with discrimination and prudence.

But unless Americans are prepared to accept the responsibilities of a great Nation in the fateful and difficult years ahead, the problems can become worse and worse and the international crises finally unmanageable.

Winston Churchill said the right words to us:

The price of greatness is responsibility.

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

Mr. JACKSON. I yield.

Mr. STENNIS. Mr. President, I wish to highly commend the distinguished Senator from Washington for his thoughtful speech. It presents for all of us a serious challenge.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, under the authority of Senate Resolution 115, agreed to by the Senate on May 19, 1967, appoints the Senator from New Hampshire [Mr. McINTYRE] and the Senator from Iowa [Mr. HICKENLOOPER] to the 14th meeting, Commonwealth Parliamentary Association, to be held at Nassau, Bahamas, on October 30 through November 7, 1968.

EXECUTIVE COMMUNICATIONS, ETC.

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

MANUAL FOR COURTS-MARTIAL, UNITED STATES, 1969

A letter from the Acting General Counsel, Department of Defense, transmitting, pursuant to law, the Federal Register's reproduction of the text of the new Manual for Courts-Martial, designated formally as "Manual for Courts-Martial, United States, 1969" (with an accompanying document); to the Committee on Armed Services.

REPORT ON AIR FORCE MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on the Air Force military construction contracts awarded by the Department without formal advertisement for the period January 1, 1968, through June 30, 1968 (with an accompanying report); to the Committee on Armed Services.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with statements of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Congress of Micronesia; to the Committee on Finance:

"S.J. RES. 10, S.D. 1

"Joint resolution urging the United States Congress to amend the Tariff Schedule of the United States to accord to the Trust Territory the same tariff treatment as is provided for insular possessions of the United States

"Whereas, favorable tariff treatment for the Trust Territory on products exported to the United States will further economic progress and development throughout the whole Trust Territory; and

"Whereas, the economy of the Trust Territory will greatly benefit from any favorable tariff treatment for products exported to the United States; now, therefore,

"Be it resolved by the Senate of the Congress of Micronesia, Fourth Regular Session, 1968, the House of Representatives concurring, that the Congress of the United States be and is hereby requested and urged to amend the Tariff Schedule of the United States to accord to the Trust Territory the same tariff treatment as is provided for insular possessions of the United States; and

"Be it further resolved that certified copies of this Joint Resolution be transmitted to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Secretary of the Department of the Interior, and to the High Commissioner of the Trust Territory."

A joint resolution of the Congress of Micronesia; to the Committee on Interior and Insular Affairs:

"S.J. RES. 22

"Joint resolution respectfully requesting the U.S. Congress to allow the Congress of Micronesia to appropriate federal grant funds annually made available to the trust territory for its administration and operation and funding of essential public services

"Whereas, on September 28, 1964, the Secretary of the Interior promulgated Secretarial Order No. 2882, as amended, creating the Congress of Micronesia and granting to it certain legislative authority; and

"Whereas, Section 5 of the said Order limits the power of the Congress of Micronesia to appropriate revenues raised pursuant to the tax laws and other revenue laws, thus placing federal grants from the United States Congress for the administration of the Trust Territory outside the scope of its fiscal powers; and

"Whereas, since the United States provides the bulk of funds required to administer the Trust Territory, the limited funds available for the Congress of Micronesia to appropriate for projects and services needed by the people invariably go to finance marginal

projects and services inasmuch as the more important projects and services have been funded by the United States; and

"Whereas, the vital source of power of any legislative body is its control of the purse, and no legislature can be bypassed on the vital point of budgetary responsibility and continue to command public respect and confidence; thus, in the case of the Congress of Micronesia, the lack of control of the purse for the Trust Territory lends a certain aura of unreality to its deliberations; now, therefore,

"Be it enacted by the Senate of the Congress of Micronesia, Fourth Regular Session, 1968, the House of Representatives concurring, that the United States Congress be and is hereby respectfully requested to allow the Congress of Micronesia to appropriate federal grant funds annually made for the administration, operation, and funding of essential public utilities and services; and

"Be it further resolved that the Secretary of the Interior be and is hereby respectfully requested to amend Interior Secretarial Order No. 2882, as amended, to provide that the Congress of Micronesia shall have the power to appropriate federal grant money made available for the Trust Territory; and

"Be it further resolved that certified copies of this Joint Resolution be transmitted to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the Secretary of the Department of the Interior, and the High Commissioner of the Trust Territory of the Pacific Islands."

A joint resolution of the Congress of Micronesia; to the Committee on Labor and Public Welfare:

"S.J. RES. 40

"A Senate joint resolution requesting the United States Congress to continue the application of the Elementary and Secondary Education Act (Public Law 89-10) to the Trust Territory of the Pacific Islands

"Whereas, the Elementary and Secondary Education Act (also known as PL 89-10) enacted by the United States Congress in 1965 was extended to include the Trust Territory of the Pacific Islands on an equal basis with the states and territories of the United States; and

"Whereas, in excess of $1,000,000 per year has been made available for educational development in the Trust Territory by virtue of the Act; and

"Whereas, by providing these funds the United States Congress has recognized the ability of the Government of the Trust Territory to provide leadership in the educational development of Micronesia; and

"Whereas, there is a probability that the United States Congress will eliminate Trust Territory participation in ESEA in Fiscal Year 1970; now, therefore,

"Be it resolved by the Senate of the Congress of Micronesia, Fourth Regular Session, 1968, the House of Representatives concurring, that expressions of appreciation be extended to the Congress of the United States for having included the Trust Territory in the above mentioned Act; and

"Be it further resolved that the Congress of the United States be and is hereby respectfully requested to continue this valuable assistance to the Trust Territory of the Pacific Islands; and

"Be it further resolved that certified copies of this Resolution be sent to the Secretary of the Department of the Interior and to the Speaker of the House of Representatives and the President of the Senate of the United States Congress."

A resolution adopted by the city council, Cincinnati, Ohio, remonstrating against proposed legislation relating to the taxation of certain bonds; to the Committee on Banking and Currency.

A letter, in the nature of a petition, from Mrs. L. E. Hubbard of Vacaville, Calif., remonstrating against the action taken in regard to the nomination of Mr. Fortas to be the Chief Justice of the Supreme Court; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. Res. 397. Resolution to print as a Senate document a study entitled "Aspects of Intellectual Ferment and Dissent in the Soviet Union" (Rept. No. 1611).

By Mr. SPARKMAN, from the Committee on Foreign Relations, with amendments:

S. 2969. A bill for the relief of David E. Alter III, and his parents, Mr. and Mrs. David E. Alter, Jr. (Rept. No. 1612).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

James Russell Wiggins, of the District of Columbia, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations;

James Russell Wiggins, of the District of Columbia to be a Representative of the United States of America to the 23d session of the General Assembly of the United Nations;

Brewster C. Denny, of Washington, to be a representative of the United States of America to the 23d session of the General Assembly of the United Nations;

Raymond D. Nasher, of Texas, to be an alternate representative of the United States of America to the 23d session of the General Assembly of the United Nations; and

Marvin L. Warner, of Ohio, to be an alternate representative of the United States of America to the 23d session of the General Assembly of the United Nations.

Mr. SPARKMAN. Mr. President, from the Committee on Foreign Relations, I also report favorably two nomination lists in the Diplomatic and Foreign Service. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they 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:

Charles C. Carson, of the District of Columbia, and sundry other persons, for promotion and appointment in the Diplomatic and Foreign Service; and

Burnett F. Anderson, of the District of Columbia, and sundry other persons, for promotion and appointment in the Diplomatic and Foreign Service.

By Mr. MAGNUSON, from the Committee on Commerce:

William F. Nettell, and sundry other officers, for promotion in the Coast Guard.

By Mr. TYDINGS, from the Committee on the District of Columbia:

Andrew McCaughrin Hood, of the District of Columbia, to be chief judge of the District of Columbia Court of Appeals.

BILLS INTRODUCED

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

By Mr. MOSS:

S. 4127. A bill to provide for the issuance of a special series of postage stamps in commemoration of the 100th anniversary of the completion of the first transcontinental railroad at Promontory, Utah; to the Committee on Post Office and Civil Service.

S. 4128. A bill to amend the Colorado River Basin Project Act; to the Committee on Interior and Insular Affairs.

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

By Mr. MONDALE:

S. 4129. A bill for the relief of Alfred Harrison, his wife, Ingrid Gertrude and daughter, Kirsten Viola, and son Martin Lenz; and

S. 4130. A bill for the relief of Branko Colakovic; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 4131. A bill for the relief of Mrs. Prosperidad (Jose L.) Cabezon; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 4132. A bill for the relief of Dr. Ataullah Moshayedi; and

S. 4133. A bill for the relief of the estate of Albert W. Small; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. HANSEN) (by request):

S. 4134. A bill to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. INOUYE:

S. 4135. A bill for the relief of Antone R. Perreira; to the Committee on the Judiciary.

S. 4136. A bill to amend title 38 of the United States Code to specifically provide for the guarantee of loans made to veterans to purchase dwellings in multifamily structures which are owned cooperatively or are condominiums; to the Committee on Finance.

S. 4127—INTRODUCTION OF BILL TO PROVIDE FOR THE ISSUANCE OF SPECIAL SERIES OF POSTAGE STAMPS

Mr. MOSS. Mr. President, I introduce a bill to provide for the issuance of a special postage stamp commemorating the centennial of the completion of the transcontinental railroad and ask that it be printed and appropriately referred.

This historic event was indeed a major turning point in our history. We became a unified nation, bound together economically, culturally, and spiritually. Next year we should honor and remember this great event.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 4127) to provide for the issuance of a special series of postage stamps in commemoration of the 100th anniversary of the completion of the first transcontinental railroad at Promontory, Utah, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 4128—INTRODUCTION OF BILL TO AMEND THE COLORADO BASIN PROJECT ACT

Mr. MOSS. Mr. President, I am today introducing a bill to amend the Colorado River Basin Project Act, Public Law 90–537, which would permit the study of water importation from Canadian or Alaskan sources into the Colorado River Basin.

At the time the Colorado River Basin project bill was in House-Senate conference, a provision was written into it prohibiting for 10 years even a reconnaissance study of the feasibility of importing water from the Columbia River Basin, where water is surplus, into the Colorado River Basin, where water is extremely short.

I have already expressed myself very strongly on how seriously I feel this will affect the future of my State, and of other Colorado River Basin States.

Now, upon examining the Colorado River Basin Project Act, I find that the conference language which prohibits study of importation from the Columbia River Basin probably also prohibits the possibility of making reconnaissance studies on the importation of Canadian or Alaskan water into the Colorado River Basin via basins which lie between the Colorado Basin and Canada.

I am sure this was not the intention of the conference committee in drafting this language, because there could be no objection to studies on the importation of Canadian or Alaskan waters. The Columbia River Basin, richly endowed with water resources, might itself at some distant time want to turn to either Canada or Alaska for supplementary supplies to stabilize flows in low water periods.

In the meantime, the ban could have serious repercussions in the Colorado River Basin. The 10-year moratorium on studies on transferring water into the Colorado from the Columbia Basin has already struck a heavy blow at future prospects for this area—including the future prospects of my State of Utah.

We must have more water to survive. We must augment the waters of the Colorado River—there is not enough water to honor all of the treaty and compact commitments to Mexico and southern California and Nevada and Arizona and New Mexico and Colorado and Wyoming and Utah. We are going to have to get more water from some source, and we should be making reconnaissance studies on alternative sources now.

Not to be able to pursue the possibility of importing arctic flowing waters—waters which are gushing completely unused to the sea—through massive transfers and interbasin exchange would be an additional setback of considerable proportions.

For some time there has been a continuously expanding water dialog about intercontinental water planning—about massive transfers and interbasin exchange.

This dialog has not only centered on the North American Water and Power Alliance—the NAWAPA—plan, which is an American plan, and which would move waters from Alaska to Mexico and points in between, but on a number of Canadian plans—the Kierans plan, the Kuiper plan, the Magnusson plan, the Tinney plan. And, of course, there are some additional American plans developed more recently. Not all of these plans would affect the Colorado River Basin, but all would require continentwide feasibility studies.

As the principal congressional sponsor of the NAWAPA plan, I have been to Canada a number of times to discuss it and other plans with Canadian officials and water experts. There is no question that the idea of approaching our water supply problems on a continental basis has great appeal, and is being given widespread attention on both sides of the 49th parallel.

The time has passed when people shrug off discussions of intercontinental water planning with the observation that the United States would get all of the benefits—and Canada would come off with the short end. Canada now recognizes that water can be marketed to the United States on a sustained yield basis, and at a considerable profit to the Canadian provinces involved. In other words, Canada would not deplete its water supplies, and could make good profit by supplying us.

We must not, therefore, tie our hands with a 10-year moratorium on intercontinental water studies by placing a ban on such studies in any corner of the United States. It could very well appear during the coming 10 years that it would be to the mutual advantage of both Canada and the United States to look into the many plans which have been suggested, and to make full feasibility studies of one or more of them.

The bill I am offering would amend section 201 of the Colorado River Basin Project Act as follows:

That section 201 of title II of the Colorado River Basin Project Act is amended by inserting immediately before the period at the end thereof a semicolon and the following: "except that this proviso shall not be applicable with respect to reconnaissance studies of any plan for the importation of water into the Colorado River Basin, if the water to be imported pursuant to such plan is to be replaced by an equal amount of water imported from Canadian or Alaskan sources which do not now contribute supplies to any basin in the United States other than the State of Alaska."

It is doubtful, of course, that consideration can be given to this bill in the remaining days of the 90th Congress, but I am introducing it now so that my colleagues may have it available for study during the adjournment period.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 4128) to amend the Colorado River Basin Project Act, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 4134—INTRODUCTION OF BILL TO ENCOURAGE TRAVEL IN THE UNITED STATES

Mr. JACKSON. Mr. President, I introduce, by request, for myself and Mr. HANSEN, for appropriate reference, a bill to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes.

The act of July 19, 1940, authorizes the Secretary of the Interior, through the National Park Service, to encourage, promote, and develop travel within the United States. It authorizes the annual appropriation of not more than $100,000 to carry out the purposes of the act "to encourage, promote, and develop travel within the United States, its territories and possessions, providing such activities do not compete with the activities of private agencies; and to administer all existing travel promotion functions of the Department of the Interior through such Service."

Legislation is required to increase the appropriation authorization to $3,000,000 annually.

The 1940 Travel Act was a culmination of the travel promotion activities of the National Park Service, which began with its establishment in 1916. Funds were appropriated for travel activities in 1942 and 1943, and after being interrupted by World War II, in fiscal years 1948, 1949 and 1950, before being again interrupted by hostilities in Korea, and the necessity for reduced appropriations as a result thereof. With the launching of the Discover America program, at Vice President HUMPHREY'S request, the Service developed a travel information program for Washington, as a model city program.

In January 1968, President Johnson's Industry-Government Special Task Force on Travel strongly recommended the National Park Service exercise its general authority under the 1940 act as a means of achieving a truly national domestic travel promotion program. To accomplish this, the Service with the approval of the Congressional Appropriations Subcommittees on Interior and Related Agencies, reprogramed $30,000 in fiscal year 1968, and $100,000 in the present fiscal year, establishing a Division of Tourism to direct the program.

The National Park Service can be particularly effective in the field of travel promotion. The national parks, monuments, historic sites, and recreation areas serve to "generate" travel and tourism, and this activity inevitably involves adjacent areas, sites, facilities, cities and other recreation areas. The program has great economic importance to domestic travel and to travel to the United States from foreign countries. But, such a program can also contribute understanding, appreciating and perpetuating our Nation's cultural and natural heritage.

It is increasingly evident, however, that the existing ceiling of $100,000 prevents the carrying out of a promotion program of sufficient scope to meet the national needs of today. Within the national park system alone, there were but 16 million visits in 1940, against 140 million in 1967. A countrywide travel information program cannot be effectively developed within the existing ceiling.

Development of a national program would require a professional and expanded approach to marketing and advertising as well as education and information. Full use would be made of modern means of communication: publi-

cations, traveling exhibits, films, posters, and the use of radio and television. While the Service would cooperate with the U.S. Travel Service and develop materials and programs in multilanguages to encourage and support foreign visitors, the Service program would be restricted to within the United States, and not overlap the overseas activities of the Travel Service. Even on the expanded scale of $3,000,000 annually, the projected program would be only a catalyst, insofar as the private travel sector is concerned, and would in no way compete with private agencies.

Following is a program cost data statement:

Program cost data

Division chief	$25,050
Sales marketing manager	16,946
Product services manager	14,409
Art production manager	14,409
Travel liaison specialist (2)	16,924
Secretary	6,981
Clerk-typist (2)	11,464
Total personnel (9)	106,183
Deduct lapses	13,183
Personnel compensation	93,000
Additional operating costs	50,000
Total personnel operating costs	143,000
Printing and reproduction	500,000
Other services (promotion)	[a] 2,357,000
Total program cost	3,000,000

[a] Other services (promotion):

1. Advertising [1]	$1,085,000
2. Sales promotion	166,000
3. Exhibits	300,000
4. Merchandising [2]	150,000
5. Visuals	100,000
6. Special publicity [3]	$36,000
7. International tie-in activities	20,000
Total	2,357,000

[1] Advertising totals include all fees and out-of-pocket expenses.

[2] For tie-in promotions (excluding printed material cost) on cost-sharing basis with States, cities, etc.

[3] For preparation of feature articles, shooting special photos, etc.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 4134) to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. HANSEN), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSOR OF BILL

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Connecticut [Mr. RIBICOFF] be added as a cosponsor of the bill (S. 18) to establish a Small Tax Division within the Tax Court of the United States.

ADDITIONAL COSPONSORS OF AMENDMENT NO. 1005 TO H.R. 2767

Mr. MONTOYA. Mr. President, on September 24, I submitted on behalf of myself, Senator AIKEN, and Senator EASTLAND an amendment which will provide a most urgent source of funding to rural municipalities to establish water and sewage disposal systems. I ask unanimous consent that the names of the following Senators be added as cosponsors to amendment 1005 to H.R. 2767: the Senator from New Mexico [Mr. ANDERSON], the Senator from Indiana [Mr. BAYH], the Senator from West Virgina [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Michigan [Mr. HART], the Senator from Washington [Mr. JACKSON], the Senator from Missouri [Mr. LONG], the Senator from Kansas [Mr. PEARSON], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Alabama [Mr. SPARKMAN].

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

NOTICE OF HEARINGS ON MODEL CITIES AND THE ELDERLY

Mr. MOSS. Mr. President, to continue the Senate Committee on Aging study of the "Usefulness of the Model Cities Program to the Elderly," I am calling two field hearings for October.

The first will begin in Seattle, Wash., at 10 a.m. at the Jefferson House Senior Center, 800 Jefferson Street, on October 14.

The second will begin at Ogden, Utah, at 10 a.m. in the Golden Hour Center auditorium, 650 25th Street, Ogden, Utah, on October 24.

Our first hearing in the model cities study—which I am making on behalf of the full Senate Special Committee on Aging at the request of the chairman, Senator HARRISON A. WILLIAMS—was conducted in Washington, D.C., on July 23.

NATIONAL MEMORIAL TO WOODROW WILSON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1588, S. 3174.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3174) to establish a National Memorial to Woodrow Wilson in the Smithsonian Institution.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Rules and Administration, with amendments, on page 3, after line 8, insert:

(5) The Librarian of Congress;
(6) The Archivist of the United States;.

At the beginning of line 11 strike out "(5)" and insert "(7)"; in the same line, after the amendment just stated strike out "not to exceed three" and insert "one"; at the beginning of line 14 strike out "(6)" and insert "(8)"; in line 17, after the word "through" strike out "(5)" and insert "(7)"; in line 21, after the word "paragraph" strike out "(6)" and insert "(8)"; on page 5, line 23, after the word "Code;" insert "and"; on page 6, line 2, after the word "with" insert "the President's Temporary Commission on Pennsylvania Avenue, or its successor, and with other"; in line 4, after the word "local" strike out "agencies; and" and insert "agencies, such plans to include an exterior classic frieze memorial to Woodrow Wilson."; after line 6, strike out:

(8) delegate to members of the Board or the Director of the Center such of its powers and responsibilities as it deems appropriate and useful for the administration of the Center.

And on page 7, line 13, after the word "this" strike out "Act." and insert "Act: *Provided*, That no more than $500,000 shall be authorized for appropriation through fiscal year 1970 and no part of that appropriation shall be available for construction purposes."; 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 this Act may be cited as the "Woodrow Wilson Memorial Act of 1968."

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

(1) that a living institution expressing the ideals and concerns of Woodrow Wilson would be an appropriate memorial to his accomplishments as the twenty-eighth President of the United States, a distinguished scholar, an outstanding university president, and a brilliant advocate of international understanding;

(2) that the Woodrow Wilson Memorial Commission, created by joint resolution of Congress, recommended that an International Center for Scholars be constructed in the District of Columbia in the area north of the proposed Market Square as part of the Nation's memorial to Woodrow Wilson;

(3) that such a center, symbolizing and strengthening the fruitful relations between the world of learning and the world of public affairs, would be a suitable memorial to the spirit of Woodrow Wilson; and

(4) that the establishment of such a center would be consonant with the purposes of the Smithsonian Institution, created by Congress in 1846 "for the increase and diffusion of knowledge among men."

THE CENTER AND THE BOARD OF TRUSTEES

SEC. 3. (a) There is hereby established in the Smithsonian Institution a Woodrow Wilson International Center for Scholars and a Board of Trustees of the Center (hereinafter referred to as the "Center" and the "Board"), whose duties it shall be to maintain and administer the Center and the site thereof and to execute such other functions as are vested in the Board by this Act.

(b) The Board of Trustees shall be composed of fifteen members as follows:

(1) the Secretary of State;

(2) the Secretary of Health, Education, and Welfare;

(3) the Chairman of the National Endowment for the Humanities;

(4) the Secretary of the Smithsonian Institution;

(5) The Librarian of Congress;
(6) The Archivist of the United States;
(7) one appointed by the President from time to time from within the Federal Government; and
(8) eight appointed by the President from private life.

(c) Each member of the Board of Trustees specified in paragraphs (1) through (7) of subsection (b) may designate another official to serve on the Board of Trustees in his stead.

(d) Each member of the Board of Trustees appointed under paragraph (8) of subsection (b) shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the trustees first taking office shall begin on the date of the enactment of this Act, and shall expire as designated at the time of appointment, two at the end of two years, three at the end of four years, and three at the end of six years. No trustee of the Board chosen from private life shall be eligible to serve in excess of two consecutive terms, except that a trustee whose term has expired may serve until his successor has qualified.

(e) The President shall designate a Chairman and a Vice Chairman from among the members of the Board chosen from private life.

POWERS AND DUTIES OF THE BOARD

SEC. 4. (a) In administering the Center, the Board shall have all necessary and proper powers, which shall include but not be limited to the power to:

(1) appoint scholars, from the United States and abroad, and, where appropriate, provide stipends, grants, and fellowships to such scholars, and to hire or accept the voluntary services of consultants, advisory boards, and panels to aid the Board in carrying out its responsibilities;

(2) solicit, accept, and dispose of gifts, bequests, and devises of money, securities, and other property of whatsoever character for the benefit of the Center; any such money, securities, or other property shall upon receipt, be deposited with the Smithsonian Institution, and unless otherwise restricted by the terms of the gift, expenditures shall be in the discretion of the Board for the purposes of the Center;

(3) obtain grants from, and make contracts with, State, Federal, local, and private agencies, organizations, institutions, and individuals;

(4) acquire such site as a location for the Center as may subsequently be authorized by the Congress;

(5) acquire, hold, maintain, use, operate, and dispose of any physical facilities, including equipment, necessary for the operation of the Center;

(6) appoint and fix the compensation and duties of the director and such other officers of the Center as may be necessary for the efficient administration of the Center; the director and two other officers of the Center may be appointed and compensated without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code; *and*

(7) prepare plans and specifications for the Center including the design and development of all buildings, facilities, open spaces, and other structures on the site in consultation with the President's Temporary Commission on Pennsylvania Avenue, or its successor, and with other appropriate Federal and local agencies, such plans to include an exterior, classic frieze memorial to Woodrow Wilson.

(b) The Board shall, in connection with acquisition of any site authorized by Congress, as provided for in paragraph (4) of subsection (a) of this section, provide, to businesses and residents displaced from any such site, relocation assistance, including payments and other benefits, equivalent to that authorized to displaced businesses and residents under the Housing Act of 1949, as amended. The Board shall develop a relocation program for existing businesses and residents within the site and submit such program to the government of the District of Columbia for a determination as to its adequacy and feasibility. In providing such relocation assistance and developing such relocation program the Board shall utilize to the maximum extent the services and facilities of the appropriate Federal and local agencies.

ADMINISTRATION

SEC. 5. The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedure of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business.

APPROPRIATION

SEC. 6. There are hereby authorized to be appropriated to the Board such funds as may be necessary to carry out the purposes of this Act: *Provided*, That no more than $500,000 shall be authorized for appropriation through fiscal year 1970 and no part of that appropriation shall be available for construction purposes.

RECORDS AND AUDIT

SEC. 7. The accounts of the Board shall be audited in accordance with the principles and procedures applicable to, and as part of, the audit of the other Federal and trust funds of the Smithsonian Institution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

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, was read the third time, and passed.

Mr. PELL subsequently said: Mr. President, I ask unanimous consent that the Senate reconsider the action of the Senate earlier this morning in passing S. 3174, a bill to establish a national memorial to Woodrow Wilson in the Smithsonian Institution, together with the third reading.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The bill is before the Senate.

Mr. PELL. Mr. President, the bill before us, S. 3174, represents the culmination of many years of effort by interested citizens and organizations to establish a national memorial to the 28th President of the United States, Woodrow Wilson. It also reflects intensive and thorough studies by two commissions of the U.S. Government that were directed to recommend the most fitting and appropriate memorial to a man who was at once a great President, a distinguished scholar, and an inspiring leader in international affairs.

The bill would establish a Woodrow Wilson International Center for Scholars as a living memorial. This form of memorial was recommended by the Woodrow Wilson Memorial Commission, established by joint resolution of the Congress in 1961, and by the President's Temporary Commission on Pennsylvania Avenue, which was directed by President Johnson to prepare more detailed recommendations for the proposed center.

Organizationally, the center would be within the Smithsonian Institution, but would be governed by a completely independent 15-member board of trustees, appointed by the President, seven of them from within the Government and eight from outside the Government.

As recommended by the commission studies, the center, in addition to serving as a most fitting memorial, would fill a long-felt need in the Nation's Capital. It would be a center to which distinguished scholars from throughout the world would be invited as fellows and visitors, to make use of the great wealth of historical and scholarly material available in the District of Columbia, to benefit from their close association in the center, and to contribute to our own understanding in the fields of knowledge.

I would like to emphasize that this bill is a major step toward the establishment of such a memorial, but it is not the final step. The bill is limited to creating the organizational structure for the center and authorizing its operation. The bill specifically requires further congressional authorization for acquisition of a site for the center. The Pennsylvania Avenue Commission, in its report, recommended that the center be housed in its own building that would be a part of the proposed Market Square, opposite the National Archives, but this bill neither designates a site nor authorizes its acquisition.

In addition, the Committee on Rules and Administration took cognizance of the current budget situation, and restricted the appropriations authorized for planning and operation of the center.

The committee was assured by the Secretary of the Smithsonian Institution that no budget request would be made for the current fiscal year and that for the first 3 years, expenditures would be limited to not more than $500,000 a year. Accordingly, the committee has amended the bill to limit the authorization for appropriations to not more than $500,000 through fiscal 1970.

It was the recommendation of the Pennsylvania Avenue Commission that the board of trustees of the center seek to finance the operation of the center, to the maximum extent possible, through private contributions and bequests. The committee endorses that concept as an important means of maintaining the independence required for a scholarly center.

Mr. President, I would like to take note here of the contributions made to this proposal for a Woodrow Wilson National Memorial by many organizations and in-

dividuals. In particular, I would like to acknowledge the contributions of the Woodrow Wilson Memorial Commission, headed by the Very Rev. Francis B. Sayre, Jr.; the Pennsylvania Avenue Commission, its chairman, Nathaniel A. Owings, and its vice chairman, Daniel P. Moynihan; the Woodrow Wilson Foundation and its president, Pendleton Herring; and Mr. S. Dillon Ripley, Secretary of the Smithsonian Institution.

I would like to take special note of the contributions to this legislation by the distinguished junior Senator from New Jersey. It is no exaggeration to say that without his efforts and interests this bill would not be before us today. As one of his first acts after his election to this body, Senator WILLIAMS introduced the original resolution to establish the Woodrow Wilson Memorial Commission. I recall Senator WILLIAMS advising me that he had become interested in the subject as the result of a suggestion to him by Mr. Chet Huntley, who I understand is a scholar of the life of Woodrow Wilson. Later, after the Woodrow Wilson Memorial Commission had filed its report, Senator WILLIAMS introduced a bill pursuant to the Commission recommendations, and it was that bill that led directly to the legislation before us today. In short, the junior Senator from New Jersey has played a very major role indeed in meeting the long-felt need for a national memorial to Woodrow Wilson.

The PRESIDING OFFICER. The committee amendments have been agreed to. The bill is open to further amendment.

Mr. COOPER. Mr. President, I am very glad to support this bill, the purpose of which is to establish a living institution as a memorial to Woodrow Wilson, his works, ideals, and scholarship. The memorial recommended by the committee would take the form of an international center for scholars to be located in the District of Columbia.

I have offered several amendments which were accepted by the committee and which, I believe, make certain improvements in the bill originally introduced.

The original bill proposed that the center's board of trustees be given broad authority to delegate their powers and responsibilities to other board members or to the director of the center. I moved to strike this provision because I thought such broad authority was not proper, and that the board should take full direction of the center's activities.

Another amendment which I offered was accepted in committee. It removed the open ended authorization for appropriations proposed in the original bill and limits appropriations to $500,000 for fiscal 1970, for planning. This appropriation cannot be used for construction purposes.

The two amendments are commented on at page 3 of the committee report.

During the hearing, testimony was received from the Woodrow Wilson Foundation recommending that the educational institutions with which President Wilson had been associated, such as Princeton University and the University of Virginia, should be invited to offer suggestions to the President of names of candidates for nomination to the center's board. I believe that this suggestion merits consideration by the President, and it has been included in the committee's views on page 4 of the report.

In addition to these amendments, I now send to the desk three additional amendments to the bill, S. 3174, which, I understand are acceptable to the manager of the bill, the distinguished Senator from Rhode Island [Mr. PELL] and ask that they be stated.

The legislative clerk read as folows:

On page 2, line 8, strike out the period, and insert in lieu thereof a semicolon and the word "and".

On page 2, line 12, strike out "; and", and insert in lieu thereof a period.

On page 2, beginning with line 13, strike out all through line 16.

Beginning with the comma in line 3, page 5, strike out all to and including the word "Center" in line 6, page 5, and insert in lieu thereof a period and the following: "The Board shall have the sole authority to make expenditures from such funds for carrying out the purposes of this Act, unless otherwise restricted by the terms of the gift".

Amend the title so as to read: "A bill to establish a National Memorial to Woodrow Wilson."

Mr. COOPER. Mr. President, first, section 2, paragraph 4 of the bill, as reported, requires that the establishment of the Woodrow Wilson Center "be consonant with the purposes of the Smithsonian Institution." My amendment would delete this provision from the bill. While it is fortunate that the two institutions will be harmonious, it seems to me the requirement that the Woodrow Wilson Center should be consonant with, or in harmony with, the purposes of the Smithsonian Institution is inappropriate. The establishment of the Center to memorialize Woodrow Wilson is the object of the bill. If, after several years of operation, the work of the Center parallels or supports the goals of the Smithsonian, it will be well and good. But, if it does not, and the Center still achieves the purposes for which it was established—memorializing the ideals of Woodrow Wilson—it should not make any difference whether the Center's purposes and work are in harmony with the purposes of the Smithsonian.

Second, section 4(a)(2) of the bill, on page 5, provides that funds received by the center by way of gift, bequest, and other means be deposited with the Smithsonian Institution and that expenditures of these funds be made "in the discretion of the board for the purpose of the center." My amendment makes it absolutely clear that, although the funds are deposited with the Smithsonian as custodian, the center's board shall have the sole authority to make expenditures from the funds for the purposes of the act, unless otherwise restricted by the terms of the gift.

My third amendment would simply delete "in the Smithsonian Institution" from the title of the bill so that the title would read, "To Establish a National Memorial to Woodrow Wilson." As I have noted the purpose of the bill is to establish the Woodrow Wilson Center. The bill should direct its attention to the center and its works rather than the Smithsonian, an established and great institution in its own right.

Mr. PELL. Mr. President, I have discussed these amendments with the Senator from Kentucky at some length and in great detail. I believe they will improve and perfect the bill and I am willing to accept them. Again, I want to thank the Senator for his many contributions to the Woodrow Wilson memorial bill.

Mr. President, I ask that these amendments of the Senator from Kentucky, which greatly improve the bill, be agreed to.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The question is on agreeing to the amendments.

The amendments were agreed to en bloc.

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, was read the third time, and passed.

Mr. COOPER. Mr. President, I would like to pay my respects to the able Senator from Rhode Island [Mr. PELL], chairman of the Subcommittee on the Smithsonian Institution, for his thoughtful suggestions and his diligent work in committee and in bringing this bill to the floor. He deserves the thanks of the cultural and educational community for his efforts to make the Woodrow Wilson Center a living memorial to our 28th President. It represents another of the many contributions Senator PELL has made to our committee. I agree with him and with all of those who worked for its establishment that the Center is the best memorial to Woodrow Wilson, and that it will contribute in a unique way to the advancement of learning and the enrichment of life.

HIGH DENSITY TRAFFIC AIRPORTS

Mr. PEARSON. Mr. President, this morning I submitted a statement to the Federal Aviation Administration, which is now holding hearings in connection with high density traffic airports. I ask unanimous consent that the statement I presented to the Federal Aviation Administration on this subject be printed in the RECORD.

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

HIGH DENSITY TRAFFIC AIRPORTS

(Statement by Senator JAMES B. PEARSON to the Federal Aviation Administration, Oct. 3, 1968)

Mr. Chairman, after careful and serious study of the proposed changes in FAA regulations for high density airports, I wish to present to the FAA my views regarding the continuing airport problem, the immediate and long term solutions, and the proposed assignment of priorities in this matter.

The blame for the current problem cannot be placed on any one area of aviation. This problem is the result of accelerating growth in all aspects of the aviation industry. The air industry has far outpaced the growth of our national economy. While our GNP moves ahead at a rate of 8% annually, the air trans-

portation industry is expanding at a rate of nearly 40%. In the last decade, the number of air passengers has grown 200%. The trends show exponential increases for the future. In 1967, the airlines owned 2,188 planes; they are expected to have 3,400 by 1974. General aviation aircraft numbered 114,000 in 1967; they are expected to total over 170,000 by 1974. These and other facts of the expansion in the air transportation industry—in all aspects of the air transportation industry—have combined to create a near crisis condition for our national airways system.

The airport and airspace problem is most complex, and there are many interrelated aspects to it. From the hearings held by the Aviation Subcommittee of the Committee on Commerce and from a field study trip taken by Senator Frank Moss and myself, I feel the major elements of the problem can be categorized into four areas: (1) traffic, both in the air and on the ground; (2) airport construction and improvement; (3) noise abatement; and (4) financing solutions to these problems. To solve these interrelated problems requires that Congress now take steps to meet the demands of the immediate future. Legislation is now before the Congress which would confront the problems of traffic congestion, airport development, noise, and financing. But action this session does not appear likely. The Congress has not responded to the demands of the situation. I say it is time for Congressional action; it is time for those who share an interest in the future of aviation to support Congressional action!

Not only has Congress not taken action but, from my viewpoint, the proposal before the FAA is a negative reaction not a positive response to the current problem. No one is happy with the proposed restrictions. All parties have voiced varying degrees of distress over the planned imposition of restrictions. I can only agree that these proposals do not confront the fundamental causes of the problem. Not only do they not attack these problems, but they also discriminate—unfairly I believe—against general aviation in restricting air travel into the high density airports.

The proposed restrictions discriminate against general aviation in various ways:

1. They give priority to airlines and to air taxis over general aviation for reservation allocation in high density airports.

2. They completely restrict general aviation flights to high density airports between 5 and 8 p.m.

3. They require each aircraft to have an FAA specified transponder.

4. They require that each aircraft have two pilots.

5. They require that each aircraft be able to maintain a minimum speed of 150 knots.

It cannot be denied that the burden of these restrictions falls more heavily upon general aviation than upon other interests within the aviation community. I believe a more adequate public explanation for such an imposition is necessary.

I, for one, would like to inquire into the depth of the FAA's study of the current problem, and I would like to know if the FAA has fully considered the following possibilities:

1. Has the FAA considered the alternative of revising procedures and traffic patterns for the congested airports? A study made a few years ago by Najeeb E. Halaby, former Administrator of the FAA, suggested that high density air traffic could be handled most efficiently by designating separate classes of aircraft and by providing for each class distinct altitude and speed requirements, separate approach and departure corridors, and separate tower operators with all operators integrated into a single tower. I note that none of the concerned airports has a systematic program of this type. Has the FAA taken any action on the recommendations of the Halaby study? Recent reports raise serious questions as to whether the FAA has fully considered these possibilities. I feel that maximum ultilization of current facilities must be achieved before harsh restrictions can be placed upon any elements of our air transportation system.

2. Has the FAA considered the alternative of more effective utilization of existing airport facilities through a redistribution of the scheduling load to other low traffic area airports? The Washington, D.C. area, which has three major airports, is a case in point. The uneven scheduling distribution among these three airports again suggests that these possibilities have not been fully examined. Maximum utilization of existing facilities should be achieved before discriminatory restrictions are applied.

3. Has the FAA closely examined the implications of the proposed ruling? What provisions have been made for those affected by the suggested restrictions? Are extra services foreseen in terms of (a) connections from reliever airports, (b) dissemination of information regarding area airports, (c) any other possible consequences.

I make these inquiries simply because I feel that the public discussion has little knowledge of these alternatives. And serious questions have been raised as to how comprehensive the FAA's study of them has been.

These proposed restrictions, I feel, do not adequately recognize the interests of general aviation in the future of our national air travel system. General aviation is an essential element of this national air system and continues to show a more rapid rate of growth than any other area of aviation. One needs only to review the facts to acknowledge general aviation's vital role:

1. While the national economy increased 85% from 1955 to 1966, the general aviation industry expanded 600% in the same period.

2. The general aviation industry adds nearly $600 million to our national economy. Over $100 million of this figure is from the export market which helps to alleviate this nation's balance of payments problem.

3. General aviation maintains its dominant role in production of aircraft as it makes up approximately 96% of the total civil units produced.

4. General aviation is in the air over 21 million hours annually. The figure constitutes nearly 80% of the total civilian aircraft hours.

5. General aviation records approximately 75% of the total air traffic activity. In 1966, there were over 33 million landings and departures by general aviation aircraft. Moreover, this traffic activity is expanding at a rate of more than 25% annually.

These figures regarding general aviation are not new or shocking; they are generally well known within the aviation industry. I point them out only to emphasize that general aviation is a full partner in the air industry. It is from this viewpoint that I ask the FAA to re-examine its current proposal and to evaluate the current airport problem in light of the fact that general aviation has an equal stake in our national air transportation system.

I also would like to take this opportunity to call to those who have hesitated in their support of federal legislation providing for future airport development. It is time for a commitment on the part of those who share a common interest in the expansion of the air transportation industry—a commitment to support a system of funding and financing future airport development. If such a commitment is not forthcoming, the current FAA proposal can only be viewed as a sign of future developments.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

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

VICE PRESIDENT'S SPEECH ON CESSATION OF BOMBING IN VIETNAM

Mr. DIRKSEN. Mr. President, it has now been about 15 years since we were embroiled in Korea. During that time a rumor developed that President Truman was going to settle for the division of that country at the 38th parallel. The fact of the matter is that actually President Truman made no such proposal, but at least it got currency as a rumor, and it came about the time that we had a very brilliant military drive going in Korea. It took the edge off that drive. It incited the enemy to make further efforts. It kept us in Korea for a much longer time, and, as I recall, added about 80,000 to the casualty list. I had hoped and hoped that nothing would ever again develop of a parallel nature and that we would not go through that kind of agony once more. That is the reason why I am more than a little interested in the Salt Lake City speech of the distinguished Vice President, who is a candidate for the Presidency.

I have gone through that speech, but I also got home in time, the other evening, to hear it, because it was a recorded version.

Some thoughts kept creeping into my mind, and I set them down in the form of questions.

I am beginning to wonder a little whether this is an unconditional bombing pledge. I see these little phrases and words in the speech, but I am not sure that they mean so much.

I can find only one specific, and that is it is related to a restoration of the demilitarized zone. But in connection with that paragraph in his speech, the Vice President had this to say:

> As President, I would be willing to stop the bombing of the north as an acceptable risk for peace because I believe it could lead to success in the negotiations and a shorter war. This would be the best protection for our troops.

Well, I do not know whether he means that suspending bombing would be the best protection for our troops. I have not heard it from any authentic, authoritative source. I should like to know what our field commander, General Abrams, would have to say about that. I am wondering what that will do to troop morale. They have not raised that question, and somehow or other our troops seem to be the forgotten factor in all this, which is far more important to me than what goes on in Paris.

It is said that this does not in any way impair our negotiations in Paris. Well, if the North Vietnamese negotiators think they can get a better deal this way, obviously they are not going to settle for anything right now.

It is rather interesting, and I am wondering what kind of game is being played here, because I read Joseph Kraft's column in the Washington Post this morning, in which he says:

> Lastly, a trap was prepared for Richard Nixon. It was expected that the Republican candidate would reply to the Vice President

by raising a question as to whether Mr. Humphrey's advance towards a total cessation of the bombing would not adversely affect the Paris negotiations. Mr. Nixon did as expected. And arrangements were immediately made for Ambassador Harriman to deny the Nixon insinuation.

And it works out just that way, because on the front page of the same newspaper this morning it is reported that Mr. Harriman, speaking through his spokesman, said in effect that this statement by the Vice President did not impair the negotiations.

Well, I should like to know what was in the mind of Thuy over there, rather than in Mr. Harriman's mind, because Mr. Harriman is not speaking for them.

The last time we had a report from Secretary Vance and Mr. Harriman at the White House, they could not even settle on procedure. Now they are in the 24th frame, or meeting, and exactly nothing has come out.

Is this calculated now to help get somewhere with the negotiators?

Not according to the press this morning. I am beginning to wonder whether we are serving a good cause with this kind of hide-and-seek business.

Is it meant to convey to all the world that bombing is unconditionally to stop?

They speak about an indirect or direct acceptable word and all of the demilitarized zone.

Mr. President, I think it is fair to add in that connection: What about the bombing of the cities like Danang and Saigon? Because Mr. Harriman said yesterday to the negotiators that it appears now that a new Red drive was in progress.

That is rather strange. The President has firmly adhered to a policy and, among other things in that policy was that they have to stop bombing the cities, and they have to stop throwing mortar shells into the demilitarized zone.

But nothing is said here that as a part of our bombing suspension, they will have to suspend any bombing of the cities.

But there is an item that is even more important, and it does not appear here anywhere, and that is this: Hanoi has steadily refused to recognize the freely elected constitutional Government of South Vietnam.

If we cave in on that, we will have caved in on the precious thing for which thousands of our youngsters have died. That is why we sent them out there—for self-preservation and for freedom. That was the motive. If we cannot get that by way of reciprocal assurance, where does it leave us? It leaves us high and dry.

But the Vice President does not say anything about it in his speech. The question is: Is that what we are going to settle for?

We had better watch out, having in mind the concept of 28,000 wooden boxes draped with flags, containing the remains of youngsters from this country who come back still—in death.

We had better be careful about our language here and whether we are raising some false hopes.

I wonder what this does to the troops out there?

As I get it, the bombing is the thing which serves as the leverage. It is the thing to which the military ties, in order to be sure that our troops are protected. We get the absolute assurance not merely to restore the demilitarized zone, but we have to go much further than that, if we are going to get our boys out of there, safe and sound, whenever the time arrives so to do.

Thus, Mr. President, I think we have to take account of the Vice President's speech and of all the comment made. It is rather strange that among the press and the columnists there seems to be a tremendous amount of confusion as to exactly what the Vice President is proposing.

I can understand the predicament of the President. He cannot correct his candidates if they make a statement that is a departure from the policy which he presently follows.

So these are just little matters that I felt I had to raise, and I suggest that other Senators may want to do the same thing. But we can do and we dare do nothing that impairs the morale and position of our troops, as well as of their commanding officers out there who have such tremendous responsibility.

Mr. HRUSKA. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. HRUSKA. It seems that there are varying versions of the Vice President's statement as to the bombing.

The original, prepared text was, "I would be willing to stop the bombing."

As actually uttered, the words were, "I would stop the bombing." The initial statement made in Salt Lake City certainly would require interpretation to discover anything new in it. Apparently the Vice President thought so, too, because he was interviewed at Knoxville, Tenn., yesterday, and, according to the press report in the Washington Star of last evening——

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. DIRKSEN. Mr. President, I ask leave to proceed for an additional 10 minutes.

Mr. HARRIS. Mr. President, reserving the right to object, I wonder if we could have an argeement that we could have an additional 10 minutes?

Mr. MANSFIELD. Oh, we will get that, but this was understood yesterday.

The PRESIDING OFFICER. Is there objection?

Mr. HARRIS. I do not object.

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

Mr. HRUSKA. In an interview on a Knoxville television station the Vice President said this:

> Just to make it very clear, so that we don't have any misunderstanding, I said I would stop the bombing in North Vietnam. That was the emphasis of my statement.
>
> I would regard this as an acceptable risk for peace and in doing this, I would look very closely at the evidence, direct or indirect, deed or word, of Communist willingness to restore the demilitarized zone between North and South Vietnam—in other words, to get their troops out of there and to stop the firing of their artillery over that area and in that area.

He also said:

> I said I would also reserve the right, if North Vietnam acted in bad faith, to resume the bombing. I think it is very clear because of what I have said where my emphasis lies, and I think also that Hanoi could, with very little difficulty, take action concerning the demilitarized zone.

The press account goes on to say:

> In his initial statement, Humphrey said he would look for evidence of Communist willingness to cooperate in ending the war prior to halting the bombings but yesterday he implied the two actions would occur simultaneously.

I believe that Members of this body, members of the negotiating team in Paris, and all Americans are entitled to know what Mr. HUMPHREY knows today on this subject, since he has reversed his position at least twice since Monday evening in Salt Lake City.

Another significant observation in this report in the Washington Star is:

> Gone from the Humphrey speeches throughout the day were all of the once-standard lines defending the Vietnam conflict as a just and necessary war, describing President Johnson as a great leader and urging support for the current administration's policies.
>
> In their place were repeated references to the Salt Lake City statement on Monday night.

So there is an attempt by the Vice President to move away from his constant advocacy and apology for the President, and substitute indications that the bombing would be stopped. The bombing halt would not be unconditional, however. It would be unconditional one day, and the next day it would not.

It is a deplorable situation when nobody in America now knows the Vice President's position.

I join the Senator from Illinois in saying that many, many more questions are raised as a result of this speech, than are answered, and many such questions have a direct impact upon our men in Vietnam, as well as upon the negotiators in Paris.

Mr. DIRKSEN. Mr. President, I may add at this point that I am reminded that we had a sort of conference at the White House some time ago when General Wheeler and General Westmoreland, our Chief of Staff, were present. It was then that General Westmoreland said, "If you suspend bombing, you increase the capability of the enemy by at least 500 percent. We have now interdicted them so they cannot move their supplies in the daytime. That has reduced the number from 1,000 such existing lines to about 100. They have to move at night."

That was the effect of the bombing. Our General Abrams would have quite a different idea, because he is over there wrestling with the real problem.

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

Mr. DIRKSEN. I yield.

Mr. HRUSKA. I was present at the meeting when that statement was made. I heard another statement at that meeting. We were told it was not classified and could quote it. They said that a cessation of the bombing would cost Amer-

ican lives. This is as plain a statement as there is. Yet we have a statement by the Vice President, standing in a political arena, rather than in an arena of the heavy duties and responsibilities of the President's office.

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

Mr. DIRKSEN. I am glad to yield to my colleague.

Mr. PERCY. I would like to express appreciation to our distinguished minority leader for raising what I think is a very important question troubling the country, as well as troubling members of both parties and those Americans who are still wondering for whom to cast their votes.

Regarding the Vice President's stand, on Vietnam, I listened carefully to his speech in Salt Lake and then went back to the text of the President's San Antonio speech to determine whether Vice President HUMPHREY has now changed his policy and would support or would not support the San Antonio speech of President Johnson. In that speech President Johnson said that the United States "would assume that North Vietnam would not take advantage of American restraint" in the war.

Several nights ago, Vice President HUMPHREY said that, as President, he would "stop the bombing of the north as an acceptable risk for peace." But he also said that before taking action, he would "place key importance on evidence—direct or indirect, by deed or word—of Communist willingness to restore the demilitarized zone between North and South Vietnam."

I ask the question, Does this mean that he accepts or rejects the San Antonio formula? Does it mean that he will assume North Vietnam's good faith, or that he will demand clear evidence of that good faith?

I think that is a very important, and perhaps critical, distinction. I think Mr. HUMPHREY has an obligation to clarify his views on this particular point. Further, I would like to know——

Mr. HARRIS. Mr. President, I wonder if the distinguished Senator from Illinois might yield to me for a question.

Mr. PERCY. Yes.

Mr. DIRKSEN. Mr. President, I yield.

Mr. HARRIS. Does not the Senator think that ought to be a two-way challenge; that we should not ask just one presidential candidate? The Senator spoke of making a decision on the presidential race. Does not the Senator think it would be rather more fair and better for the American people if we asked all the candidates how they stand on the Vietnam question?

Mr. PERCY. I see nothing wrong with that, and I think a discussion of Vietnam in a responsible context would be a good thing for the country. But I have listened many, many times to Vice President HUMPHREY discuss Vietnam. I have found him the most insistent, one might say enthusiastic and vigorous supporter for 4 solid years of the Johnson position on Vietnam. He has defended every escalation in that war. He has inveighed against "those who would tie our hands in Vietnam." That is exactly the way he put it.

Now it appears as though he is attempting to be something of a dove on Vietnam. Suddenly he is willing to take the risks for peace that he rejected before. Suddenly he seems to reject the war policy that he has consistently supported for 4 years. I think it does leave the question: Which HUBERT HUMPHREY should the American voter believe?

I have been a consistent critic of the Johnson-Humphrey policy because I did not think it was being successful militarily or successful politically in finding some way to end this war.

I would certainly welcome any responsible or legitimate shift in position or policy by the President or the Vice President that would bring this tragic war to an honorable and quick settlement.

Mr. HARRIS. Mr. President, will the Senator yield at that point?

Mr. PERCY. I am happy to yield.

Mr. HARRIS. Would the Senator also welcome such a shift by his own party's nominee for President as well, or only on the part of the Democratic nominee?

Mr. PERCY. Mr. President, I am addressing my comments this morning, of course, to a specific speech by Mr. HUMPHREY. I think those questions are certainly questions that can be asked. I am only saying right now that I find great inconsistency in the position taken by the Vice President 3 nights ago as against the position he has taken for the past 4 years.

Mr. HARRIS. The Senator finds less inconsistency in no statement at all, does he not? It seems to me that silence is the position of the Senator's own candidate, is it not?

Mr. PERCY. I feel very strongly that it is now an obligation of the Vice President to clarify what he means. There seems to be a tremendous amount of confusion within the Democratic Party now, and among Democrats, as to what Mr. HUMPHREY means, because it leaves someone like myself, who is trying now to correlate what he has been saying consistently for 4 years with what he has said in the last few days, in a state of complete uncertainty.

I commend the minority leader for raising the question, and I hope that the dialog in this campaign will be raised to the level where we can all now better understand the issues.

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

The PRESIDING OFFICER. The time of the minority leader is expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to proceed for an additional 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I intend to say more on this subject later. However, in view of the remarks just made by the distinguished Senator from Illinois [Mr. PERCY] who I know has had a longstanding interest in trying to bring an end to this barbarous struggle in Southeast Asia, I wonder what he and his colleagues, who I assume are the equivalent of the old "Truth Squad" which is trailing Mr. HUMPHREY over the country, would think about getting behind the idea of Mr. Nixon and Mr. HUMPHREY meeting face to face in a TV debate. In that way, the Nation can see and hear just what their respective views are, and in that way resolve any questions we have in our minds concerning either candidate. Would the Senator think that would be a good idea?

Mr. PERCY. No, I would not think that would be a particularly good idea.

Mr. MANSFIELD. Why not?

Mr. PERCY. I think more able spokemen than myself have commented on this matter. I have found that these face-to-face debates—and I engaged in one in my 1964 gubernatorial campaign—are exceedingly overrated so far as the elucidation of important questions such as this is concerned. I think it would, of course, raise immediately the question as to whether or not a national forum of that type would require giving time to third party candidates, and whether it would be in the national interest to do so at this time.

If I were to advise Mr. Nixon, I would advise him that at this late date, it would not be wise to engage in such debates.

It is possible, certainly, to discuss in depth, as I know Mr. Nixon has on a number of occasions, many of these very important problems. He has certainly, in his half hour brilliant radio discussions that he has had with the American people, and in numerous open forum 1 hour television question and answer sessions probed in considerable depth not only a single subject to much greater satisfaction than you can in the type of debates, which, entertaining as they may be, have not proved to me at all that they are a real contribution to the political education of this country, but has covered his position on virtually every conceivable subject of interest to the American voter.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. PERCY. I yield.

Mr. MANSFIELD. I would not be averse to having Mr. Nixon, Mr. HUMPHREY, and Mr. Wallace debate; because if the news reports are correct that General LeMay has now been selected as the vice presidential candidate on the Wallace ticket, it appears to me that Mr. HUMPHREY and Mr. Nixon, in comparison, are going to look pretty dove-like.

I recall not many months ago General LeMay said that if he had his way, he would bomb North Korea back into the Stone Age, that he would wipe it off the map.

He would not have far to go. But I think that responsible people like Nixon and HUMPHREY ought to bring their cases to the American people. The best thing that came out of the Chicago convention, as far as I was concerned, was the fact that the Democrats there did debate both sides of the Vietnamese question, and they did there what we should have been doing here.

So I hope they can get together, and give the American people a chance to decide what they want, because there are three major candidates running this year, and we should not forget it, those of us who belong to the two traditional

major parties, because we are going to hurt, and badly.

We face one candidate who has flouted the law openly and another candidate who wants to bomb North Vietnam back into the Stone Age. As far as the bombing of North Vietnam is concerned, I think it should stop, and I would not put any qualifications on that.

Several Senators addressed the Chair.

Mr. PERCY. Mr. President, may I reply to that statement of the distinguished majority leader?

I think it is the responsibility, the duty, and the right of any candidate to decide not only whether he feels it is in the interests of his own candidacy, but in the national interest, for him to engage in debates of this type. President Johnson had the duty, obligation, and right to decide whether he would debate in 1964. He felt it would not be in the best interests of this country to do so, and he chose not to.

My own very distinguished predecessor, Senator Douglas, decided, even though he was offered many invitations, that he would not debate, and that it was not in the best interests of either his campaign or perhaps the issues at stake. I always said at that time that I would be willing to debate, but I felt that Senator Douglas had the right to decide whether it was in the interests of his candidacy or of the State at that time.

I feel that a decision has apparently been made by Mr. Nixon, and is conditioned at least in part by the fact that a third party candidate would have to be given the same forum that he and Mr. HUMPHREY would be given.

Mr. DIRKSEN. Mr. President, I yield to the distinguished Senator from Iowa.

Mr. MILLER. I thank the minority leader.

Mr. President, I commend the Senator from Illinois for raising this issue. I think it is a very important issue. What we have here, as I see it, is a situation where the Democratic Party, at the convention in Chicago, openly debated a point very vigorously over which there was a clear cleavage of opinion with, on one side, those who advocated a unilateral cessation of the bombing, period.

The distinguished majority leader has just reiterated that that is his opinion, and he is welcome to it. The point is that the Democratic Convention adopted a plank which is contrary to that.

The Vice President is very much aware of the split in his party, and what he is trying to do is have his cake and eat it, both. He is trying to carry on with the Democratic plank adopted in Chicago, on the one hand, and then, on the other hand, trying to appeal to people such as the distinguished majority leader, by hinting that just possibly he might go for a unilateral cessation of the bombing.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. MILLER. May I please finish?

Mr. MANSFIELD. I should like to make a correction in the Senator's reference to me.

Mr. MILLER. Mr. President, I have the floor.

Mr. MANSFIELD. Will the minority leader yield to me to make this correction?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. Mr. President, I wish to say that I support HUBERT HUMPHREY; but, as I said at the time of his nomination, I have not changed my opinion on Vietnam. So he is not trying to convert me. I have long since made my position clear, and I have emphasized where I stand.

Mr. MILLER. I am glad the Senator made that distinction. The point is that there are a great many people who are not supporting the Vice President, and he is trying to get their support. The majority leader is a good Democrat, and he is going to support his candidate; but there are a good many other Democrats who are not in that position.

For the record, the distinguished majority leader finds himself in a most embarrassing position, and so does the Vice President now, because of what the President of the United States, the leader of their party, had to say in the White House on February 1 of this year. I happened to be present because it was the occasion of the awarding of a Congressional Medal of Honor to one of our distinguished Iowa airmen.

The President of the United States said this:

> Let those who would stop the bombing answer this question: "What would the North Vietnamese be doing if we stopped the bombing and let them alone?"
>
> The answer, I think, is clear. The enemy force in the South would be larger. It would be better equipped. The war would be harder. The losses would be greater. The difficulties would be greater. And of one thing you can be sure: It would cost many more American lives.

Mr. President, the Secretary of State elaborated on this point just yesterday, at the United Nations, when he said:

> We are prepared to stop the bombing the minute we can be confident that this would lead toward peace.

And, until they are confident, they are not going to stop for the reason that the President of the United States stated.

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

Mr. MILLER. Mr. President, will the Senator yield me an additional 2 minutes?

Mr. PASTORE. Mr. President, reserving the right to object, do we keep the floor on the Republican side forever? I understand one can yield only for a question. I think the Senator from Rhode Island would like to say a word or two on this great political question.

Mr. MANSFIELD. Since they announced last night that they were going to do this, they can go ahead.

Mr. PASTORE. It should not be a round robin.

Mr. MANSFIELD. We will get in there, too.

Mr. PASTORE. Well, I have not been in there yet.

Mr. MANSFIELD. We will get in later.

Mr. President, I ask unanimous consent that the Senator be permitted to continue for an additional 5 minutes.

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

Mr. MILLER. So we have this juxtaposition of the two people. The President of the United States and the Secretary of State on the one hand say that there will be no unilateral cessation of bombing until we are confident. And, on the other hand, we have those who say, "Unilateral cessation of bombing—period."

Then we have the experience of the Vice President of the United States trying to straddle the fence on the one hand to go along with the position the President and the Secretary of State have set forth—and it is in the Democratic Party platform written in Chicago—and on the other hand, he said in his speech the other night:

> As President, I would be willing to stop the bombing of the north as an acceptable risk for peace . . .

And the Senator from Nebraska said emphasis was put on that. But on the other hand, he is again trying to straddle the fence by saying:

> But I would place some emphasis on evidence by word or deed that the North Vietnamese might get into meaningful negotiations and that this might lead to peace.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from a speech I made recently setting forth the six truce periods we have had and the losses that occurred because we put confidence and faith in the North Vietnamese.

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

> Anyone who thinks that North Vietnam can be trusted should be reminded of the following:
>
> There have been six truce periods:
>
> (1) 48 hours at Christmas, 1966. During this period, there were 101 violations by the North Vietnamese and Viet Cong, resulting in 18 killed and 60 wounded on our side, including 3 Americans killed and 27 wounded.
>
> (2) New Year's 1966–1967. During this period, there were 169 violations, resulting in 20 killed and 198 wounded on our side, including 14 Americans killed and 27 wounded.
>
> (3) Tet Holidays 1967. During this period, there were 338 violations, resulting in 30 killed and 198 wounded on our side, including 17 Americans killed and 158 wounded.
>
> (4) Christmas 1967. During this period, there were 118 violations, resulting in 7 killed and 44 wounded on our side, including 2 Americans killed and 24 wounded.
>
> (5) New Year's 1967–1968. During this period, there were 170 violations, resulting in 73 killed and 279 wounded on our side, including 27 Americans killed and 191 wounded.
>
> (6) Tet Holidays 1968. During this period there were 2,707 killed and 11,519 wounded on our side, including 920 Americans killed and 4,561 wounded—plus 8,200 civilians killed and 22,000 wounded, and 623,000 civilians made refugees.
>
> I suggest that, in the face of these tragic facts, it would be nothing short of suicide to put any trust whatsoever in the word of the Communist leaders; and we would do well to realize that the only principle they understand is strength and the will-power to make use of that strength.

Mr. DIRKSEN. Mr. President, I yield to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. PEARSON. Mr. President, I thank the minority leader. I would like to have the attention of my friend, the distinguished Senator from Oklahoma [Mr. HARRIS], who raised the question a few

moments ago as to whether the candidates should comment on the great issue of the day, the Vietnam war.

I say to the Senator quite frankly that I have some reservations about the position of my candidate, Mr. Nixon, concerning a moratorium on comments on the Vietnam war. However, suppose the situation had been reversed. Suppose it had been Mr. Nixon who some time ago had said that there is a great possibility that there will be a reduction of troops in North Vietnam—90,000, I believe was the figure that was given. Not only would the President indicate that no man could say that, not only would the Secretary of Defense say that this was not true. I think there would be a great charge from the administration that Dick Nixon was playing politics with the Vietnam war.

Suppose that the other day Dick Nixon had indicated that it was his position that he would, if he were President, halt the bombing in North Vietnam. We would have had the same situation—a charge of playing politics with the war.

There is some sense of responsibility. There is some validity to the position of the Republican candidate declaring a moratorium.

While the talks are going on in Paris today, I wonder if Dick Nixon had made those statements, the Ambassador, engaged in the peace talks in Paris, would have had the same statement published in the paper today.

There is something to be said for the responsibility of Dick Nixon in this campaign.

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

Mr. PEARSON. I yield.

Mr. HARRIS. Mr. President, talk about playing politics with this issue—and I appreciate the strange way in which the question was brought up—it seems to me that we should recall that it was the Republican candidate for President, Mr. Nixon, who last March announced that he had a plan for ending the war in Vietnam. He has yet to state what his plan is.

It seems to me that merely making that kind of a statement is playing the cruelest kind of politics. It leads people to believe that a man has a plan, and then he does not present it.

Only about a week and a half ago—I ask the Senator if he remembers—vice presidential candidate Agnew in a press conference in San Francisco reiterated that Mr. Nixon had a plan for ending the war, but that it would not be sprung at this time, but would be announced at a later time. This was done in order to maintain the suspense of the campaign.

The PRESIDING OFFICER. The 5 minutes have expired.

Mr. HARRIS. Then Mr. Nixon later said he was wrong and that there never was a plan.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator have an additional 5 minutes and then perhaps we may take over.

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

Mr. HARRIS. Mr. President, then Agnew said there never was a plan and none would be announced.

I ask the Senator who is playing politics with the war?

Mr. PEARSON. Mr. President, I am well aware that the vice-presidential candidate made the statement that there was a plan. I am aware of the other statements.

When the Republicans take over the public business of this country, I do not know whether we can reduce the number of troops in Vietnam and bring an easy and quick end to the war. War takes a second to break out, and peace takes years. It takes years to put everything back together.

I think there is a responsibility not to raise false hopes, but to maintain flexibility.

As I recall, the statement was made that he had a plan that he did not present. The Paris peace talks had not started then. They occurred after that fact.

I think there is a position of responsibility and that really the best hope we have is to get new people and new minds that are not chained to positions of the past and not cemented to past acts.

Mr. PASTORE. Mr. President, is it not Mr. Nixon who said, "Elect me President, and I will end the war"?

Why do we have to wait until he is President for the magic of his idea? The talks are still going on—the time is ripe to tell and test his contribution. Can we not hope the struggle could be ended before he or someone else becomes President come January next?

Mr. PEARSON. Mr. President, I think the Senator and every other Member of the Senate understands that we all feel the same way.

Mr. PASTORE. Mr. President, I am beginning to think that everybody is playing a little politics with Vietnam.

Mr. PEARSON. Mr. President, I do not have any doubt that the description and characterization of what we are doing today will be couched in political terms. But I think the discussion is a good thing.

Mr. HRUSKA. Mr. President, is there not a distinction to be made at this point? We have had 3¾ years with one of the major parties trying to obtain peace. With the rapid deterioration of the situation, would it not be logical to say that since that party had a chance and failed, there would be more hope for peace in choosing a man who is in a position not to be bound by the mistakes of the past, and who will get on with a new effort? That man is Mr. Nixon, representing the Republican Party.

Mr. PEARSON. Precisely the point.

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

Mr. PEARSON. I do not have the floor.

The PRESIDING OFFICER (Mr. SPONG in the chair). The Senator from Illinois has the floor.

Mr. MILLER. Mr. President, with reference to the peace talks in Paris, I understand that 24 peace talks have been held. This effort started some time after March 31 of this year.

We should understand that these are not really peace talks. They are talks about what North Vietnam said they would be, and that is about our stopping of the bombing and getting out. They are not peace talks. If, after 24 such talks, we have not made any more progress than that, I suggest that we obtain new organization, new thinking, and new positions of flexibility as the Senator from Kansas has pointed out.

My guess is that the Ambassador will get very tired of this situation. Ambassador Harriman has said there has not been one step made toward progress. How much longer will we continue before we have a chance to do something about what is going on? Must we have 100 conferences?

I think that the other party has had more than its chance, and, if anything, we have gone backward and not forward.

Mr. DIRKSEN. Mr. President, I believe I have a minute left.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. Mr. President, I brought this matter up today only because my primary concern involves the 541,000 Americans who are now in Vietnam.

I do not want to see anything done that would jeopardize them in any way beyond the normal hazards and dangers that attend the war. But I would not like to see them become the target for goodness knows how much fire simply because we have suddenly suspended the bombing when we should not have done it.

The only quarrel I have here is that I think we are entitled to some clarification, and I put no political label on it. I think we are entitled to know where we are.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the period for the transaction of morning business be extended and that I be recognized for 15 minutes.

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

Mr. MANSFIELD. Mr. President, I am pleased that this matter, which has in effect been lying in limbo, has been brought to the floor of the Senate this morning. May I also say that I am pleased with the tone in which the debate is being conducted.

At this time of the year there is bound to be a little politics on both sides. That is understood and accepted. But the stakes in our involvement in Southeast Asia, in this barbaric and dirty war, are so high and the cost so great that I would hope that politics could be muted as much as possible and the realities faced up to so far as our position and our antagonists are concerned.

As the distinguished Senator from Kansas has said, no candidate should raise false hopes, for the reasons already enunciated.

In reply to the distinguished Senator from Iowa, I assure him that the Senator from Montana is in no way embarrassed by what he has said and what he stands for, because that is what the Senator from Montana believes.

So far as the candidates straddling—yes, they are straddling. That is a happening which occurs in any political campaign, and I am sure that every Senator in the Chamber has had some personal experience in straddling the fence in a political campaign. I know I have,

and sometimes it has been a little embarrassing.

But so far as the topic of discussion today is concerned, I listened to most of the Vice President's speech. I thought he comported himself with dignity and understanding and with a degree of clarity. He came out and said what he would do if he were President. He does not happen to be the President of the United States and he will not be, unless he is elected at noon on January 20, 1969. He realizes, of course, as I have, and as every Member of this body does, that we have only one President, and that that President, as long as he is in office, has the final say. In the words of Harry Truman, "the buck stops there."

HUBERT HUMPHREY has made his position clear. Personally, I believe that he would move mountains, if he could, to achieve a decent peace in Vietnam. Of all the candidates, in my opinion—perhaps I speak politically, but I believe it—he is the best; and he is now on the way up, since the speech in Salt Lake City. He has my full support; and I anticipate—I cannot speak for Senator MCCARTHY, but I anticipate—that he will have Senator MCCARTHY's support in the not too distant future. I emphasize that that is only a personal opinion. I have not talked with the Senator from Minnesota.

With respect to an unconditional stop to the bombing of North Vietnam as an acceptable risk to peace and in relation to the protection of our troops, I think that is a risk worth taking. While we have stopped the bombing of approximately 80 percent of the land area and probably are exempting 90 percent of the civilian population at the same time, nevertheless, we have, in compensation increased the bombing tremendously below the 19th parallel. Despite that increase in bombing, more material and more men are coming down by way of the Mu Gia Pass and other areas than ever before. That is the fact. In spite of increased and concentrated bombing, that is what is happening; and no one can or will deny it, because the facts and the figures speak for themselves. I am not at all sure that decreased bombing would bring increased casualties, because our casualties have been pretty high up to this time.

On the radio this morning, the figure was given out for last week's losses. I believe they come out every Thursday. Twenty-eight thousand-plus have been killed. How does that compare with Korea? What of the 178,000-plus who were wounded. These are not the men with the scratches, the men who can be returned to duty the same day. These are the wounded, the bulk of them serious hospital cases. And lately I note that some of the military officials have been trying to downgrade this wounded figure. But I get the figures every week, and I can check on them. These are the casualties. In other words, close to 210,000 casualties in a war longer than Korea, costing more than Korea, and a war with no end in sight.

I doubt, on the basis of the column which was commented on this morning, that any "trap" was set for Mr. Nixon. Mr. Nixon, in my opinion, is a mature man, a shrewd man, and he is not one to be trapped easily. I would say, offhand, that that article very likely was a figment of the author's imagination.

I do not see how that speech by Mr. HUMPHREY could impair negotiations in Paris—or, rather, the talks leading to negotiations, as the Senator from Iowa has indicated, and he is correct—because no progress has been made. So if you have nothing to lose, how can you lose it? That is why I think this matter should come out in the open.

Also, the question has been raised about Hanoi not recognizing South Vietnam, the constitutional government we helped create there. Why should Hanoi recognize South Vietnam? It never has, and certainly it would not under present circumstances. Incidentally, I do not believe South Vietnam recognizes Hanoi. So there is a standoff.

It is too bad that the South Vietnamese Saigon leaders and the National Liberation Front cannot get together, either in Vietnam or in Paris, along with the United States meeting with Hanoi; because, in my opinion, there will be no peace in South Vietnam until the South Vietnamese, themselves, get together. And no matter how one looks at the Vietcong, they are South Vietnamese. Those people, regardless of their political coloration or lack of it, their religious affiliation or lack of it, are the ones who collectively, some time, somehow, some way, will have to bring their country together—that is not for this Nation to do, which may, at the present rate, be in Southeast Asia for years and years to come. I wonder how the American people look upon a long-term commitment of that kind. I regret a fruitless spending of our treasure, but I regret far more the loss of every single life in Vietnam; because Vietnam, in my opinion, is not and never has been vital to the security and the interests of the United States.

So I say that no false hopes are being raised by anyone that I know of, and if anyone raises false hopes he is doing a distinct disservice.

In the matter of troop withdrawal, it is my opinion that Vice President HUMPHREY was expressing a wish and a hope; and in the answer made shortly after that by the President and by the Secretary of Defense, what was stated was a fact. Certainly I would hope that we would all recognize the great responsibilities which confront us in this country, the costs which have already had to be met in Vietnam and which will accrue upon all of us in the future. As much as we can, we ought to keep this question out of the realm of politics. We cannot do that entirely, but we ought not try to fool the people. As representatives of the two major parties, we ought to recognize that we have responsibilities; if we are not careful those responsibilities will be eroded or taken away from us by a third party. That, I think, will yield no good to this country either at home or overseas.

Several Senators addressed the Chair.

Mr. MANSFIELD. I yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I can add very little to the eloquent statement of the distinguished majority leader. I think he made clear the very sober and serious nature of the issue with which we are dealing today.

Vice President HUMPHREY has made plain and forthright statements on his views on the Vietnam situation, what he will do when he is President. It is time for Mr. Nixon to do the same; the people of America are entitled to the same candor from him.

Criticism by Republican Senators of the Vice President's Vietnam speech is Presidential debate by proxy, and the people are entitled to better than that.

I repeat the challenge that Vice President HUMPHREY has often issued for Nixon to come out in the open and debate the Vietnam and other issues with Vice President HUMPHREY on the same platform and on television; the people are entitled to know where Nixon stands.

I will say that the reaction by Mr. Nixon and other Republicans to the Vice President's speech constitutes a clear admission that Vice President HUMPHREY has scored heavily with the people by his Vietnam statement and that Mr. Nixon's failure to speak out and debate this and other issues is beginning to hurt his candidacy and his campaign seriously.

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

Mr. MANSFIELD. I yield.

Mr. MILLER. Mr. President, the distinguished majority leader has indicated that he does not subscribe to the statement made by the President in the White House earlier this year that a cessation of the bombing would mean more American casualties. I do not doubt the sincerity of my colleague's opinion, but I cannot leave this matter go without comment.

The Preparedness Investigating Subcommittee, composed of six Democrats and three Republicans, ranging all the way from the only lady Member of the Senate to the past national chairman of the Democratic Party, the distinguished Senator from Washington [Mr. JACKSON], last August 31 issued an unanimous report. I wish to read one passage from that report:

> Many proposals have been heard recently calling for a curtailment of our air campaign against North Vietnam, including a complete cessation of the bombing in certain vital areas. Each of these proposals has the serious fault that, if adopted the inevitable result would be an increased infiltration of men and war goods into South Vietnam and increased casualties among U.S. and allied troops.

Mr. MANSFIELD. Is that not what is happening now?

Mr. MILLER. If I may continue reading the report.

Mr. MANSFIELD. Is that not what is happening now with increased bombardment of the North?

Mr. MILLER. Mr. President, the report continues:

> A territorial limitation of the bombing would . . . be a perilous course because it would afford the North Vietnamese many vital sanctuaries and enable them to expand the ground war in South Vietnam with a lesser penalty than is now being exacted. As an illustration, General Wheeler (Chairman of the Joint Chiefs of Staff) testified that a reduction of our bombing or imposition of additional restrictions on our air forces

would cause increased U.S. and allied casualties in South Vietnam.

Mr. President, that was the language of the report on August 31. On March 31 of this year there was a very substantial territorial curtailment.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that we may proceed for an additional 15 minutes in the morning hour and that the Senator from Rhode Island be recognized after I have completed my remarks.

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

Mr. MILLER. Mr. President, all I can say is that any of my colleagues could receive information directly from General Wheeler or any of our field commanders regarding infiltration of troops and supplies from North Vietnam. I assure the Senator from Montana it is not confined to the area still "on limits" for the bombing.

I wish to point out what is happening. Take the nearly 6-month period since March 31 and compare the statistics with statistics for the comparable 6 months in 1967, and what do we have?

Mr. MANSFIELD. Increased casualties.

Mr. MILLER. In this period there were 7,000 killed in not even 6 months.

Mr. MANSFIELD. Not 70,000.

Mr. MILLER. Against that figure, a year ago——

Mr. MANSFIELD. Wounded.

Mr. MILLER. I would like to complete my point.

Mr. MANSFIELD. I am trying to correct the Senator. There have not been 70,000 killed.

Mr. MILLER. If the Senator will bear with me, I would like to complete my report.

Mr. MANSFIELD. Very well.

Mr. MILLER. I repeat: For the 5½-month period from March 31 to the middle of September of this year, 7,000 were killed.

Mr. MANSFIELD. Seven thousand killed.

Mr. MILLER. These are Americans. Compare that figure to the figure for the comparable 6-month period in 1967. In that period 4,800 were killed. There were 24,000 wounded requiring hospitalization in this 5½-month period compared with 18,000 wounded requiring hospitalization in the comparable period in 1967.

There were 22,000 wounded not requiring hospitalization in the 5½-month period this year against 17,000 wounded 1 year ago.

The proof of the pudding is in the statistics. The tragic statistics show and bear out what the Preparedness Investigating Subcommittee warned last August 31: that curtailment of this bombing would mean more casualties, and we have had them.

How great would the casualties be if we had a cessation of the bombing? The tragic figures bear out the statements of the experts in this area.

Mr. MANSFIELD. Mr. President, I am aware of the report issued unanimously by the Preparedness Investigating Subcommittee. I respect the members and their views, but that does not mean I have to agree with them.

I admit I have not had the experience in the Air Force that the Senator from Iowa has had, but as an ordinary citizen, one who can read figures, I am aware of the facts as they occur. The one word which the Senator used was the correct word to use about this difficult, this barbaric struggle in which we are engaged today, and that is that it is a "tragic" affair. We can talk about it all we want but we do not have to go. We are not called before a draft board. But we are partly responsible for engaging in the war and we cannot absolve ourselves, none of us. Because of what is being done over there we have to take our share of the blame and responsibility.

So we can juggle figures all we want and interpret them any way we want; we are all entitled to our views. However, the fact is we have 28,000-plus dead and 178,000-plus wounded, and no end in sight.

Mr. PASTORE. Mr. President, I think that the situation in Vietnam is a tragedy for the whole world—just as it is a dilemma for all Americans. There is no question in my mind that there is not an American of any responsibility whatsoever who advocates the prohibition of dropping even one single bomb if that would save the life of even a single American soldier. I think we can all be in accord on that.

The statements made by the Senator from Iowa point up pretty much the dilemma of Vietnam. A short while ago he said: Change the President and we will end the war. In the same breath, he finds fault with the conciliatory approach of the Vice President. The Senator feels that the Vice President is undercutting the present policy of the administration. He goes on to say that because we did cease bombing a portion of the North since March 31, we have suffered increasing casualties. The logical conclusion, then, is that unless we can negotiate a peace settlement in Paris before January 20, 1969, the only alternative a new President has is to escalate the war in Vietnam. That would logically follow. Certainly by his theory if what we are doing now is not good enough, and what HUBERT HUMPHREY would like to do is not good enough, then the Senator would want to leave it up to Richard Nixon to take care of it on January 20 next. Then if we have a stalemate in Paris, his logical alternative is that we have to invade North Vietnam to bring the war to an end.

Mr. SCOTT. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. May I finish, first? I want to speak further for a little while. I have been sitting and standing silent here for the longest time. I yield.

Mr. SCOTT. I thank the Senator from Rhode Island.

Mr. PASTORE. I do not like to have my eloquence interrupted, that is all. [Laughter.]

Mr. SCOTT. That was my purpose in rising.

May I simply rise to make the mild observation that I am proud my party has a very good record for ending wars.

Mr. PASTORE. Well, under what circumstances? It is the feeling of the Senator from Rhode Island that had we not been soft in 1952 in Korea, we might not have had a missile crisis in Cuba and maybe Khrushchev would not have said to Harriman, when he went to Moscow, that the American people have no heart to fight. He was judging all this because the campaign statement was made, "I will go to Korea and bring an end to the war."

But where are we in Korea? We do not even have an honest armistice today in Korea. True—the bombing is stopped but we did not stop the war. Today we have the *Pueblo* situation. So we have not settled anything in Korea. All we have stepped down is the volume of rifle fire. Even today, mind you, to the humiliation of all Americans, when our soldiers go in their jeeps to the Panmunjom meeting, they have to carry a white flag. Otherwise they cannot get through.

I say to the Senator, if you call that a victory for America, I regret to say that I am a little bit ashamed of it.

Mr. SCOTT. If the Senator will yield at that point, he is using a dangerous word; "soft." We have all found that to be a dangerous word these days. Would the Senator say the Eisenhower administration was soft on what, if he had any implication there?

Mr. PASTORE. I did not say "soft" in the sense the Senator has in mind. I said we should have proceeded with more determination. The Senator spoke about his party's record of ending wars. Would he suggest that it straightened out the affair in Korea? It did not straighten out the affair in Korea. We are still in Korea. Wait until the foreign aid bill comes out and Senators will find that most of the money in it is for military assistance going to Korea.

Mr. MILLER. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. Let me first finish my speech.

Mr. MILLER. The Senator has made a point that——

Mr. PASTORE. I did not yield to the Senator but I will gladly yield in due time. I have first to finish my points here.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. PASTORE. Mr. President, let us look at what HUBERT HUMPHREY said. Critics have been kicking him in the face ever since he spoke—attacking him for things they think he said—though he never said them in the context of their interpretation. There has been an interpretation of the individual views and judgments of everyone who reads that speech. For myself, I think the speech has a sense of real nobility. In fairness we should read it all. This man must have gone through an agonizing period composing that speech. First of all, he is the first lieutenant of the President. He has been loyal to him. He has stood up manfully taking every brickbat thrown at him, as to responsibility for present or future Vietnam policy.

Now, what did HUBERT HUMPHREY actually say? These are his words:

In light of those circumstances—and assuming no marked change in the present

situation—how would I proceed as President?

Let me first make clear what I would not do.

I would not undertake a unilateral withdrawal.

To withdraw would not only jeopardize the independence of South Vietnam and the safety of other Southeast Asian nations. It would make meaningless the sacrifices we have already made.

It would be an open invitation to more violence . . . more aggression . . . more instability.

If anyone can find anything wrong with those sentences, let him stand up and say so.

Continuing to read:

And it would, at this time of tension in Europe, cast doubt on the integrity of our word under treaty and alliance.

Peace would not be served by weakness or withdrawal.

Nor would I escalate the level of violence in either North or South Vietnam. We must seek to de-escalate.

Have I not heard even the Senator from Illinois make that statement from time to time? Did you Republicans not write it right into your own platform in Miami?

Continuing reading:

The Platform of my party says that the President should take reasonable risks to find peace in Vietnam. I shall do so.

North Vietnam, according to its own statement and those of others, has said it will proceed to prompt and good faith negotiations if we stop the present limited bombing of the North.

We must always think of the protection of our troops.

As President, I would be willing to stop the bombing of the North as an acceptable risk for peace because I believe it could lead to success in the negotiations and a shorter war. This would be the best protection for our troops.

If you think that means, as the minority leader said a short while ago, that HUBERT is trying to endanger and jeopardize the lives of American boys, I recommend that you read this statement, which I repeat:

We must always think of the protection of our troops.

What Mr. HUMPHREY said was that successful negotiations to bring the war to a halt would be the best protection for our troops.

Mr. President, that might be the key to bringing all the boys back home to their parents and their wives and children, where they belong.

Continuing reading:

In weighing that risk—and before taking action—I would place key importance on evidence—direct or indirect, by deed or word—of Communist willingness to restore the demilitarized zone between North and South Vietnam.

What does that mean? That one of the conditions would be that they clear out the demilitarized zone, which is dedicated to being demilitarized. Let us remove our troops from that buffer zone, and let them remove their troops from there, and then we would have a cessation of the bombing.

What is wrong with that? He did not say "Withdraw all your troops out of South Vietnam." He did not say "You have to stop supporting your troops in Vietnam." He just said, "Clear the demilitarized zone." That is an act of good faith.

Then what did he go on to say?

If the government of North Vietnam were to show bad faith, I would reserve the right to resume the bombing.

Now, if that is not the sound condition subsequent, what is?

What more do we want from a man?

Here we are. We have this Vietnam involvement, a yoke around all our necks. Do not stand there and tell me that only Democratic Presidents are responsible. What if Eisenhower had not written that letter to Churchill in 1954 declaring that now that France was out, unless we go in, the Communists will take over? So we began to deal with that man in charge, Diem. Perhaps that was the first mistake we made. Perhaps another mistake we made was when Diem was assassinated. Perhaps John Kennedy should have pulled us out completely right then. He could have pulled us out completely and then said to the people there, "Look, if you can't do without assassinating your leaders, we have no stomach for Vietnam." Maybe we would have been better off, but we did not do it.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an additional 20 minutes be allowed on this subject.

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

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

Mr. PASTORE. I am going to yield in just a moment. I will yield first to the Senator from Illinois [Mr. PERCY].

But, Mr. President, we did not then pull out of Vietnam. We sent in 18,000 uniformed Americans who were to train South Vietnamese troops. And that is where we made the next mistake. We thought there was such a thing as just a little pressure, just a little persuasion, just a little promising, and there is no such thing.

Then George Ball said it would take 350,000 to pull them out. The mistake that George Ball made was that he underestimated it by 50 percent. It has pulled in 550,000 Americans and there is no pullout—and the end is not in sight.

In the name of justice, why is this solely a Democratic responsibility? Why does one stand on the rooftops and say, "You make me President, and I will straighten this whole thing out"? It is not as simple as all that. I repeat, it is not as simple as all that. And you and I know it.

This is a sorrowful thing. We are paying in blood—in blood, let alone the money. We can always make up the money, but not blood—not youthful lives. We hear of American mothers refusing to accept the American flag that comes off the coffin of a hero son. Why? They are confused as to what is right, what is wrong. They hear a fine man like our majority leader stand up and say, "We must stop the bombing." They hear a fine man like Dean Rusk say, "We cannot stop the bombing." They hear the chairman of the Senate Foreign Relations Committee say, "We should not be there at all." They hear another man say, "We ought to go in there and give them our Sunday punch."

American mothers say, "With all this confusion, with all this doubt, why should my boy pay for it with his life?"

That is the dilemma of America today. We are split right down the middle. And here we are today, the Republicans defending Johnson and the Democrats criticizing him. How ironical can we become?

We have the Senator from Iowa telling us he agrees with the policy we have——

Mr. MILLER. Mr. President, the Senator from Iowa did not say that.

Mr. PASTORE. And "let us put Nixon in there to straighten it out."

Mr. MILLER. The Senator from Iowa did not say that at all.

Mr. PASTORE. The Senator from Iowa complained about the fact that HUBERT HUMPHREY was disturbing the policy. That is what it means to the Senator from Rhode Island. That is the way he understood it.

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

Mr. PASTORE. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I think there is a great deal of truth in what the Senator from Rhode Island has said; that the junior Senator from Illinois has used comparable words to words used by Vice President HUMPHREY a few nights ago. I have used the terms, "deescalate," "de-Americanize"; I have abhorred every escalation of the last several years that has tried to find an elusive military solution for a problem that cannot be solved alone militarily. I will freely confess to that; in fact, I am proud of the position I have taken.

I adhere to the policy that was uttered by the Senator from Georgia a number of years ago when he said we should not have committed ourselves in a land war in Vietnam and Southeast Asia to this extent; but I disagree with the Senator from Rhode Island when he indicates that this is just a continuation of the policy assumed by President Eisenhower, by one letter, in 1954. That was a commitment for aid based on certain conditions, and it did not commit us to engage American fighting forces in Vietnam. Those decisions have been made by the past two administrations.

I think it is a good thing that we try to clarify now what the position and policy would be of Mr. HUMPHREY if he were to be elected President of the United States.

Mr. PASTORE. I have said that; and Mr. HUMPHREY has spoken. The trouble here is that Nixon has not. Nixon has not spoken, and that has been the debate here today. That is the reason why the argument was made here.

Mr. PERCY. The whole purpose of our discussion this morning is to try to clarify what the Vice President really did mean by his statement. It is perfectly obvious that the press has not understood it; it is perfectly obvious that members of his own party have not understood it, because he has been required

to try to explain ever since he made the statement what he really did mean.

I respectfully disagree with one statement made by our majority leader. With much of what he said this morning I agree wholeheartedly. I think he has been consistent and firm and wise in his approach to this problem. But he did say one thing, that, after all, Mr. HUMPHREY is not the President now, and has not been for the last 4 years, and now he must determine what his policy will be.

If my memory serves me correctly, though I was not on the floor at the time, I recall reading in 1960 that the Vice President, then Senator HUMPHREY, on this floor said that Mr. Nixon, then running for President of the United States, could not dissociate himself from the policies of the administration of which he had been an integral part for 8 years.

I think this attempt now by the Vice President to dissociate himself from a policy of which he has been an ardent, enthusiastic, firm, vigorous, and articulate supporter for 4 years does require further explanation now as to what he really did mean. Does he adhere or does he not to the San Antonio formula of about a year ago?

Mr. PASTORE. Why does he have to answer that question? Mr. HUMPHREY has spoken categorically and clearly. It is clear to me what he said. I just read it sentence by sentence. I have already said that different people are going to make different interpretations. I was glued to the television set for that HUMPHREY half hour, I thought it was a magnificent speech, and I afterward analyzed every word that he said.

Times change, he said very clearly in that speech: "If nothing happens until January, this is what I propose to do." I think he has a right to say that. He has been criticized for being tied to President Johnson. The minute he lets loose, he is being criticized for that. Everybody wants HUBERT HUMPHREY to keep explaining and clarifying his position. Does not the Senator think it is about time that we got a clarification from others of their Vietnam position? There are other candidates. What are their plans? They say, "I have a plan." Why do they not tell the people what their plans are? They keep saying they have a plan. "Send me to the White House and I will end the war in Vietnam."

I have heard that time and time again. I have the highest respect for Richard Nixon. I have even affection, man to man, for he and I served on the same committee here in the Senate. But the fact is that Mr. Nixon has not explained his Vietnam position. Yet everybody is rising on the other side of the aisle to say they are a little disturbed because HUBERT HUMPHREY has not clarified his position. They do not ask: Has Richard Nixon clarified his? They say the Vice President is in doubt——

Mr. SCOTT. Mr. President, if the Senator would yield, perhaps some of us would have an opportunity to make an explanation.

Mr. MANSFIELD. Mr. President, I ask for the regular order.

Mr. PASTORE. Mr. President, which Senator wants me to yield?

Mr. MILLER. Mr. President, I have been asking for quite some time.

Mr. PASTORE. All right. I yield to the Senator from Iowa.

Mr. MILLER. Mr. President——

Mr. PASTORE. Mr. President, is the Senator going to ask a question or make a speech?

Mr. MILLER. In order for the Senator to understand the question I have in mind, I wonder if he would mind if I would preface it—

May I point out that the Senator said—or I believe he said—that because of the curtailment of the bombing, we have got more casualties, and that if we have a cessation of the bombing without reciprocal action, we will have still more casualties, and therefore that must lead one to the conclusion that we must escalate the war. I believe the Senator said that.

I do not know what escalation means in the mind of the Senator from Rhode Island. I have an idea. But let me ask him this question: Has not the Vice President just said about the same thing? He said:

> If the North Vietnamese show bad faith, I will resume the bombing; I will escalate the war.

He said that. What is wrong with that?

Mr. PASTORE. Nothing.

Mr. MILLER. Well, then, what is the Senator criticizing the Senator from Iowa for, in the statement he has referred to?

Mr. PASTORE. The Senator from Iowa made a statement a short while ago that only a new President can straighten this war out.

Mr. MILLER. I did not make that statement.

Mr. PASTORE. Oh, yes, the Senator did.

Mr. MILLER. No, I did not. The Senator from Rhode Island is in error. But I will say this: We have the best chance of getting the war straightened out by having a complete change of administrations, not locked in.

Mr. PASTORE. Does the Senator think that is different from what I said? Does he think that because he added the words "the best chance" that that makes it different?

Mr. MILLER. I think that is a very important difference.

Mr. PASTORE. The fact remains that the Senator made the argument that every time we stop the bombing, there are more casualties.

Mr. MILLER. No, I did not say that. I wish the Senator from Rhode Island would not try to put words in the mouth of the Senator from Iowa. We have plenty to discuss without that.

Mr. PASTORE. Did the Senator not say that since March 31 we have had more casualties?

Mr. MILLER. I not only said that, but I put into the RECORD the figures.

Mr. PASTORE. That is all I said the Senator said—the less bombing, the more casualties.

I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I had hoped to have the floor for a moment in my own right, but, as the Greek poet Menander once said:

> We live not as we would, but as we must.

And as Socrates observed:

> Like Pericles, I seek to speak the truth.

Former President Eisenhower remarked to me about a year ago that he sent into Indochina 350 advisers, and that until he left office there were never at any time more than 655 advisers.

During this colloquy, I think we have forgotten that the original commitment to Indochina was by the previous President, President Truman—and I have looked it up within the week—when he made certain commitments of economic and other support and assistance to Indochina; and therefore little is to be gained by the raking over of the embers of earlier decisions, which I think were all justly and properly made at the time.

But I enjoyed the keynote speech of the Senator from Rhode Island, and I found myself wondering throughout, if the statement of the Vice President is so easy to understand, Why does it take so much oratory to explain it?

The colloquy referred to by the Senator from Illinois with Vice President HUMPHREY, when he was a Senator, occurred, I believe, in March—and I think rather oddly on March 30 or 31—1960. The colloquy was with me.

Senator HUMPHREY at that time said, observing the absence of the Vice President from the chair:

> He is not here, but he should be here.

Then he went on to assert that the Vice President—then Mr. Nixon—must assume and could not avoid the obligation of sharing responsibility for the decisions made by his administration, of which he was a part.

I was in Knoxville with the Vice President the night before last. He visited our truth squad plane, for which I was not only complimented, but most grateful for the national publicity accorded us in that situation. But I did not hear him say at Salt Lake City or at Knoxville that he had any plan for ending the war, other than to qualify what he might do under certain circumstances, which did not go as far as his President and our President has already indicated he is willing to go, because President Johnson—and I support him, as the Senator knows—has said time and again:

> If the North will give us one little thing as evidence of good faith, we will act on it, and we will stop the bombing.

That is the highest statesmanship, in my opinion.

It seems to me that the Vice President said:

> I will stop the bombing if the Communists show good faith.

In making that statement, he is on the horns of a dilemma, because when have the Communists shown good faith? Does any Senator believe they are now showing good faith? Was Czechoslovakia good faith? Have their actions in Vietnam been in good faith? They are killing

our boys with their weapons. Is that good faith?

If the Vice President is going to wait until the Communists show good faith, he will have to wait until the celluloid dog catches the asbestos cat on a tour through hell. On the other hand, if he is not, and notwithstanding the evidence, if he were to become President, the Communists do show good faith, that raises the question of his competency to be President, because if he proves to be that gullible, then the American people are putting all their eggs in a very tattered basket.

Mr. PASTORE. Mr. President, I ask my distinguished friend from Pennsylvania—and he knows I would never indulge in any impertinence with him—is the Senator from Pennsylvania telling me that he endorses Lyndon Johnson's policy in Vietnam?

Mr. SCOTT. The Senator from Pennsylvania is telling the Senator from Rhode Island that he has supported the President in his policy throughout, although he would not, as President—which God forbid—have done all the things which this President did. It is well known that I have supported the President, and I will not back down from it here or any other place.

Mr. PASTORE. I compliment the Senator from Pennsylvania.

Mr. SCOTT. Thanks.

Mr. PASTORE. I wish to say this, also: If we go back far enough, I suppose we can even charge George Washington with Vietnam. But the fact still remains that the genesis of all this problem is the Southeast Asian Treaty, under which we became involved down there, and the man who negotiated that treaty was John Foster Dulles. I think that was the beginning of it.

We had an idea that all we had to do was get ourselves into these treaties with small nations, and the minute we put our signature on it, everybody else would run off and hide. But it did not happen.

We did not include South Vietnam in the treaty originally, so we wrote a protocol to bring them in, and said to South Vietnam, "Any act of aggression against you is an act of aggression against the United States of America."

That, to me, is a sorrowful fiction. But we got ourselves into this treaty. It has been a comedy of errors; there is no question about it.

The only thing that I resent, and I think I have made the point clear, is that every time we talk about this issue, you would think all wars are started by Democrats and ended by Republicans. I think perhaps that would be all right in the fifth grade debate, but when you come to the floor of the Senate, and talk with mature people, and say one of the parties is the war party and the other the peace party, I think we are stretching logic and commonsense a little too far.

Mr. SCOTT. Will the Senator yield very briefly? Did not the Senator from Rhode Island vote for the treaty in 1954, and did not the then majority leader? Was he not one of the signatories to that treaty?

Mr. PASTORE. Yes, I did. I put myself in the same boat.

Mr. SCOTT. I commend the Senator.

Mr. PASTORE. I put myself in the same boat, but all I am arguing here is that I think we are all in the same boat.

Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I shall direct my remarks in a somewhat different course than the debate thus far has taken.

I suggest that there are possibilities for constructive action in Vietnam before the inauguration of the next President. I have read carefully the statements on Vietnam of the candidate of the Republican Party, Mr. Nixon, whom I support, and Mr. HUMPHREY, the nominee of the Democratic Party; but no one knows what the circumstances will be in Vietnam when the next President takes office. We do know something of the present circumstances.

I direct my thoughts this morning to what I hope and believe could be done in the intervening period while President Johnson is still in office.

I have spoken on this subject several times in past years. In 1965, when the bombing of North Vietnam commenced, I spoke on the floor of the Senate——

The PRESIDING OFFICER. All time has expired.

Mr. PASTORE. Mr. President, I think we ought to have a little more time on this issue. I do not know how the Senator from Georgia feels about it.

Mr. RUSSELL. Mr. President, reserving the right to object, I have waited here for days, after notice was given that the Defense bill would be taken up Monday a week ago, while the Senate discussed the Fortas nomination.

Mr. President, the present debate is very engaging and interesting. However, it seems to me, to be perfectly frank, that the Senators should either hire a hall or adjourn to the caucus room, because this discussion has been purely of a political nature.

It is imperative that we finish the Defense bill this week.

Mr. PASTORE. Mr. President, do we have a morning hour?

The PRESIDING OFFICER. The Chair announces that the period for the transaction of routine business, by unanimous consent, was to expire at 11 o'clock. However, by subsequent unanimous-consent requests, agreed to by the Senate, it has been extended on four occasions.

Mr. RUSSELL. Mr. President, yielding to the importunities of the distinguished majority leader, whom I try to follow in procedural maters, I withdraw any objection I might have. But I do hope that we can get on to the unfinished business soon.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at 12 o'clock the morning business be concluded and that the unfinished business be laid down. We will then get started on that.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COOPER. Mr. President, my remarks will be directed toward the action leading to a settlement of the war in Vietnam, I hope can be taken before the inauguration of the next President. I have spoken on this subject many times.

In 1965, when the bombing of North Vietnam commenced, I said on the floor of the Senate that I believed it would lead to an intensification of the war.

In 1966, after being in Vietnam, I urged that there be a cessation of the bombing.

In 1967 I spoke three or four times on the floor of the Senate urging that the President of the United States stop unconditionally the bombing.

I said in all of my speeches that the cessation of the bombing, of course, would involve and entail great risks, but I did not believe they would be risks as great as would be involved in continuing the bombing with the increasing loss of life. I admitted this, as I do today that no one can say that a cessation would result in productive negotiation but that it was a way to test the sincerity of the North Vietnamese. If the United States should meet the unconditional requirement that the North Vietnamese have laid down again and again and again, an unconditional cessation of bombing of North Vietnam would be followed by negotiations. This is a way available now to see if negotiations actually would take place.

I have not spoken again on the floor of the Senate since the President made his generous statement in March, and since negotiations in Paris began. I had said in October 1967 that it was inevitable that the issue of Vietnam would become a public issue as it should be, in the political campaign of 1968, that the chance of settlement might be reduced and that in the period of the campaign, the loss of life would continue.

The issue of Vietnam cannot be settled by the candidates, as candidates. President Johnson is still the President of the United States. I would hope that he, in this time when the negotiations are taking place, would test to the very depths the repeated requirement of the North Vietnamese that they would negotiate, if there should be an unconditional cessation of the bombing of North Vietnam. I know that President Johnson has sought to bring the war to a close honorably; that he seeks peace. I would like to see him order the cessation of bombing and make the supreme effort to test this North Vietnamese promise of negotiations during his term of office. If it should succeed he would accomplish the peace he has sought and the country and the world will be better.

I hope that the President will do that. It will determine at least for this time whether the North Vietnamese speak truly. It may not work, but if it should work, it would mean, I would hope, at least the beginning of the end of the war and the saving of thousands and thousands of American lives and the wounding and maiming of many additional thousands of American boys.

Mr. PASTORE. Mr. President, I did not instigate this debate. I understood that notice was given that the Republicans were going to discuss the Hubert

Humphrey speech of the other day. I heard about it only an hour and a half ago. So I got my dander up and came down here.

I hope that what HUBERT HUMPHREY said the other night would serve to do precisely what the Senator has suggested, expedite the end of the Vietnam conflict I do not think we have to wait until January 20, 1969, to find this out.

I realize that some risks are involved. I hope that we can logistically withdraw our American boys to positions of safety so that not one additional American life will be jeopardized.

I do not think that anyone would object to a cessation of the bombing if it meant the saving of one American boy. However, I pray that we try something in the hope that we can stop the carnage in Vietnam, bringing an honorable peace to a tortured land and begin to see the security, prosperity and tranquillity of a people deserving of a place among the free nations of the world.

Mr. President, I yield the remainder of my time to the Senator from New Hampshire.

SECRET NIXON DEAL COULD HAMPER LAW ENFORCEMENT IN SECURITIES MARKET

Mr. McINTYRE. Mr. President, the New York Times yesterday performed a distinct public service by publishing the text of a heretofore secret memorandum from Mr. Richard Nixon to certain members of the securities industry.

In this secret memorandum, Mr. Nixon has clearly implied if elected, he would see to it that the laws presently on the books for the protection of investors would be relaxed for the benefit of the Wall Street contributors to the Republican Party's presidential nominee.

In so doing, Mr. Nixon has turned his back upon the reforms in securities regulation initiated by the Eisenhower administration, and has completely ignored the needs of the 25 million Americans who own shares of mutual funds or common stocks.

The issues raised by Mr. Nixon's secret memorandum, Mr. President, are not simply ones of partisan or ideological significance. They go directly to the basic honesty and integrity which we have a right to expect from a candidate for the office of President. For what Mr. Nixon has done is considerably more than to simply place himself on the side of Wall Street and in opposition to the investors of America. What he has done has been to undermine the efforts of both Republican and Democratic administrations to bring further law and order to the securities markets.

In addition, Mr. Nixon's secret memorandum reveals an abysmal lack of knowledge about this subject. He says:

> The Administration has further sought wide-sweeping new regulatory powers over the mutual fund industry, which powers would be tantamount to "rate-fixing" in a highly competitive industry.

Mr. Nixon is apparently unaware of the findings regarding the mutual fund industry contained in studies initiated by the Eisenhower administration. He is clearly unaware that the legislation passed earlier this year by the Senate has as its prime goal the restoration of competition in the mutual fund industry, which for 28 years has been protected from competition in many areas by Federal legislation.

I ask unanimous consent that the New York Times article, "Nixon Promises To Relax U.S. Policy on Securities," by Eileen Shanahan, and the text of Mr. Nixon's memorandum be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. McINTYRE. Now, Mr. Nixon's top economic adviser has attempted to explain that this secret memorandum was not made public because it covers a "narrow policy area."

I do not think that it is a very narrow policy area when it involves the hard-earned savings of millions of Americans, and when it involves a sector of our economy amounting to hundreds of billions of dollars.

I think that it is a very broad policy area when it is so obviously a blatant catering to special interests who are described by the New York Times as "heavy political contributors."

I think that Mr. Nixon owes it to the American people to tell them what other secret understandings are in the works.

Are the heavy political contributors in the automobile industry going to be told that they can relax their safety standards?

Are the heavy political contributors in the drug industry going to be told that the Food and Drug Administration will no longer be concerned with enforcement? Are we going to risk a new thalidomide because of some secret understanding of which the public will never be aware?

Is Mr. Nixon trying to become President of the United States, or simply President of the heavy political contributors representing special interests?

I think it is time that he spoke out. He has avoided spelling out his specific views on Vietnam, law and order, civil rights, and dozens of other issues. The time has come for him to debate the other candidates and let the people know where he stands. We now know where he stands on securities regulation—in firm opposition to the protection of shareholders and the honest, competitive free market.

EXHIBIT 1

NIXON PROMISES TO RELAX U.S. POLICY ON SECURITIES

(By Eileen Shanahan)

WASHINGTON, October 1.—Richard M. Nixon has promised the securities industry that, if elected President, he will end the "heavy-handed bureaucratic regulatory schemes" of the Johnson Administration.

Mr. Nixon's pledge was contained in a letter to leaders of the securities industry and some related business that was sent out last Friday.

The letter "was signed by Mr. Nixon and has the full force of a formal policy statement," but was not made public, according to Alan Greenspan, a top Nixon economic adviser, because it covers "a narrow policy area."

Mr. Greenspan said that a policy statement on air transportation had also been prepared for private circulation to persons interested in that subject and that statements on other "narrow issues" were in the works.

Ordinarily, such political policy papers are released to the press at the same time they are distributed privately. In this instance, Mr. Nixon was communicating with an industry that would presumably welcome his views and many of whose members have been heavy political contributors in the past, though not always to Republican candidates.

The Nixon statement on securities regulation accused the Johnson Administration of being guided by the philosophy that "the Government can make decisions for the investor better than he can make them for himself."

The letter also specifically denounced legislation aimed at forcing mutual funds to reduce their charges to investors as "rate-fixing in a highly competitive industry." The legislation passed the Senate this year, over strong opposition by the mutual funds, but was then killed in the House Commerce Committee.

In his letter, headed "The Role of the Securities Industry in the National Economy," Mr. Nixon said that some "complex questions" had been raised by the recent fantastic growth of the securities industry and, in particular, the great increase in stock ownership and trading by institutions such as mutual funds, pension funds, banks and insurance companies.

He said that the reaction of the Johnson Administration to these problems had been "simply to trot out the same tired old cure-alls of the Democratic party, that is, more heavy-handed bureaucratic regulatory schemes."

PROMISES STUDY

He said that what was needed, instead—"and it will be a first priority of my Administration—is an independent, comprehensive economic study of the role of financial institutions" in the economy, in relation to each other and whether there are requirements for investor protection.

Mr. Nixon noted that Congress, during its present session, had authorized a study of the impact of institutional investors on the financial markets. The language of his letter seemed to indicate, however, that the study he had in mind would be broader than the one Congress approved and would also be done outside of the Government.

The Securities and Exchange Commission is planning to conduct the study that Congress authorized with the assistance of an industry advisory committee. The methods of an S.E.C. study, assisted at every point by industry experts, was worked out in consultations between the Government agency and the securities industry, in particular, the New York Stock Exchange, which fully accepted the idea.

HARD TO FIND A HEAD

The commission has been attempting to get started in the last month or so but has been unable to find an economist it considered sufficiently noted who was willing to head the study. One of the main objections made by economists who have been approached for the job, according to S.E.C. officials, has been their uncertainty that Mr. Nixon, if elected, would continue the study.

Mr. Nixon's letter, which Mr. Greenspan said may have been sent to as many as "several thousand" persons, also denounced recent moves by the Securities and Exchange Commission and the Department of Justice that have resulted in a proposed reduction of sales commissions on stock transactions on the New York Stock Exchange.

The exchange agreed to cut commissions on large transactions, effective Dec. 5, and to make some changes in its rules to stop brokers from splitting commissions with each

other on instructions of large customers, mostly mutual funds.

ASKS STUDY FIRST

These steps should not have been taken before completion of a basic economy study of their possible effects, Mr. Nixon wrote. He said that "tragically, those who would suffer most" from the rate reduction ban on commission splitting would be small brokerage firms. That is a position that has been both upheld and contradicted in industry.

TEXT OF NIXON'S LETTER ON SECURITIES INDUSTRY

WASHINGTON, October 1.—Following is the text of Richard M. Nixon's letter, entitled "The Role of the Securities Industry in the National Economy," sent to a number of business leaders:

Today, one out of every eight Americans owns shares of mutual funds or common stocks in American industry. Directly and indirectly, 100 million Americans benefit from stock investments by way of pension plans or insurance policies. This broad base of individual ownership of American industry is the foundation of our free economy.

The fantastic growth of our securities industry and the dramatic increase in public participation has overburdened our nation's stock exchanges and raised questions about the impact of institutional investing on the market and on our economy and the effectiveness of existing law providing full and adequate protection for the investor.

These are sophisticated, complex questions. The reaction of this Administration to these new challenges, however, has been simply to trot out the same tired old "cure-alls" of the Democratic party, that is, more heavy-handed bureaucratic regulatory schemes.

What is needed—and it will be a first priority of my Administration—is an independent, comprehensive, economic study of the role of financial institutions in our economy, the relationship of financial institutions to our nation's growth, the requirement for investor protections and the interrelationship of all financial institutions. Such a study is imperative before steps are taken which might seriously impair the nation's ability to continue to raise the capital needed for its future economic growth.

MUTUAL FUND POWERS

During the past Congress, a joint resolution was adopted authorizing a Securities and Exchange Commission study which would involve some of these issues. Even before the study could be initiated, the Justice Department and Securities and Exchange Commission advanced proposals designed to alter the basic character of the securities markets, involving drastic changes in the stock exchange rate structure and altering the economic relations of brokerage firms, institutional investors and individual investors. Tragically, those who would suffer most are the small broker dealers, the small, independent businessmen.

The Administration has further sought wide-sweeping new regulatory powers over the mutual fund industry, which powers would be tantamount to "rate-fixing" in a highly competitive industry. Agencies of the Administration have sought, sometimes with but more often without legislative authority, to establish bureaucratic domination over the competitive relations and everyday activities of banks, savings institutions, insurance companies and institutional investors.

The actions of this Administration are characterized by a legalistic and bureaucratic approach rather than one sensitive to the needs of our free economic system. Another priority of my Administration and an important plank in the Republican platform is a further and long-overdue study of the executive departments by an independent commission patterned after the Hoover Commission. One of the major items on the agenda of that commission must be a determination of the proper role which those agencies now regulating economic institutions are to play in insuring our nation's economic stability and growth.

The free and healthy operation of the market is of utmost importance to the investor; to the nation, the orderly growth of the industry and its ability to atract new investment provides the flow of capital essential to our nation's economic well-being and expansion.

LAWS FOR DISCLOSURE

Our securities laws were designed to protect the investor by insisting on full and complete disclosure. This has been the order of the day since the securities acts of the 1930's were written. I believe in the full enforcement of the securities laws to assure absolute protection for the investor; abuses of law should be vigorously prosecuted. I believe, furthermore, that the Federal Government should be continually sensitive to the needs for improvement in these laws to insure investor-protection. The philosophy of this Administration, however, has been that disclosure alone is not enough and that the Government can make decisions for the investor better than he can make them for himself. This philosophy I reject.

By its actions, my Administration will evidence its faith in the American investor and in the strength and viability of American financial institutions so essential to the success of our free economy.

SURVEY OF THREE LOW INCOME AREAS OF THE DISTRICT OF COLUMBIA

Mr. PROUTY. Mr. President, today I am releasing the findings of a scientific survey which I undertook last January and February. This survey has seven parts and is over 600 pages in length and is concerned with characteristics, problems, and attitudes of inner city residents in the Nation's Capital.

At this time, Mr. President, I want to take an opportunity to discuss a problem which increases in severity every day. It is a problem which, in fact, prompted me to undertake the Prouty survey. For these reasons, I think it is particularly appropriate immediately before the adjournment of Congress and before a national presidential election to mention the "fact crisis" which confronts us.

The existence of this crisis is not new. It has been with us for some time. It is not confined to one program or one set of programs. Nor, Mr. President, can the responsibility for its existence be laid at the door of one administration, one agency, or one political party. Indeed, the fact crisis seems to be all pervasive.

However, for us in Congress, accurate facts are of critical importance. Facts are a prerequisite at every stage of the legislative process: for the conceptualization of a problem, and for the implementation and evaluation of programs.

In this day of advanced technology and scientific know-how, we are better equipped than ever before to obtain and to evaluate facts both quickly and accurately. Most unfortunately, however, this know-how has not been utilized to best advantage.

I have been privileged to serve in the U.S. Congress for 18 years. During this time my workload and that of every other Senator and Congressman has steadily increased. As a member of three major committees, I have found it necessary to absorb an amazing and growing amount of information before making decisions on legislative matters.

All too often, however, this multitude of facts with which we are deluged on any particular issue—are slanted and incorrect. Rather than informing, these facts have served to misinform, with rather serious consequences. Incorrect facts have all too often been the foundation upon which vast legislative programs have been built. I could catalog example after example of the expenditure of millions of dollars for a program based and built upon inadequate foundation of facts. This is particularly true with regard to the poverty program.

In 1964, we broke new ground by authorizing large sums of money in order to make a concentrated effort at alleviating poverty in the United States. We created a new agency—OEO—which was to coordinate antipoverty efforts. However, many other agencies and departments had already pioneered poverty programs, and these remained under the aegis of the agency which had originated it.

As the antipoverty effort got underway, programs proliferated. Soon there were so many agencies, bureaus, and departments involved, that it was impossible to discover where the duplication and overlap began and ended. We called in desperation for facts. Each agency responded with evidence that it was doing a superlative job. It became impossible to evaluate progress and program effectiveness.

Last year I became determined to make an effort to arrive at accurate facts. It was all too clear that the antipoverty efforts were not succeeding as they should. Yet, we had no means of knowing what programs to stop and what programs to continue. I determined to do two things.

First, I became convinced that a massive review of the effectiveness of programs already underway by a neutral agency was needed. As a former businessman, I have always been impressed with the work done by the General Accounting Office. Therefore, I sponsored an amendment to the Economic Opportunity Act of 1967 which requested that that organization undertake a massive review of poverty programs. This amendment was adopted and I hope that we will have the results by next year. This by itself, however, is not sufficient.

I am convinced that we must eventually expand the activities of the Comptroller General so that he can determine program effectiveness in a number of areas on a continuing basis.

In addition, however, we must take action at all levels of Government to combat the breakdown of effective rational communications between citizens and community leaders. The sad state of present communications has become apparent to everyone following the massive civil disorders in major urban centers around the country.

Thus my second effort to alleviate the "fact crisis" and to bridge the communi-

cation gap was the Prouty survey—an attempt to obtain accurate, unbiased information about residents of inner city areas designated as poverty zones.

The idea for the Prouty survey had its genesis during the long months of 1967 when the Senate Subcommittee on Manpower, Employment, and Poverty was considering and reviewing the poverty programs authorized by the Economic Opportunity Act of 1965. Throughout the spring and summer months of that year, every Senator was deluged with information and studies; those submitted by the Office of Economic Opportunity, and those done specifically for the subcommittee by a special investigatory group authorized to expend $250,000 for the purpose. As I delved into this great quantity of data, a certain vague uneasiness which I had had at the outset, grew.

It was increasingly apparent, as I read, extracted, and analyzed, that none of the reports designated to evaluate poverty programs generally and community action agency operations specifically actually did so with any degree of accuracy and effectiveness.

For example, one group of consultants conducted a special report concerning the poverty program in the Nation's Capital. In that report, I discovered a novel, but unscholarly, method for determining the outreach of existing local poverty programs. That group of consultants felt they could measure "outreach" by having a man stand on a street corner for one afternoon and ask passers-by whether or not they knew of the local poverty program. I suggest that while the sidewalk interview technique may have tremendous potential for use as an early morning radio program, it is utter nonsense to use it as a basis for deciding the fate of a several-billion dollar poverty program.

My own field investigations concerning the war on poverty left me in shock as I realized the extent of the fact crisis.

In my own State of Vermont, consultants investigated the poverty program. Their report contained inaccuracies concerning matters which have been well documented by more than half a dozen agencies in the State for as long as I can remember. Statistics concerning the number of rejectees under selective service, the number of high-school dropouts, the infant mortality rate, the unemployment rate, and the number of individuals on welfare were inaccurately reported, and, obviously, the result of hearsay rather than research.

No report that I saw contained a random sample survey of the peoples' needs, wants, and reactions within a community served by poverty programs. And a random sample survey was the only way to arrive at the facts.

Consequently, I began to investigate the possibility of conducting such a survey. Due to limitations of time and money, I decided at the outset to limit the research and study to Washington, D.C. Although I am concerned about rural poverty, and particularly interested in the progress of the poverty program in my own State, I have become increasingly concerned with urban problems. My work on the Labor and Public Welfare Committee, as ranking minority member of the Subcommittee on Employment, Manpower, and Poverty, and as ranking minority member on the District of Columbia Committee, have made me more and more interested in and conversant with the problems of all cities and of Washington, D.C., in particular. Washington, D.C., was therefore officially designated as the laboratory in which our experiment was to take place.

The methodology which was utilized in making the survey is clearly stated in the first part of the report. It is purposely stated in great detail so that others may benefit from the technique in their own communities.

Mr. President, since today is the publication date of the Prouty survey report, I have filed an application for copyright of the work. I want to make it quite clear that I have not done so for financial gain through royalties or for gain of any other kind.

It seemed to me that interested individuals are entitled to be able to obtain full documentation of the methods used and conclusions reached in the survey. Furthermore, I want to be certain to retain the integrity of accurate quotation of the findings in this report. In addition, with copies in the Library of Congress through the copyright process, the work will be more readily available to interested persons through the interlibrary loan program.

It is for these reasons and not at all for self interest that I have applied for copyright.

Mr. President, I do not want to take the time of the Senate to reiterate all the findings of the report at this time. However, I do want to point out a few of the findings which I believe are of particular importance.

First, for the three areas of the city included in my survey which represent a population of 113,000 people, 15 percent were living in poverty; 45 percent of those who are poor had under 8 years of education; and the family structure was extremely weak.

In the sample as a whole, of the 267 households with children, 34 percent were headed by women. Among the poor 41 percent of the households with children were headed by women. This in and of itself is no indictment against the poor, but it does illustrate the fact that the first line of defense in preserving an orderly society is not as strong as it could be.

Unemployment among the entire sample is over 7 percent which I suppose was expected but should not be necessary in the Nation's capital. As a matter of fact, Mr. President, I was also disappointed to find that less than 2 percent of those in the entire sample had participated in the Federal job training program.

I found that the generation gap was a reality in Washington, D.C.

Age is the most important variable influencing attitudes in that young people under 25 differ from their elders—25 to 44, 45 plus—by being more likely to feel strongly about things, highly present-time oriented, more likely to rate schools as terrible or poor, more likely to feel that police are brutal—33 percent feel police do a poor job; 26 percent feel there is a "lot" of police brutality—likely to think riots necessary to bring about change, yet also not satisfied with amount of change which has come about in riot cities.

There is nothing unusual, Mr. President, about the strong feelings of youth but I think that it is necessary for us to use every method we know of to measure those feelings in order to insure rational communication rather than irrational sit-ins, marches and disturbances.

I was extremely concerned, Mr. President, by the degree of militancy exhibited by the population as a whole. Actually, a significant minority of the entire sample believe that violence is necessary to bring about change—11 percent favor militant Negro leaders, 37 percent see some good in riots, 23 percent feel riots necessary for change, 49 percent feel riots have done some good where they have occurred.

We all know, Mr. President, that such extremism has no place in our society particularly when it is all pervasive. It is particularly shocking that some militants seem willing to destroy existing structures without building new ones. Our first goal, however, must be to recognize and understand the reasons for the militancy and despair. Then, and only then will we be able to offer such disaffected individuals viable alternatives to destruction.

I do not wish to take the time to go through each and every fact discussed in the Prouty Survey Report. The complete survey will be printed in the Extensions of Remarks contained in the RECORD, and I hope that many of my colleagues will have an opportunity to examine it closely.

I do want to emphasize that not all my findings were pessimistic. I was particularly fortunate in being able to ask several questions which provided a basis for the comparison of general life attitudes of Washington, D.C., inner-city residents with those of Burlington, Vt., residents. Surprisingly, Mr. President, the results which are printed in part IV of my report show that if anything, the inner city Washington residents exhibited more long-range optimism than my own constituents in Burlington.

This is an important finding. It demonstrates that the inner city Washington resident retains a basic faith in this country, and his life chances in it—despite the fact that he is part of a minority group and is surrounded by adversity. Both feelings of general optimism and the importance of the individual are deeply rooted in the American cultural tradition. Both populations in strongly reaffirming their faith to these basic tenets, reaffirm their faith in the American system.

I ask unanimous consent, Mr. President, that the full text of my survey be printed in the Extensions of Remarks section of the RECORD.

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

(The survey will appear in the Extensions of Remarks on Friday, October 4, 1968.)

SECRETARY COHEN ATTACKS WEAKNESSES IN NIXON PROPOSALS FOR OLDER AMERICANS

Mr. WILLIAMS of New Jersey. Mr. President, on September 28, Mr. Richard Nixon disclosed details of his proposed program for older Americans. His ideas, I am afraid, suffer very much by comparison with the far more realistic and effective plan for action announced by Vice President HUBERT HUMPHREY only a few days before.

Fortunately, a truly incisive analysis of the Republican candidate's ill-founded and inadequate stand on the elderly is available. It was provided earlier today by a renowned expert on social legislation: Wilbur Cohen, now our Secretary of the Department of Health, Education, and Welfare and—33 years ago—one of the architects of the first social security law.

To Secretary Cohen, it is clear that the Nixon program is "a bitter little pill with very little in it for the millions of poor and sick elderly who need help."

For one thing, the Republican candidate takes the wrong approach on social security benefits. Mr. Cohen points out that—compared to the Humphrey proposal for a 50-percent social security increase over 4 years—the Nixon plan "offers the elderly pennies in the form of small increases to match living costs." Mr. Nixon makes no mention at all about the fundamental social security problem today: inadequate minimum and average rates of payment.

Mr. Cohen has discovered many other flaws in the Nixon stand, and I believe that his findings are of direct interest to all older Americans and their families. I will ask unanimous consent to have a news release on the Cohen statement included in the CONGRESSIONAL RECORD, together with a fact sheet issued when the Secretary spoke yesterday.

For my own part, I would like to make two other comments. One deals with Mr. Nixon's declaration that he would call a White House Conference on Aging if elected President.

Mr. Nixon was evidentally unaware that, at almost the same moment he was proposing a conference, President Johnson was signing a law that declares such a conference will be held in 1971. The resolution calling for that conference was introduced last October, and as chief sponsor of that legislation I was honored and pleased to have wide bipartisan support in both Houses of the Congress. The legislation was also the subject of extensive hearings in both Houses, and it has been widely discussed by people with a genuine concern about older Americans. Its existence and final passage was no secret, except to Mr. Nixon.

My other comment deals with Mr. HUMPHREY's vigorous call for a National Senior Citizens Community Service Corps to enlist the skills and experience of the elderly in voluntary and paid service to our communities. As chairman of the Senate Special Committee on Aging, I have long advocated just such a national program. I am heartened by the enthusiasm with which pilot projects, including the senior aides program and the foster grandparent program have been received. But now the time has come to go beyond pilot and demonstration programs. Mr. HUMPHREY sees this clearly; Mr. Nixon does not, providing just one more difference of attitude that should be pondered by all Americans.

I ask unanimous consent to have printed in the RECORD a news release and a fact sheet on this subject.

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

NEWS RELEASE

WASHINGTON, D.C., October 2.—Secretary Wilbur Cohen of HEW today called Richard Nixon's program for the nation's senior citizens "a bitter little pill with very little in it for the millions of poor and sick elderly who need help." Cohen said, "It is an inadequate program for the 20 million elderly of this nation and they deserve much more.

"Compared to Humphrey's proposal for a 50 percent Social Security increase over four years, the Nixon program offers the elderly pennies in the form of small increases to match living costs," Cohen said. Cohen is Vice Chairman of Older Americans for Humphrey-Muskie along with Secretary Willard Wirtz, Senator Harrison Williams, Senator Joseph Montoya, and Bayard Rustin.

"A cost of living increase added to an inadequate Social Security benefit would be no real improvement because it would leave impoverished elderly still impoverished," Cohen maintained.

"With Social Security benefits so low for 5,000,000 Americans, they must live in poverty and with millions of other elderly living close to the poverty line, more than the token increase offered by Nixon is needed," Cohen declared, adding, "The Nixon program guarantees to keep Social Security beneficiaries living in poverty."

Cohen said Nixon's proposal for a cost of living increase in Social Security benefits means little if not applied to adequate benefit levels Humphrey recommends.

Noting that Nixon's Social Security statement makes no mention of Medicare; Cohen, the chief architect of the Medicare program over the past years, hailed a Humphrey proposal to abolish the present $4 monthly premium for Medicare doctor insurance and to extend coverage to out-of-hospital drugs Medicare does not now pay for.

"Experience has shown Medicare to be a great humanitarian program, yet Mr. Nixon apparently prefers to ignore it," Cohen said, adding, "Does Mr. Nixon intend to go on ignoring this great Federal program as if it never existed?"

Cohen denounced as a scheme "for helping the well-to-do at the expense of the poor", Nixon's proposal to restore full income tax deductions for medical and drug costs for those 65 or over.

Of the $210,000,000 a year in Federal revenue involved under the Nixon proposal, Cohen said approximately 70 percent would go to taxpayers with adjusted gross incomes of $20,000 a year or more.

"This money could be better spent on expanded health coverage of the Medicare program in order to broaden its benefits," Cohen said.

"The 20 million elderly poor can only regard Nixon's Social Security proposal as a 'bitter little pill' because they stand nothing to gain under it" Cohen declared.

FACT SHEET: WHY THE HUMPHREY PROPOSALS FOR THE ELDERLY ARE BETTER THAN THOSE OF NIXON

Nixon Position: *No real increase in social security—no increase in real income for the elderly—only a continuation of the present level of social security, with adjustment for cost of living.*

What the elderly need most of all is a substantial increase in income. The percentage of poverty among elderly persons living alone and among elderly couples is nearly 3 times as great as it is among all other households. For almost all the elderly, social security is their main source of regular continuing income. For about half of them, social security is just about all the regular continuing income they have.

The average social security benefit paid to elderly workers is ony $98 a month. Nearly 2½ million of the elderly receive benefits that are based on the minimum of $55—the amount paid to a worker who retires at 65. Even smaller amounts are paid to many of those ho retire before 65 and to elderly wives and widows.

Social security benefits, on the average, replace only about 25 percent of the earnings the worker had just before he retired. The need is for a major increase in social security. Nixon offers only to maintain the purchasing power of the present level of benefits.

In contrast, Vice President Humphrey's goal is to increase benefits by 50 percent and raise the minimum to $100. He would start immediately with a 15-to-20 percent benefit increase, with a $70 minimum. The cost of the 15-percent increase is only slightly more than the cost of the various proposals which Nixon makes, but the 15-percent increase would help all social security beneficiaries—the 24 million now on the rolls and all those who are contributing to the program for their future protection—whereas the Nixon proposals are aimed at special groups, in most instances those among the aged who are already the best-off.

Nixon Position: *Use social security to give a present to people who reach a certain age even if they are still working full time and even if they are earning as much or more than they ever earned before.*

The more social security funds are used to pay benefits to people who are still working full time and earning as much as they ever did—those who don't need retirement protection because they haven't retired—the less there is available to pay for the needed increases in benefits for everyone else.

Nixon proposes a handsome present for the small minority—less than 10 percent of older people. The present would cost about $2½ billion now and more later. Just that much less remains to pay decent benefits to the great majority, over 90 percent, of the beneficiaries—mostly those who are the least fortunate because they can't work or can't get jobs, those who, therefore, have the lowest incomes.

Nixon would help those who are relatively the most well-off and would do nothing for the great majority.

Vice President Humphrey proposes to liberalize the social security retirement test so as to give more incentives for part-time work by beneficiaries. In this way, avoiding the use of funds to pay benefits to those still working full time, he is able to pay better benefits to all.

Nixon Position: *Use social security funds to pay higher benefits to the lucky ones who can continue to work after the retirement age.*

Again Nixon would be helping those who are only the most well-off. The people who can continue to work after age 65 have higher incomes, and when they do retire their savings and other resources need to be spread over a shorter period of time because they have retired later. To pay additional benefits to these people, is an extravagant use of funds and helps only those who are the most fortunate. It does nothing for those who must retire at 65 or earlier. In fact, because it uses the funds for the lucky ones, it necessarily means doing less for the others.

Nixon Position: *Use Government money to help pay the medical expenses of those who are the best off among the people over age 65.*

Before the days of Medicare, the elderly

had very poor health insurance protection, and the income tax laws allowed them to deduct 100 percent of their medical expenses. Now that Medicare is enacted, the elderly have health insurance protection as good as anyone. And so, with the enactment of Medicare, the special provision allowing the elderly to deduct their medical expenses in full for income tax purposes was revised so as to put the elderly, in this respect, on a par with everyone else.

To restore the old medical expense deduction for the elderly would help at the most only that 20 percent of the elderly who pay any income tax at all. Most of the more-than-$170 million a year of Treasury funds which would be spent for this purpose would actually go to those, among the group that had medical expenses, who were not only in the 20 percent who pay income taxes but to those among them who had the highest incomes.

Insofar as the elderly do need help, despite Medicare, with their medical bills, this means that Medicare has some gaps. These gaps should be filled—not just for the wealthy but for everyone aged 65 and over.

Instead of proposing to use Federal money to do the most for those who need the least, Vice President Humphrey proposes to improve Medicare for everyone—especially by extending Medicare to cover the cost of prescription drugs.

Vice President Humphrey also proposes to relieve the burden on the elderly of the $4 per month premium that they now pay for their supplementary medical insurance under Medicare. He would finance that insurance on a prepayment basis. The effect would be like a $4 a month increase in benefits for each elderly person who is a beneficiary.

Nixon Position: *Pay social security benefits to widows that are substantially larger than what would be paid to a worker at the same age who had the same earnings as did the widow's husband.*

A widow now gets social security benefits of 82½ percent of what her husband would have received had he lived to age 65. She gets this amount at age 62. A worker, on the other hand, who has paid social security contributions and had earnings at the same level as did the widow's husband gets benefits at age 62 that are only 80 percent of what would have been received at 65.

To pay the widow 100 percent would mean to pay her 25 percent more than would be paid to a woman worker who had contributed for many years. And to pay the widow 100 percent at age 62 would mean to pay her 25 percent more than would have been paid to her husband had he retired at 62.

Combining its cost with the cost of Nixon's proposed elimination of the retirement test, *the total would be equivalent to the cost of about a 12-or-13-percent general benefit increase.* Such an increase would have its effects, to a much greater extent, among those who need help the most.

Nixon's Position: *Convene a White House conference to probe into the problems of older Americans.*

Whoever becomes President will undoubtedly convene a White House conference because we have a law on the statute books now—a law that was planned and drafted by the Democratic leadership in Congress and signed by President Johnson—that requires the next President to convene a White House Conference on Aging in 1971.

* * * * *

It is amazing to find that the Nixon statement includes not a word about Medicare and not a word about the need to make that program still more effective than it is. It is amazing too that the statement includes not a word about the social security disability insurance program, which is of tremendous importance to the aging—those getting close to but still under age 65—and not a word about the need to make that program still more effective than it is. On the other hand, perhaps neither of these is so amazing after all since the Republicans in Congress lined up solidly in the bitter fights against and in the votes against Medicare, and, a few years earlier, in the bitter fights and in the votes against extending social security to cover disability.

ICC STUDY ON PASSENGER TRAIN SERVICE

Mr. PEARSON. Mr. President, I have just had the opportunity to read an interesting and what I consider to be a highly significant study by the staff of the ICC dealing with the subject of revenues to the railroads in the operation of their passenger train service. While this study cannot be treated as fully conclusive, it does, I think, require that we take another fresh look at the whole problem of passenger train discontinuance.

For a number of years, now, the railroads have been steadily eliminating passenger service. Within the past 2 years, there has been an acceleration of passenger train discontinuances. The railroads have argued that these discontinuances are necessitated because of financial losses incurred in their passenger train operations.

Mr. President, the ICC staff study does show that during the 5-year period of 1954–58 the railroads suffered substantial losses on the passenger train operation. But the ICC reports that the picture since 1958 is quite different. The study finds that in each year during the 1959–66 period, the railroads made profits on passenger service ranging from $11 million to $78 million. The ICC study finds that in 1967 there was a loss on passenger train operations and that this was largely attributable to the shutdown of railroad post offices.

Spokesmen for the railroads have questioned the ICC's method of computing costs and revenues. They assert that the ICC's cost analysis is faulty because it fails to take account of taxes and rents properly chargeable to the passenger train operation.

There is merit to these criticisms; however, on balance I find the ICC study extremely useful. In light of this study, I think we need to initiate a renewed and more careful study of this whole passenger train problem.

If passenger train operations have been as costly to the railroads as they have argued, some substantial changes in regulations governing train discontinuances must be made. Certainly the various bills before the Committe on Commerce should be restudied.

Mr. President, the progressive erosion of passenger train service has created enormous economic and social problems for millions of people and hundreds of communities. The public, therefore, has the right to all the facts, and Congress has the obligation to ascertain these facts and to adopt sound legislation in accordance with these facts.

TRIBUTE TO JOHN E. HORNE

Mr. SPARKMAN. Mr. President, the savings and loan industry has become an important part of this Nation's economy. In my years in the Senate I have seen its assets multiply more than 10 times to the point where it is entrusted with the savings of 43 million Americans and is the financier of nearly half of the current volume of residential mortgages. It serves the savings public well and it is vital to housing and home construction activity.

In the past several years, and continuing up to the present, the industry has weathered unprecedented and unanticipated financial and economic changes. It has borne up under the impact of crises in the Nation's money and capital markets. During the "tight money crunch" of 1966, and its partial recurrence during the first half of this year, the savings and loan industry was the major institutional investor to maintain a significant flow of mortgage funds to finance residential construction and home ownership.

The industry, the Federal Government, and indeed, the Nation are fortunate in having had John E. Horne as Chairman of the Federal Home Loan Bank Board duirng these eventful years. Under his leadership, the Board, which regulates, supervises, and insures the accounts of, its member savings and loan associations, was a major factor in maintaining the viability of the industry and enabling it to continue to play its vital role in financing housing in this Nation.

Mr. Horne holds the distinction of having been appointed to high Government executive positions by three Presidents. He was appointed Administrator of the Small Defense Plants Administration by President Harry S. Truman in 1951, and served as Administrator of its successor agency, the Small Business Administration, under appointment by President John F. Kennedy. He was appointed as a member of the Board by the late President Kennedy and was named its Chairman by President Lyndon B. Johnson, who instructed him to provide the strong leadership of the industry demanded by the times.

I have had the privilege of knowing and working with John E. Horne during the 21 years he has served the Government and the Nation in Washington. John was the first person to serve as my administrative assistant, an appointment I made upon being elected to the Senate in November 1946. He served with distinction as my administrative assistant from 1947 to 1951, and again from 1953 to 1961. During his years in my office in the Senate, he contributed generously to the thought and work involved in much of the legislation concerning Federal Government assistance to small business, and housing, and the savings and loan industry under which these important segments of our national economy now function.

The experience and knowledge John Horne gained during his years of service as a member of the Senate staff helped him materially in carrying out his administrative duties as an appointee in the executive branch of the Federal Government. For example, he revitalized the Small Business Administration and rebuilt the morale of its personnel when

he became the Administrator of that agency.

Similarly, the knowledge he gained of the housing and savings and loan industries while serving as my assistant enabled him to assist the Congress in adopting legislative reforms involving the savings and loan industry and the Federal Home Loan Bank Board when he became its Chairman. Mr. Horne's energy and insight contributed materially to the adoption of the Savings and Loan Supervisory Act of 1966. Early this year, assisted by his efforts, the Congress passed the Savings and Loan Holding Company Act. Just a few months ago, as a result of Mr. Horne's ability to convince Congress of the need, it approved, and President Johnson signed, a law permitting the Federal Home Loan Bank Board to appoint the Federal Savings and Loan Insurance Corporation as receiver for State-chartered savings and loan associations which had defaulted, authority that hitherto had been confined to federally chartered associations.

Mr. Horne argued strongly and successfully for control of dividend rates paid by member savings and loan associations, which has just been extended by this Congress for another year (Public Law 90–505). It includes provisions under which the liquidity requirements of member institutions will be modernized and made more flexible. Mr. Horne was instrumental in obtaining appropriations to finance a study of the savings and loan industry by the Wharton School of Finance of the University of Pennsylvania, the first comprehensive study of the industry in its history. He has played an important role in achieving a broadening of the investing powers of savings and loan associations, which is expected to be a helpful tool in enabling these institutions to expand their traditional role of financing residential construction and homeownership.

When Mr. Horne joined me, he gave up a promising career in private business. He was the southern representative of two of the most prominent and successful book publishing companies. He served in World War II as an officer in the U.S. Navy. He is the recipient of a letter of commendation for meritorious naval service, and holds the rank of captain in the Naval Reserve.

In 1954, Mr. Horne was staff director of the Democratic senatorial campaign committee, and in 1956 was assistant campaign manager of Adlai Stevenson, the Democratic presidential nominee. In 1960, he was executive director of the National Citizens' Committee for Kennedy and Johnson.

Knowing John Horne as I do, what I am about to relate may not have his approval, but these many activities I have touched upon are only a part of an unusual life. John was born in Clayton, Ala., in 1908, where life was rugged and opportunities few. He attended a one-teacher grade school and covered seven grades in 2 years. Later on, in high school, he doubled up on his courses and finished the normal 4-year term in 2 years.

Following the completion of 1 year of college, he then, at the age of 18, became a teacher himself, in Pike County, Ala. He returned to college the next year and received his normal certificate, from Troy State Teachers College, in 1928. He taught school in Columbiana, Ala., for 3 years and then returned to school at the University of Alabama, where he graduated with honors in 1933. His teaching experience came during the depression of the 1930's, when at one time Alabama teachers were paid in scrip. So when John enrolled at the University of Alabama he literally had no money. He actually hitchhiked to the university with the huge sum of $1. Even so, he found work to pay for all his expenses and while still in school to help finance college training for two sisters and a brother. Yet he was named to Phi Beta Kappa. He was awarded a master's degree in history from the University of Alabama in 1935.

John married his lovely wife, the former Ruth Kleinman, in 1938, and they have two daughters, Linda and Susan. He resides at 415 Crownview Drive, Alexandria, Va., where he is active in civic and church affairs, serving as a vestryman in the Episcopal Church. His affiliations include the American Legion, the Veterans of Foreign Wars, the Alabama Historical Society, Elks, Newcomen Society, National Democratic Club, National Press Club, National Treasurer of Pi Kappa Alpha, the University of Alabama Alumni Society, and other worthy organizations.

Because of the nature of its work, the Federal Home Loan Bank Board comes within the jurisdiction of the Senate Committee on Banking and Currency, of which I am the chairman. As several members of that that committee and I reviewed the legislative work of the committee, the accomplishments in response to the needs of the Board came forcefully to mind, and I and several of my colleagues wished to express our appreciation to John Horne in this form.

Mr. PROXMIRE. Mr. President, I wish to join my colleague, the distinguished chairman of the Committee on Banking and Currency, Senator JOHN SPARKMAN, in commending John E. Horne for his years of dedicated service to this body, the executive branch of the Government, and the people of the United States.

I wish particularly to compliment him on his unceasing efforts as Chairman of the Federal Home Loan Bank Board to enhance the stature of the savings and loan industry and to make it a better and more effective vehicle to promote thrift and economical home financing for the people of this Nation.

When I came to the Senate in 1957, John Horne was serving his second stint as the administrative assistant to the senior Senator from Alabama. I appreciated his helpfulness as an experienced staff member in orienting me to the work of the Committee on Banking and Currency and matters pending before it. He was particularly helpful acquainting me with legislative matters pertaining to small business, housing, and the savings and loan industry.

When John Horne returned to the executive branch of the Government in 1961 as Administrator of the Small Business Administration, he undertook to keep the Senate Banking Committee members and other interested Senators fully advised on developments in that Agency and in small business.

Since becoming Chairman of the Federal Home Loan Bank Board in January 1965, Mr. Horne has continued his practice of keeping Senators and Congressmen apprised of developments within that Agency and in the savings and loan and housing industries. He has been successful in coveying his broad grasp of developments in these related fields to the Congress so that it has been able to legislate wisely to improve their operations to the benefit of the public.

I share with Senator SPARKMAN the high regard and esteem in which he holds Chairman Horne and express the hope that Mr. Horne's abilities and talents will continue to be devoted to the Federal Government in the years ahead.

NUCLEAR NONPROLIFERATION TREATY

Mr. LAUSCHE. Mr. President, on September 9, the Cleveland Plain Dealer published an editorial arguing against the ratification of the Nuclear Nonproliferation Treaty at the present time.

The editorial reflects my own reservations on this subject. The treaty states that signatory states "must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State." This cetainly raises a question concerning the worth of signing now a treaty which has already been broken.

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:

HOLD OFF ON NUCLEAR TREATY

There was reason enough, before the Aug. 20 invasion of Czechoslovakia, for the United States to move hesitantly in ratifying the nuclear nonproliferation treaty.

Most countries on the threshold of producing nuclear arms are friendly to the United States, or are neutrals unlikely to side with the Soviet Union if hostilities broke out.

For that reason many overseas observers have judged the nonproliferation treaty to be more favorable to the Communist bloc than to the United States and the West.

Most likely to join the nuclear "have" club are West Germany, Italy, Japan, Sweden, Israel and India. They are the countries most reluctant to submit to the treaty's handcuffs.

And yet the treaty is of such worth that one could hardly want it thrown in history's trash can. It could spare the peoples of the world much insecurity and fear. And it could lead to further arms controls.

But now the Soviet Union has reverted to below-zero cold war. Its blitz occupation of Czechoslovakia, which it blames on the West, has caused Americans to stop and rethink their earlier inhibitions.

It now becomes public and plain that the Soviet Union will not withdraw all its Warsaw Pact troops from Czechoslovakia, even if and when that country submits to "normalization" as the Kremlin defines it.

No, the Kremlin is forcing Czechoslovakia to declare that its border with West Germany was not secure and must be defended by Warsaw Pact troops.

Two or more divisions of such troops will remain along that front, which militarily is good terrain for launching an attack upon

West Germany. Such a threat is the most chilling of cold war moves.

With typical Kremlin upside-down logic, the official Soviet newspaper, Pravda, however, discovers that it is not the Soviet movement of hundreds of thousands of troops which refreezes the thawing cold war.

Rather, it is Great Britain which is doing it. And Pravda's proof is that British Foreign Secretary Michael Stewart has gone to visit Romania, a Communist country which condemned the invasion of Czechoslovakia and would take no part in it.

Russia has a paranoid fear of Germany and the West. Each time it feels a sting of criticism—from one of its own poets, from protest groups anywhere among the satellites—it springs up in alarm and goes lunging around and lashing out at every shadow.

Until this new wave of fears and convulsions subsidies behind the Iron Curtain, there is little point in ratifying a treaty which must be based on mutual trust.

We still believe that inch-by-inch action toward arms control is the right path for nations great and small. But the United States cannot be as trustful now. Russia's aggression has spoiled the gradual movement toward detente. The United States must wait until that situation, to quote the Kremlin, "normalizes."

ACTIVITIES OF THE DEPARTMENT OF DEFENSE—ADDRESS BY SECRETARY CLIFFORD

Mr. INOUYE. Mr. President, the problems of urban decay and unemployment in the ghetto are questions the Senate has debated many, many times over the past few years. There are those who believe that we are spending too much of the taxpayers' money already on these social ills. There are those who believe that we are not spending enough. But almost every Senator agrees on one point: the problems are still with us, and they simply are not going to go away by themselves.

It is because of all of this that I was particularly interested to read what Secretary of Defense Clark Clifford told the National Security Industrial Association the other evening. As Senators are aware, this organization is made up of the leading defense contractors in the Nation, and includes the top management of some of our largest corporations.

Secretary Clifford made some imaginative proposals. He pointed out that the Defense Department is—by the very fact that it employs some four and a half million persons in order to keep this country safe and secure from external attack—one of the Nation's, if not the world's, largest customers for low-cost housing, for hospital construction, for education and training facilities, and, indirectly through its procurement, the stimulator of employment in every region of the land.

Secretary Clifford made it clear that the Defense Department was already in all of these fields for strictly military reasons. But because the dangers in the world today demand that we have a large and strong Defense Establishment, nearly 50 cents out of every tax dollar in the Federal budget is spent in his Department.

What he proposed to the defense contractors was that they cooperate with his Department in finding better, more economical, and more modern and advanced ways of building low-cost military housing, hospitals, training and education programs. As a prime customer for these items, he urged them to devote the immense reserves of their research and development talent to designing and developing more advanced building materials and construction practices to bring better economy and quality to housing. He urged them to come up with plans for a whole new generation of highly automated hospitals—hospitals in which routine recordkeeping and diagnostic services can be lifted from the backs of overworked doctors and nurses and put onto the backs of computers and other sophisticated data processing apparatus.

The Secretary of Defense noted that his Department has to train men in some 1,500 different skills, and that it necessarily runs one of the largest educational complexes in the world. He asked that industry—already interested in the educational market in this country—put their innovative resources to work on better ways to train men in the military.

Finally, he urged that consideration be given—by legislative action, if it is deemed wise—to providing more incentives to industry to locate some of their facilities required for defense work in labor surplus areas, thus helping to relieve hard-core unemployment.

Now the point of his proposals in low-cost military housing, more advanced military hospitals, and more efficient military education was that all these efforts would not only be of immense benefit to the Defense Department—in the long run saving tax dollars, and making our whole Military Establishment more efficient and combat ready—but that these same efforts could indirectly be of practical value in solving some of our most intractable problems of urban decay.

If industry can learn to build profitable low-cost housing for the military on a large scale, it can then do the very same thing for our cities.

If industry can research and develop a new approach to military hospital design and construction—an approach that will make it much less expensive to run these hospitals, and hence will significantly bring down the high cost of medical care—then industry can do the very same thing for new hospitals and health care in our cities.

If industry can research and develop better methods of training and educating our military forces, then it can market these same methods to our local school boards across the Nation—school boards that themselves have no funds for serious research and development efforts.

Finally, if we can find ways to give reasonable incentives to defense contractors to locate some of their new facilities in labor surplus areas, we clearly can make inroads against the tough problem of hard-core ghetto unemployment.

Secretary Clifford has instructed his own top management team in the Defense Department to submit practical proposals along these lines by November 30, so that they can be carefully considered by the new administration in January.

I believe that the speech should be read thoughtfully, and in full. It is clear from what the Secretary says that he has no woolly headed schemes for turning the Defense Department into a social welfare agency. He simply wants to do the defense job better, and more economically—and he is convinced that the very methods that industry can come up with to do the defense job better and more economically can be applied with success to similar problems in our cities and ghettos.

This makes sense for the Defense Department. It makes sense for the defense industries. And it makes sense for the country at large. I think Secretary Clifford's speech deserves careful consideration.

I ask unanimous consent that the text of Secretary Clifford's speech be printed in the RECORD together with an editorial comment on the speech, published in the Washington Star of September 26, 1968.

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

ADDRESS BY THE HONORABLE CLARK M. CLIFFORD, SECRETARY OF DEFENSE

Mr. Martin, Distinguished Guests, Ladies and Gentlemen:

I am pleased to be here, and to participate in your Twenty-Fifth Annual Dinner.

A quarter of a century is a long time in an Association's life. It is even a longer time in a man's life. But there are many of us here tonight who remember with fondness and admiration the great public servant who founded this organization, James Forrestal. Under his leadership, our Armed Forces began new movement toward greater efficiency and combat effectiveness. As our first Secretary of Defense, Jim Forrestal was not afraid to propose new ideas and to fight for them. His objective was progress.

There is a portrait of him hanging behind my desk at the Pentagon. It is a continuing symbol of the man and, in a way, of the Office of the Secretary of Defense itself, for it has looked over the shoulders of each of the eight Secretaries who has followed Jim in that job. Each has dealt with the problems of his day; each has been aided in his task by the National Security Industrial Association.

Since assuming my duties as the ninth Secretary of Defense, I have learned much about the valuable contributions NSIA has made to our defense posture. I am aware of your efforts to help us reduce costs. I know of the outstanding work of your advisory committees, which mobilize scientists, engineers and managers of industry to help us solve difficult technological problems.

I appreciate your efforts and, on behalf of the Department of Defense, I thank you.

This assembly tonight is, however, something more than the annual dinner of a great organization. This audience is as close as one can ever come to assembling the leading representatives—in and out of uniform—of what General Eisenhower once referred to as the "military-industrial complex."

All of us recall his last speech to the Nation as President in January of 1961. Recognizing the absolute necessity for a strong Defense Department and a large and sophisticated arms industry, he felt compelled to draw attention to the fact that their relationship involved some grave implications for the country.

In my view, President Eisenhower's warning is well worth pondering, for this complex represents an immense pool of resources. The capital, manpower, and innovative

thinking in this unique combination of industry and the military are equalled no where in the world.

Were these resources to be misdirected, squandered or consumed inefficiently, the American people would be poorly served indeed.

Inevitably, there is danger when one is talking about the expenditure of 40 or 60 or 80 billion dollars a year.

Inevitably, there is danger when powerful industries present to Congress and to the Defense Department their logical proposals for new weapons systems or equipment. These are sincere proposals, designed to advance our military strength. The danger arises, not from some sinister intent on the part of the designer, but from the fact that this Nation does not need and cannot afford every new weapons system which resourceful industry can design.

Inevitably, there is danger when each military department sincerely advocates maximum development of the weapons it would use in our national defense. There is danger when patriotic citizens mistakenly believe that something is good for the defense of our country just because potential enemies believe it is good for their country.

I am convinced today, after six months in this office, that the dangers General Eisenhower warned against were real dangers. But I am also convinced that they have been avoided, through the checks and balances of our governmental system. They have been avoided through the alertness of our Congress and the watchfulness of our press. They have been avoided because powerful pressures come from different directions and tend to offset themselves. They have been avoided by the strengthening of the Office of the Secretary of Defense. They have been avoided by the diligence of the Commander-in-Chief.

Industry and the military establishment, in partnership, have maintained a strong, modern and effective defense capable of meeting all tasks assigned by the President in support of our foreign policy and our national objectives. This Nation has more military power today, better balanced in its make up, and better tailored to meet potential military threats, than any country has had in the history of the world.

That is the posture of military strength we maintain—and I pledge that is the posture of military strength we will continue to maintain.

However, I want to talk to you tonight about the subject of our total national strength. This, it seems to me, is appropriate because it is my job as Secretary of Defense to see that our country has the security that it needs. And it certainly is your job as members of this Association.

Security, as we have traditionally viewed it, is the protection of our country from external threats. Our military forces are designed against such external threats; the Congress appropriates funds for this purpose and the American people expect us to fulfill this mission.

The question I raise tonight is: What are the basic elements of our total national security? The answer, I think, is clear. First: the power of the weapons of our armed forces. Second: the quality of the training and leadership of those forces. Third: the unity of the American people. The most modern of weapons will be inadequate to insure our survival in today's world unless our society is keyed to the steady improvement of our political institutions and concerned that all our people participate and share in the benefits of that society.

And I submit tonight that the Department of Defense is not doing enough to promote in a positive way those aspects of our national life which are so essential to the preservation of our fundamental institutions.

What, after all, do the people most earnestly seek?

It would seem clear to me that our people want to secure their freedom. And it would seem clear that the elements of freedom are described in the Preamble to the Constitution of the United States more eloquently than anywhere else.

The establishment of justice.

Domestic tranquility.

The promotion of the general welfare.

The blessings of liberty.

It was for all those reasons that we sought to form a more perfect union, and it was for those reasons that the people of the United States did ordain and establish our Constitution.

But there are millions of Americans today who have not yet secured for themselves the elements of freedom set forth in the Preamble.

I submit that the Department of Defense, a Department which consumes 9 percent of the gross national product of our Nation, a Department which employs four and one-half million Americans, has a deep obligation to contribute far more than it has ever contributed before to the social needs of our country.

Justice . . . domestic tranquility . . . general welfare . . . blessings of liberty. Can it be that these essential elements of freedom are a responsibility of the rest of the United States Government, but not of the Department of Defense whose operations account for half of the total expenditures of that Government?

I believe that we in the Department of Defense have not only a moral obligation but an opportunity to contribute far more to the social needs of our country than we have ever done before.

Accordingly, I have today directed the Secretaries of the Army, Navy and Air Force, the Director of Research and Engineering and the Assistant Secretaries of Defense to address themselves to this challenge.

I have asked that they provide me their proposals on how we may assist in alleviating some of our most pressing domestic problems and how the Department of Defense should best organize itself for this purpose.

I am asking for their recommendations by November 30 so that an initial concept can be offered to the new Administration in January.

This effort cannot be successful if we in the Pentagon attempt to implement it ourselves.

The Department of Defense can and must work with industry, with labor and with our great scientific and educational communities. And, of course, we shall need the understanding and support of the Congress.

The proven techniques and skills and resources of industry combined with the proven organization and discipline of the Department of Defense can be utilized together far more effectively than heretofore for the benefit of our Nation.

I believe we can do it.

I believe we must do it.

There will be those who will argue that the Department of Defense is not a social welfare institution and who will contend that it has no business interfering in the internal welfare of our country.

I have no intention of turning the Department of Defense into something it should not be.

Of course I do not regard the Department of Defense primarily as an instrument of social welfare.

Of course I do not believe that the Department should take over the responsibilities of other governmental or private agencies.

Nothing that I propose tonight, nor anything that I will propose so long as I hold this office, will be permitted to interfere with the performance of our historic mission to defend our nation.

But I do believe that the citizens of the United States have reason to expect—and indeed to demand—that the element of government which spends half of their Federal tax dollars devote more of its time and more of its thinking and more of its resources to those aspects of our domestic problems which are important to our total national security.

Some might ask this question: "Are you attempting to say that a defense contract should consider not only whether the best weapon can be purchased for the cheapest price, but also whether the measurement of social utility should be included in the contract award decision?"

I am not making such a statement tonight. I do not yet know whether this would be a wise course or what changes in the present law should be considered.

But I do know that there are major areas of concern to our total national security in which the Department of Defense—working with industry—can do more. Jobs are a matter of concern. So is education. So are housing, and health and hospital care.

I offer these only as examples of areas in which the Department of Defense can be of greater assistance to the Nation. The first preliminary steps have been taken by the Department in each. Sometimes they have been taken timidly as though the Department of Defense were involving itself in something in which it really had no business.

Housing, hospitals, schools, and employment facilities for the unskilled normally do not possess enough capital resources to make an investment in innovation. They have little or no funds for research and development.

Consider housing.

The average private-sector homebuilder throughout the Nation constructs no more than 50 units a year. The average contractor cannot afford research and development into new materials, advanced design, and better production techniques. He is faced with a small local market, he is enmeshed in a tangle of local building regulations, and he has a high per-unit cost which is reflected in his prices.

No wonder that low-income housing is so unattractive to private enterprise. There are not enough incentives to justify an entrepreneur risking his limited capital.

Every major city in the nation is faced with a serious slum problem, which in turn leads to destructive social and family problems. Furthermore, slums perpetuate themselves. With minimal maintenance costs, and inflated rents, owners have little financial motive to tear down their antiquated structures and replace them with decent housing.

This can and must be reversed.

What is clearly needed are new materials and new production techniques that will make low-income housing a profitable enterprise.

I suggest that is precisely where the Department of Defense can, and must be, innovative and helpful.

The Department is the Nation's biggest single user of housing. We currently spend some $200 million a year in new construction, plus another $450 million a year for maintenance and operation, debt servicing, and leasing of existing military housing. But of this $650 million annually, we have been spending virtually nothing for improvement of materials or better construction techniques.

We have begun to remedy the situation by awarding three contracts to explore whether we can lower the cost of military housing, while retaining quality standards. First reports suggest that savings of 15% or better may be realized through modular design, adoption of factory assembly methods, and volume procurement.

We are now at a stage where, with the support of Congress, we will design a prototype project and build it at George Air Force Base in California. It will be watched with care and evaluated by both the Depart-

ment of Defense and the Department of Housing and Urban Development.

Should this project turn out as we hope, we will have better military housing at lower cost, higher morale and thus improved military effectiveness. These innovations, passed along to the private economy, should have a beneficial impact on the low-income housing problem in our cities.

This beginning illustrates what can be done by the application to a major domestic problem of the techniques of our Defense effort. I ask members of this association to consider how your company can apply its Defense-gained skills to our national housing problems.

Housing needs help; so do hospitals. Costs are soaring—and for the understandable reason that 70% of hospital operating costs are wages.

Industry clearly can increase the application of its problem-solving resources to hospital design, construction, and maintenance, and to automated record-keeping, laboratory analysis, and routine diagnostic services.

This again calls for a significant research and development effort.

It is an effort generally beyond the scope of a city, county, or church group that builds a new hospital. Hospital design and construction are tradition-ridden. There is a great potential for major labor-saving, cost-cutting improvements in hospital equipment. But the local group which builds a hospital is almost always pressed for funds. It is compelled to use the "low-initial-cost" approach.

This results not in lower health-service cost. It builds in the absolute certainty that costs are going to mount.

Surely there is something we can do. The Department of Defense is one of the world's largest hospital customers. There is every reason to believe that the cooperative approach of industry and the Department can be applied to hospital construction in the same manner that it is applied to the development and procurement of the complex intercontinental ballistic missile.

Therefore, I intend to proceed with a plan developed within the Department of Defense whereby we shall solicit industry for proposals for a whole new generation of hospitals—hospitals so automated that labor costs can be cut drastically and routine services transferred from the overworked doctor and nurse to the sophisticated machine.

This will result in better, more accurate, and less costly hospital management for the military services. Even more significantly, it can point the way to better health care for our citizenry.

Let me now turn to schools and education.

We are far from the optimum development of our educational resources. The blunt fact is that we have focused much of the new technology in education on the exceptional student. For the average or below average youngster, education has been scarcely affected by the scientific revolution since World War II. Educators now say that traditional classroom procedures are not only inefficient but in some cases actually impede the average child's will to learn. If this is true of the student from middle-class America, we must acknowledge how badly we serve the child from the rural slum or the city ghetto, whatever his intellectual endowment may be. Much needs to be done.

The Department of Defense can be, and to a degree has already begun to be, a trail blazer in the improvement of education. My predecessor, Bob McNamara, began the imaginative Project 100,000. He directed that the Armed Services admit to basic training a limited number of men who, under strict earlier regulations, would have been below military entrance requirements. He was convinced that these men, with the benefit of new teaching methods, would learn to do their military jobs satisfactorily. His confidence was justified. Project 100,000 has been a spectacular success. Of the men who entered during the first year of the program, over 90% are now performing effectively on active duty.

The Department of Defense is one of the world's largest educators, and should be one of the world's best. We train military people in 1500 separate skills, and our schools for service children are in 28 countries around the globe.

The training obtained during military service has been for many Americans the open sesame to a fuller life. Now and for the indefinite future, millions more must serve to guard our country against external threats to its security. We can serve them and add immeasurably to that security by seeing to it that they leave military service equipped to accept a larger share of the problems and the rewards of American society.

I know that many of the companies represented here tonight have already entered the education field and have been working with us. I am aware of some promising work but we have just begun to explore the many useful ways for cooperation between industry and the military services. I am convinced, as I hope you are, that continued collaboration will not only help us do our job better, but that it can be the catalyst for improving school systems throughout the country.

Finally, I come to the problem of employment.

The National Alliance of Businessmen, launched last January, as the result of President Johnson's vigorous efforts, has proved that there can be a workable relationship between the Federal Government and private industry in putting to work so-called unemployables from the heart of 50 of the Nation's ghettos.

There is a real potential for defense industry to bring enterprise to the ghetto. There are already encouraging examples of what can be done—such as in the Watts area of Los Angeles and the Roxbury area of Boston. More than 50 of our major Defense contractors have launched specific projects.

I want to see this sort of effort expanded.

As a further step, I have directed today certain changes in the Armed Services Procurement Regulations. The effect of these changes will be to encourage our major contractors to give greater attention to the possibility of locating new facilities in or near labor surplus areas and to give more consideration to placing subcontracts in these areas. Through these changes in our Regulations I want to spotlight a responsibility, shared by the Defense Department and its major contractors, to contribute, wherever practical, to solving the problems of hard-core unemployment.

By law, we cannot award contracts on a sole source basis nor pay a price premium to relieve economic dislocation. This means we are forbidden from setting aside complete procurements for award exclusively to firms in labor surplus areas. We cannot award a contract without competition regardless of the significant contribution such a contract might make to the hard-core unemployment program and the total national interest. I believe the time has come to reexamine this legislative policy.

With the approval of President Johnson, who has given so much of himself to the solution of problems of human rights and human suffering, I intend to join with the Secretaries of Labor and Commerce to determine whether there are still other ways in which the Defense Department and industry can join together in attacking the problems of hard-core unemployment in our society.

Let there be no doubt as to my strong feeling that the Department of Defense has the opportunity and the responsibility to make a greater contribution to the social needs of the country, for it is my certain conviction that such action will contribute to our total national strength.

Not too many years ago, the War and Navy Departments were concerned almost exclusively with men and simple machines. Defense industries were regarded as mere munitions makers. How remote that era seems!

We now have a military-industrial team with unique resources of experience, engineering talent, management and problem-solving capacities, a team that must be used to help find the answers to complex domestic problems as it has found the answers to complex weapons systems. Those answers can be put to good use by our cities and our states, by our schools, by large and small business alike. The Nation will be the better and the stronger.

I have no illusions that the tasks we have been discussing are simple, or that they can be accomplished overnight. The problems are many, and they will be with us for too long a time. But I am confident that the defense industries and the Defense Department can, while providing "for the common defence," also "promote the general Welfare" and make even more meaningful "the Blessings of Liberty to ourselves and our Posterity."

To this end, I bespeak your cooperation.

I pledge you mine.

[From the Washington Star, Sept. 28, 1968]

DEFENSE RESPONSIBILITY

Secretary Clifford's decision that the Department of Defense can, and should as a matter of deliberate policy, make a more significant contribution to the solution of some of this nation's domestic social problems is a novel idea. It is also one which makes sense, and which we hope will be implemented to the fullest degree possible.

Clifford's speech on the subject to some of our biggest defense contractors drew a certain amount of grumbling to the effect that the department's function is defense, "not welfare"—all of which, in the context of the secretary's explanation, was pure poppycock.

"Nothing that I propose," Clifford said, "will be permitted to interfere with the performance of our historic mission to defend our nation." The crux of his argument is quite simply that in fulfilling that mission, at a cost of 9 percent of the nation's entire gross national product, his department is in a unique position to make contributions to urban civilian solutions which are far greater than most people have imagined, or that anyone previously has articulated.

His several examples establish the point.

The scale of Defense housing operations, including, for example, a multimillion dollar prototype low-cost project in California, is seeking new material and construction techniques which might perfectly well be passed along to a private homebuilding industry reeling under extremely high costs. Defense already is engaged massively in innovative education and training—with some rather spectacular results. And all that is needed to feed into these programs teaching devices which might have civil as well as military applications is an awareness of the possibilities of doing so.

The department's determination to put automation to use in evolving labor and cost-saving devices in "a new generation of military hospitals" is directly applicable to the problems of all types of hospitals. As for jobs, the administration already is encouraging, through contract incentives, the location of employment centers in slum areas. Obviously, more can be done in this field.

Much of Clifford's speech was devoted to the necessity of avoiding waste in attacking problems where there are close parallels between military and civil needs, and where there are not nearly enough tax dollars to go

around. Apart from that, however, there is something intensely exciting in the concept of introducing constructive considerations in programs which historically have been mobilized and oriented so largely toward destructive purposes. Clifford's proposals, in both their pragmatic and ideological terms, hold a promise which should be pursued by the next administration, whatever its partisan leadership.

DEATH OF CHARLES PRESCOTT TRUSSELL

Mr. MANSFIELD. Mr. President, the long career of a distinguished Washington newspaper correspondent has come to an end. I am saddened to note that Charles Prescott Trussell, a Pulitzer Prize winner and a member of the Washington bureau of the New York Times from 1941 until his retirement in 1965, died yesterday at the age of 76. He was a kind and gentle man—he was respected by those of his own profession and by all that knew him. Mrs. Mansfield and I extend to Mrs. Trussell and his family, our deepest sympathy.

I ask unanimous consent that an article treating of the life of this outstanding journalist, published in the New York Times of October 3, 1968, be printed in the RECORD.

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

C. P. TRUSSELL DIES—WON 1949 PULITZER—REPORTED ON CONGRESS FOR THE TIMES FOR 24 YEARS

WASHINGTON, October 2.—C. P. Trussell, a newspaper correspondent here for 33 years and winner of a Pulitzer Prize in 1949, died this morning in Doctor's Hospital after a long illness. He was 76 years old.

Mr. Trussell was a member of the Washington bureau of The New York Times from 1941 until his retirement in 1965. Previously, he had covered the White House and held other Washington assignments as a correspondent of The Baltimore Sun.

As a Times reporter, his principal and virtually continuous assignment was the coverage of Congressional news. The Pulitzer award was for "distinguished reporting on national affairs." The award was unique in that it was for all-round excellence in day-to-day work rather than for a single article or a series on one topic.

Mr. Trussell's career with The Times included reporting on national political conventions, a number of Presidential tours and the American Defense Conference at Rio de Janeiro in 1947. He also contributed articles on Congress to The New York Times Magazine, Nation's Business and other periodicals.

In the Washington press corps, he was known for his objectivity and integrity as a reporter, for his sometimes caustic but invariably warm-hearted sense of humor and for gracious manners and a total lack of ostentation.

CONFINED HIMSELF TO FACTS

Mr. Trussell's concept of a good reporter was one who confined himself to facts and left interpretative and editorial writing to others. "I believe in the absolute separation of Church and State," he often said with regard to his reportorial philosophy.

When he retired, Arthur Krock, who had recruited him for The Times while head of the Washington bureau, wrote in Times Talk, an office publication, that "Peck will glow in the memory of his associates like a crackling fire on the hearth on a drab, cold and rainy day."

Charles Prescott Trussell was known as Peck to all friends and most acquaintances. He wrote under the name C. P. Trussell.

He was born in Chicago on Aug. 3, 1892, a member of a family whose ancestry dates to the Revolution the family was also "haunted" for generations by a journalistic bent, according to Mr. Trussell.

His father, Homer M. Trussell was founder and editor of a weekly newspaper in Berwyn, Ill., his brother, P. L. Trussell, an uncle and two cousins were also newspapermen.

His two children, Charles Tait and Galen Douglas, began their careers as newspaper reporters. Charles is now managing editor of Nation's Business here and Galen is assistant to the Washington vice president of the National Association of Manufacturers.

Mr. Trussell's father died in 1902, and his mother, the former Margaret Shuck, operated the Berwyn weekly briefly. She then moved with her two sons to Salisbury, Md., where she gave music lessons to keep the family together.

IN HIGH SCHOOL ONE WEEK

Young Trussell finished elementary school and entered Wilcomico High School, where he stayed for only one week and never resumed his formal schooling. To support himself and supplement his mother's income, he worked as a soda fountain clerk, a tobacco stand clerk, a railroad clerk and a lumber inspector.

In 1916 he went to Springfield, Ill., where he and his brother operated an automobile tire establishment. Before the year was out, burglars stole the entire stock and the business failed.

Returning to Maryland, Mr. Trussell joined The Baltimore American as a $9-a-week reporter; he soon moved to The Baltimore News, which paid him $15 a week.

In 1917 he joined The Baltimore Sun, rising from a police and crime reporter to copy editor, assistant city editor and city editor. In 1932 he was transferred to the newspaper's Washington bureau.

Mr. Trussell was a life member of the Sigma Delta Chi journalistic fraternity and a member of the Gridiron Club, the National Press Club and the White House Correspondents Association. He was a governor of the National Press Club from 1946 to 1949.

From 1934 to 1936, he was chairman of the Standing Committee of Correspondents, which supervises the press galleries of Congress and the national conventions.

In 1923 he married Miss Beatrice Wilkins Tait, whose father, the late Galen L. Tait, was Maryland state chairman of the Republican party. Mrs. Trussell, their two sons and five grandchildren survive.

A funeral service will be held at noon Friday at St. Alban's Episcopal Church here. Burial will be private.

REPORT ON ACTIVITIES OF THE MINORITY IN THE COMMITTEE ON LABOR AND PUBLIC WELFARE IN 1968

Mr. JAVITS. Mr. President, during the second session of the 90th Congress, the minority—Republican—members of the Committee on Labor and Public Welfare, of which I am the ranking minority member, made an outstanding record of constructive contributions and effective legislative achievement. In a number of instances, minority members originated the central concepts around which major legislation was built. These include contributions by every member of the minority and cover all areas of activity of the committee.

I ask unanimous consent that a report I have prepared be printed in the RECORD.

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

EDUCATION

Higher Education Amendments of 1968 (Public Law 90–)

Minority amendments written into the law are as follows:

First, grants to reduce the borrowing costs of loans for the construction of academic facilities—Senator Javits.

Second, student guaranteed loan cancellation in event of death or total disability—Senator Prouty.

Third, expanding the scope of the Talent Search program to make more comprehensive and more effective the effort to attract minority and low-income individuals into postsecondary education—Senator Javits.

Fourth, qualifying union pension funds as eligible lenders under the guaranteed loan program—Senator Javits.

Fifth, minimum State allocation of $100,000 for program to attract and qualify teachers to meet critical teacher shortages—Senator Prouty.

Sixth, increasing to 23% the set-aside for junior colleges in Title III (Strengthening Developing Institution) of the Higher Education Act—Senators Javits and Murphy.

Seventh, amending Title V of the National Defense Education Act to authorize short-term training sessions for guidance counselors in elementary and secondary schools, junior colleges, and technical institutions—Senator Javits.

Eighth, requiring colleges to maintain their present level of spending for cooperative education in order to receive Federal cooperative education funds—Senator Javits.

Finally, report language to bring about equalization of disparate individual and institutional academic support programs administered by the Office of Education and other executive agencies—Senator Griffin.

Vocational Education Amendments of 1968 (Public Law 90–)

Minority amendments written into law are as follows:

First, establishment of a new cooperative vocational education program—Senator Murphy.

Second, including guidance and counseling in State vocational education programs—Senator Javits.

Third, catalog of all Federal education programs, including regulations and guidelines, as an aid to local governments, institutions, and individuals, and for administrative efficiency—Senator Prouty.

Fourth, including consumer education programs in Homemaking Education—Senator Javits.

Fifth, expanding the definition of "construction" in the Vocational Education Act to include acquisition of existing structures—Senator Javits.

Sixth, provision for local school board members on National and State advisory councils on vocational education—Senator Javits.

Seventh, utilization of research coordinating units for developing and disseminating research in educational and other agencies in each State and among the States—Senator Fannin.

Eighth, including the disadvantaged in the provision for dissemination of information on education opportunities—Senator Javits.

Ninth, including handicapped Puerto Rican children in the PL 89–313 program—Senator Javits.

Handicapped Children's Early Education Assistance Act (Public Law 90–538)

This legislation was first introduced as S–3446 on May 7, 1968 by Senator Prouty and was included as a Prouty amendment in Title II of the Vocational Education Amendments of 1968 (S–3770) reported by the Senate Committee on Labor and Public Wel-

fare on July 11, 1968. It was approved by the Senate on July 17, 1968 when the language of S–3770 was substituted for HR 18366. However, the House was reluctant to approve the Prouty bill in this context and on July 25, 1968 the House Committee on Education and Labor reported a bill with its own number, HR 18763, which passed the House, was quickly approved by the Senate, and subsequently signed into law.

Indian Education Subcommittee

The Indian Education Subcommittee, which has conducted extensive hearings and studies and is submitting its report and recommendations this year, was created at the behest of Senator Fannin.

HEALTH

Health Manpower Act of 1968 (Public Law 90–490)

Minority amendments written into law are as follows:

First, give licensed practical nurses the same preference in obtaining nursing student loans as now given first-year nursing students, thus encouraging upward mobility—Senator Javits.

Second, requiring the Secretary of Health, Education and Welfare to prepare a study of the programs under the Allied Health Professions Personnel Training Act to determine their adequacy for meeting national needs for health manpower—Senator Javits.

Third, reducing the interest rate on Nurse Stduent Loans to 3%—Senator Javits.

Fourth, to make Nurse Student Loans comparable to National Defense Student Loans, providing a $6,000 overall ceiling, a 9-month grace period and a minimum repayment of $15 monthly—Senator Javits.

Fifth, reducing the interest rate on Health Professions Student Loans Loans to 3%—Senator Javits.

Sixth, to make Health Professions Student Loans comparable to National Defense Student Loans, providing a minimum repayment of $15 monthly and a grace period of one year after completion of residency or internship—Senator Javits.

Minority provisions included in the committee report were as follows:

First, requiring that health programs of support for the construction of facilities, scholarships, and fellowships be comparable with other Federal academic support programs—Senator Dominick.

Second, directing that the study required by the bill on the administration of the nurse training program include such aspects of the nurse shortage as the recruitment and utilization of nursing personnel, including the effect of salary rates, and the special problems with respect to the recruitment and retention of male nursing personnel—Senator Javits.

Health services and facilities amendments (Public Law 90–)

Title III—Alcoholic and Narcotic Addict Rehabilitation—is in some parts patterned after legislation authored by Senator Javits. Also included was the amendment introduced by him to assure that no individual shall be made the subject of research unless he explicitly agrees to become a subject therefor.

The Senate-approved provision for hospital modernization, introduced by Senator Javits of a three-year program of guaranteed loans and interest sunbventions was deleted in conference; however, the conference report gave assurance that consideration of this matter would be given at an early date during the next Congress.

JUVENILE DELINQUENCY

Juvenile Delinquency Prevention and Control Act of 1968 (Public Law 90–445)

The Minority amendment, offered by Senator Javits and cosponsored by Senator Prouty, became the basis for the final version of the bill, especially in its provisions for a State plan and local involvement. The major elements of the Minority amendment which were enacted into law were:

First. Amendment of the statement of purpose to provide that the act is designed to assist and encourage States to devote resources under other programs, such as education and crime control, to support juvenile delinquency prevention programs.

Second. Provision that other public and private organizations be consulted in the formulation of the program, and that their resources in the field be taken into account.

Third. Establishment of a rigorous set of criteria which a State must meet if it is to receive a bloc grant under a State plan, including requirements that funds be passed through to local groups for program operation, that priorities for types and locations of programs be established, that programs be coordinated with related programs under other acts and that the State apply resources under such other acts to reinforce juvenile delinquency programs, and that where a State desires to receive such a bloc grant, it must furnish one-half of the non-Federal share.

Fourth. Empowering the Secretary of HEW to approve only part of a State plan or to withhold funds for noncompliance with an approved State plan.

Fifth. Allowing local public and private organizations to apply for direct funding from the Secretary where a State has not submitted a plan or such a plan has not been properly carried out.

Sixth. Allowing the President to prescribe joint funding regulations under which one Federal agency may act for all in a case where several such agencies are providing funds to a grantee under this act.

SCIENCE

National Science Foundation Act Amendments (Public Law 90–407)

The following minority amendments were included in the law:

First, including in the National Science Board a person skilled in research management—Senator Griffin.

Second, requiring an annual authorization—Senator Griffin.

Third, requiring that the National Science Foundation not have to bear the cost of research projects requested by either the Department of Defense or the Department of State—Senator Griffin.

Fourth, requiring the NSF Director to report to the National Science Board all grants and contracts made by him—Senator Griffin.

In addition, there was included in the committee report a requirement that National Science Foundation academic support programs be made comparable with other Federal academic support programs—Senator Griffin.

VETERANS' AFFAIRS

Veterans Employment Resolution (H. Con. Res. 705)

First, expanding the resolution to cover all veterans rather than just those of the Vietnam era—Senator Dominick.

Second, clarifying the resolution so as to eliminate confusion with laws barring discrimination in employment—Senator Griffin.

DREAMING IN NIXONLAND

Mr. WILLIAMS of New Jersey. Mr. President, once again we see the same old Nixon at work, catering to special interest groups. In a letter to a number of business leaders published in the October 2 New York Times, Mr. Nixon attacks the proposed mutual fund reform bill which was passed by this body last July.

Mr. Nixon in his "letter to Wall Street" claims that this legislation which would bring increased consumer protection to millions of our Nation's mutual fund shareholders is "rate fixing in a highly competitive industry." He analogizes it to an attempt "to establish bureaucratic domination over the competitive relations and everyday activities of banks, savings institutions, insurance companies, and institutional investors."

Nothing could be further from the truth. The basic fact is that the mutual fund industry is shielded from price competition by Federal law. It is a criminal offense for a mutual fund dealer to engage in effective competition by lowering sales charges. In reality this is one industry where the anticompetitive device of price fixing is protected by Federal law.

In addition, any attempt to challenge fund management fees has been effectively barred by statutory impediments enacted 28 years ago in order to protect an infant industry. These impediments have so effectively protected fund management fees that no shareholder has ever been able to force a reduction through established judicial procedures. It is also interesting to note that the banks and insurance companies which Mr. Nixon claims would be subject to "bureaucratic domination" have not objected to this legislation. In fact, the American Bankers Association in testimony before the Senate Banking and Currency Committee wholeheartedly endorsed mutual fund reform. I, therefore, find it incredible that a presidential candidate can ignore the obvious and at the same time deny to the general public the benefits which this legislation would bring.

The Washington Post, in its October 3 editorial entitled "Dreaming in Nixonland," clearly and simply describes Mr. Nixon's machinations and intentions. The editorial states:

When a presidential candidate seeks to satisfy a special interest group at the expense of the rest of us, there are several ways he can do it. If the candidate is a candid man, sure of his position and unafraid of public reaction, he can make a speech or release a statement detailing whatever proposal it is he has in mind. If the operation is a little more sinister, he can hang back, say very little, and from time to time toss a note over the transom saying, in effect: Don't worry. I'm with you.

This last appears to be exactly what Richard Nixon has done is assuring leaders of the securities business that if elected President he would end the "heavy-handed bureaucratic regulatory schemes" of the Johnson Administration. The pledge was made to important brokers and bankers in a letter not made public because it covered only a "narrow policy area."

* * * * *

We are fascinated with the explanation that the letter was not made public because it covered only a "narrow policy area." Now, let's see. He does not talk about Vietnam because of the "very important" talks at Paris, and at one point refused to elucidate his objection to Mr. Justice Fortas on grounds that the nomination was before the Senate. Vietnam and Fortas apparently are too big; now the securities business is too small. It is a marvelous theory on which to run a campaign.

Mr. Nixon's position is even more astounding when it is realized that until recently he was a director of our Nation's largest mutual fund complex. In this capacity, Mr. Nixon participated in compounding the same problems which this legislation attempts to correct.

Mr. President, the mutual fund reform bill was the result of over 8 years of careful study and review by both the Wharton School of Finance of the University of Pennsylvania and the Securities and Exchange Commission. In addition, the Senate Committee on Banking and Currency, under the leadership of our most distinguished chairman, the Senator from Alabama [Mr. SPARKMAN], carefully considered and modified these proposals during almost 2 years of hearings and executive sessions. As I have previously mentioned, the bill was then passed by the Senate despite the enormous pressures exercised against it by the mutual fund industry.

Mr. President, so that all Senators may be aware of Mr. Nixon's position opposing mutual fund reform and his obvious attempt to currry favor with the fund lobby, I ask unanimous consent that "the Nixon letter to Wall Street" and the October 3 Washington Post editorial be printed in the RECORD.

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

[From the New York Times, Oct. 2, 1968]

TEXT OF NIXON'S LETTER ON SECURITIES INDUSTRY

WASHINGTON, October 1.—Following is the text of Richard M. Nixon's letter, entitled "The Role of the Securities Industry in the National Economy," sent to a number of business leaders:

Today, one out of every eight Americans owns shares of mutual funds or common stocks in American industry. Directly and indirectly, 100 million Americans benefit from stock investments by way of pension plans or insurance policies. This broad base of individual ownership of American industry is the foundation of our free economy.

The fantastic growth of our securities industry and the dramatic increase in public participation has overburdened our nation's stock exchanges and raised questions about the impact of institutional investing on the market and on our economy and the effectiveness of existing law providing full and adequate protection for the investor.

These are sophisticated, complex, questions. The reaction of this Administration to these new challenges, however, has been simply to trot out the same tired old "cure-alls" of the Democratic party, that is, more heavy-handed bureaucratic regulatory schemes.

What is needed—and it will be a first priority of my Administration—is an independent, comprehensive, economic study of the role of financial institutions in our economy, the relationship of financial institutions to our nation's growth, the requirement for investor protections and the interrelationship of all financial institutions. Such a study is imperative before steps are taken which might seriously impair the nation's ability to continue to raise the capital needed for its future economic growth.

MUTUAL FUND POWERS

During the past Congress, a joint resolution was adopted authorizing a Securities and Exchange Commission study which would involve some of these issues. Even before the study could be initiated, the Justice Department and Securities and Exchange Commission advanced proposals designed to alter the basic character of the securities markets, involving drastic changes in the stock exchange rate structure and altering the economic relations of brokerage firms, institutional investors and individual investors. Tragically, those who would suffer most are the small broker dealers, the small, independent businessmen.

The Administration has further sought wide-sweeping new regulatory powers over the mutual fund industry, which powers would be tantamount to "rate-fixing" in a highly competitive industry. Agencies of the Administration have sought, sometimes with but more often without legislative authority, to establish bureaucratic domination over the competitive relations and everyday activities of banks, savings institutions, insurance companies and institutional investors.

The actions of this Administration are characterized by a legalistic and bureaucratic approach rather than one sensitive to the needs of our free economic system. Another priority of my Administration and an important plank in the Republican platform is a further and long-overdue study of the executive departments by an independent commission patterned after the Hoover Commission. One of the major items on the agenda of that commission must be a determination of the proper role which those agencies now regulating economic institutions are to play in insuring our nation's economic stability and growth.

The free and healthy operation of the market is of utmost importance to the investor; to the nation, the orderly growth of the industry and its ability to attract new investment provides the flow of capital essential to our nation's economic well-being and expansion.

LAWS FOR DISCLOSURE

Our securities laws were designed to protect the investor by insisting on full and complete disclosure. This has been the order of the day since the securities acts of the 1930's were written. I believe in the full enforcement of the securities laws to assure absolute protection for the investor; abuses of law should be vigorously prosecuted. I believe, furthermore, that the Federal Government should be continually sensitive to the needs for improvement in these laws to insure investor protection. The philosophy of this Administration, however, has been that disclosure alone is not enough and that the Government can make decisions for the investor better than he can make them for himself. This philosophy I reject.

By its actions, my Administration will evidence its faith in the American investor and in the strength and viability of American financial institutions so essential to the success of our free economy.

DREAMING IN NIXONLAND

When a presidential candidate seeks to satisfy a special interest group at the expense of the rest of us, there are several ways he can do it. If the candidate is a candid man, sure of his position and unafraid of public reaction, he can make a speech or release a statement detailing whatever proposal it is he has in mind. If the operation is a little more sinister, he can hang back, say very little, and from time to time toss a note over the transom saying, in effect: Don't worry. I'm with you.

This last appears to be exactly what Richard Nixon has done in assuring leaders of the securities business that if elected President he would end the "heavy-handed bureaucratic regulatory schemes" of the Johnson Administration. The pledge was made to important brokers and bankers in a letter not made public because it covered only "a narrow policy area." We are now told that similar documents are being prepared for leaders of the air transport business, among others.

Mr. Nixon's letter to "several thousand" securities men—entitled "The Role of the Securities Industry in the National Economy"—appeared to give particular solace to the proprietors of mutual funds, whose activities have come under increasing scrutiny by the Securities and Exchange Commission. It also denounced recent maneuvers by the SEC and the Department of Justice that have resulted in proposals to reduce sales commissions on stock transactions on the New York Stock Exchange. It will come as no surprise to anyone who has monitored Mr. Nixon's proposals that there were few specifics (at least the candidate is egalitarian in his disinclination to specify; the rich and powerful suffer along with the poor and the weak). But the burden of the message was *laissez-faire*. The fellows in Wall Street must have loved it.

We are fascinated with the explanation that the letter was not made public because it covered only a "narrow policy area." Now, let's see. He does not talk about Vietnam because of the "very important" talks at Paris, and at one point refused to elucidate his objection to Mr. Justice Fortas on grounds that the nomination was before the Senate. Vietnam and Fortas apparently are too big; now the securities business is too small. It is a marvelous theory on which to run a campaign.

Odder still, anyone who has carefully watched the Nixon entourage is aware of the avalanche of trivia that is instantly made available to anyone who wants it. The state of the David Eisenhower-Julie Nixon romance is easily learned, as is the color, style and design of Mrs. Pat Nixon's wearing apparel. Yet the securities business is being assured that Mr. Nixon will be friendly to it, and being assured in several thousand private letters which are not released. They are not released because the regulation of the securities business is a "narrow policy area." Is this campaign real, or are we only dreaming about it?

SENATE STILL HAS OPPORTUNITY TO RATIFY AT LEAST ONE HUMAN RIGHTS CONVENTION THIS SESSION

Mr. PROXMIRE. Mr. President, on September 30, the Committee on Foreign Relations reported the Protocol Relating to the Status of Refugees to the Senate and recommended that the Senate advise and consent to its accession.

As Laurence A. Dawson, Acting Deputy Director, Office of Refugees and Migration Affairs stated in his testimony before the committee:

The protocol is a human rights document. The human rights which it covers for the refugees involved are of the most crucial and the most important type. They are literally the difference between life and death for many of them. They are in all cases the difference between the opportunity to live in dignity as a decent, self-supporting, self-respecting human being, or else in the absence of such opportunity, to languish in camps or otherwise in a state of dependency.

At this time in world history when we are seeing refugees being created by various outbreaks of strife and tension, it is particularly important that the United States give its formal approval to provisions contained in this protocol for the protection of the human rights of refugees. One only has to look at the Middle East, Biafra, Czechoslovakia, Vietnam, Tibet, and many other areas to see millions of the hungry, the wandering—the unwanted, yet paradoxically pursued.

Mr. President, I urge the leadership to schedule the protocol for immediate Senate consideration. I am confident that the favorable report of the Committee on Foreign Relations will insure its acceptance by the Senate.

We will have the opportunity to ratify a human rights convention this session. I hope we will not allow the rush for adjournment to obscure this very important piece of unfinished business.

The Senate must reaffirm its leadership in the foreign policy field and specifically in efforts to internationalize those basic human rights that we in America enjoy as our birthright. Some 3½ million human beings are in dire need right now of those rights and their guarantees.

THE INTERGOVERNMENTAL COOPERATION ACT

Mr. SCOTT. Mr. President, the Intergovernmental Cooperation Act (S. 698) as reported from conference on Monday is a measure that deserves the full support of all of us. As a cosponsor of this legislation, I am delighted with the favorable House action on the measure on Tuesday and hope that the Senate will follow suit.

This measure basically is geared to streamlining certain processes of our federal system. Contemporary federalism is desperately in need of a genuinely cooperative partnership—a partnership involving autonomous governmental jurisdictions that recognize the underlying interdependence of the system. This complex network, however, requires constant attention—especially from Congress—since operational difficulties can easily develop under new pressures and new conditions.

Intergovernmental relations have experienced a drastic transformation during the past two decades. A rapid expansion of our population as well as the galloping pace of urbanization has generated insistent public demands for more and better services. Moreover, most of the burden has fallen on State and local governments. Witness the fact that in fiscal year 1966, State and local general expenditures rose to $82.8 billion compared to a 1948 figure of $28 billion.

The National Government has made its own response to these demands—relying chiefly on the grant-in-aid technique. Federal aid for this fiscal year involves some $20.3 billion—more than 10 times the figure for 1948. Yet with this expansion, there has come increasing proliferation with more than 400 categorical grants currently in operation. With this growth in grants, there has come increasing duplication, program inconsistencies, an information gap, and a crisis in coordination.

These developments along with many others prompt my solid support of this legislation.

The proposed Intergovernmental Cooperation Act contains significant and much-needed reforms in five fundamental areas:

First. The bill seeks to coordinate procedures affecting the distribution of Federal grants to the States and to facilitate the participation of the States as effective partners in the federal system. This goal is implemented through encouraging an improved flow of information concerning Federal grants to State Governors and legislatures, by eliminating requirements for separate bank accounts, by discouraging advancement of Federal funds for longer periods than are necessary, and by permitting greater flexibility in administrative reorganization at the State level.

Second. The measure authorizes Federal departments and agencies to provide specialized and technical services to States and localities on a reimbursable basis. This will not conflict with the role of private enterprise in the provision of these services. But it will achieve economies in intergovernmental operations.

Third. The bill establishes a coordinated intergovernmental policy for the administration of development assistance grants, which includes incorporation of systematic planning required under separate Federal grant programs into comprehensive local and areawide development planning, and preference accorded to general governmental units, rather than special districts, in the disbursement of Federal aid funds. It also stipulates that the President establish Government-wide guides for the formulation, evaluation, and review of Federal development programs and projects.

Fourth. The bill establishes uniform policies and procedures with respect to the acquisition, use, and disposition of urban land by the General Services Administration, and seeks to insure the consistency of such land transactions with the zoning and land use practices of affected local governments. This title initiates a Federal policy in this area—which in time can be extended to other agencies and areas.

Fifth. Finally, the measure provides for systematic congressional review of grant-in-aid programs—both existing and future—which have no expiration provision specified by law. It is my understanding that without the constructive action of the Republican members of the conference committee no periodic review title would have emerged from conference and while I recognize that certain of its features could be strengthened, I am convinced that this title serves as a solid base for beginning the work of strengthening congressional oversight with respect to grant-in-aid programs.

Mr. President, I believe that this bill would remove many of the serious obstacles which presently impede the effective operation of the grant-in-aid system, and thereby would substantially contribute to the revitalization of American federalism. For this reason I urge passage of this measure.

Mr. President, I ask unanimous consent that a letter I have received from the very able and distinguished Member of the other body from New Jersey, Mrs. DWYER, about S. 698 be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 2, 1968.

Hon. HUGH SCOTT,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR SCOTT: As ranking minority member of the Committee on Government Operations and a conferee on S. 698, the Intergovernmental Cooperation Act, I should like to take the liberty of acquainting you with some of the background of, and my own deep interest in, the compromise language of Title VI of the bill reported by the Conference Committee and passed by the House, entitled Congressional Review of Federal Grants-in-Aid to States and to Local Units of Government. I understand that this new title, an earlier version of which was included in the bill unanimously passed by the Senate, has been the source of some concern on the part of minority conferees from the Senate. In view of the great importance of the legislation as a whole and the significance, especially for Republicans, of our victory in winning approval of the periodic review title, I want to do everything possible to encourage broad Republican support for the bill.

You may recall that the concept of providing for periodic review of grant-in-aid programs by the appropriate standing committees of Congress originated in a recommendation of the Advisory Commission on Intergovernmental Relations in its report of June, 1961, entitled "Periodic Congressional Reassessment of Federal Grants-in-Aid." As a result of this recommendation, implementing legislation was drafted which I, together with other members, introduced in 1961. Hearings on this legislation were subsequently held by subcommittees of the House and Senate Government Operations Committees, at both of which I testified in favor of the bill.

When no final action resulted on this legislation, it was incorporated, together with additional provisions implementing other recommendations of the Advisory Commission on Intergovernmental Relations, in the omnibus Intergovernmental Cooperation Act. Although the Senate twice passed the Intergovernmental Cooperation Act without a dissenting vote, we failed to obtain favorable action in the House largely because of opposition within the Government Operations Committee to the provision for periodic review of grant-in-aid programs, specifically because of the feature automatically terminating grant programs after five years in cases where Congress had provided no termination date and had not further extended such programs. In its earlier versions, the legislation restricted the automatic termination feature to grant programs enacted after the Intergovernmental Cooperation Act became law.

The principal purpose of the automatic termination feature was, in effect, to put "teeth" in the requirement that Congressional committees review grant-in-aid programs to determine whether changing needs and circumstances warranted the extension of such programs, required adjustments in those programs, or made it possible to eliminate them altogether.

Meanwhile, however, the pattern of new grant-in-aid legislation enacted by Congress during the past five or six years changed rather notably to the extent that the great majority of new programs included specific termination dates, thereby tending to reduce the significance of the automatic termination feature of the periodic review provision. Nevertheless, opposition to this feature con-

tinued to block approval of the Intergovernmental Cooperation Act in our House Government Operations Committee so that the Committee this year elected to drop the periodic review provision in order to obtain a favorable report. Republicans on the Committee, who felt as I did that some form of periodic review was of great importance, agreed to report the bill without this provision only after the Senate had passed a similar bill including the periodic review title in the expectation that a compromise provision could be agreed on in Conference.

Prior to the Conference, in my capacity as a conferee and as ranking minority member of the Government Operations Committee, I instructed minority staff members to prepare a proposed compromise amendment for the consideration of the Conference Committee. As you know, the new language dropped the automatic termination feature for future grant-in-aid programs and substituted in its place the requirement that past as well as future programs (those not having specific expiration dates) be periodically reviewed by the Congressional Committees having jurisdiction, and this language was adopted by a majority of the conferees.

In the perspective of this background, I am personally convinced that the new periodic review provision represents an important broadening of the principle to which we all subscribe, that Congress should regularly review grant programs in keeping with its mandate to assure the economy and efficiency of government operations.

Given the fact that most recently enacted grant programs and presumably most future programs carry automatic termination dates, I believe that the new periodic review provision can have considerably greater effect than earlier versions in reaching our objective.

In anticipation of an early Senate vote on the conference report on S. 698, I respectfully urge you to reconsider any objections you may have to Title VI of the conference report. I am confident it represents not only the best compromise we can achieve but also stands as a signal achievement of sound Republican objectives. Although the legislation (both the Intergovernmental Cooperation Act and its predecessor Periodic Reassessment bill) has always been bipartisan in its origins and sponsorship, it has always seemed to me to receive more Republican support, both in quantity and quality, and has, for some time now, been a major item in the House Republican Leadership's legislative program.

Thank you very much for your courtesy.

Sincerely yours,

FLORENCE P. DWYER,
Member of Congress.

RAILROADS MISREPRESENT PUBLIC SENTIMENT THROUGH PERVERSION OF THE PRESS

Mr. METCALF. Mr. President, on July 15 I made a statement concerning the trend in the railroad industry toward discontinuance of passenger train service. Appearing with my statement, on page 21206 of the CONGRESSIONAL RECORD, was an editorial entitled "Public Preference Rules," which had been distributed to editors by Industrial News Review, a canned editorial service which is one of this country's principal prefabricators of public opinion.

As I indicated in my remarks, the editorial was one of a series which INR distributed to some 11,000 newspaper editors to fortify its client rail industry's campaign to eliminate railroad passenger service. I suggested that this canned opinion would appear in newspapers throughout the country, printed as if it were the conclusion of a local editor.

Mr. President, I do not know how many newspapers have used this material but, since I put the editorial in the RECORD, copies of the editorial as it appeared in seven newspapers, in each case appearing as though it were the thoughtful conclusion of the local editor rather than the weekly production of a railroad publicity man, have been sent to me. I have also received copies of six other railroad editorials which, upon checking, were found to be the product of the canned editorial factory rather than the local editor.

It is quite easy to see how the railroads manufacture their figures on public support for their position. They pay Industrial News Review to write a weekly editorial for them and send it to the editors. They maintain a clipping service to count the number of papers that print the editorials. Then the railroads conclude that x number of newspapers are showing "a remarkably broad grasp of railroad problems" or whatever the phrase of the day is. That is the same technique which the American Medical Association used to try to defeat medicare, and which the late Senator Pat McNamara exposed in 1965, and it is the same technique which the private power companies, which likewise subsidize Industrial News Review, have used ever since Samuel Insull expanded it into a national utility propaganda service during the twenties.

Mr. President, at this point in my remarks I ask unanimous consent to have printed in the RECORD the Industrial News Review editorials to which I have referred and the identical or almost identical editorials which appeared in various newspapers.

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

[From the Hillsboro (Oreg.) Industrial News Review, July 1, 1968]

PUBLIC PREFERENCE RULES

(TO THE EDITOR: The aim of the Industrial News Review is to advocate and encourage policies which it believes essential to the well-being of Our Country, the development of industry, the sound investment of savings, and steady employment of American workers. Its editors express their personal convictions in discussing industrial and economic questions that affect business stability and social progress. Its weekly distribution of comment herewith is supported financially by industry, business and professions, including public utilities, retailers, railroads, mines, manufacturers, food processors, petroleum, financial institutions and others who believe that community prosperity and growth, sound government and reasonable taxation, must accompany individual and corporate prosperity. Its findings are not copyright and are submitted for consideration or reproduction, with or without credit, in whole or in part, or for any commentary use of statistics, quotations or opinions contained. Its desire is to encourage constructive comment on basic questions affecting American enterprise. You may not accept the conclusions as here given, but perhaps they will aid you in telling the story to your readers as you see it. A free interchange of ideas will enable our people to arrive at fair and intelligent decisions on questions of public interest.)

A recent analysis of newspaper editorials by the Association of American Railroads showed a remarkably broad grasp of railroad problems by the public—with but one exception. That had to do with discontinuance of rail passenger trains. Apparently, the public has failed to understand its own changing transportation preferences and the ensuing economic stress that has been placed on the rails.

The AAR has released a pamphlet entitled, "The Case Of The Vanishing Passenger Train." In it, the story is told of why passenger trains are disappearing. People have simply chosen other forms of transport and not because of declining service. Shortly after World War II, the railroads and the Pullman Company spent over $500 million for new, modernized passenger equipment. This equipment included ultramodern chair cars, plush sleeping cars with showers, valet service, radio-telephones, dining cars with full course meals, lounge cars with coffee shops and bar service, vista-dome observation cars, air conditioning and other conveniences and luxuries. In spite of these innovations, passenger traffic declined. If the rails were still running as many trains as they ran in 1957, passenger deficits in 1967 would have been about $1.5 billion—more than the industry's total net operating income from freight service.

In 1959, the ICC conducted a long investigation of the passenger train crisis. It reported railroads have "conscientiously endeavored to improve their standards of service" and "generally have not discontinued trains without serious efforts—sometimes prolonged—to make them pay and only after sympathetic consideration of public convenience."

The U.S. will depend more and more on the rails for the hauling of freight. To meet this transport challenge, every available rail investment dollar must go for the continuation of a modernization program which is reshaping the railroad industry from the ground up to the benefit of the entire nation.

[From the Donora (Pa.) Herald-American, the Daily Republican, July 10, 1968]

PUBLIC PREFERENCE RULES

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The U.S. will depend more and more on the rails for the hauling of freight. To meet this transport challenge, every available rail investment dollar must go for the continuation of a modernization program which is reshaping the railroad industry from the ground up to the benefit of the entire nation.

[From the Dansville (N.Y.) Express, July 18, 1968]

PREFERENCE RULES

A recent analysis of newspaper editorials by the Association of American Railroads showed a remarkably broad grasp of railroad problems by the public—with but one exception. That had to do with discontinuance of rail passenger trains. Apparently, the public has failed to understand its own changing transportation preferences and the ensuing economic stress that has been placed on the rails.

The AAR has released a pamphlet entitled, "The Case Of The Vanishing Passenger Train." In it, the story is told of why passenger trains are disappearing. People have simply chosen other forms of transport and not because of declining service. Shortly after World War II, the railroads and the Pullman Company spent over $500 million for new, modernized passenger equipment. This equipment included ultramodern chair cars, plush sleeping cars with showers, valet service, radio-telephones, dining cars with full course meals, lounge cars with coffee shops and bar service, vista-dome observation cars, air conditioning and other conveniences and luxuries. In spite of these innovations, passenger traffic declined. If the rails were still running as many trains as they ran in 1957, passenger deficits in 1967 would have been about $1.5 billion—more than the industry's total net operating income from freight service.

In 1959, the ICC conducted a long investigation of the passenger train crisis. It reported railroads have "conscientiously endeavored to improve their standards of service" and "generally have not discontinued trains without serious efforts—sometimes prolonged—to make them pay and only after sympathetic consideration of public convenience."

The U.S. will depend more and more on the rails for the hauling of freight. To meet this transport challenge, every available rail investment dollar must go for the continuation of a modernization program which is reshaping the railroad industry from the ground up to the benefit of the entire nation.

[From the Dover (N.H.) Foster's Daily Democrat, July 13, 1968]

PUBLIC PREFERENCE RULES

A recent analysis of newspaper editorials by the Association of American Railroads showed a remarkably broad grasp of railroad problems by the public—with but one exception. That had to do with discontinuance of rail passenger trains. Apparently, the public has failed to understand its own changing transportation preferences and the ensuing economic stress that has been placed on the rails.

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In 1959, the ICC conducted a long investigation of the passenger train crisis. It reported railroads have "conscientiously endeavored to improve their standards of service" and "generally have not discontinued trains without serious efforts—sometimes prolonged—to make them pay and only after sympathetic consideration of public convenience."

The U.S. will depend more and more on the rails for the hauling of freight. To meet this transport challenge, every available rail investment dollar must go for the continuation of a modernization program which is reshaping the railroad industry from the ground up to the benefit of the entire nation.

[From the Seattle (Wash.) Daily Journal of Commerce, Aug. 14, 1968]

PUBLIC PREFERENCE WILL PREVAIL

A recent analysis of newspaper reports by the Association of American Railroads showed an unexpectedly broad grasp of railroad problems by the public but with one exception. That has to do with possible discontinuance of passenger trains. It seems evident that the public has failed to understand its own changing preferences and the resulting economic stress that has been placed on the rails.

The association has released a pamphlet entitled "The Case of the Vanishing Passenger Train." In it, the story is told of why passenger trains are disappearing. People have simply chosen other forms of transport and not because of declining railway service. Shortly after World War II, the railroads and the Pullman Company spent over $500 million for modernizing passenger equipment. This equipment included ultramodern chair cars, plush sleeping cars with showers, valet service, radio-telephones, dining cars with full course meals, lounge cars with coffee shops and bar service, vista-dome observation cars, air conditioning and other conveniences and luxuries. In spite of these innovations, passenger traffic declined. If the rails were still running as many trains as they ran in 1957, passenger deficits in 1967 would have been about $1.5 billion—more than the industry's total net operating income from freight service.

In 1959, the Interstate Commerce Commission conducted an investigation of the passenger train crisis. It reported railroads have "conscientiously endeavored to improve their standards of service" and "generally have not discontinued trains without efforts—sometimes prolonged—to make them pay and only after sympathetic consideration of public convenience."

The U.S. will depend more and more on the rails for the hauling of freight. To meet this transport service, every available rail investment dollar must go for the continuation of a modernization program which is reshaping the railroad industry to benefit the entire nation.

[From the Norwich (Conn.) Bulletin, July 16, 1968]

PUBLIC PREFERENCE RULES

A recent analysis of newspaper editorials by the Association of American Railroads showed a remarkably broad grasp of railroad problems by the public—with but one exception. That had to do with discontinuance of rail passenger trains. Apparently, the public has failed to understand its own changing transportation preferences and the ensuing economic stress that has been placed on the rails.

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The U.S. will depend more and more on the rails for the hauling of freight. To meet this transport challenge, every available rail investment dollar must go for the continuation of a modernization program which is reshaping the railroad industry from the ground up to the benefit of the entire nation.

[From the Parkersburg (W. Va.) News, July 16, 1968]

PRESS SHOWS GRASP OF PROBLEMS

A recent analysis of newspaper editorials by the Association of American Railroads showed a remarkably broad grasp of railroad problems by the public—with but one exception. That had to do with discontinuance of rail *passenger trains.* Apparently, the public has failed to understand its own changing transportation preferences and the ensuing economic stress that has been placed on the rails.

The AAR has released a pamphlet entitled, "The Case Of The Vanishing Passenger Train." In it, the story is told of why passenger trains are disappearing. People have simply chosen other forms of transport and not because of declining service. Shortly after World War II, the railroads and the Pullman Company spent over $500 million for new, modernized passenger equipment. This equipment included ultramodern chair cars, plush sleeping cars with showers, valet service, radio-telephones, dining cars with full course meals, lounge cars with coffee shops and bar service, vista-dome observation cars, air conditioning and other conveniences and luxuries. In spite of these innovations, passenger traffic declined. If the rails were still running as many trains as they ran in 1957, passenger deficits in 1967 would have been about $1.5 billion—more than the industry's total net operating income from freight service.

In 1959, the ICC conducted a long investigation of the passenger train crisis. It reported railroads have "conscientiously endeavored to improve their standards of service" and "generally have not discontinued trains without serious efforts—sometimes prolonged—to make them pay and only after sympathetic consideration of public convenience."

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[From the Pontiac (Mich.) Press, Aug. 21, 1968]

TRACE DECLINE OF PASSENGER SERVICE

A recent survey by the Association of American Railroads showed a remarkably broad grasp of railroad problems by the public—with but one exception. That had to do with discontinuance of rail passenger trains. Apparently, the public has failed to understand its own changing transportation preferences and the ensuing economic stress that it has placed on the rails.

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Shortly after World War II, the railroads and the Pullman Company spent over $500 million for new, modernized passenger equipment.

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But in spite of these innovations, passenger traffic declined. If the rails had been still running as many trains as they did in 1957, passenger deficits in 1967 would have been about $1.5 billion—more than the industry's total net operating income from freight service.

In 1959, the Interstate Commerce Commission conducted a long study of the passenger train crisis. It reported that railroads have "conscientiously endeavored to improve their standards of service" and "generally have not discontinued trains without serious efforts—sometimes prolonged—to make them pay, and only after sympathetic consideration of public convenience."

The U.S. will depend more and more on the rails for the hauling of freight. To meet this transport challenge, every available rail investment dollar must go for the continuation of a modernization program which is reshaping the railroad industry from the ground up to the benefit of the entire Nation.

[From the Hillsboro (Oreg.) Industrial News Review, May 27, 1968]

SOMETHING MORE IS NEEDED

We have all become intimately acquainted with that inflationary cycle known as the wage-price spiral. A grim example of the way it works can be seen in the recent financial experience of one of the nation's most basic industries—the railroads.

Not long ago, rail labor unions won spectacular wage increases. These increases, together with other inflationary cost rises over which the rails have had no control, are now showing up in the ledger. In reporting final 1967 figures, the Association of American Railroads said rail income after fixed charges—and after recording income from nontransportation sources—amounted to only $555 million in 1967, a drop of 39 per cent from the $906 million reported a year earlier. Rate of return on net investment skidded to 2.45 per cent—lowest since 1961. To counteract these sharp decreases in earnings, the railroads have been forced to petition the ICC for selective rate increases.

The financial strength of the railroads concerns the nation. The rails are the backbone of the transportation system. They are the keystone of military logistics, just as they are the prime movers of domestic commerce. They are a primary source of jobs, just as they are an important source of tax revenue for government. The rails are putting to work every possible technological advance to help hold down costs, and as a result have been a major restraining influence on inflation. But, obviously technology and efficiency have their limits. Something more is needed; namely, higher freight rates.

[From the Dover (N.H.) Foster's Daily Democrat, June 17, 1968]

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[From the Aiken (S.C.) Standard & Review, June 19, 1968]

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[From the Hillsboro (Oreg.) Industrial News Review, May 20, 1968]

RAILROAD VISIONARIES BRING PROGRESS

Are railroad men becoming hopeless heads-in-the-clouds visionaries? One might be led to think so by the prediction of a railroad spokesman that the rails in our country will become in the nature of a mammoth "land bridge" for the containerized movement of cargo between Europe and the Orient. The spokesman, Mr. Thomas M. Goodfellow, president of the Association of American Railroads, may be a visionary, but his feet are solidly on the ground, and his head is clear of all clouds. His prediction was made during a meeting at Rotterdam, Holland, of transportation experts from countries throughout Western Europe and their counterparts in the United States.

Mr. Goodfellow has sound reasons for believing that in the worldwide free-flow transportation system of tomorrow, the railroads can in fact, facilitate worldwide movement of goods. He points out, "Our railroads have the capacity, technology, flexibility and dependability to become a land bridge between the Far East and Europe in either direction and in both directions. That is the shape of things to come."

The basis of the new role of the railroads is containerization. Containerization can make possible simplified rates and shippng procedures. It is also considered the key to expanding intermodal, international commerce. In the United States, containers are being used to an ever-greater extent.

In the words of Mr. Goodfellow, "United States railroads are vitally concerned with containerization. Our broad interest relates to the desirability of a free flow of world commerce. It relates, also, to the idealistic need for an efficient worldwide distribution system which we must have if this planet is to become the great place it could be." Visionaries with practical ideas and the courage to promote them, are what make new industries, new jobs and new sources of tax revenue. We owe a lot to the visionaries—in the railroads as elsewhere.

[From the Norwich (Conn.) Bulletin, June 12, 1968]

NEW ROLE FOR RAILROADS

Are railroad men becoming hopeless heads-in-the-clouds visionaries.

One might be led to think so by the prediction of a railroad spokesman that the rails in our country will become in the nature of a mammoth "land bridge" for the containerized movement of cargo between Europe and the Orient.

However, the spokesman, Thomas M. Goodfellow, president of the Association of American Railroads, may be a visionary, but his feet are solidly on the ground, and his head is clear of all clouds.

He has sound reasons, pointing out "our railroads have the capacity, technology, flexibility and dependability to become a land bridge."

"This is the shape of things to come," he says.

[From the Hillsboro (Oreg.) Industrial News Review, July 15, 1968]

WHAT RAILROADS MEAN TO YOU

It was once said that if the railroads didn't exist, they would have to be invented—or words to that effect. They are not only prime movers of commerce, but they are also a mainstay of the economy generally. The trouble with trying to get down to specifics about the impact of railroads on our well-being is because, as a top rail spokesman observed, ". . . the story is usually cast in terms that are difficult to interpret in a personal way."

This rail spokesman, Mr. Thomas M. Goodfellow, president of the Association of American Railroads, made the remark during a talk at Springfield, Missouri. He then went on to tell the rail story as it applied in a personal way to the State of Missouri. He said, "The 33 railroad companies operating in Missouri not only offer transportation service, they also provide tremendous support for the economy of this state . . . they employ about 21,600 men and women, and every large community and many small ones share in the railroad payroll which normally amounts to around $166 million a year in Missouri. The state also benefits from the expenditure of millions of dollars by railroads each year for fuel, materials, supplies and equipment. In addition, Class I railroads pay out more than $11.5 million a year in taxes to help finance state and local institutions, services or facilities. In short, concluded Mr. Goodfellow, "railroad payrolls, taxes and purchases are

currently contributing more than $200 million annually to the prosperity and well-being of this state."

Bringing home the railroad story as it bears on a single state shows why it is a story that involves the stability, prosperity and progress of nearly every community in the land.

[From the Parkersburg (W. Va.) News, Aug. 1, 1968]

WHAT RAILROADS MEAN TO COUNTRY

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[From the Hillsboro (Oreg.) Industrial News Review, June 10, 1968]

GROCERY PRICES AND THE IRON HORSE

It is unlikely that the average housewife would think of a technical transportation development as an important factor in the price of groceries, but proposals under consideration for high-speed movement of food across the continent by containerized unit trains could give the housewife of tomorrow lower grocery prices and fresher produce in the opinion of the head of the Association of American Railroads, Mr. Thomas M. Goodfellow.

Such trains will likely be a part of the transport revolution now taking place in the railroad industry. Mr. Goodfellow observes they have been proposed as part of the railroads highly-specialized, customer-oriented services, tailored to handle the mountainous transport tasks of our expanding economy. He adds that similar container trains serving as a "land bridge" for intercontinental shipments between Europe and the Orient are "beyond the discussion stage and no longer just conference room possibilities."

The point of the foregoing, of course, is to illustrate the interrelated interest of everyone in the problems and progress of an industry that we think of as far removed from our daily welfare. The railroads are a particularly apt example. Upon their ability to compete equally with other forms of transport under an equitable regulatory and tax system, which recognizes their importance as a mover of commerce, depends the stability and growth of vast areas of the nation. This was true a hundred years ago, and it is even more true now, as we commemorate the 100th Anniversary of the first transcontinental rail line.

[From the Norwich (Conn.) Bulletin, July 10, 1968]

RAILROADS HELP ALL

There are proposals now under consideration for high-speed movement of food across the continent by containerized unit trains that could give the housewife of tomorrow lower grocery prices and fresher produce.

This is the word from the head of the Association of American Railroads, Thomas M. Goodfellow.

Such trains likely will be a part of the transport revolution now taking place in the railroad industry.

Goodfellow says they have been proposed as part of the railroad's highly-specialized, customer-oriented services, tailored to handle the mountainous transport tasks of the expanding economy.

He adds similar container trains, serving as a "land bridge" for intercontinental shipments between Europe and the Orient, are "beyond the discussion stage and no longer just conference room possibilities."

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[From the Hillsboro (Oreg.) Industrial News Review, June 17, 1968]

SAFER THAN EVER

Misleading statistics have led to reports of an increase in "train accidents" on the railroads. These reports make it appear that the rail safety record is worsening, when in fact the truth is just the opposite. The reason the statistics are misleading is due to the effects of inflation and the ruling that any incident involving more than $750 damage to rail property is a "train accident."

With the higher costs of today's sophisticated equipment, a rough coupling of two freight cars can—and frequently does—show up in the statistics as a "train accident." As Mr. Thomas M. Goodfellow, president of the Association of American Railroads, declares, "Measured by casualties, overall rail safety has shown continuing improvement during the last 10 years." Mr. Goodfellow backs up his statement with some impressive figures: Passenger fatalities on America's railroads were reduced by better than 50 per cent in 1967, highlighting a drop in rail casualties in virtually all categories. Preliminary rail figures show only 13 passenger fatalities in 1967, compared to 27 the previous year. The fatality rate per 100 million passenger-miles dropped from .16 in 1966 to .09 last year.

The railroad has long been the safest of all conveyances—and it is getting safer.

[From the Norwich (Conn.) Bulletin, July 6, 1968]

RAILROADS SAFER

Misleading statistics have led to reports of an increase in railroad accidents.

Don't believe them.

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However, Thomas M. Goodfellow, president of the Association of American Railroads, points out, "measured by casualties, overall rail safety has shown continuing improvement during the past ten years."

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[From the Hillsboro (Oreg.) Industrial News Review, May 6, 1968]

A GROWTH INDUSTRY

In spite of present troubles—inflation-bred cost increases and the need for commensurate rate increases—the railroad industry is described, with good reason, as a "growth industry." Although it is one of the oldest industries in the country, dependence on railroads in the United States is going to grow—not diminish—in the years ahead.

Rail carriers are getting set to serve America's expanding transport needs with greater efficiency than ever before. Mr. Thomas M. Goodfellow, president of the Association of American Railroads says, "Railroads are breaking through barriers not only in technology but also in customer services, pricing, merchandising and managerial approaches."

Technology is doing much to help cut costs. Technological breakthroughs have resulted in electronic yards, computers and microwave communications systems. These innovations shortly will be joined by an electronic system for the automatic track-side scanning and identification of passing freight cars and a nationwide computerized freight car tracking system. All of this means better, more efficient and economical service to customers.

Last year, in the midst of an earnings setback, the rails pushed ahead with their investment in modernization to the tune of $1.4 billion. The welfare of the railroads concerns the growth and stability of the nation. The rails maintain a payroll which currently provides about $5 billion a year in consumer buying power. In addition, the industry spends more than $3 billion a year for supplies and pays nearly a billion dollars a year in taxes. And, it handles over 43 per cent of the total intercity freight load.

Community prosperity and growth can only accompany, not precede, that of industries such as the railroads—industries which are the economic mainstay of the country.

[From the Aiken (S.C.) Standard & Review, May 22, 1968]

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Community prosperity and growth can only accompany, not precede, that of industries such as the railroads—industries which are the economic mainstay of the country.

Mr. METCALF. Mr. President, in the editorial "Public Preference Rules," the INR makes the charge that the railroads are eliminating passenger service because the public has chosen other forms of transportation. This opinion is in sharp contrast to the feelings of my constituents who, in writing to me, have expressed their sincere and vital need for the train for business and recreational purposes.

The same editorial continues by stating that "apparently the public has failed to understand its own changing transportation preferences." This is absurd. If we were to follow this logic we might say that the air transportation industry which has recently offered special lower rates to vacationers, is doing an excellent job—perhaps better than the American Association of Railroads—of convincing the public that it does not understand its own changing preferences.

The important point remains that the facts concerning public reaction to the elimination of passenger train service are being misrepresented through the use of these canned editorials, purchased by the railroads and purporting to represent public sentiment. I have submitted the foregoing to underscore the fact that this whole matter is in serious need of further congressional investigation. It is for this purpose that we have submitted Senate Concurrent Resolution 25. I cannot too strongly reiterate my profound hope that the Committee on Commerce will report this concurrent resolution and that it will be approved so as to make it possible to reach a complete factual understanding of the rail industry's true capability for providing passenger service.

THE MILITARY COUP IN PERU—ANOTHER EXAMPLE OF THE FAILURE OF U.S. POLICIES IN LATIN AMERICA

Mr. GRUENING. Mr. President, the disgraceful military overthrow of the legitimate regime of President Fernando Belaunde Terry, of Peru, offers but another example of the failure of U.S. policies in Latin America.

President Belaunde was elected to office in 1963. Thus, at the time of the violent overthrow of his Presidency and his arrest, President Belaunde had less than a year remaining of his term of office.

President Belaunde had been a truly remarkable man. An architect, trained in the United States, he did not actively engage in politics until he sought the Presidency of his country. As President, he took an extraordinary interest in the welfare of his people, going to them to find out their needs.

This is not the first time that the military leaders of Peru have taken the law into their own hands and deposed a legitimately elected civilian government.

A similar coup took place in Peru, following military revolts in Argentina and Brazil. At that time I stated:

> Unless we act firmly to show our allies for progress in Latin America that we mean what we say, that we will deal only with stable governments representing the people and being in a position to give realistic assurances that the self-help measures of the Alliance for Progress will be carried out, we can expect more and more events such as the ones taking place in Peru today.

For many years now I have been highly critical of the U.S. military assistance program to Latin America which not only diverts much needed funds from economic and social development but also gives to the military segment of the population an inordinate amount of power over civilian rulers chosen by the people.

Over the years we have given Peru over $139 million in military assistance. During that period we have given $1.1 billion in military assistance to the countries of Latin America. As witness the military coup in Peru, our squandering of these vast sums on military hardware and training has not resulted in increased stability of the civilian governments of Latin America. The contrary is true. Those civilian governments have had to operate literally peering into the barrel of a gun, their every move subject to checkmate by military cliques.

I suppose the State Department will follow its usual course of action in the case of Peru. After a few days of futile handwringing and deploring, the military junta in Peru will be recognized as the legitimate government there and the will of over 712,000 Peruvian voters in the 1963 election will have been effectively thwarted.

There seems to have developed in this country the feeling that military budgets have about them an aura of sanctity. Although waste in military expenditures is well known, with instance after instance constantly being brought to light, when, as has been the case here on the floor this week, when military appropriations are being voted on, every proposal to cut has been met with adamant and overwhelming resistance. That same resistance has also been met to any attempts to cut our foreign military assistance programs.

Yet what has now happened in Peru has borne out the truth of the warnings that I—and many others in the Senate—have been uttering over the years that by building up the strength of the military powers in Latin America we are inviting the inevitable overthrow of civilian governments.

I, therefore, hope that the State Department will take immediate action to show the military junta in Peru that that country cannot expect a continuance of U.S. economic or military aid unless and until civilian rule has once again been reestablished in Peru and that the will of the people will be heeded. The Alliance for Progress cannot hope to succeed in any country in Latin America unless there exist conditions of domestic, political tranquillity.

THE SAD STORY OF THE TFX

Mr. CURTIS. Mr. President, I intend today to address some remarks to the long and sad history of the TFX airplane program. There is good reason for us to consider this story carefully, for in many ways it is typical of the sorrowful pattern of tragic mismanagement that has characterized the operation of the Pentagon for the last 8 years. The TFX program is well worth our study, because the many mistakes made in this one aircraft procurement effort have been repeated constantly in many other weapons programs and in routine daily operations of our military affairs, including the direction of the war in Vietnam.

TFX represents mismanagement; the gross violation of the basic principles of management of large organizations, where only broad policy and objectives should be decided at the top executive levels and where responsibility and authority for actual management should be delegated down to personnel who have the working expertise. This fundamental principle has been completely abandoned in TFX; it also has been abandoned for 8 years in the operation of the Pentagon.

TFX represents arrogance and obstinacy, and refusal by the Pentagon hierarchy to listen to the advice of subordinates, to admit to and to face up to mistakes already made, and to take timely actions to correct them. This same attitude has pervaded the decisions that have been made on our overall defense posture, as our position of dominance—of overwhelming strategic superiority—has been deliberately allowed to dribble away while our potential adversaries were building up to catch and surpass us in this vital area.

And finally, TFX represents the lack of credibility that the American people have come to expect now from the Pentagon as a matter of routine. Throughout its long history, starting with the first challenge to the contract award, proceeding through the research and development program, and including the cancellation by the Congress of the Navy TFX, there has been a consistent history of misrepresentation and even deliberate falsehood relating to the facts about this TFX program. Indeed, there has been so much distortion of fact about so many things going on in the Pentagon today the newsmen who are assigned there, as well as the American public, treat most news or information emanating from the Department of Defense with skepticism and cynical doubt. "What are they trying to pull now?" is the reaction these

days to Pentagon news releases. That is a sad commentary, is it not, when a Department of the U.S. Government, one that spends half of the Federal budget, cannot be believed by the American people. The credibility gap, now a common household phrase, is the result of 8 years of this leadership in the Defense Department of the United States.

Let us trace the history of the TFX for those 8 years and follow the series of blunders that would ruin this program and bring us to face the present deterioration of our once dominant military aircraft position.

GENESIS OF TFX—THE NEOPHYTES TAKE OVER

TFX as a concept started before the present Pentagon crew took over in 1961. The research behind the new principle that made the TFX's swing wing a practical possibility was done by the NASA by 1959. The advantages of this swing wing—it would be almost straight out from the plane for slow takeoffs and landings and would be swept back for supersonic flight—had been known and there had even been several research planes that used it, but their designers had encountered some technical problems in the building of the swing wing that kept these aircraft from being practical military planes. In 1959 the NASA devised a method of pivoting these wings that alleviated the difficulties previously met, and both the Air Force and Navy were ready to use it on their next planes. The Air Force envisioned a new tactical fighter-bomber eventually to replace its F–105 Thunderchiefs—a new plane that could act as an air superiority fighter and a long-range strike bomber. The Air Force also required a transoceanic ferry range, a requirement similar in basic principle to the Navy's desire for a fighter with the capability to loiter at slow speed on air patrols in defense of the fleet. The variable sweep wing permitted both efficient cruise flight, whether ferrying or loitering, and also efficient supersonic flight for combat strikes and dogfighting. In these gross respects, therefore, the military requirements for the planes appeared similar, at least to the neophyte who was not experienced in the complexities of actual aircraft design. But in truth the Air Force and Navy "military requirements," the phrase used to describe the specifications and limitations for a new weapons system, were significantly different. Two distinctly separate airplanes could have resulted if the requirements of each service had been insisted upon.

Analogies abound to illustrate this difference, and one of these is my own favorite. Suppose you, as a race car driver, wanted to buy a little sports car like an MG or a Triumph for a slalom type of road race, while your partner needed an Indianapolis type of car, large and powerful, for a high-speed race. The banker who was backing your team said to buy two Mustangs because you could save money on common repair bills. Well, your two Mustangs would "save" him some money, but you would not win any prizes.

Coincidentally with the reports of favorable prospects for the variable swing wing, the Air Force and Navy had been studying the possibility of designing a biservice airplane. By August 1961 their engineers and scientists in charge of new airplane designs reported to Mr. McNamara that the requirements were too widely different and that a single plane "to fulfill the stated requirements of both services was not technically feasible." The new Secretary of Defense on the job for less than a year, also was studying the services' needs for tactical fighters of the future. He dictated in September 1961 that a single, common, fighter should be procured and that the military requirements had to be compromised until a single plane could result. Mr. McNamara's announced purpose was to save a billion dollars, presumably by having only one R. & D. program plus a single production line. The fact that the resulting plane would not be able to meet the needs of either service was apparently not important, so long as the supposed "saving" would result.

There is no inherent reason why both services cannot use the same airplane, providing that the missions for which it is to be used are similar. After all, the Navy adapted the Air Force F–86 Sabre Jet fighter to fit it for carrier operation and used it as its first line fighter for many years. The Air Force took the Navy F–4 Phantom and eventually bought more of them for its own fighter squadrons than the Navy has procured. But in those cases, the planes met the existing needs of each service, which was why they became successful biservice aircraft. It is clear that the first major mistake in the TFX program was to require a common airplane to replace the Navy's F–4 fighter and the Air Force's F–105 fighter bomber. The decision to proceed arbitrarily overruled the counsel of experienced experts in the highly specialized field of airplane design. This action was typical of the way the Pentagon has been run for the last 8 years.

THE TFX CONTRACT AWARD

The Air Force and Navy finally agreed to accept the resulting hybrid airplane when it became obvious that they would get nothing else. They began the normal process of obtaining proposed designs from the aircraft manufacturing industry. A new phenomenon then occurred, when the military commanders announced the winner of the design competition to the civilians newly appointed to the top posts in the Pentagon. The top officials ordered that the winner, the Boeing Co., and also the next ranking competitor—of six—General Dynamics, be given an additional 3 months to rework their designs. This happened again after the second round of design work. Boeing won the competition, the military recommended Boeing as the source, and the civilian administrators directed that additional time be granted to both companies to improve their designs. A third round of design work was accomplished. Again the result was the same. However, when the companies began work on the fourth round, they had some additional guidelines to follow. The Secretary of the Air Force issued a directive telling the services to work with the two contractors to improve their designs and also said:

The intent of the Secretary of Defense to reduce weapon system cost by maximizing similarities of the Air Force and Navy versions, and by maximum use of common equipments and structures, etc., must continue to guide the efforts of the contractors in their design considerations. The degree of divergence between the two versions and the cost implications thereof must be identified.

At the end of the fourth round, 1 year after the start of the design competition, which normally is a 3-month process, the result was still the same, with Boeing the winner according to the evaluation team of aeronautical specialists. Their judgment was supported up the chain of military command. This time, however, there was one difference, because the evaluation team for the first time ruled that General Dynamics had come up with an acceptable design. The civilian Secretaries again were told the results, Boeing had won, but General Dynamics was also acceptable. For 2 weeks the civilians at the secretarial level debated this among themselves because, for the first time during the competition, they were presented with a possible choice. In each of the first three rounds the General Dynamics proposal had been declared unacceptable by the military, and the civilians did not have the gall to overrule that declaration. After the fourth round, however, they did reverse their military advisers and, without discussing or debating their decision with any of the generals or admirals who had recommended Boeing, they announced that General Dynamics had been chosen to build the TFX.

THE SENATE INVESTIGATION OF THE TFX CONTRACT AWARD

Looking into rumors that the Department of Defense had awarded a multibillion-dollar contract to buy the second best plane at the higher price, the Senate Permanent Subcommittee on Investigations began a preliminary inquiry into the matter in December of 1962. Actual hearings on the award began in February 1963, and were held frequently through November of that year. The hearings were suspended at that point and have not been reopened to date, although the subcommittee has continued its active inquiry into the program.

Although the hearings produced no conclusive results on why the civilian Secretaries reversed the recommendation of their advisers, they produced a mass of intriguing evidence of just how the Defense Department was being managed and how important decisions were being made. Air Force Secretary Zuckert's memorandum for the record that gave the reasons for picking General Dynamics alleged that there were four primary technical reasons for doing so, as follows:

First. Greater commonality of parts between the Air Force and Navy versions;

Second. The use of steel rather than titanium in the wing carrythrough structure;

Third. Better location of the engine inlets, under the wings of the General Dynamics design rather than on top of the plane, as in the Boeing design;

Fourth. Use of conventional speed brakes rather than thrust reversers, which were cited as a potential development risk.

The Secretaries constantly proclaimed

"their experience" in attempting to justify overruling the recommendation of an evaluation team of more than 250 aircraft specialists. We should remember that the Secretary of Defense was an accountant, the Secretary of the Air Force was a lawyer, and the Secretary of the Navy was a banker. Exactly what kinds of "experience" they were referring to is difficult to comprehend.

In addition to the technical factors cited in the memorandum, the document stated that Boeing was overoptimistic on its costs. Testimony before the subcommittee disclosed a strange line of reasoning relating to the fact that Boeing's proposal was significantly lower in price than that of General Dynamics. This offer of a lower price was held against Boeing by the civilian Secretaries for two reasons. They pointed out that both companies were bidding too low but General Dynamics was bidding higher than Boeing; therefore, they said, General Dynamics was more realistic about the eventual costs of the program. It was implied that a more realistic estimate could eventually be equated to a lower price, although this economic twist was never actually stated. Second, the memorandum stated that General Dynamics estimated their single program would save $623 million over the cost of developing two separate versions, whereas Boeing claimed a saving of only $397 million.

One would normally conclude from this that Boeing was indeed a lower cost producer than General Dynamics. However, the civilians used these claims to show that General Dynamics would eventually save more money through a greater degree of commonality of parts between its two versions of the aircraft. This greater commonality was also one of the decisive factors given in the memorandum to attempt to justify overruling the source selection board.

During the hearings, it was revealed that the Secretaries finally did decide to get some advice from some aeronautical designers. A team of experts was assembled in the Pentagon to review the two designs some months after the contract had been announced. The experts were directed to find strong points for General Dynamics and weak points for Boeing so the decision could be defended in Senate hearings. Moreover, the Pentagon's press secretary, in March 1964, issued a directive that when the TFX, or F–111 as it had been renamed, was mentioned in press releases, only "positive" things would be said about it:

> The aircraft will be described in such a manner as to make it clear that the advanced fighter will meet the requirements of the Air Force's tactical air mission, the Navy's carrier-based fighter mission and the fighter mission of the Marine Corps—The Fact that a saving of significant amounts of money will be achieved by development of the F–111 will be emphasized.

As I said earlier, the hearings were not conclusive about the real reasons for overruling the military recommendation, but a fascinating sidelight on that question was exposed when the author of a memorandum on proposed changes to the military source selection system, John Rubel, a Pentagon executive, was interrogated. His memorandum to the Deputy Secretary of Defense had suggested that the source selection board of top military men be made a "source evaluation board" that would not be permitted to select a winner. The reason for his suggestion was given in a memorandum to Deputy Secretary Roswell Gilpatric outlining proposed changes in selecting contractors for large weapons system procurements. The next to last paragraph stated:

> As I pointed out to you in an earlier conversation, it turns out in practice today to be difficult, if not impossible, to alter a source selection decision on a major procurement action unless you are willing to send the source selection board back to work with new instructions. Otherwise, you are placed in the position of making an arbitrary change in the face of fully objective procedures and determinations. That is, in general, infeasible. It is very time consuming, and it exposes the senior decision-makers to potentially severe criticisms and even outside pressure. It is practically never done.

As I say, that is a fascinating bit of insight into the workings of the minds of "the decisionmakers," as they began to call themselves.

The decisionmakers were then in the process of centralizing authority and management direction into the hands of the top few civilians, and this attempt to include source selection was a part of that process. It was pointed out by the subcommittee during the hearings that the law governing source selection in aircraft procurements required the selection board to report the winners to the service Secretary. The Secretary has the authority, under the law, to overrule the board, but the board is specifically charged with recommending the winning design. As a result of the airing given to this matter, the proposed centralization of source selection was quietly dropped by the Pentagon.

THE TFX IN RESEARCH AND DEVELOPMENT

By early 1964, when the development of the TFX was underway, the structural weight of both the Navy and Air Force versions of the plane had increased over 4 tons or more than 20 percent. The Navy could not accept this increase because the plane had already been marginal for carrier operations and now was unacceptable. The Navy asked the civilian Secretaries to cancel their version of the aircraft, allowing the Air Force to proceed alone. Also at this time the Grumman Co., the associate contractor to General Dynamics for the Navy plane, proposed that a major redesign be undertaken for the Navy version, with the proviso that commonality with the Air Force could be dropped. Grumman even submitted a preliminary design of such a plane that reduced commonality with the Air Force version from 80 to 25 percent. The redesigned plane was significantly lighter and was operable from Navy carriers. It was superior as a Navy fighter to the TFX in all respects.

This proposition was considered at the secretarial level but was rejected. Instead, the contractors were authorized to rework their structural designs to shave every possible ounce from the planes, but they were told that commonality must be maintained. This was to be accomplished under a superweight improvement program—or SWIP—which followed a weight improvement program—WIP—that had already been unsuccessful in trimming enough weight from the planes.

This action by the Pentagon's top civilians, at this point in time, 1964, destroyed the last possible chance for a successful TFX program. Had they been wise enough, had they had the temperate judgment at the time, to see the truth in what the aeronautical designers had told them 3 years before, that the desired commonality between Air Force and Navy planes was impossible to achieve, then the commonality requirement could have been abandoned and the TFX program could have been saved. Instead, they insisted on being the decisionmakers once again. They put themselves in the position of disregarding again the advice of their subordinates—in essence, they ruled against the judgment of those whose job it was to give them the benefit of years of experience in the detailed work of designing these weapons. They found it easy to accept the catchy new word "commonality" which sounded good as a superficial concept, but which in an attempt at practical application "came a cropper" in the hard world of reality.

While these efforts to stop the Navy TFX were being made by responsible people, who were forced to operate within a cloak of secrecy, work was proceeding with public fanfare on the construction of the first prototypes of the Air Force version.

It should be remembered that in 1964 the Congress and the American public were not allowed to know that there were any problems developing in the TFX program.

The rollout of the first Air Force plane, attended by a full-dress publicity effort, occurred in October of 1964, 3 weeks ahead of schedule. The Secretary of Defense spoke at the ceremony, praising the new plane "as the greatest single step forward in combat aircraft in several decades."

After the dignitaries and the press left the scene, the plane was taken back to the assembly line and work started again and continued for several more months to complete its manufacture, because when the plane had been rolled out, the fuselage was far from finished and fiberglass panels had been installed in many places and painted to make the plane appear ready for flight.

Perhaps the flimflam men then in the Pentagon did not consider this shabby subterfuge a matter of major importance, but it is certainly representative of the kind of deceptive public relations that has been typical in this TFX program.

The TFX had its first flight in December 1964 and flight testing continued, at a slow pace, in 1965. The variable sweep wing operated satisfactorily and presented no problems. But there was a serious problem in the operation of the jet engines. The air intakes, located under the wings, caused a rough and distorted airflow into the engines and as a result the engines would flameout and stall. Remember that the supposed

superiority of the General Dynamic air inlet location was one of the technical reasons given by the Secretaries for overruling the military in the contract award. This problem was to plague the development work for 2½ years, but in the initial 6 months it was so serious that no other flight test work could be accomplished. However, when testifying before the Congress in 1965, the Secretary of Defense claimed that all was well and proceeding as scheduled. The following colloquy took place between the Senator from Maine [Mrs. SMITH] and the Secretary:

Senator SMITH. Is it true that it has been determined that the F–111 is underpowered?

Secretary MCNAMARA. No, quite the contrary. The engine is turning out the thrust we estimated and initially planned. You may possibly have reference to some engine difficulties that developed. These are typical of the difficulties that occur in any development program. They are not affecting the power output of the engine but simply its performance under certain conditions of altitude and acceleration.

The Secretary, of course, knew full well the problems with the weight and the engine stalls and he knew what the Senator was talking about. But candor was never a part of the TFX story. In fact, to show his faith in the program, Mr. McNamara announced in April 1965 that the go-ahead for the production run had been given.

THE TFX BECOMES A STRATEGIC BOMBER

By the end of 1965, little progress was being made in solving the technical problem with the engine intakes. However, on December 8, the Secretary announced the phaseout of the earlier models of the B–52 bombers and all of the B–58's from the Strategic Air Command. This phaseout of 425 bombers out of the 680 in SAC was immediately challenged by many Members of Congress, who were already worried by the creeping deterioration in our relative strategic posture. Yet only 2 days later, on December 10, 1965, Mr. McNamara said of his congressional critics that "they spoke much too soon" as he announced that 210 FB–111's, a strategic version of the TFX would be built to replace the 425 B–52's and B–58's. He said this would keep SAC's bomber force at the level "to maintain the required strategic nuclear capability."

In making his claims for the SAC version of the TFX, Mr. McNamara also stated that some $200 million a year would be "saved" by substituting the TFX for the B–52 and B–58. What he did not say was that this "saving" resulted solely from operating some 215 fewer aircraft in SAC and that the same "saving" could have been accomplished by simply phasing out 215 instead of 425 of the planes already in the SAC force. The annual operating costs of a TFX are essentially identical to those of a B–52 or B–58, so in effect the claimed "savings" to be achieved by using the TFX in SAC really result from decreasing SAC's striking power. If we followed that line of thinking to its ultimate conclusion, we could "save" $71 billion this year by eliminating the Department of Defense.

As time has passed, it has become more and more evident that the policy of the top civilians in Defense has been to cut back our strategic nuclear strength at the same time that the Russians have been building theirs up at a rapid rate. The frequently cited goal of parity—of equality in nuclear striking power—was supposed to promote a relaxation of world tensions. We are now faced today with an approximate parity, and yet there has never been a more turbulent and chaotic world than we now face.

In late 1965 and early 1966, when McNamara decreed that the TFX was a SAC bomber, the Congress was appropriating the initial funds to start on a true strategic bomber, the advanced manned strategic aircraft or AMSA. This is a plane that will be more effective than the B–52 and is needed to phase into SAC in the 1970's. Strangely enough, the Defense civilians have refused to let the Air Force start development of this urgently needed plane. This odd situation persists to date, for in each succeeding year Congress has put up the money and the Secretaries and their cost-effectiveness analysts have said the AMSA is not needed. Meanwhile, over $2 billion is earmarked to purchase the SAC version of the TFX, which not only falls far short of AMSA capabilities, but is actually inferior to the planes it is replacing.

PROJECT ICARUS—THE SECRETARY TAKES PERSONAL CHARGE

By late 1966, the TFX program was in really serious technical difficulty. The air intake problem was still delaying the flight testing and the weight and drag of the airplane had increased to the point that flight tests showed the range of the plane falling 30 percent short of military requirements. Secretary McNamara decided to take personal charge of the management of the TFX program. In September 1966, he instituted what became known as Project Icarus—named after that figure in Greek mythology whose wax wings melted when he flew too close to the sun. Poor Icarus fell into the sea and was killed, but the TFX project kept rolling on.

The TFX program, under Icarus, was run from the Secretary's Pentagon office with meetings usually scheduled every Saturday morning. In attendance were the civilian Secretaries, the generals and admirals concerned with the program, and the heads of the private contractors involved. This group of executives debated such details as the proper settings for the flaps, the correct angle for the pilot's windshield, how many inches to move the landing gear, and other such design details. Then, as one informed observer was reported to have said:

Mr. McNamara made his decision, right or wrong.

After a few months, the frequency of these meetings tapered off. They were held biweekly and then occurred every 3 or 4 weeks. There was good reason for this slowdown. In a research and development program changes cannot be effected overnight. Once a decision has been made to modify some part of the airplane, the change must be engineered, fabricated, flight tested and then a decision must be made about incorporating it in the production line. Thus, it takes months to learn the results of "management decisions" and compare how they worked out with the predictions of the experts who are the specialists in the field.

As a result of Project Icarus, the Navy TFX design was changed to alleviate some of the worst problems in aircraft carrier compatibility. Commonality was relaxed so that these design changes could be made to the Navy plane only, since they would have hurt the already deficient performance of the Air Force's mission. The cost of engineering and producing the Navy's package of fixes, as it was called, was to be some $120 million.

In the meantime, Navy pilots were testing their plane in the spring of 1967, and they reported it to be "unfit for service use." Not only was its carrier compatibility bad, but its performance as a fighter was extremely deficient. Although the package of fixes was intended to improve the carrier operations, the plane was just too much overweight ever to be an effective air superiority fighter in defense of the fleet. In 1967, the Congress prevented the Pentagon from starting production on the F–111B, Navy TFX, although another year of research and development was allowed.

THE SLOW DEATH OF THE F–111B

Late in 1967 several aircraft companies came to the Navy with proposals for a new fighter plane designed without any requirements for commonality with the Air Force versions. The new plane was designed solely to meet the Navy's mission of a fleet air defense fighter, so that many items dictated by the Air Force's low-level attack mission were eliminated in the new design. The weight of the new plane thus was many tons less than the TFX, and, at the same time, the mission performance became markedly superior, not only to the TFX but the existing F–4 Phantom as well. Navy admirals were understandably enthusiastic about the potentials for this new fighter; after 7 years of frustration, they at long last had in hand a firm alternative to the F–111B. Support within the uniformed Navy was unanimous for the new plane. The proposal to cancel the F–111B and start development of this fighter won endorsement after endorsement as it was passed up the chain of command to the top admiral in the Navy.

A close observer of the TFX history could have predicted the result of the Navy's recommendation. The proposal was passed to the civilian Secretariat level for approval, where the battle to save the Navy TFX began. The first roadblock that the civilians threw up was yet another cost effectiveness study. Although a 9-month-long study of fleet air defense had just been completed—incidentally, it was rigged to make the F–111B/Phoenix win—a new 4-month-long study was ordered to see how the new plane would fare under the same ground rules of cost effectiveness. This was a true exercise in futility, because commonsense would show that a smaller, lighter, faster, and more maneuverable version of the F–111B, carrying the exact same weapons loading, obviously would

be a more effective airplane for the Navy's carriers. By the middle of April 1968, the study was completed. Of course, it "proved" what could have been stated with certainty 4 months earlier—that the new plane was indeed superior to the TFX.

The Committee on Armed Services had not waited for the results of the cost effectiveness study. When Navy admirals testified that the new plane was what they wanted, the Committee on Armed Services refused to authorize additional funding for the F–111B. The committee substituted, instead, money to begin development of the VFX, as the new plane was designated.

The civilians in the Defense Department still did not give up. The next line of retreat was a request to the Congress to fund both airplanes. The civilians began to cast doubts on the validity of the proposals from the aircraft industry. They testified that the "responsible decisionmakers" wanted to hedge and to continue the Navy TFX until they were sure the new plane could be developed as predicted. A clever campaign which involved leaking "inside" information to the press was also started, hinting that the new plane would cost $15 million each, almost twice as much as the F–111B. Since the new plane was smaller and lighter than the F–111B but used the same engines and missile control system, this was a patently ridiculous argument, but a number of reporters, not being trained in aircraft engineering, accepted and published it.

The House Armed Services Committee agreed with the Senate, also refusing to authorize more funds for the Navy TFX. This action killed the F–111B, so the Defense Department allowed the Navy to issue a stop-work order on July 10, 1968. Since the F–111B program had been using money at the rate of $1 million per day up until that point, at least $180 million was wasted in 1968 alone, after commonsense would have dictated an earlier stop to the program. Thus ended Mr. McNamara's commonality concept, after almost 7 years of stubborn insistence that it be retained as a primary goal in the TFX development, in spite of the fact that experts had declared back in August of 1961 that its objectives could not be successfully achieved.

THE AIR FORCE F–111A

The Air Force version, the F–111A, was delayed in its flight testing program for 2½ years by the problem with the air intakes. This problem was finally solved in June 1967, but at that point a decision had to be made on whether to delay production further until testing could verify the design of the plane, or to press forward and hope for the best. Twelve F–111A airplanes had been authorized for production, in addition to the 18 originally scheduled for testing purposes, and they were built with the old—and unworkable—air intakes as well as a host of other built-in deficiencies. These planes were built because otherwise the production line would have had to be stopped and the truth would have been revealed about the technical problems which beset the plane.

The decision was made to continue the line, accepting the F–111A No. 31 as the first combat-capable airplane, and the test program was to run concurrently.

Eventually, the test program did show up weaknesses in the structural design, to the extent that the wings were broken off an F–111A during static ground testing. This occurred in January 1968, just 6 weeks before the first planes were deployed to combat in Southeast Asia.

The series of crashes in Thailand followed that deployment, and then most recently a fatigue failure in the wing carrythrough structure occurred. The latest misfortune for this seemingly ill-starred plane was the crash last week of another F–111A during a training flight. Thus far, 11 F–111 aircraft have crashed with a number of fatalities.

Although there is an open question about the eventual impact of this series of unfortunate events on the total program, it seems clear that the Pentagon rushed into this production program too soon, before the design was proved adequate by normally prudent testing. This is another example of the refusal by the Pentagon to admit to problems, and to take timely corrective action on them.

THE SPIRALING COST OF THE PROGRAM

When the TFX was first dictated as a biservice project in September 1961 by Mr. McNamara, one rationale for so doing was the theoretical saving of $1 billion over the cost of two separate aircraft programs. At the time the contract was awarded in 1963, the bid price was approximately $700 million for research and development and $5.1 billion for about 1,700 production airplanes. The average production price was, therefore, about $3 million each. What happened to the cost savings that were to result from commonality? What happened to that billion dollar saving from the biservice program?

Presumably, according to Mr. McNamara's original procurement, which he and his associates repeatedly defended in Senate hearings, separate programs would cost $1 billion more for the 1,700 planes, or $6.8 billion. At that total the average cost per plane would have been about $4 million, including research and development.

It now appears that the research and development costs will at least double to $1.5 billion. Further, in 1968 the average cost of the F–111B was quoted by the Defense Department as $8 million apiece. While Pentagon officials were testifying to that figure in congressional hearings, the contractors cost information reports showed that the actual average cost would be $9.5 million each.

In 1968, the average cost of the F–111A was quoted by the Defense Department as $6.5 million apiece. This testimony in congressional hearings was being given at the same time that internal budgeting projections of the Department estimated the average cost at $9.1 million each. Although the latter figure included some spare parts, the actual airplane cost was at least $8.3 million. Fortunately for the taxpayers, the Defense Department no longer intends to buy 1,700 planes. At those prices, this would have ended up a $15 billion program, or almost triple the original estimate.

OUR MILITARY AIRCRAFT POSTURE TODAY

Including the next fiscal year, appropriations for which we are now considering, over $6 billion already is earmarked for the TFX program. The end is not in sight, however, because at least $3 to $4 billion more will be added in succeeding years if present Defense Department plans are carried to completion. What do we have to show for all the money and all the time spent on Mr. McNamara's folly? Except for the TFX, only one other tactical aircraft, the A–7 light attack jet, and no strategic bombers have been put into development in the last 8 years. At a time when the Russians are pushing full speed ahead with new planes, having shown no less than eight new models a year ago, we have been doing nothing except pour money and time into trying to make the TFX work.

Let us consider the list of planes that should now be in advanced development if a reasonably vigorous aircraft program had been pursued:

VSX: a new carrier-based antisub plane first requested by the Navy in 1966. Competition for the plane was begun this year but no contract has been let to date.

VFX: The Navy fighter to replace the F–111B. Had the F–111B been canceled in 1964 when this stop was first recommended by the Navy, this plane would be almost ready for combat now. Instead, it is in the early stages of design competition, with no contract expected until spring of 1969.

FX: A new Air Force air superiority fighter to do the fighter mission that the F–111A was supposed to be able to perform. Go ahead was first requested in 1966 but it was delayed in the Pentagon by arguments over whether to make it common with a Navy fighter. A start on this program was finally approved just this week.

AX: A turboprop replacement for the A–1 Skyraider, to be used for close support of ground troops. This has been held up for over 2 years and still has not been approved for development.

AMSA: A modern strategic bomber to replace the B–52 in SAC. This has been requested by the Air Force and funded by Congress since 1965 but still has not been started by the Defense Department.

The impact of these delays in allowing for orderly development of new aircraft means that the next administration is going to be faced with a sudden surge in aircraft development funding in the next few years. All of the five planes I have noted will have to be started—and started immediately—if we are to maintain an adequate military posture in the 1970's. Had they been phased into research and development in an orderly manner over the past 4 years, then their costs could have been spread out and they would not have to be borne in a short period of time. Had the TFX been canceled when it became apparent that it would never be able to perform its mission requirements, the money that has been wasted on this deficiently performing aircraft could have been used to develop the planes we now need.

Recovery from the effects of Mr. McNamara's obstinancy will be a major problem that the new administration must face, and the American taxpayer must face it, too, and be prepared for it. Even with an end to the war in Vietnam there will be no immediate easing of the defense burden. We are too far behind now because of the sorry record of mismanagement in the Defense Department for 8 long years. The clear effects of that mismanagement are typified by one disastrous program—TFX.

BREAD NOW COSTS MORE BREAD

Mr. McINTYRE. Mr. President, every housewife knows that the cost of a loaf of bread has risen sharply over the last few years. An article in yesterday's Wall Street Journal blames the increasing cost of bread on the high cost of distributing bread to its point of sale. According to the article, selling and distribution costs have risen by 50 percent over the last decade.

A New Hampshire inventor, Peter J. Booras, of Keene, has developed a revolutionary process that will drastically reduce the costs of producing bread. Although the costs of ingredients and actual manufacturing will decline, the largest cost cut will come in the area of distribution.

Mr. Booras' patented invention is called the endless breadloaf system, EBS for short. Whereas bread is now made by batches, as it has been for the last 5,000 years, EBS is a continuous process. It mixes the ingredients under the pressure of carbon dioxide. Eliminating fermentation time, the dough is continuously released into a confining device where it expands instantly into the shape of a breadloaf. Then a conveyor belt carries the bread into a fast-cooking electric oven for baking. The entire process takes 6 minutes, compared to the 7 hours it takes to bake a batch of bread using the traditional process.

The primary advantages of EBS are that it is a very fast process and it is a very compact process. EBS machinery takes no less than 25 percent of the space occupied by conventional bread making machinery. In fact the EBS machine is small enough to be transported on the back of a truck or sit in the back room of a large supermarket, where it could manufacture bread according to demand. This means that the machine can be very close to the point of sale, thus eliminating most of the distribution costs.

Mr. Booras has presented his revolutionary process to the Department of Defense and to the Agency for International Development at the Department of State. He feels that the speed, mobility, and economy of his process makes it valuable for supplying bread to soldiers in the field and to people in rural area.

I hope that both the Department of Defense and the Agency for International Development will carefully consider the merits of this revolutionary cost-reducing process.

I ask unanimous consent to have printed in the RECORD an article entitled "High Cost of Getting Bread to the Grocery Balloons Retail Price," published in the Wall Street Journal of recent date.

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

DISTRIBUTION DILEMMA: HIGH COST OF GETTING BREAD TO THE GROCERY BALLOONS RETAIL PRICE—FARMERS, BAKERS SAY THEY DON'T BENEFIT FROM RISE—MARKETING SETUP CRITICIZED—INGREDIENT COSTS ARE STABLE

(By Jack H. Morris)

Watson Weniger is disgruntled, disgusted and downright mad. He was offered less for his wheat crop this year than at any time since 1945, when he bought his 550 acres of prairie farmland near Kingman, Kan.

Equally upset is his wife, Reva Jo, who is appalled that bakers have been hiking bread prices throughout the country this summer. "Why at 30 cents a loaf, I can't buy four loaves of bread with what my husband gets for a bushel of wheat," she says.

Since a bushel of wheat eventually becomes 69 loaves of bread, Mr. Weniger laments, "it just seems like we get less and less and the consumer pays more and more. Farmers are worse off today than at any time since the Depression."

Widening disparity in prices between the farm and the grocery shelf helped trigger the 1966 housewives revolt against high food bills and has sparked Government investigations. Continuing consumer concern over food prices and farmer discontent over low returns are evident in this fall's political campaigns.

The gap is pronounced in the $5 billion-a-year bread-baking industry. While farm costs account for about 40% of all food prices, the farmer's share of the retail bread dollar is so small—about 15%—that if farmers gave away their wheat it would do little more than cancel out the two-cents-a-loaf price increase posted recently in such major cities as Chicago, San Francisco and Pittsburgh. In some cities, a large loaf of a major advertised brand of bread now sells for about 40 cents, up from around 32 cents in 1962.

COSTLY DISTRIBUTION

Bakers, with some justification, are blaming their latest price boosts on new wage contracts. But if rising production costs were the baker's only problem, profits would be far higher and retail prices would be substantially lower.

"It's the cost of getting bread to the consumer that's knocking hell out of our profits," says George F. Huber Jr., president of Huber's Bakery, Wilmington, Del., bakers of Sunbeam bread.

Climbing transportation costs, more elaborate packaging and increased selling and promotional expenses are putting upward pressure on the cost of marketing most consumer goods. But industry and Government studies indicate that bread is the most flagrant example of runaway marketing costs. The cost of moving a loaf of bread from the bakery to a housewife's grocery cart slightly exceeds the cost of growing the wheat, milling the flour and baking the bread.

"There has got to be a better system of distribution," says Harris J. Ashton, president of General Host Inc., New York, bakers of Bond and other brands of bread. "We can automate our plants, but damned if we can figure out a way to automate our drivers."

Consider Mr. Ashton's problem: Bond bread, like all other brands, is distributed by driver-salesmen, paid mainly by commission, who not only deliver the loaves but stack and arrange them on the grocery shelves as well. At each stop along their route, Bond salesmen must jostle for shelf space with salesmen from four or five other bakeries. They must pick up unsold loaves left from the day before, present a daily bill to the store manager and often return to the store later in the afternoon to straighten and restack the shelves. The result, many industry sources agree, has been to perpetuate a marketing system geared to the corner grocery of 40 years ago.

CUSTOMS NEED RETHINKING

"There are too many old customs in the baking industry which need rethinking—and too many questions which remain unanswered," says Mr. Ashton. A relative newcomer to the industry, he is making a comprehensive study of bread marketing "to see where we can profitably go from here."

Until now, bakers have paid little attention to distribution costs in their efforts to bolster sagging profits. Prices have been raised almost yearly, advertising outlays expanded, new plants built and old ones modernized at a heavy cost in capital and excess capacity, and companies have diversified into such areas as managing resorts (General Host) and selling candy, ham and heavy equipment (Ward Foods Inc., New York).

Under Government prodding, companies like General Host are beginning to take a look at their marketing procedures. In a report on the bread industry released earlier this year, The Federal Trade Commission warned that unless bakers can come up with ways to reduce their marketing costs, they are "destined to a declining position in the industry."

THREAT FROM SUPERMARKETS

The threat is coming from supermarket chains that bake their own bread, distribute it in trailer-truck quantities and let the stores stack the shelves themselves. For the same wages, a food chain driver can move four times as much bread as his wholesale counterpart, who drives a smaller van. As a result, private-label bread undersells the advertised brands by as much as six cents a loaf and already accounts for about 25% of all bread sold.

Supermarket inroads into bread baking have reached the point that Continental Baking Co., the industry giant and recent merger partner of International Telephone & Telegraph Co., says that its biggest customer for Wonder Bread is also its biggest competitor—Great Atlantic & Pacific Tea Co., whose private-label Jane Parker bread is said to be the nation's second largest seller. (Wonder is the top seller.)

Such competition, oddly enough, often tends to inflate marketing costs and bread prices. "Bread is one of those cases where competition actually increases costs because of the expense of building volume," says David Kaplan, past president of the Economics of Distribution Foundation, an organization jointly sponsored by the baking industry and the Teamsters Union to study the cost of getting bread to market.

Witness the pyramiding retail markups on bread as bakers scramble to keep grocers happy. Bakers, who generally set retail as well as wholesale prices, earmarked half a cent from each two-cent price increase this past summer for additional payment to retailers. This sum is on top of an average gross profit of 4.6 cents a loaf that retail stores received last year and represents a 50% increase over the retail margin of 3.4 cents of 10 years ago.

Because bakers take back stale loaves and stack the shelves, bread requires no investment and little work on the part of the average supermarket. And its turnover rate is the fastest in the store. As a result, the retailer's net profit on a loaf of bread far exceeds the 6/10 of a cent that bakers themselves averaged for their efforts last year. "Bread is one of the four or five most profitable items we carry," concedes an executive of Supermarkets General Corp., Cranford, N.J., operator of the Shop-Rite chain.

"The supermarkets control the shelf space. If we didn't give them the profit, I can guarantee you they wouldn't let us in the door," adds Mr. Ashton of General Host.

Russell J. Hug, executive vice president of Ward Foods (Tip-Top bread), says critics of the industry's distribution system "fail to understand the intense competition under which we are marketing a highly competitive and perishable product." Sales would plunge disastrously, he fears, if Ward attempted to trim delivery costs by letting supermarket clerks stack the bread racks. Mr. Hug says the supermarkets would be tempted to push their own brand, while allowing competing loaves to go stale in the back room.

COSTLY DISTRIBUTION

Distribution, of course, begins to take its toll long before bread leaves the baker's oven. Mr. Weniger, the Kansas wheat farmer, fumes because a local elevator operator paid him only $1.16 a bushel for his crop this year, about 20 cents a bushel less than grain was selling for on the Kansas City Board of Trade 250 miles away. He blames transportation costs for the lower price.

East Coast bakeries say that it costs about $1 a hundred pounds to ship flour from Kansas City to their plants. This phase of distribution is the only stage of the process where automation has made much headway. Flour is now shipped in huge 100,000-pound gondola cars at a substantial savings in freight and handling costs over the 100-pound cloth bags of the past. Yeast, milk, shortening and other bread ingredients also carry built-in marketing and distribution expenses.

But it's at the bakery that distribution costs skyrocket. The following table compiled from Government and industry statistics shows cost changes for a one-pound loaf of bread over the past 10 years:

	1958 (cents)	1968 (cents)	Increase (percent)
Ingredient costs	5.3	5.7	8
Plant costs	4.4	5.9	34
Selling and delivery costs	5.8	8.7	50

The negligible change in ingredient costs reflects the plight of the miller as well as that of the farmer. Despite higher production costs, the miller's contribution to the cost of a loaf of bread has remained at 6/10 of a cent for the past 20 years, and net profits currently average only about ¼ of 1% of sales.

In fact, ingredient costs would actually show a decline were it not for the wheat tax imposed on millers in 1963. The Federal levy, which helps underwrite the Government's price support program for wheat, amounts to 73 cents per bushel of wheat, a figure that millers and bakers translate into one cent a loaf in the price of bread.

Labor has been the prime factor in increasing plant costs this year. In a pattern-setting agreement this past summer, Chicago bakers won a 20-cent hourly wage boost to $3.34 and will get an additional 20 cents in each of the next two years. New York-area production workers last month began getting premium pay of 25 cents an hour for working Sunday, a normal work day in the industry.

Plant modernizations have successfully softened the impact of wage increases in the past. For instance, a single innovation, continuous mix equipment that has been widely adopted in recent years, increases labor productivity by 25%. "Sure we have absorbed wage increases in the past, but we're about as efficient as we can get," contends Roy M. Anderson, vice president of Continental. "If these wage patterns (the Chicago and New York contracts) are followed at all of our plants, it will cost us $15 million this year. That's more than our net earnings ($14.7 million) last year."

For every dollar bakers spend for production, however, they shell out $2.35 for their driver-salesmen. A typical routeman in the Northeast currently gets base pay of $49 a week, plus 10% commission on the wholesale value of his sales, which averages $1,200 weekly. Teamsters have just signed a new contract with bakers in Philadelphia raising the base to $59 within two years.

Bakers chafe at the spiraling cost of the commission system. For instance, the recent increase in bread prices will add $5.10 to the weekly pay envelope of the average routeman with no corresponding increase in his sales. In addition, most sales contracts are negotiated between a bakers sales office and the purchasing department of a food chain, not between the routeman and an individual grocer. Most union contracts also require that the full commission be paid even if bulk deliveries are made to a supermarket and no shelf service is performed.

"Unless some drastic changes are made in union contracts to give bakers more flexibility with commissions, the industry will never lick its distribution problems," asserts George Faunce, the current president of the economics of Distribution Foundation. The Teamster Union, the co-sponsor of the foundation, declines comment on this view.

If union opposition and the possibility of antitrust action by the Justice Department can be overcome, Mr. Ashton of General Host suggests the creation of a pooled delivery system for bread. Under his plan, all bakeries in an area would drop off large quantities of bread at a central location where orders would be put together for each store and delivered by a single carrier.

Whatever progress bakers can make in cutting marketing costs could have a substantial impact on profits and on consumer prices as well. The average American eats 92 pounds of bread a year and spends nearly 7% of his grocery budget on the staple. According to the FTC, postwar price increases for bread—not counting the latest round—have been over three times greater than the average price hike for other food products and have accounted for nearly one-fifth of the rise in grocery bills since 1945.

CONGRESS ADVANCES ALASKA'S FORTUNES IN CONSTRUCTIVE FIRST DECADE OF STATEHOOD

Mr. GRUENING. Mr. President, Alaska will have rounded out 10 years of statehood when the 90th Congress gives way to the 91st early next year. This is a report of progress made for and by the 49th State in the Congress in the past 10 eventful years.

It was foreseen and expected that one of the greatest benefits—perhaps the greatest—which Alaska would acquire with statehood would be voting representation in the Congress. This has proved to be the case. Alaska's congressional delegation has been able in the first 10 years to obtain more meaningful attention and attain more legislative goals than in all of Alaska's previous 91 years of lesser status under the American flag.

This account of 10 years of Alaska progress in the U.S. Senate is both a personal report of stewardship as one of Alaska's two U.S. Senators and a more general accounting of what the 86th through the 90th Congresses have done to advance the fortunes and development of the new State.

Never, I am certain, has so much been accomplished legislatively for any area of the United States in so short a time. The bright promise which membership in the U.S. Senate and voting representation in the House of Representatives seemed to hold for Alaska on January 3, 1959, the date statehood arrived, has been more than fulfilled.

Goals which have been attained have embraced not only the correction of many longstanding legislative discriminations against Alaska, but also the overcoming through timely and generous congressional action of two great unforeseen natural catastrophes which might have set for naught all of the progress otherwise made in the 49th State.

The destructive effects of the great Alaska earthquake of March 27, 1964—the greatest earthquake to occur in North America in measured history—and the Chena River flood which engulfed Fairbanks in August of 1967 were met and largely overcome by congressional action which was unprecedented in its scope and promptness.

Aside from the earthquake and flood legislation, probably the most important legislative actions taken on behalf of Alaska in the decade were those in connection with transition from territorialism to statehood at the very beginning of Alaska's history as a State nearly 10 years ago.

These are only the highlights of a remarkable 10-year history of accomplishment.

In the Congress just now ending—the 90th—the attainment of legislative goals has been more difficult than previously for a combination of reasons. For the first 8 years of its history as a State, Alaska enjoyed the benefits of a united, hard-working, and effective delegation, all members of whom were of the majority party. In the 90th Congress, noticeably, much legislation of benefit to Alaska has passed the U.S. Senate but has failed of enactment in the House of Representatives where Alaska's sole Representative is a member of the minority party. Unfortunately, the Congress is certain to adjourn soon with many needed improvements in the law frustrated for the reason that bills have cleared only one of the two Houses. Action will have to be begun all over again in both Houses in 1969 on these matters.

Additionally, progress has been slowed by the existence of the war in Vietnam with its drain on national resources and energies.

Highlights of legislation which has been obtained in the 90th Congress include enactment of—

First. Authorization of the $113.5 million Fairbanks flood control project now formally designated as the Chena River Reservoirs project, Fairbanks. When completed this will protect Fairbanks, Fort Wainwright, and the surrounding populated area against floods such as the devastating 1967 Chena River flood. Authorization was obtained in record time through the Senate Public Works Committee of which I am a member, after Senator JENNINGS RANDOLPH, chairman of the committee, assigned me to lead a special investigating team to the flood scene soon after the floodwater had subsided. The National Bureau of Standards cooperated effectively in assisting Fairbanks property owners in minimizing losses from water damage (Public Law 90-483).

Second. Assumption by the Federal Government of the cost of repairs and rehabilitation undertaken on the Eklutna hydroelectric power project following the Alaska earthquake, with the effect that these costs, totaling $2,805,437, will not be borne by purchasers of electricity in the Anchorage and Matanuska Valley areas (Public Law 90–523).

Third. Authority voted to dispose of the Alaska communications system to a private communications operator. Negotiations are now in progress toward that end (Public Law 90–135).

Fourth. A measure, of which I was the author, which will extend the term of Federal grazing leases on public lands from the previous 20 years to a new maximum of 55 years, with rights of renewal. This new act—Public Law 90–403—contains numerous other improvements in the administration of grazing leases. While the application of this law is nationwide, its principal benefit will accrue in Alaska where large areas on the Alaska Peninsula and in the Aleutian Islands particularly beckon a developing livestock industry.

Fifth. An increase from $17,500 to $25,000 in the loan limit under the Veterans' Administration home financing program in Alaska and other high cost areas. This change resulted from an amendment which I offered on the floor of the Senate during consideration of veterans legislation—Public Law 90–77. My amendment would have raised the loan limit to $30,000, but it was reduced to $25,000 by the opposition of the House conferees.

Sixth. Extension of Federal scholarships for natives to sectarian as well as nonsectarian institutions of higher learning, which makes possible Federal assistance to Indians, Eskimos, and Aleut pupils in Alaska, who wish to attend Alaska Methodist University and Sheldon Jackson Junior College, as well as the University of Alaska. I was the principal sponsor of this desirable change (Public Law 90–280).

Seventh. Appropriation of the first $1,000,000 increment in the Alaska native housing program which was sponsored by my colleague, Senator E. L. "Bob" Bartlett.

Eighth. Adjustment to a monthly rather than a quarterly basis of educational assistance for veterans enrolled in flight training programs—S. 3476 now in conference.

Ninth. Inclusion at my instance of a study of Alaska gold rush trails in legislation establishing a nationwide system of scenic trails—Public Law 90–543.

Tenth. Increase to a $100,000 minimum annual allotment per State for education of handicapped children—Public Law 90–247.

Eleventh. Extension to National Guard technicians of the same retirement, group life and health insurance, and other fringe benefits provided all other Federal employees. This occurred when Congress incorporated my bill, S. 1019, in the National Guard Technicians Retirement Act of 1968. The law provides coverage only for those who are participants in the National Guard as of January 1, 1968—Public Law 90–486.

Twelfth. Passage after many years of determined effort of the truth-in-lending program to which my former colleague, Senator Paul Douglas of Illinois, had devoted much of his effort while a Member of Congress—Public Law 90–321.

Simply to list all of the meaningful legislative action which has been accomplished for Alaska since the convening of the 86th Congress in January of 1959 will require considerable time and space.

Without embellishment here is that remarkable record of progress made for the 49th State.

The passage of the Alaska Omnibus Act of 1959 was the first solid accomplishment of the Alaska congressional delegation consisting of Senators E. L. "Bob" Bartlett and Ernest Gruening and Representative Ralph J. Rivers, who were elected by the people of Alaska in 1958. The Omnibus Act, which was put together painstakingly with the assistance of numerous of the executive agencies, but principally through the good offices of the Bureau of the Budget, completed the statutory transition of Alaska to full fledged statehood as an equal partner of the other States of the Union. The omnibus act dealt with literally hundreds of legislative loose ends which had not been handled in the Alaska Statehood Act of the previous Congress. It amended numerous grant-in-aid statutes to bring Alaska forward to a position of equality with her sister States. It transferred to Alaska many previously Federal functions and many items of Federal property which became property of the new State useful in meeting Alaska's responsibilities of self-government. Perhaps the most valuable possessions transferred under terms of the Omnibus Act were the Anchorage and Fairbanks international airports, while the most important transfer of administrative authority was that of jurisdiction over fish and wildlife within Alaska which was made effective January 1, 1960. The Omnibus Act also authorized transitional grants totaling $28.5 million to the new State to enable it to pick up in an orderly way the responsibilities of self-government in an area where virtually all of the property and resources were not only controlled but actually owned by the Federal Government.

In the important field of resource management, legislative accomplishments in the early years of statehood included increases in the totals of allowable coal lease acreage and oil lease acreage from previous arbitrary restrictive levels. Single lessees were permitted to increase coal leases from 2,560 to 10,240 acres with an additional 5,120 acres discretionary to the leasing authority. The oil lease maximum was increased to 600,000 acres.

Numerous improvements were obtained in the land laws. The State of Alaska was given 5 additional years in which to select, under the statehood land grants, lands which were under Federal lease. A commission was established to investigate the land and water resources of Alaska. The important Public Land Law Review Commission was created to propose future basic changes in land legislation.

After a great deal of difficulty and the overcoming of persistent administration objections, homesteaders on the Kenai Peninsula were given certain advantages in obtaining oil and gas rights previously denied them. Owners of land in the Big Delta and Tok areas were given authority to acquire isolated parcels of property which had been withdrawn previously in excessive highway rights-of-way. The University of Alaska was granted an easier method of disposal of previously selected lands. Land withdrawals for military purposes which had previously been made without limitation were curbed by the Congress so that such withdrawals were limited to 5,000 acres except with congressional consent.

Townsite bills were sponsored successfully for Barrow and Wainwright.

A private bill, which had important public connotations, was introduced and eventually passed to convey the homestead of William Beltz, the Eskimo who served as the first president of the Alaska State Senate, to his family after his untimely death.

Among basic Federal legislation which was liberalized as far as its benefits to Alaska are concerned was the Federal Airport Aid Act. Alaska and Hawaii were admitted for the first time in 1959 to the use of discretionary funds. In addition, the regular apportionment for Alaska was increased from $1,350,000 to $4,000,000 per year.

One of my major efforts which was finally crowned with success was the obtaining of additional special Federal highway money for Alaska where so much catching up needs to be done in order to bring our ground transportation system up to standard. A $400,000 engineering and planning study for which Federal funds were obtained resulted eventually in the adoption of a program under which $14 million will be provided annually for highway construction and maintenance in Alaska over a period of 5 years.

Alaska benefited from legislation revising the formula for Federal-aid highway matching to take into account federally withdrawn lands other than national parks, national forests, and national monuments. State of Alaska matching in the first year in which this new formula became effective was reduced from $5,940,877 to $1,963,725.

Important studies for which we were able to obtain Federal funding support involved the Knik Arm and Turnagain Arm proposed causeways. The first of these major crossings, that across Turnagain Arm, is now in the engineering stage.

Early in the history of the Alaska delegation's work in the Congress came a successful effort to extend the life of the Alaska Rail and Highway Commission. Some of its recommendations are only now beginning to be carried into effect.

Success was achieved for the first time in the field of obtaining funds for construction of roads in Alaska on an Indian reservation when money was obtained for highway construction on Annette Island.

Many improvements have been obtained in water transportation arrange-

ments to and within Alaska. A waiver of the Jones Act to permit the use of Canadian vessels in transporting passengers and freight between Alaska communities was obtained. An amendment relative to dual rates, when offered by the Alaska Senators, succeeded in voluntary reduction of freight charges between the Orient and Alaska by the Trans-Pacific Conference.

Similarly efforts succeeded in getting the transcontinental rail carriers to adjust export rates so that freight carried across the country to West Coast ports was not charged at a higher rate when Alaska was the destination than when overseas points were involved.

A difficult and closely contested decision was won to obtain financing for operation of a new Bureau of Indian Affairs freightship, the *North Star III*, on runs to supply native villages on the Bering Sea and the Arctic Ocean.

In this Congress, the Senate has passed but the House has not yet approved legislation which I sponsored that would permit the use of Canadian ferries in coordination with movement of freight by the State of Alaska. This could substantially reduce freight costs to southeastern Alaska.

Legislation authorizing grandfather rights for Alaska motor and inland water carriers was obtained in the first year of statehood.

Although Alaska has rich undeveloped hydroelectric power resources, Federal programs for their harnessing did not exist prior to statehood except for the single Eklutna project between Anchorage and Palmer. The Congress has responded to efforts of the Alaska delegation subsequently in removing a previous $250,000 limitation on reclamation investigations in the State of Alaska.

The major hydroelectric power investigation which has been made in the first 10 years of statehood has been that involving the Rampart project on the Yukon River. Over a veto of then President Eisenhower, the Alaska delegation obtained the first appropriation to begin the study of Rampart, which is described as the largest low-cost hydroelectric power project left on the North American continent. The Rampart report, now nearing completion, is awaiting a more favorable time when the end of wars and foreign adventures will once more make it possible to proceed with major developments at home.

Now under construction as a result of an authorization in the 87th Congress and subsequent appropriations obtained by the Alaska congressional delegation is the Crater-Long Lakes division of the Snettisham hydroelectric power project near Juneau. This will furnish relatively low-cost power to Alaska's capital city area and will facilitate successful operation there of a large pulpmill and related forest industry operations.

A hydroelectric project at Bradley Lake on the Kenai Peninsula has also been authorized for construction. Under the Rural Electrification Administration program major power production has been brought into being at Cooper Lake, Bernice Lake, the Beluga gasfields, and the Healy River coalfields. REA cooperatives have greatly increased service to customers throughout Alaska.

Power studies are now being made under legislative authority voted by the Congress at Lake Grace and Takatz Creek.

Future development of a comprehensive Alaska electric power program will be facilitated by the recent creation of the Alaska Power Administration.

Utilities service of a kind unique under the flag is provided in the form of natural gas which is delivered to Eskimos at Barrow from a well which was drilled in the naval petroleum reserve under legislation obtained by the Alaska congressional delegation.

A highly successful program of river and harbor development which was stimulated by the kind of legislative muscle which came with statehood has brought new small boat harbors, navigation improvements, flood control, and erosion protection to many Alaska communities.

Alaska projects completed by the Corps of Engineers since 1959 include new, expanded or improved small boat harbors at Cordova, Dillingham, Douglas, Homer, Hoonah, Hydaburg, Juneau, Kake, King Cove, Kodiak, Metlakatla, Naknek, Ninilchik, Petersburg, Sand Point, Seldovia, Seward, Sitka, and Valdez.

Navigation projects have been completed or instituted at Dry Pass, Gastineau Channel, Neva and Olga Straits, Rocky Pass, Wrangell Narrows, the Naknek River, Kobuk River, Stikine River, Dry Straits, Auke Bay, Turn Point, and Sergius and Whitestone Narrows. Major harbors have been built, dredged, or maintained at Nome and Anchorage. Flood control projects have been undertaken in Gold Creek, the Knik River, at Nenana, Ketchikan Creek, Skagway River, Clarks Point, Bethel, Fort Yukon, Cape Nome, and Dillingham. Beach erosion protection has been undertaken at Kachemak Bay.

Efforts by the Alaska delegation to require by statute that first-class mail between the other States and Alaska be carried by air resulted in a discretionary decision by the Post Office Department to institute this policy. Transportation of other classes of mail over the Alaska Highway, with a large saving in time over previous water transportation, was instituted. Legislation was obtained to restore prestatehood size and weight limitations on fourth-class mail carried to and from Alaska.

New post offices to improve service to patrons in Alaska have been established since statehood at Dot Lake, Kotlik, Buckland, New Stuyahok, Eagle River, Russian Mission, Halibut Cove, Napakiak, Arctic Village, Chefornak, Eielson Air Force Base, Fort Wainwright, Kasigluk, Knudson Cove, Lower Kalskag, Manokatok, Myers Chuck, Nunaka Valley, Paxson, Togiak, Tuntutuliak, Wildwood, Ambler, Brevig Mission, Chignik Lagoon, and Grayling.

The major Federal building construction project of the 10 years was a structure which I obtained—the new $13 million Juneau Federal building. Other Post Office or Federal buildings have been built at Kenai, King Salmon, Spenard, College, Valdez, Eastchester, and airport annexes at the Anchorage and Fairbanks International Airports.

I was the first to introduce legislation which was subsequently enacted to extend fisheries protection to a distance of 12 miles from shore; other steps have been taken to keep Japanese and Russian fishing fleets which operate off of Alaska within reasonable bounds. A timely investigation by my Foreign Aid Expenditures Subcommittee prevented an announced plan which would have permitted Korean fishing vessels to move into Alaska waters. I was the sponsor of establishment of a commercial fisheries rehabilitation program administered by the several States.

In 1961, after overzealous Federal officials had attempted to deprive Eskimo residents of their firearms for taking ducks and geese for food during the spring season when other game is unavailable, I intervened successfully to discourage this crackdown. Numerous Eskimo citizens of Alaska had been arrested for doing what they had always done in taking a few birds to keep their families from starving to death in what was under the strict interpretation of international migratory waterfowl regulations a closed season. Neither the resource nor the Eskimo has suffered any ill effects since my action.

Through legislation which I sponsored successfully, medical care has been furnished by the U.S. Public Health Service to commercial fishermen on classes of vessels not previously covered.

This year as a result of my protests to the Civil Service Commission, Public Health Service nurses serving in Alaska received special pay increases which had been extended to all PHS nurses in the rest of the United States but had been denied nurses in Alaska.

Agriculture in Alaska was assisted measurably when efforts were successful to require purchase of fresh grade "A" Alaska milk for troops stationed in Alaska. Previously servicemen were being served reconstituted grade "C" milk.

Legislation which I sponsored or modified resulted in the establishment of a forestry research laboratory in the Fairbanks area and a water pollution control laboratory on the campus of the University of Alaska.

One of Alaska's basic resources consists of rich mineralization. The mining industry has, however, been in the doldrums. By virtue of my membership on the Senate Interior and Insular Affairs Committee, I became in 1963 chairman of the Subcommittee on Minerals, Materials, and Fuels.

Two years ago I was able to persuade the top officials concerned with mining in the Federal executive agencies to accompany me on a trip to Alaska to determine what needs to be done to make mining once more an active industry in the 49th State. The Assistant Secretary of the Interior for Mineral Resources, the Director of the Bureau of Mines, and the Director of the Geological Survey joined me in comparing mining activity in Alaska and that in adjoining areas of the Yukon Territory and British Columbia where conditions and mineralization are

similar. The much greater degree of activity in Canada—seven times that of Alaska in the comparable area—indicates that we need incentives and enlightened Government investigation and research activities. Through new offshore mining techniques and the heavy minerals program which have been instituted subsequently, promising new opportunities for mining in Alaska have been uncovered.

In 1966 I was successful in obtaining enactment of what has been described as the most significant legislation in aid of mining in the last 20 years. This permits unlimited deduction for tax purposes on mining exploration which previously had been limited to $200,000 per year or $400,000 in all.

A sadly deprived segment of our population, not only in Alaska but nationally, consists of Indians and other natives. Ever since I came to the Senate I have been urging the settlement of long-standing native land claims. The Secretary of the Interior at my urging finally submitted in 1967 the draft of a bill to accomplish this purpose. Although I introduced it, it left much to be desired and it was soon superseded by a bill which I also introduced which was drafted by native groups who at that time proposed that the whole matter be settled in the Court of Claims.

When an improved and more widely acceptable solution was worked up by a task force consisting of representatives of native groups and officials designated by the Governor of Alaska, I introduced that bill in January of 1968. Hearings followed at Anchorage in February before the Senate Interior and Insular Affairs Committee. After the Secretary of the Interior repudiated the task force settlement formula which he had earlier at least by inference endorsed, Senator HENRY M. JACKSON, chairman of the Interior Committee, introduced, by request, the Secretary's proposed legislation. Hearings were held in Washington on both the Senate and House sides in July. It is obvious there is still a long road which must be traveled by the Alaska native land claims legislation before it is enacted by the Congress. I hope for meaningful action in 1969.

Some gains for natives have been made since statehood. A program of constructing sanitation facilities on Indian reservations was extended by means of legislation which I sponsored to native villages in Alaska. The Indian revolving loan fund was increased. Administration of the Pribilof Islands was completely revised and modernized. More Indian, Eskimo, and Aleut pupils than ever before are receiving high school and vocational educations at Mount Edgecumbe, Wrangell Institute, and in the first of a series of regional high schools constructed by the State of Alaska with dormitory facilities provided by the Bureau of Indian Affairs. Legislation sponsored successfully by the Alaska congressional delegation amended the Tlingit-Haida Claims Act to authorize the preparation of a roll and to permit partial per capita distribution of the award which is to be made by the Court of Claims for taking of Indian lands and resources in southeastern Alaska.

Improvement in education for all citizens has been one of my consuming goals during my career in the Senate. Great strides have been made nationally in providing Federal assistance to elementary and secondary education and to higher education and vocational education. Special formulas for Alaska have been necessary to make some of this legislation meaningful in our State. Loans have become available to higher education students under the National Defense Education Act. The Library Services Act has provided related services in Alaska as elsewhere. Almost every school district in Alaska as well as the State system of education itself has benefited from Public Laws 815 and 874 which have provided assistance for construction—$14.5 million—and operation—$102.7 million—respectively in areas affected by the impact of Federal programs.

Educational television has begun to have some influence in Alaska under a federally financed program.

A special program which I am proud to have played a part in instituting has made possible the training of Alaska natives as electronic technicians for employment on the White Alice communications system, the DEW line, and the BMEWS facility at Clear.

The challenge which faced the Alaska delegation when the Alaska earthquake and related sea waves suddenly destroyed numerous communities in south-central Alaska in 1964 has been mentioned. Under the legislative program which was achieved in the wake of this great natural disaster, the Federal Government has extended assistance totaling more than $350 million to Alaska communities, programs and individuals. Among the ingredients were $23.5 million in additional transitional grants to the State of Alaska, adjustment of indebtedness by Federal Housing Administration, Farmers Home Administration, and Rural Electrification Administration borrowers, extensive urban renewal to rehabilitate large areas at a favorable 90–10 matching ratio, mortgage relief for homeowners whose properties were destroyed or extensively damaged, HHFA insured marketing for $25 million in State bonds, modification by the Corps of Engineers of previously authorized civil work programs, extensive rebuilding at Federal expense of publicly owned non-Federal facilities and the extension to thousands of borrowers of Small Business Administration disaster loans at low-interest rates over a 30-year period.

Similar, although not quite such generous, treatment was given by the SBA following the Fairbanks flood last year.

These programs have enabled the communities of Anchorage, Fairbanks, Valdez, Cordova, Seward, Kodiak, Seldovia, and Homer to rebuild and recover following these two unprecedented natural disasters.

Considerable improvements have been obtained, always as a result of really major efforts in Congress, in tourist and visitor facilities in the Alaska national parks, national monuments, and forests. I was successful in getting the National Park Service to construct attractive visitor facilities in Glacier Bay National Monument for management by a concessionaire. This was a reversal—the first of existing, long established policy. An increase in these facilities is now needed and merited.

In Katmai National Monument I was able to obtain an appropriation for construction of a rough 21-mile Jeep trail which permits visitors to see the Valley of 10,000 Smokes. A footbridge across the McKinley River and action toward construction of a second hotel at or near Wonder Lake are improvements I have been able to stimulate for Mt. McKinley National Park.

The National Park Service is now working on a suggestion by me for establishment of a national parkway which would lead from Cordova through Chitina into the spectacular Chitina Valley, which I believe is probably the most scenic part of North America. I have been seeking action by the Park Service to preserve the Erskine House at Kodiak and from the Forest Service to install visitor facilities which would enable skiers to use some of the high country around Mendenhall Glacier and elsewhere for winter sports.

As the Alaska centennial approached in 1967, the Alaska congressional delegation was successful in obtaining first a federally financed study of what the Federal participation should be in this historic event and finally the appropriation of $4.6 million to construct throughout the State projects of lasting value commemorating 100 years of the history of Alaska under the American flag.

Some 30 communities have as a result been left a heritage of parks, museums, theaters, and the like. These have included the main Alaska, 1967 Centennial Center at Fairbanks, community centers at Cordova, Ketchikan, Nome, Point Hope, Savoonga, Seward, Sitka, Wrangell, and Valdez; native arts and crafts centers at Bethel and Gambell; restoration of historic sites at Fort Yukon, Kenai, and Ninilchik; theaters or amphitheaters at Haines and Kodiak which also obtained an aquarium; museums at Homer, Juneau, Kotzebue, and Anchorage; camp grounds at Fairbanks, Homer, Kasiloff, Matanuska-Susitna, and Seldovia; a monument and park at Petersburg; totem pole parks at Hydaburg and Klawock; a youth center at Barrow; outpatient center at Skagway; trailer park and picnic area at Soldotna; recreation road at Tustumena Lake; and a variety of projects including a native cultural exhibit, performing arts center, camper park, historical park and information center at Anchorage.

In miscellaneous important legislative efforts, we succeeded in obtaining a second Federal judge for Alaska, authorized periodic Alaska cost-of-living studies by the Bureau of Labor Statistics, raised per diem payments for Federal employees traveling in Alaska, obtained authority for transportation of motor vehicles of transferred employees, cosponsored and aided in passing in the Senate a Federal employees bill of rights which would free them from undue harassment, relieved Alaska railroad employees of the necessity to refund erroneous overpayments of wages and obtained statutory authorization for the Federal Field Committee for Development Planning in Alaska.

The Alaska delegation successfully opposed a plan of the Civil Service Commission to terminate payment of cost-of-living allowances to classified Federal employees in Alaska.

After some 48 homes near Anchorage were found to have been constructed to faulty standards even though they had FHA insured mortgages, I managed to obtain repairs and upgrading at the expense of the contractor. Later I sponsored successfully legislation to give meaning to the term "FHA-Insured."

Numerous offices of the Federal executive agencies which before statehood had attempted to administer affairs in Alaska from afar have been moved to Alaska as result of efforts by the delegation. The Internal Revenue Service moved its Alaska office from Tacoma to Anchorage. The Department of Commerce has established a field service office in Anchorage. The Farmers Home Administration has opened offices at Fairbanks, Palmer, and Soldotna. The program of this agency has increased from a level of $131,708 in 1959 to $2.5 million in 1967. The Bureau of Land Management has also tripled its annual expenditures in the State as has the Social Security Administration.

Indebtedness incurred by numerous Alaska communities under the Alaska public works program of the 1950's has been forgiven or compromised.

In addition to these programs of specific application to problems in Alaska, the Congresses in which I have served have, of course, enacted a broad spectrum of legislation which has benefited Alaska along with the rest of the Nation.

Vast improvements have come in the fields of housing, civil rights, medicare, social security, reorganization of the Federal Maritime Board, area redevelopment and economic development, community facilities loans and grants, air and water pollution control, increases in the minimum wage, manpower development and training, accelerated public works, billboard control and highway beautification, reductions in the air transportation tax and other excise taxes, extension of health insurance to retired civil servants, immigration reform, military and civilian pay raises, the poverty program, and consumer protection measures.

I have been especially proud of the work I have been able to do to benefit veterans. I was a cosponsor of legislation which was finally enacted in the form of the Cold War GI bill. The Congress also acted to provide hospitalization in private hospitals in Hawaii and Alaska for veterans with nonservice connected disabilities, there being no Veterans' Administration hospitals in those States. Another bill of which I was a cosponsor provided an additional year in which veterans could apply for national life insurance. Increased dependency and indemnity payments have been made to widows, parents, and children of veterans.

The era in which I have served in the Congress has also been notable for many advances in preservation of great natural heritages in the form of shorelines, dunes, the redwoods, canyonlands, and other national parks and monuments. As the original sponsor of legislation which resulted in the establishment of the National Foundation on the Arts and the Humanities, I am proud of the auspicious though admittedly modest start which has been made in the way of Federal encouragement in these important fields of endeavor.

In addition to my service as chairman of the Subcommittee on Minerals, Materials, and Fuels, I have headed two other important subcommittees.

Recently as chairman of the Subcommittee on Economic Development of the Public Works Committee, I conducted a series of hearings in Alaska on economic problems. These were designed to indicate how the Economic Development and Public Works Act should be amended so that its effectiveness could be improved. The use of unutilized Federal facilities at Whittier for family education, job training, and educational enrichment programs for deprived Alaskans was one of the proposals which emerged from these hearings. It was also proposed that the State of Alaska might establish an investment fund for loans to businesses, education, housing, and the construction of sewer and water facilities out of oil revenues.

My Subcommittee on Foreign Aid Expenditures of the Government Operations Committee has investigated the foreign aid program in various parts of the world, including the Middle East and South America. It has also done important work in the publicizing and finding solutions for the desperate problems connected with the worldwide population explosion greatly outdistancing our food production and environment for quality life on this planet.

The achievement of this subcommittee which I believe will be of the greatest lasting benefit in Alaska will be its locating and obtaining surplus equipment and material for use in native villages in Alaska. Particular requirements such as two 500-kilowatt generators for Hoonah and a 100-kilowatt generator for Angoon were met from such sources. A wide ranging program which will deliver much usable surplus equipment including boats, electric diesel generators, trucks, bulldozers, graders, cranes, and refrigeration vans to Alaska villages where such equipment is desperately needed is now underway.

Many of the things which a U.S. Senator finds himself able to do are only indirectly related to legislation. I have been happy to assist literally thousands of Alaskans in their problems of all kinds with the Federal Government. Recently I was instrumental in obtaining a deferment of many months and eventual scaling down of rent increases which were sought by the Federal Government for housing occupied by employees at Mount Edgecumbe and in other places in Alaska.

Through the years I have been able to bring about the naming of mountains in Alaska for deserving recipients. Among these names firmly attached to the landscape are Mount Neuberger, named for the late Senator from Oregon, who proved to be such a devoted friend of Alaska; Mounts Orville and Wilbur, for the Wright Brothers, without whose invention of the airplane it seems hardly conceivable that Alaska could exist today, and Mount Billy Mitchell, named only this year for that apostle of airpower, whose early career was spent as an Army lieutenant stringing telegraph wires from the Yukon in the Alaska interior to the Pacific Coast, and contributing mightly to the opening up of Alaska.

The above is a continuing record of the opening up of Alaska during the last 10 years, opening it up to opportunity, opening it up to the fulfillment of the aspirations of our fellow Alaskans and to others joining us in the great adventure of building in America's furthest north and west, a hopefully fine example of the American idea and purpose.

DISCRIMINATION AGAINST THE GREAT LAKES

Mr. HART. Mr. President, for some time, now, the Great Lakes have been deprived of their fair share of military cargo shipping. Shipments of military cargo via the Great Lakes and the St. Lawrence Seaway are vital to the economic growth and prosperity of our region.

The Great Lakes Conference of Senators, of which the Senator from Wisconsin [Mr. PROXMIRE] is the chairman, and I am the vice chairman, has been active in attempting to secure military cargo for the lakes. As conference chairman, Senator PROXMIRE several months ago learned that cost-allocation policies imposed by the Pentagon were responsible for the low level of military cargo shipping. The Defense Department had been loading its indirect costs strictly on the basis of the amount of tonnage handled by a given port: the greater the tonnage, the smaller the charge. With very little military tonnage coming through the Great Lakes—with most of it going overland by rail to east coast ports—the Pentagon's cost-allocation policies resulted in artificially inflated expenses for shipping via the Great Lakes. The result was that almost all of the military equipment manufactured in the Middle West was routed through the east and gulf coast ports, and the lakes were bypassed entirely.

Senator PROXMIRE, on behalf of the conference, focused public attention upon these practices, and forced a change in the Pentagon's policies. A significant start has been made toward eliminating the gross discrimination against America's "fourth seacoast," and military cargo should soon begin flowing through our ports once more.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the September 1968 issue of the AFL–CIO Maritime magazine, which documents the full story of the conference's battle against discriminatory cost-allocation policies. The article is entitled "Discrimination on the Great Lakes."

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

DISCRIMINATION ON THE GREAT LAKES

Bowing to criticism from Senator William Proxmire of Wisconsin, the Defense Department has agreed to modify one of its long-standing policies which has discriminated against shipping on the Great Lakes.

But, the Senator has declared pointedly, the Pentagon continues to pursue other policies which work to the detriment of ports on America's "fourth seacoast." Proxmire, in his capacity as chairman of the Great Lakes Conference of Senators, has vowed to continue his fight to win fair and equitable treatment for Great Lakes shipping.

For years, the full development of the shipping potential on the Great Lakes has been hamstrung by two deeply ingrained attitudes of Pentagon bureaucrats:

A system of figuring terminal costs in such a way as to block effective use of Lakes ports for the handling of military cargo shipments.

A "double standard" under which the Defense Department chooses East Coast ports, in preference to those on the Lakes, for shipping military supplies—even military supplies originating virtually on the shores of the Great Lakes.

Proxmire charged that there was "discrimination" in the Pentagon's system of figuring shipping costs. He said the discrimination stemmed, in part, from a device known as the "indirect terminal cargo expense," which was, according to Proxmire, responsible for keeping terminal costs at Lakes ports at an "artificially high level."

The Defense Department arrived at the so-called indirect terminal cargo expense by dividing the maintenance cost for a military facility at a port by the total cargo workload.

For example, if it cost $250 thousand a year to maintain a port military facility, and if the total cargo workload was 250 thousand tons, the indirect terminal cargo expense would be a dollar per ton, added to the cost of moving goods through that port.

The result of that added burden, according to Proxmire, was that ports with relatively light military shipping, such as those on the Great Lakes, were assigned an expense of $1.30 per ton. By contrast, a port like Baltimore, which does a high volume of military shipping, had an expense of only 18 cents a ton.

The Great Lakes, Proxmire said, found themselves "in a dilemma" from which they were "powerless to extricate themselves." He likened their situation to a "chicken-and-egg predicament."

The situation was, the Senator said, that American-flag lines were refusing to compete for military shipping on the Great Lakes as long as the costs remained high. The costs remained high, he continued, because of the artificial device used by the Pentagon. This, in turn, had the effect of holding down shipping at Great Lakes ports.

In reporting that the Pentagon had budged slightly from its past position, the Senator said that V. F. Caputo, director of Defense Transportation and Warehousing Policy, has assured him that the policy has been changed and the indirect terminal cargo expense will no longer be used.

Concerning the use of a "double standard," the Senator stated that the Defense Department has as yet taken no action to correct its method of selecting East Coast ports for shipping military goods.

"For years," Proxmire said, "we have been told by the Pentagon that it prefers not to ship its cargo through the St. Lawrence Seaway out of Great Lakes ports unless American-flag lines are available to carry the shipment. We have been told that Defense Department policy calls for tight restrictions on the use of foreign-flag vessels to carry this cargo."

However, Proxmire charged, foreign-flag vessels are being used by the government to ship military cargo out of East Coast Ports.

"In other words," he stated, "the Pentagon is refusing to make use of immediately adjacent ports on the Great Lakes, on the grounds that foreign-flag carriers could not be used, while at the same time shipping goods overland to Baltimore and other East Coast ports, forgetting about restrictions and loading the goods onto foreign ships there."

Proxmire went on to cite two recent examples of the Pentagon's disregard for its own rules. In Baltimore, he noted, shipments of jeeps and trucks were booked onto the *Comet Victory* and the *Avis Ornis*, two ships flying foreign flags.

"To make it worse," he said, "the jeeps and trucks without doubt were manufactured in the Midwest."

By shipping goods overland from the Midwest, then ignoring its own restrictions and loading the goods onto foreign-flag carriers in Eastern ports, the Defense Department is using a "double standard," Proxmire declared. He maintained that the Lakes ports are "every bit as capable of handling military cargoes as East Coast outlets." He added that they could "often do so more cheaply" than Eastern ports.

That is particularly the case, the Senator said, "when the cargo is produced in the Great Lakes region." Proxmire stated that there was a "definite preferential pattern" in favor of East Coast ports and against Lakes ports.

"I have called upon the Pentagon to restudy and revise its shipping policies so that a fairer system can be put into effect," he said.

Moreover, he pledged to keep up his campaign on behalf of Great Lakes ports, until, he stated, "the entire pattern of discrimination" against Great Lakes shipping is put to an end.

"The Lakes must and will," Proxmire declared, "receive the full share of the business to which they are entitled."

RAYMOND NASHER AN OUTSTANDING CHOICE

Mr. YARBOROUGH. Mr. President, earlier this week President Johnson nominated an outstanding Texan, Raymond D. Nasher, of Dallas, to serve as an alternate representative for the United States to the 23d session of the General Assembly of the United Nations, being held in New York. It was a brilliant appointment.

Ray Nasher has a broad and varied background in business, civic and cultural affairs, and has offered his talents to his country on several other occasions.

During the past 3 years he has served as executive director of the White House Conference on International Cooperation, as a consultant to the State Department, a member of the Committee on International Cooperation, a member of a Federal advisory committee on urban affairs, member of the President's Committee on Urban Housing and as a member of the United States-German Cooperative Delegation.

In spite of these many duties and his work as president of a growing real estate development, and banking firm in Dallas, Raymond Nasher has taken time to serve his community further. He is active in the United Nations Association, the Dallas Council of World Affairs, the American Jewish Committee and many other organizations.

In summation, the President has chosen a devoted family man, a successful businessman, a leader in the activities of his city and his religious faith, and a man of no small experience in the affairs of his Nation. President Johnson has made an excellent appointment in Raymond Nasher.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

The PRESIDING OFFICER. The hour of 12 o'clock having arrived, under the unanimous-consent agreement, the Chair lays before the Senate the unfinished business, which will be stated.

The BILL CLERK. A bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

The clerk will state the first committee amendment.

The legislative clerk read as follows:

On page 2, line 10, after the word "elsewhere", strike out "$8,056,000,000" and insert "$8,000,000,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The legislative clerk read as follows:

On page 3, line 10, after the word "cadets", strike out "$5,710,000,000" and insert $5,680,000,000".

Mr. CLARK. Mr. President, having conferred with the Senator from Georgia, I ask unanimous consent that I may proceed with my remaining amendments before the committee amendments are acted upon.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. METCALF. Mr. President, will the Senator yield to me for the purpose of submitting a conference report which will take only 2 or 3 minutes?

Mr. CLARK. I shall be happy to do so, with the unanimous-consent understanding that the time will not be taken from my time.

Mr. RUSSELL. I will share the division of time with the Senator.

Mr. CLARK. I have only 10 minutes.

Mr. RUSSELL. The Senator from Montana said it would take 3 minutes.

Mr. CLARK. I ask unanimous consent that the time to be used by the Senator from Montana not be charged against my time.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I shall not object—I wonder whether the Senator would put that in a time frame—4 or 5 minutes.

Mr. CLARK. Let me ask the Senator from Montana whether he thinks he can do this in 5 minutes.

Mr. METCALF. I have been waiting for approximately an hour. I thought the Senators on the other side of the aisle

were on the floor. I am now informed that they are not in the Chamber, so I withdraw my request.

Mr. RUSSELL. I want the Senator to understand that I have no objection, if we can get a time limitation.

AMENDMENT NO. 1011

Mr. CLARK. Mr. President, I call up my amendment No. 1011, and I ask that the first six lines be read. I intend to modify the amendment, in order to avoid a point of order.

The PRESIDING OFFICER. The first six lines of the amendment will be stated.

The bill clerk read as follows:

On page 5, after line 23, add the following:

"LIMITATION ON APPROPRIATIONS FOR MILITARY PERSONNEL

"Notwithstanding any other provision of this title, the aggregate amount of all appropriations made in this title is hereby reduced by a sum equal to 10 per centum of such aggregate amount."

Mr. CLARK. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, I yield myself such time as I may require.

The purpose of this amendment is to cut back the appropriations in title I for military personnel by the amount of 10 percent of the total appropriation, which would be a saving of slightly in excess of $2 billion. Sums totaling a minimum of $4.2 billion, in my judgment, could be saved by paring back from the personnel elements of all services. For each of the services, cuts ranging from 10 to 20 percent could be made without impairing the effectiveness of the Armed Forces. But in order to be well on the safe side, I have limited the amount which would be cut by this amendment to the 10-percent figure.

Anybody who has ever been in the service—and I spent 4 years in it during World War II—is aware of the tremendous waste of manpower in all branches of the services, the vast number of support troops who sit around with little or nothing to do. Beyond that, there are tremendous overlapping areas even in functions that keep people busy. By sensible organization, massive cuts could be made in the support area, and we would have a better and more streamlined force.

Of the total Army strength of 1,550,000, approximately 360,000 are in combat units, 110,000 are transients, and 1,080,000 are in additional support roles beyond those already provided in the combat units. Let it be noted that very significant and substantial support roles are incorporated within the divisions which are the combat units. The Army should not be allowed to carry this large transient category, but should have the transient category taken out of its hide, the way a corporation in like circumstances would do. Elimination of the transient figure plus a 10-percent cut in support would yield a reduction of 218,000 troops in the Army alone, which would constitute savings of almost $2.2 billion.

I point out that I am not asking for that entire amount, because I wish to be conservative.

So far as the Navy is concerned, it lists a total strength of 775,000, of whom only 335,000 are assigned to combat units, vessels, or air wings, 50,000 transients, and 395,000 in support. A reduction of 90,000 including, as a minimum, the elimination of the transient category and a 10-percent cut in support, would mean cost savings of $900 million.

So far as the Air Force is concerned, out of the total strength of 900,000, the breakdown includes 270,000 in combat air or missile units, 5,000 transients, and 625,000 in the support function. A reasonable cut could effect a reduction of 67,500 and a savings of $675 million.

In the Marine Corps, current Marine strength is 300,000, with 120,000 in combat ground or air units, 25,000 transients, and 155,000 in support. A reasonable cut would amount to approximately 40,000 and a savings of $400 million. I point out again that this amendment does not call for those figures, which are higher than the amendment would provide.

When we get to NATO, I am of the view—and I imagine a number of Senators agree with me—that we can cut very substantially the U.S. commitment to the North Atlantic Treaty Organization. But insofar as we are concerned now about the events in Czechoslovakia, I have not included any cut in our NATO forces in the amendment now pending. Nevertheless, I believe we could enable the United States to pull out an additional 95,000 troops in Europe without any significant minimization of our security or of our ability to meet our commitments to our NATO allies.

Needless to say, the administration opposes these cuts and, of course, so do all of the Armed Forces. The Pentagon says that manpower requirements of the services are thoroughly and continuously reviewed by Congress, the Bureau of the Budget, and all levels of the Department of Defense, to insure that no "fat" exists. I deny that. I do not think it is true. I do not believe an adequate review has ever been made of our combat needs in terms of personnel.

We are told that much attention has been devoted to the distribution of personnel between combat and support units. Mr. President, the facts do not show it, for the enormous number of logistic support troops is out of all relationship to what is really needed for a hard-core, streamlined services personnel requirement.

Now, although this country has always preached the efficient use of scarce and expensive manpower resources through careful organization and judicious investments to increase the productivity of the individual, in practice there has been no more profligate waste of manpower than in the Department of Defense. Increase in personnel strength has been a primary institutional goal of each of the Military Departments. Operating with this motivation each service continues to create more echelons of command, administration, and supporting functions in order to continue expanding.

In Southeast Asia, out of roughly 525,000 military personnel in South Vietnam or a total of more than 750,000 deployed and associated with the war, we are only fielding approximately 40,000 riflemen. In a Vietnam-type conflict, riflemen are probably the single most important measure of combat strength. The remaining 18 people behind every rifleman are engaged in staff functions, artillery, supply, equipment maintenance, construction and engineer activities, housekeeping, helicopter operations and maintenance, communications, tactical aircraft operations and maintenance, escort ships, and so forth.

In Europe, the situation is hardly better. Out of roughly 330,000 military personnel, plus 100,000 civilians—and I am not including civilians in this amendment, although I am confident several billion dollars could be saved by the streamlining efforts that any corporation would insist upon—already included in the tables of organization we manage to field only approximately 45,000 men in infantry or armored maneuver battalions, which already include substantial amounts of supporting functions. By comparison, the Soviets with their historical tendency to squander manpower are able to field 75–90 percent more maneuver manpower for every 100 military personnel deployed in Eastern Europe. Even worse, their maneuver manpower is backed by a relatively higher density of heavy weapons; that is, tanks per man than the U.S. maneuver forces.

So I am satisfied, Mr. President, we can make these cuts in personnel without the slightest detriment to our combat position or our national security.

I reserve the remainder of my time.

Mr. RUSSELL. Mr. President, I desire to make only a brief comment in opposition.

The Senator from Pennsylvania said his amendment would not make any reduction in civilian personnel. Of course, this amendment does not propose any reduction in that area. Most of the civilian employees in the Department are paid from the operation and maintenance appropriations. However, they come within the provisions of section 201 of the Revenue and Expenditure Control Act that Congress has passed, and that will result in a very substantial reduction of civilian employees in the Department of Defense.

Mr. CLARK. Can the Senator give us an estimate of what that reduction would be?

Mr. RUSSELL. No; I cannot.

Mr. CLARK. I tried and I was unable to get an estimate.

Mr. RUSSELL. It only occurred to me while the Senator was speaking.

I wish to point out that the committees of the House of Representatives and the Senate have worked very diligently on the appropriations for military personnel. We have reduced the budget estimate for personnel by $442.4 million. I submit that in the condition of the world today a reduction of over $400 million is about as far as we can go without endangering the security of this country.

One other matter I wish to call to the attention of the Senator is that under his amendment he would cut the appropriation for retired pay of every Regular and Reserve officer who is in retirement by 10 percent. These payments are required by law, but if Congress does not appropriate adequate funds the retired people will not receive their checks when they are entitled to them.

I respectfully urge if any Member is up for reelection this year, he better consider well before he votes to cut retired pay.

Mr. CLARK. I am up for reelection this year.

Mr. RUSSELL. But the Senator is fearless and undaunted by any opposition.

Mr. CLARK. Fearless, but not foolhardy. I do not intend to cut retired pay.

Mr. RUSSELL. The language of the amendment would do so. The amendment reads:

> Notwithstanding any other provision of this title, the aggregate amount of all appropriations made in this title is hereby reduced by a sum equal to 10 per centum of such aggregate amount.

This title includes $2.3 billion for the appropriation, "Retired Pay, Defense."

Mr. CLARK. Will the Senator permit me to amend my amendment by adding the following words at the end of the amendment: "with the exception of pay for retired veterans."

Mr. RUSSELL. I think it would be better to say: "except the appropriation, 'Retired Pay, Defense'."

Mr. CLARK. The Senator's semantics are always so correct. Must I ask unanimous consent?

Mr. RUSSELL. The yeas and nays have been ordered and unanimous consent is necessary. I do not object to the Senator making that modification.

Mr. CLARK. Mr. President, I ask unanimous consent that my amendment may be modified in accordance with the language offered by the Senator from Georgia.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. RUSSELL. We have considered the requests for military personnel very carefully and reduced them by approximately $440 million. We even went below the House figure by $113.4 million. It would be exceedingly dangerous to take another $2.3 billion out of these appropriations. No man could say with assurance the impact that would have on the Armed Forces of the United States, but it would bring about a drastic reduction in the strength of the Army, Navy, Air Force, and Marine Corps.

I hope the amendment is rejected.

I reserve the remainder of my time.

Mr. CLARK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. CLARK. Mr. President, I ask unanimous consent that I may proceed for 2 minutes on the bill.

Mr. BYRD of West Virginia. Mr. President, I yield 2 minutes on the bill to the Senator from Pennsylvania.

Mr. CLARK. I thank the Senator.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator, on the amendment, has 4 minutes remaining.

Mr. RUSSELL. I thank the Presiding Officer.

Mr. CLARK. Mr. President, to summarize and rebut what the Senator from Georgia said, we now have roughly 3,400,000 men under arms. Somewhere in the neighborhood of 560,000 of them are in Vietnam. What are the other 2,800,00 men, more or less, doing that is vital to the security of the United States? I think they are acting as world policemen all over the world. I think they are filling up camps in every State of the country and carrying out activities which are not really in the interest of our national security. In view of our domestic problems, which are acute, and in view of our balance-of-payments problems, which are acute, and in view of the enormous deficit, for which this military appropriation is largely responsible, I think it is high time we cut to meet our economic capability.

No one wants another great big tax bill. Congress will not pass one and the country will not stand for it. We either have to give up on the dollar, make cuts in our domestic programs, or make sensible cuts in this military defense budget.

Mr. President, I yield back the remainder of my time.

Mr. RUSSELL. Mr. President, I yield myself 2 minutes of my time to point out that this reduction applies to our forces in Vietnam as well as elsewhere. I think that if we could ever bring this tragic war in Vietnam to a conclusion, we can make substantial reductions in the strength of our Armed Forces. There is no question about that.

Mr. President, the present 12-month tour for personnel requires a tremendous number of men, and it also increases the number of men in the training base and the number in travel status.

We simply cannot reduce personnel appropriation by an additional $2.3 billion, as the Senator suggests.

As I see it, we will be drastically weakening not only our military forces but also the carrying on of the war in Vietnam. I am as much opposed to being a world policeman as anyone. I want to bring our boys home from Europe. I have opposed committing one American boy to battle anywhere unless it is under strict and clear treaty obligations. I am not even in favor of doing it then, unless we put the whole resources of our Nation behind him, which is something we have not done in Vietnam. But we are in that situation today.

I think it would be very dangerous to adopt the pending amendment.

Mr. CLARK. Mr. President, will the Senator from Georgia yield for a question?

Mr. RUSSELL. I am glad to yield, if I have any time left.

Mr. CLARK. There are 3.4 million men under arms. A 10-percent cut would mean a reduction of 340,000. That would still leave over 3 million men under arms, of whom 560,000 are in Vietnam. That means that we have in excess of 2 million men somewhere else. Even if we included the extra 250,000 men who are not in Vietnam but who are supporting the war effort, we would still have in the Army, Navy, Air Force, and Marine Corps well in excess of 2 million men. So that it seems to me that this would not have any impact on the national security. Would not the Senator agree?

Mr. RUSSELL. I think the Senator oversimplifies the problem. We are engaged in training thousands of men. It is not a simple job to train a man to work on a Polaris submarine or an atomic-powered attack submarine. It is no simple job to train men to maintain jet airplanes. It takes time. Unfortunately, all too often, as soon as they are trained and their tour of enlistment has ended, they leave the services and go into private employment in jobs for which they have been trained. In many instances they are in great demand by private employers at salaries much greater than they receive in the service.

While it is true that we have about 3.4 million men in the services, it must be remembered that a great number are required for noncombat assignments such as maintenance, training, medical, communications, construction, and logistical support.

Mr. President, this amendment should be rejected resoundingly.

The PRESIDING OFFICER. All time on the amendment has now expired. The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER] is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. JORDAN], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the

Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Maryland [Mr. TYDINGS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. ELLENDER], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Alaska [Mr. BARTLETT] would each vote "nay."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from Maryland [Mr. BREWSTER]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from Maryland would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY] and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from Texas [Mr. TOWER] is detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] would each vote "nay."

The result was announced—yeas 4, nays 62, as follows:

[No. 306 Leg.]

YEAS—4

Clark	Proxmire	Young, Ohio
Gruening		

NAYS—62

Allott	Hansen	Mondale
Anderson	Harris	Montoya
Boggs	Hatfield	Morton
Brooke	Hickenlooper	Moss
Burdick	Hill	Mundt
Byrd, Va.	Holland	Pastore
Byrd, W. Va.	Hruska	Pearson
Cannon	Inouye	Pell
Carlson	Jackson	Percy
Case	Javits	Prouty
Cooper	Jordan, Idaho	Russell
Curtis	Kennedy	Scott
Dirksen	Kuchel	Sparkman
Dodd	Lausche	Spong
Dominick	Long, La.	Stennis
Eastland	Magnuson	Talmadge
Ervin	Mansfield	Thurmond
Fong	McGee	Williams, N.J.
Goodell	McIntyre	Williams, Del.
Gore	Metcalf	Young, N. Dak.
Griffin	Miller	

NOT VOTING—34

Aiken	Hart	Muskie
Baker	Hartke	Nelson
Bartlett	Hayden	Randolph
Bayh	Hollings	Ribicoff
Bennett	Jordan, N.C.	Smathers
Bible	Long, Mo.	Smith
Brewster	McCarthy	Symington
Church	McClellan	Tower
Cotton	McGovern	Tydings
Ellender	Monroney	Yarborough
Fannin	Morse	
Fulbright	Murphy	

So Mr. CLARK's amendment (No. 1011) was rejected.

AMENDMENT NO. 987

Mr. CLARK. Mr. President, I call up my amendment No. 987 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read the amendment (No. 987), as follows:

On page 44, between lines 21 and 22, insert the following:

"SEC. 542. Notwithstanding any other provision of this Act, none of the funds appropriated herein shall be used for the purpose of procuring, modifying, or improving the surface-to-air missiles known as Hawk, Nike-Hercules, and Bomarc."

On page 44, line 22, strike out "SEC. 542" and insert in lieu thereof "SEC. 543".

Mr. CURTIS and other Senators requested the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. CLARK. Mr. President, before the Chair rules on that——

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. CLARK. I, of course, have no objection to the yeas and nays, but many Senators have said that they would be vastly inconvenienced if they had to stay here and vote on a number of amendments. The temper of the Senate is very clear to me. Therefore, I do not propose to ask for the yeas and nays on the other six amendments which I intend to offer. However, if other Senators want the yeas and nays, I have no objection. I was acting largely in the interest of convenience of Senators.

I wonder, therefore, if there would be any objection to a unanimous-consent request that the order for the yeas and nays be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. Mr. President, I did not understand the question.

The PRESIDING OFFICER. The Senator from Pennsylvania has asked unanimous consent that the order for the yeas and nays be withdrawn.

Mr. CLARK. Mr. President, I may say to the Senator from Georgia that what I have said is that I have no intention to burden Senators. The temper of the Senate is very clear. However, if other Senators want the yeas and nays, it is all right with me.

Mr. RUSSELL. It is all right with me. I do not object to the yeas and nays.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. WILLIAMS of Delaware. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. RUSSELL. Mr. President, if the Senator will yield, I would be glad to have the amendments voted on en bloc.

Mr. CLARK. Well, if we are going to have the yeas and nays, we may as well have them voted on seriatim. I regret this inconvenience, but it is not my doing. We will proceed in the orderly way. Perhaps, if each time I indicate that I do not care for the yeas and nays, some of my colleagues will get tired of demanding the yeas and nays.

Mr. President, I yield myself such time as I may require.

Mr. President, this amendment would save some $850 million a year by phasing out air defense missiles which are ineffective and have been shown to be ineffective in combat, and deferring heavy hardware development on new missiles.

There is little reason to believe that these missiles of ours would work any better in combat than the Soviet missiles used by the North Vietnamese, which in the May 6 issue of Aviation Week were stated to have attained a kill ratio of less than 1 percent.

When I was in Vietnam in January of this year I was told by our Air Force general in charge of our command over there that the Sam missile was really quite useless and that the effective way in which air defense could be mounted was by antiaircraft guns.

The number of American aircraft shot down by antiaircraft guns is really fantastically high, and clearly proves that guns are more than enough for a good air defense. Our own antiaircraft guns are, in my judgment, just as good as and probably better than those of the Russians, and I think this is the technique we should rely on.

The U.S. missiles, called Hawk, Nike-Hercules and Bomarc, are deployed heavily around U.S. forces in Vietnam, Korea, Europe, Alaska and the continental United States. Like the SAGE system, which we discussed yesterday, their performance tests have been so unsatisfactory that they have required constant programs of modification and improvement. And as we all know, large get-well programs are always a symptom of a basic blunder.

I suggest that these surface-to-air missiles can be dispensed with without affecting in any way the security of our forces or our national security.

The Defense Department, needless to say, says that because of the poor performance of the surface-to-air missiles used by the North Vietnamese, the United States has conducted special tests and simulations on Nike-Hercules. These included displacements prior to firing as well as simulations in an electronic firing environment. These special tests verified previous results with no major problems encountered.

Nevertheless, contrary to the claims of the Department of Defense, the recent tests of our air defense missiles produced such appalling results that neither the Army nor the Navy has released the uncensored raw data to the Office of the Secretary of Defense, nevertheless, both services are applying maximum pressure to get new multibillion dollar missile development programs of unprecedented complexity, and, in my judgment, with no utility.

Mr. President, I reserve the remainder of my time.

Mr. RUSSELL. Mr. President, I do not wish to belabor this subject, but this is one of the most drastic amendments I ever saw. It would prevent us from having any antiaircraft defense missiles at all.

The Senator says these weapons are worthless. It so happens that most of the nations of the earth do not think the Hawk, for example, is worthless. Many are trying to procure them. Israel tried for years to procure some of the Hawk missiles, and I intervened and did my

poor best to see that they got some of the Hawk missiles. They think they are effective, and other nations do as well.

As to the Bomarc, we have only very few of them left.

The adoption of this amendment would paralyze an investment of more than $2 billion which we have made in our air defense missile systems.

I can see no reason on earth for striking out this, comparatively speaking, little item in this defense bill, of $150 million, and abandoning our effort to maintain air defense missiles against any potential enemy.

I would remind the Senate, while we are talking about all these far-away things, that the Soviets have available to them any number of airbases only 90 miles off our shores, in Cuba. I think it would be the height of folly to say we are just going out of the antiaircraft missile business altogether. The Senate voted down yesterday the effort to scuttle the SAGE system, and this is certainly an important adjunct of that system, and is a very vital element in our national defense system at this time.

I hope the amendment will be rejected.

Mr. CLARK. Mr. President, I yield myself such of my remaining time as I may require.

No one is suggesting that we go out of the air defense business. No one is suggesting we should get out of the antiaircraft business. In fact, I believe we ought to be spending more money on antiaircraft weapons than we are today, because experience in combat in Vietnam shows that antiaircraft artillery is of the highest utility, and that surface-to-air missiles, on the contrary, are entirely ineffective.

For that reason, I think it must be recognized that when we make a ghastly mistake—and we have made a ghastly mistake in putting $2 billion into utterly ineffective systems—we ought to recognize it, and not just continue with further errors and further mistakes. Let us put this money into antiaircraft artillery, and not into these surface-to-air missiles, which are totally ineffective. The Senator has admitted that the Bomarc is not any good.

Mr. RUSSELL. I said we had moved on to the Hawk, which is a more effective weapon than the Bomarc. There is some question about the total effectiveness of the Bomarc, just as there are questions about the three Navy antiaircraft missiles, the Tartar, the Talos, and the Terrier. We have spent hundreds of millions of dollars on those weapons, trying to get them to work. I am not sure they will work today. The Navy say they will. All these systems have been rebuilt three times.

But I repeat that this would paralyze our air defense missile system, because if we are prevented from modernizing and improving a weapons system like an antiaircraft missile—we find bugs in these things every day; if we cannot iron out those bugs, we render ineffective our entire antiaircraft missile defense.

I agree with the Senator that the North Vietnamese have established beyond peradventure that there is still an advantage in the old 5-inch antiaircraft artillery. I have quarreled with the Navy for years because they took those guns off some of our ships. I finally got them to stop it. I have made them keep some of those guns in inventory for this country. They are very effective against a low-flying plane.

But it takes a missile like the Hawk to reach high altitude aircraft. Our artillery just will not go high enough. As I recall, it goes perhaps a mile, or something between 5,000 and 6,000 feet.

Let me point out that if the Senator's amendment were adopted, I do not think we could even purchase spare parts for these missiles. I think it would be a tragic mistake for us just to say, "Here we are, come on, bring your bombers, knock the life out of us, we are going to junk our air defense missile systems."

Mr. CLARK. Mr. President, I yield myself 2 minutes, if I have that much time remaining.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. CLARK. I just want the RECORD to be perfectly clear that despite what my good friend from Georgia has said, I am not suggesting the elimination or even the cutting back of antiaircraft artillery. The commander of our Air Force in Vietnam told me last January that the antiaircraft artillery of the North Vietnamese, and, indeed, of the National Liberation Front also, was the most effective weapon against our airplanes. He said what happens is that we have to come in and dive through that antiaircraft barrage, and this is a very dangerous thing to do, and many of our planes are shot down. While we fly over there above the level at which antiaircraft artillery is effective, our dive bombers are always subject to being attacked from above by the Migs, particularly the Mig–21; but that is the way to defend: you employ high-flying defense combat aircraft, supported by low-firing, but effective up to about 8,000 feet, antiaircraft guns. But these gimmicks like the SAM, which the Russians have, and the Bomarc, which we have, are just ineffective, and I think we ought to admit our mistake and stop spending money for them.

I am prepared to yield back the remainder of my time.

Mr. RUSSELL. Mr. President, in that case we certainly could never have an effective antiaircraft missile, because there will never come a time when we will be able to build a perfect antiaircraft missile the first time out. That is what the Senator from Pennsylvania suggests. There will always be defects in them. We have to be able to modify and perfect them, if we are ever going to have effective antiaircraft systems.

The PRESIDING OFFICER. Does the Senator from Georgia yield back the remainder of his time?

Mr. RUSSELL. I yield back my time.

Mr. THURMOND. Mr. President, I should like to have about 2 minutes, if the Senator has it.

The PRESIDING OFFICER. The Senator from Georgia has 5 minutes remaining.

Mr. RUSSELL. I yield 2 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the pending amendment would be disastrous to our capability to defend against enemy aircraft. The more sophisticated missiles for close-in air defense are only in the development stages. Our failure to maintain and improve the Hawk, Nike-Hercules and Bomarc until better missile systems are in the hands of our troops would be breaking our faith with every combat troop in our Armed Forces.

The Sam–D weapons system to replace these are a long way down the road. The technology only is at hand. Unforeseen problems with this advanced system may be encountered. Meanwhile, our current close-in air defense for combat troops and in the United States would become less and less effective without sustained procurement, modification and improvements.

The risk is too great. Our troops are our most priceless weapon. The Hawk and Nike-Hercules are our only missile for our troops against mass, low-flying enemy planes. These weapons must not become stagnant. The amendment would be an invitation to annihilation of our troops by enemy air unless we maintain a quality inventory of these weapons.

Mr. RUSSELL. Mr. President, I yield back the remainder of my time.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Pennsylvania. On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER] is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Missouri [Mr. SYMINGTON], the Senator from Maryland [Mr. TYDINGS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. MCCLELLAN], and the Sena-

tor from Alaska [Mr. BARTLETT] would each vote "nay."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from West Virginia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from Massachusetts [Mr. BROOKE] and the Senator from Texas [Mr. TOWER] are detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Massachusetts [Mr. BROOKE], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], the Senator from Texas [Mr. TOWER], and the Senator from Maine [Mrs. SMITH] would each vote "nay."

The result was announced—yeas 4, nays 64, as follows:

[No. 307 Leg.]

YEAS—4

Clark	Proxmire	Young, Ohio
Gruening		

NAYS—64

Allott	Hart	Montoya
Anderson	Hatfield	Morton
Boggs	Hickenlooper	Moss
Burdick	Hill	Mundt
Byrd, Va.	Holland	Pastore
Byrd, W. Va.	Hruska	Pearson
Cannon	Inouye	Pell
Carlson	Jackson	Percy
Case	Javits	Prouty
Cooper	Jordan, N.C.	Russell
Curtis	Jordan, Idaho	Scott
Dirksen	Kennedy	Smathers
Dodd	Kuchel	Sparkman
Dominick	Lausche	Spong
Eastland	Long, La.	Stennis
Ervin	Magnuson	Talmadge
Fong	Mansfield	Thurmond
Goodell	McGee	Williams, N.J.
Gore	McIntyre	Williams, Del.
Griffin	Metcalf	Young, N. Dak.
Hansen	Miller	
Harris	Mondale	

NOT VOTING—32

Aiken	Fannin	Murphy
Baker	Fulbright	Muskie
Bartlett	Hartke	Nelson
Bayh	Hayden	Randolph
Bennett	Hollings	Ribicoff
Bible	Long, Mo.	Smith
Brewster	McCarthy	Symington
Brooke	McClellan	Tower
Church	McGovern	Tydings
Cotton	Monroney	Yarborough
Ellender	Morse	

So Mr. CLARK's amendment was rejected.

AMENDMENT NO. 994

Mr. CLARK. Mr. President, I call up my amendment No. 994. I ask that all of it following the sum of $7,108,600,000, on line 6, be deleted, and I ask that the amendment be read.

The PRESIDING OFFICER. Will the Senator repeat his modification, so that the clerk can get it correctly?

Mr. CLARK. The reading of the amendment should stop on line 6, after the figure "$7,108,600,000."

The PRESIDING OFFICER. The clerk will state the amendment, as modified.

The assistant legislative clerk read as follows:

On page 23, after line 22, insert the following:

"LIMITATION ON APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

"Notwithstanding any other provision of this title, the aggregate amount of all appropriations made in this title for research, development, test, and evaluation shall not exceed $7,108,600,000."

Mr. HANSEN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for 30 seconds?

Mr. CLARK. I yield.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator.

I simply wish to remind Senators that all time on this amendment, by unanimous-consent agreement, is limited to 20 minutes, and time on the remaining amendments to be offered by the Senator from Pennsylvania is limited to 20 minutes on each amendment. So if Senators will remain in the Chamber, I believe we can expedite the business and make progress more rapidly.

Mr. CLARK. Mr. President, the purpose of this amendment is to limit funds appropriated for research, development, test, and evaluation to the figure for fiscal 1968. This would save $478,793,000. It would fix the research and development figure in this bill at the enormous sum of $7,108,600,000.

In my judgment, Mr. President, if we cannot do all the research, development, test, and evaluation necessary for the security of this country with the sum of $7,108,600,000, then I think we should get somebody else working on our research and development.

I reserve the remainder of my time.

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

Mr. CLARK. I yield to the Senator from Michigan as much time as he may desire out of my remaining 8 minutes.

Mr. HART. Mr. President, if we recall the situation that confronted us when the authorization bill went through, I believe it will bring this amendment into a little clearer focus.

At that time—I draw on my memory alone, because I have not had an opportunity to check the file—the authorization proposed would have been an increase of approximately $750 million over the sum appropriated for the current year. When others and I questioned this, we were told that approximately $250 million was represented by a bookkeeping adjustment, so that actually the authorization proposed is an increase. The true increase was in the amount of about $500 million.

An effort was made at that point to reduce the authorization to the existing appropriation plus the roughly $500 billion. That effort failed.

Of course, in connection with the debate it was suggested that the appropriate time to effect a reduction in the research and development money would be when we got to the appropriation stage. Now we are here.

It seems to me, Mr. President, that with the overriding concern by so many that we reduce Federal spending, when we realize that when we talk about reducing military spending we are always fearful lest we jeopardize the security of men in the field, if there is any place where holding the line on military spending can be accomplished without jeopardy to the men in the field, it would be in the area of research and development.

Surely, as the Senator from Pennsylvania has pointed out, spending in excess of $7 billion a year for research and development should obtain for us all the research and all the development which would be necessary in the next 12 months for our survival and security. If a choice is to be made with respect to our research efforts, restricting search-and-destroy operations in the field, or school lunches—and that is part of the problem we confront when we talk about $70 billion for military spending—I think a confident judgment can be made, a rather sound position can be taken, that there is nothing imprudent, indeed there is much to recommend our holding the line in existing expenditure levels for research and development.

Therefore, I would hope that those who are concerned, as all of us are, by the national security and fiscal responsibility, and responding adequately to domestic needs, will support the Senator from Pennsylvania whose amendment is pending.

Mr. CLARK. Mr. President, I reserve the remainder of my time.

Mr. RUSSELL. Mr. President, I am the first to admit it is somewhat difficult to defend large appropriations for research and development. In a way, it is a somewhat nebulous thing. People are working with many different ideas on many different projects. Some of the projects turn out well and are valuable, and in many cases we get no results whatever.

However, without any research and development we would fall hopelessly behind other modern nations on the earth, and indeed, the Chinese would have to be included in modern nations because they have a very large program in research and development.

Make no mistake about it. There have been a number of revolutions in the weapons systems on this earth, even since World War II, which have come out of research and development, and it is unknown whether a broadside amendment such as this one would be hitting one of those projects. We have the Polaris submarine, we have the nuclear propulsion surface ships, we have the work done on the laser and the laser beam.

There are some Senators here who have relatives or friends in Vietnam. We have developed through research and development new techniques and drugs for the treatment of burns that are accomplishing miracles compared to what the medical profession knew about treatment of burns only 2 or 3 years ago.

In addition to that, in Vietnam we encountered an entirely new and different type malaria. We had never known of it before. We thought we had cures for malaria, cures that we had used in World War II. However, those cures were totally ineffective against this highland malaria that was encountered in Vietnam. We developed new drugs, and they proved very effective for this new type malaria. No one knows what the next problems will be. The amendment might hit something of that type. The amendment might save a few dollars but projects such as those I have mentioned would suffer.

I am frank to say that every research and development program does not pan out. I do not believe that reasonable people expect all research and development to succeed, but it is absolutely essential in today's world that we maintain a wholly adequate research and development program.

Mr. President, you do not get the great scientists from educational institutions and elsewhere for nothing. They are human beings. They are patriotic, but they are not willing to work for the Government for nothing, and their services have to be paid for.

I want to call to the attention of the Senate that we have already cut approximately $420 million from the research and development appropriations. We reduced the budget requests by about $420 million. That was done with fear, trembling, trepidation, and after long consideration. Now, the Senator from Pennsylvania and the Senator from Michigan say we can cut another half billion dollars without in anywise impairing the program.

Before we concluded our hearings I heard that an amendment would be offered providing for further reductions in these appropriations. I asked the Secretary of Defense on September 18, the last day of the hearings, for his opinion and the effect of a $1 billion reduction in the Department's planned research and development program for fiscal year 1969. He replied:

I want to make a point which I think is a valid one, that if we were to stop our R&D now, I think very likely 5 years from now we would have lost our national security. I think it would be wise for the record to show that.

Also if you look back at what our R&D has produced you will find that the weapons and equipment on which we depend for national security now were perhaps not known to us a certain number of years ago.

And then the Secretary went on to state:

If it were left up to me and I were told that we had to take away another $1 billion some place, I would go searching for it in some other part of the Defense program than to take it out of R&D, as much as I would hate to do it.

I addressed the same question to General Wheeler and he replied that he agreed with the Secretary. I quote directly from his statement:

As he says, the weapons that we have today are not the weapons that are going to be required to defend this nation in the future.

Dr. John Foster, Director of the Department of Defense Research and Engineering, also testified. I will say parenthetically that when he was with the Livermore Laboratory he was in high regard. Now that he has gone to the Department of Defense he has apparently lost his standing as a scientist, but I still believe in him whether anyone else does or not. He said:

I believe they [Russia] are much too close behind us. Now, if at this time one considers cutting the U.S. research and development budget by $1 billion, I can assure you that we have no alternative but to make drastic reductions or delays in some of the most major programs; in the M.I.R.V. program.

Let me say that MIRV is a vitally important program and the success of our new missiles will largely depend on that program. Dr. Foster went on to say:

SRAM missiles for the B–52, the superhard silo program for resiting the Minuteman. The aircraft program, the fighters for the Air Fore and the Navy, the attack submarines where major improvements are needed urgently, the aircraft that we hope to start for ASW work, the Army and Navy defense of high value points against aircraft, the air defense system [deleted].

And he went into one that is very highly classified, and concluded by saying:

All of these are being placed by the available dollar.

This is not money merely to develop methods to go out and kill people by the millions. It will give us a superiority which will enable us to maintain the peace. I could go into a number of other items under research which could be affected adversely, but I shall not do so.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. Mr. President, I yield such time as I have remaining to the Senator from North Dakota.

The PRESIDING OFFICER. The Chair advises the Senator from Georgia that his time now has expired.

Mr. BYRD of West Virginia. Mr. President, I yield 5 minutes to the Senator from North Dakota on the bill.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 5 minutes.

Mr. YOUNG of North Dakota. Mr. President, during the past 50 years, the world has advanced further, when it comes to airplanes, missiles, electronics, improvements in automobiles, and in almost every other way that we can think of, than in the thousand years that went before us.

Most of that has come about as a result of research and development. As I see it, the sole reason why Germany began World War II with such superiority in weapons to the rest of the world was due to her research and development programs.

The only reason that Russia now has advanced as far as she has, is due to the vast amount of money she has spent on research and development.

It is outstandingly clear that over the past 20 years the Soviet Union has had a constant, well planned, and fully implemented program for the development of all types of armament and the technology on which they must be based. We can no longer assume that the Russians have made some lucky decisions. We must consider that they are extremely smart.

I believe that current information would indicate that Russia has surpassed us in technology as well as the development of scientists and engineers, and that her national budget for defense, as well as we can deduce, probably buys by far more man-hours per year than does ours.

Mr. President, I fully agree with the chairman of the committee, the distinguished Senator from Georgia [Mr. RUSSELL], that our greatest assurance of peace in the future is that we at least keep abreast of Russia in military strength.

The minute we slip behind the Russians, they will take advantage of us, and there will be another war, or else we will suffer humiliation, embarrassment, and blackmail.

Mr. RUSSELL. And enslavement.

Mr. YOUNG of North Dakota. I agree.

Mr. THURMOND. Mr. President, I cannot imagine——

Mr. CLARK. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. I yield 2 minutes on the bill to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 minutes.

Mr. THURMOND. Mr. President, I cannot imagine a more dangerous amendment that could be offered than this one.

The guns, the weapons, and the equipment we have today are the result of research and development that took place 5 years, 8 years, 10 years, and as long as 12 years ago.

The very fact that we won World War II was because Germany did not beat us in developing an atomic bomb.

We must stay ahead of the Communists in the development of weapons, power, and strength in our military establishment. We cannot do that unless we engage in adequate research and development, which are so essential to staying ahead of the Russians.

Mr. President, I hope that the pending amendment will be defeated.

Mr. CLARK. Mr. President, I yield myself such time as I may require.

All I can say to my good friends from Georgia, North Dakota, and South Carolina is that if $7,108,600,000 was enough for research and development in 1968, it should be enough for 1969. If it is not, the additional expenditure, which would run this enormous total up to the sum of $7,586,000,000, is not going to save the country, as the Senator suggests.

If, as my good friend from Georgia says, this appropriation is for peace, then I do not want the "cold warriors" at the Pentagon spending it. I should like to see it spent by persons engaged in research and development for peace. We will never get it spent for peace if we leave it to the Department of Defense. It is not a fact

that we need, and I do not believe we need, the enormous research and development program to protect the country, when we have all waste—open, notorious, conspicuous, demonstrable waste—which is involved in our research and development programs to which I object.

I believe that when we put a tight rein on the "cold warriors" over at the Pentagon and hold them down to the enormous sum we gave them last year, we will be doing complete justice to our national security, and we will be saving the taxpayers some money which can go toward defending the integrity of the dollar and to some of our already badly curtailed domestic programs.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Pennsylvania.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Missouri [Mr. SYMINGTON], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Alaska [Mr. BARRETT] would each vote "nay."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Oregon would vote "yea" and the Senator from West Virginia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from Texas [Mr. TOWER] and the Senator from Kentucky [Mr. COOPER] are detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], the Senator from Texas [Mr. TOWER], and the Senator from Maine [Mrs. SMITH] would each vote "nay."

The result was announced—yeas 13, nays 54, as follows:

[No. 308 Leg.]

YEAS—13

Brooke	Javits	Proxmire
Case	Mansfield	Tydings
Clark	McIntyre	Young, Ohio
Gruening	Mondale	
Hart	Pell	

NAYS—54

Allott	Hansen	Montoya
Anderson	Harris	Morton
Boggs	Hatfield	Moss
Burdick	Hickenlooper	Mundt
Byrd, Va.	Hill	Pastore
Byrd, W. Va.	Holland	Pearson
Cannon	Hruska	Percy
Carlson	Inouye	Prouty
Curtis	Jackson	Russell
Dirksen	Jordan, N.C.	Scott
Dodd	Jordan, Idaho	Smathers
Dominick	Kuchel	Sparkman
Eastland	Lausche	Spong
Ervin	Long, La.	Stennis
Fong	Magnuson	Talmadge
Goodell	McGee	Thurmond
Gore	Metcalf	Williams, Del.
Griffin	Miller	Young, N. Dak.

NOT VOTING—33

Aiken	Fannin	Morse
Baker	Fulbright	Murphy
Bartlett	Hartke	Muskie
Bayh	Hayden	Nelson
Bennett	Hollings	Randolph
Bible	Kennedy	Ribicoff
Brewster	Long, Mo.	Smith
Church	McCarthy	Symington
Cooper	McClellan	Tower
Cotton	McGovern	Williams, N.J.
Ellender	Monroney	Yarborough

So Mr. CLARK's amendment (No. 994) was rejected.

AMENDMENT NO. 990

Mr. CLARK. Mr. President, I call up my amendment No. 990 and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 8, line 14, add a new sentence as follows: "None of the funds appropriated herein shall be used for the operation and maintenance of antisubmarine warfare aircraft carriers."

Mr. SCOTT. Mr. President, I ask for the yeas and nays.

Mr. CLARK. Mr. President, I refuse to yield for a request for the yeas and nays.

The PRESIDING OFFICER. The Senator has the floor.

Mr. CLARK. I have the floor, and I intend to keep it.

Mr. President, the reason why I refused to yield is that I intend to withdraw the amendment before the time comes for voting on it.

Mr. President, this amendment deals with the operation and maintenance of antisubmarine warfare carriers. It is not unlike other amendments already explained in the RECORD.

The amendment would save $400 million. It is in the same general category as amendments dealing with antisubmarine carrier forces, which would save $400 million; with attack carrier forces, which would save $360 million; with amphibious forces, where the saving is already set forth in the material I placed in the RECORD yesterday; and with the manned orbiting laboratory, which would save $515 million.

These amendments were all explained in the material I placed in the RECORD yesterday.

It is clear that the temper of the Senate is such that they have no chance of success. This I very much regret, because, in my opinion, the action which the Senate has taken on these amendments is going to cause a grave threat to the integrity of the dollar and will also mean the further cutback of essential domestic programs.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the following items, which would seem to indicate that the small minority in the Senate which has been supporting my amendments is correct, and that the overwhelming majority which has rejected them is incorrect:

An editorial entitled "How Much Defense Fat?" published in the Philadelphia Evening Bulletin of Wednesday, September 25, 1968.

An editorial entitled "Guns and Bread" published in the Pittsburgh Post-Gazette of Wednesday, September 25, 1968.

An article entitled "Billions for Defense To Set Off New War," written by David Hoffman and Thomas O'Toole, and published in the Philadelphia Inquirer of May 21, 1968.

An article entitled "Much of Pentagon's $45 Billion Spending Buys Nothing," written by Donald M. Rothberg and Joan Heller, and published in the Washington Post of Tuesday, September 3, 1968.

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

[From the Philadelphia Evening Bulletin, Sept. 25, 1968]

HOW MUCH DEFENSE FAT?

In time of war the defense budget tends to acquire a special invulnerability; an emotional shield is thrown up in front of it. But this time of war, with Congress scrounging the bottoms of its barrels to meet the $6 billion budget cut, is different.

The closer look is altogether healthy because it is becoming more and more apparent that the defense budget can be substantially trimmed without endangering the lives of American servicemen or altering the kind of war the Administration wants to fight.

The Administration went to Congress for $77 billion for defense. The House this month knocked that down by $4.8 billion. The bill before the Senate cuts it by another $350 million and now Sen. Clark has offered a series of amendments shortening it by more than $5 billion more.

The senator bases his proposals almost entirely on a June report of Congressional Quarterly, the private but widely respected journal on government affairs. That report quoted unidentified experts in and out of the Defense Department as saying that $10.8 billion of "fat" could be sliced off the budget and, far from impairing the defense effort, would help it. Their sources, CQ said, suggested nine specific areas for cuts, including

the $1.1 billion antiballistic missile system and $4.2 billion in manpower.

The political perils of budget cutting are evident in Sen. Clark's proposal on helicopters. He says that a "goof" in framing an amendment resulted in a proposal that would have cut back production of Chinook helicopters at the Boeing Vertol plant at Morton. CQ's sources proposed a reduction only to attrition levels and Sen. Clark revised his amendment to conform, but not until a storm had broken at Vertol.

Sen. Clark's chances of getting his amendments passed is considered remote. When Rep. William Ryan proposed the same thing in the House, he lost by a 7–68 vote. But the critical comment Ryan's amendment drew seemed unsatisfying, even though no one would suggest "buying" any defense cut package as is without close examination, and especially not in today's troubled international climate.

House Appropriations Committee chairman George Mahon said the cuts Rep. Ryan proposed were not based on hundreds of hours of testimony, as the committee's recommendations were. Rep. Wayne Hays said CQ does not have access to any more information than a "weekly gazette in any small town."

That, of course, is nonsense. What is called into question is the committee method of examining the defense budget. Clearly there are informed dissidents who have reasons that should be listened to for believing that almost 15% of the budget request is better left unspent.

In this time of mandatory budget cutting, the defense spenders' arguments would be on sounder ground if they gave documented answers to Messrs. Clark and Ryan rather than dismissing them out of hand.

[From the Pittsburgh Post-Gazette, Sept. 25, 1968]

GUNS AND BREAD

No less a personage than Republican Presidential candidate Richard M. Nixon has declared that it would be "irresponsible and potentially dangerous" for the Administration to consider cuts in the defense budget. Despite Mr. Nixon's implication that the defense budget is beyond criticism, this is precisely what Senator Joseph S. Clark, Pennsylvania Democrat, is undertaking. Senator Clark is calling for drastic reductions in the $71.9 billion defense appropriations bill, the largest single spending bill ever presented to the Senate.

Senator Clark is convinced that massive military expenditures are destroying the U.S. economy, crucial federal programs and the social fabric. Accordingly, he has proposed a series of amendments to the defense appropriations bill which he believes will cut more than $10 billion dollars of "fat" out of the defense budget.

Senator Clark insists that only logistical elements and weapons systems of doubtful combat effectiveness would be cut back. Military sources themselves have suggested that an intensive probe of the armed services would reveal millions, if not billions, of possible savings. Senator Clark has focussed on what he considers to be outstanding examples of waste and inefficiency in military spending. His proposed amendments would:

Halt deployment of the costly and futile antiballistic missile system (ABM).

Reduce funds for the questionable bomber defense system.

Eliminate the Air Force's Manned Orbiting Laboratory (MOL).

Curtail purchase of Bomarc, Hawk and Nike-Hercules anti-aircraft missiles.

Cut back the purchase of helicopters.

Reduce the Navy's anti-submarine-warfare aircraft carrier program.

Stop the purchase of any more amphibious assault ships.

Establish a ceiling of $7.1 billion for Pentagon research and development.

Senator Clark has emphasized that none of the proposed cuts would weaken the nation's defense posture. "What I am arguing against is a bloated military budget which has thrown our sense of national priority into utter disarray," he affirms. He buttressed his case by listing 324 Pennsylvania federal projects which have not been implemented for lack of federal funds. The choice is no longer between guns and butter, but between guns and bread. Senator Clark has taken a calculated risk in proposing military cuts when the nation is involved in a bitter foreign war. His determination to restore a sense of priorites should redound to his credit whatever its effect on his political fortunes.

[From the Philadelphia (Pa.) Inquirer, Apr. 21, 1968]

BILLIONS FOR DEFENSE TO SET OFF NEW WAR

(By David Hoffman and Thomas O'Toole)

WASHINGTON.—Only 80 days after he took office, Defense Secretary Clark Clifford is agonized over the highest military budget request in post-Second World War Pentagon history.

Despite the peace talks in Paris and congressional pressure to curb spending of all kinds, the Pentagon's tentative fiscal 1970 budget stands now at $102 billion.

While that is only $1 billion more than the services asked former Defense Secretary Robert S. McNamara to present to Congress for fiscal 1969, it dwarfs the $79.1 billion which he actually recommended—a request that even now is being hotly debated by a cost-conscious Congress.

As the first defense budget in eight years that will not be passed on by McNamara, the 1970 spending proposal promises to turn the Pentagon into a battlefield in which the civilian leaders once again fight with the generals for control of the military establishment.

"It started the day McNamara left office," confides one Pentagon civilian. "His chair wasn't even cold before the generals trotted out every expensive idea they'd ever had that he didn't like."

To be sure, the fiscal 1970 defense budget won't even reach the White House before this fall, but as it stands now the Army, Navy and Air Force are asking Clifford for $28 billion just to wage the war still going on in Vietnam, up from the $26 billion they're spending in fiscal 1969.

Most of the projects (more than $73 billion worth) have little if anything to do with Vietnam. Instead, they read like a Sears catalogue of weapons for the 1970s and 1980s, such as a $6 billion, 2000 mile-an-hour interceptor and an $8 billion bomber fleet to replace the Strategic Air Command's force of 281 aging B–52's.

Virtually all of these multi-million-dollar weapons systems were turned down or delayed by McNamara at one time or another.

Take the Mach 2 interceptor, which flew experimentally as the A–11 and now goes under the name of F–12. A year ago, the Air Force went to McNamara with a request for $170 million to start production of the F–12, a request he turned down flat.

"We've tested the F–12 with two alternative forces against the expected Soviet bomber threat," McNamara said at the time, "and the F–12 ranked third in performance."

Will Clifford be that tough? Will he insist (like McNamara) that weapons undergo long "contract definition" and "cost effectiveness" studies before purchase? Can he resist the heat that service chiefs, the defense industries and their allies on Capitol Hill are sure to generate?

Such questions can only be answered early next year, when the fiscal 1970 budget moves out of Clifford's office and on to the Congress. In the meantime, Clifford is confronted with a massive pruning job, one the next President inherits to either condemn or defend.

Not only must Clifford stop, stretch and shelve pet projects championed by the generals (but never by McNamara), he also might have to trim or kill projects indorsed by his predecessor.

Among the most costly, least urgent and (hence) most vulnerable, are these:

Advanced Manned Strategic Aircraft (AMSA): McNamara saw no reason to rush this $8 billion program, which would replace the B–52. "The threat (from the Soviet Union) would have to be much larger than now projected," he told the Senate Armed Services Committee earlier this year. AMSA future: Stretchout spending of $20 million to $30 million a year. No production lines.

The F–12 interceptor: McNamara's view was seconded by Air Force Secretary Harold Brown who cautioned against overspending on antibomber defenses. Outlook: No production lines.

Nuclear Powered Attack Carriers (CVANS): McNamara planned four, one of which (the Kennedy) is soon to be commissioned and a second (the Nimitz) is under construction. Total cost: About $2.5 billion. Program future: Nimitz will be built despite 30 percent cost increase in one year; if costs continue to rise, construction of the two additional carriers could be stretched out.

FX and VFAX, Air Force and Navy versions of an advanced fighter aircraft: McNamara had both planes in the study stage, where Clifford is likely to keep them.

AX, an advanced Air Force attack plane which McNamara cut from $75 million to $2.5 million in fiscal 1969: Same level of funding likely for fiscal 1970.

Deep Submergence Systems Project (DSSP): Includes several vessels—such as a deep submergence search vehicle (DSSV) and two deep submergence rescue vehicles (DSRV), one of which is to be a nuclear-powered. Costs of this $1 billion Navy program are understood to have tripled in the past year, which makes the entire project susceptible to stretchout.

Nuclear submarines: McNamara recommended ending procurement of nuclear attack subs with delivery of the 60th "first class" boat in 1970. No new Polaris-type subs beyond the 41 now at sea are sought. Future: Key Congressmen and Adm. Hyman G. Rickover are pressing for a follow-on sub. Meanwhile, costs have risen 60 percent.

Before the fiscal 1970 defense budget reaches Capitol Hill, the mood and political complexion of Congress will be changed by national elections. But if the past is prelude, the 1970 budget is in for a frigid reception if it recommends another $80 billion year of military spending.

With increasing fervor, highly respected Senators and Congressmen are questioning the need and underlying priorities of long-range multi-billion-dollar Pentagon programs.

At least three of these projects may fall or be cut when fiscal 1969 defense appropriations come up on the Senate floor. They are:

Fast Deployment Logistics Ships (FDLS): McNamara sought 30 FDLs by 1972, which he would have used as floating warehouses to rush arms to global troublespots. But many Congressmen feel an FDL fleet might embroil the nation in new Vietnams; at the same time, FDL costs are climbing, now total more than $1.2 billion.

Antiballistic missile (ABM): McNamara was at his least persuasive supporting the $5 billion China-oriented ABM, a point long ago seized on by ABM critics. The Senate voted only 31–28 last month to authorize ABM spending and if anything gets Presidential candidates Sens. Robert F. Kennedy and Eugene J. McCarthy (both anti-ABM) back into town it will be the expected Senate Floor fight over ABM appropriations.

Manned Orbiting Laboratory (MOL): The program most likely to be stretched out, if

not this year then next. Some fuss was made over the $600 million authorization for fiscal 1969, but since this is the MOL's largest construction year the Congress probably won't hurt it much. Nonetheless, many Congressmen have begun to wonder whether MOL duplicates NASA's Apollo applications program, the civilian counterpart to MOL in the 1970s.

Clark Clifford may well find himself in a vise that McNamara never had to contend with: Between the senior chairmen of hawkish committees who want to go right on spending more billions for defense, and that growing body of lawmakers who would channel a portion of the defense budget into welfare, education and urban renewal.

[From the Washington Post, Sept. 3, 1968]

MUCH OF PENTAGON'S $45 BILLION SPENDING BUYS NOTHING

(By Donald M. Rothberg and Joan Heller)

The Defense Department's $45 billion-a-year procurement budget pays for a vast array of hardware and services, but a sizable portion of it buys nothing.

It's swallowed up by duplication, by human error and by faulty management—some of it inevitable in an organization the size of the Pentagon, where 5500 people are involved in military procurement alone.

Whatever the cause, this loss—never precisely calculated—could well run into billions of dollars. A study of five major areas of procurement found that:

Defense officials emphasize that price competition reduces costs by an average of 25 per cent. But in most years no more than 14 per cent of Pentagon buying is based on competitive bidding.

The Defense Department owns billions of dollars worth of industrial equipment. Much of it is unneeded, according to the U.S. General Accounting Office, which says the Department exerts no effective control over its use.

Last year, the Pentagon lost $160 million, according to the General Services Administration, by acquiring new computer equipment even as computers it already owned or leased stood idle. The GSA is the chief purchasing agent for the Government.

The Pentagon spends $7 billion a year on research and development contracts that usually run more than double the original cost estimates.

The Defense Department insists it has adequate protection against profiteering by private contractors yet billions of dollars in annual purchases are not subject to any independent review for overpricing.

Defense Department records show that in most years no more than 14 per cent of military buying is based on price competition.

About 30 per cent of the Pentagon's business falls into a gray area called "competitive negotiated contracts," transactions in which price may or may not be a factor.

DESIGNER ADVANTAGE

The other 55 per cent involves no competition of any sort, and this business includes some of the Pentagon's very largest contracts. Once the Pentagon chooses a company to design a weapons system, it almost always returns to the designer to award a noncompetitive contract to produce the equipment.

Regulations governing defense procurement say price competition should be the rule, but there are exceptions—17 of them—and they are so broad that they have become the rule instead of the exceptions. "Urgent need" is one of the 17 exceptions.

Once a determination of "urgent need" is made, price can be erased as a factor. Such was the case last April 19 when the Army awarded two "competitive negotiated contracts" for production of M–16 rifles.

Six months earlier, the Defense Department had solicited price estimates from four manufacturers.

After the contracts were awarded, members of a special House subcommittee demanded to know why one went to General Motors even though its price was $20 million higher than two firms that lost out.

NO QUESTIONS

The Army replied that there was an urgent need to obtain a large number of M–16 rifles as soon as possible to equip South Vietnamese regular and popular forces. No one on the subcommittee questioned the Army's explanation of "urgent need."

Another common exception to the rule of competitive bidding in defense buying is "sole source of supply."

On Aug. 7, a Federal indictment was returned against Chromcraft Corp., and Alsco, Inc., with which Chromcraft merged in 1966, and four individuals for receiving kickbacks on $47 million in Defense contracts.

The Navy said the charges would have no effect on a new contract awarded to Alsco's Techfab Division for 2.75 rocket launchers because Techfab was the Navy's sole source, and "the time which would be required to develop a similar Navy-owned item and to get a new manufacturer into production is completely prohibitive."

The Defense Department wasted $160 million last year by acquiring new computer equipment even as computers it already owned or leased stood idle more than two-million hours.

This was the finding of the General Services Administration, the Federal Government's principal purchasing agent, in an unpublished survey compiled in April.

TIME WORTH $250 MILLION

The GSA study concluded that on a Government-wide basis, computers were being underused by 278,000 hours a month or more than 3.3 million hours a year. This idle computer time, GSA said, was worth $250 million.

The Defense Department owns so much industrial equipment that it can't keep tabs on it all and, as a result, spends large sums to buy machinery it doesn't need.

Furthermore, much of the equipment is used by private industry for commercial purposes, frequently without Government permission or objection.

In one instance, the Department spent $1.4 million for an 8,000-ton forge press so TRW, Inc., of Cleveland could manufacture jet engine blades when, in fact, the Government already owned forge presses in the TRW plant capable of doing the job.

Pentagon property includes industrial plant machinery, special tooling and test equipment, raw materials, buildings, plants and land.

Of that property, $14.7 billion—in all categories—is held by Defense contractors. It is assigned to them for use in Defense production. When they finish using such property in a defense contract, they are supposed to report it as available for reassignment.

OVERCHARGES CITED

But the GAO has reported to Congress many cases where the Defense Department had no idea how its property was being used, and therefore had no adequate basis for reassigning it.

The Defense Department maintains that private industry does not get away with overcharging the Government to any significant extent.

Secretary of Defense Clark Clifford wrote to the chairmen of the House and Senate Armed Services and Appropriations Committees last June 13 denying that Defense contractors were making big profits or engaging in "war profiteering." As evidence he cited the work of the Renegotiation Board.

However, there are 16 classes of exemption from the Renegotiation Board's jurisdiction, including a blanket exemption for companies which do less than $1 million in business a year with the Defense Department and four smaller agencies.

Figures compiled by the board estimate that in fiscal 1969, with all exemptions intact, $44.5 billion in contractor sales will come before the board for review.

"I would estimate that if all the exemptions were lifted, we would have jurisdiction to check for excess profits on at least another $8 billion or $9 billion in Government purchases and it could possibly go as high as $10 billion," Lawrence E. Hartwig, chairman of the Renegotiation Board, said in an interview.

On the basis of the contractors' own figures, private Logistics Management Institute stated that among the 40 largest of the participating companies, profits on sales had declined from 5.4 per cent in 1958 to 4.5 per cent in 1966 and profit on total investment had decreased from 20.4 per cent in 1958 to 13 per cent in 1966.

On the other hand, the U.S. General Accounting Office, which has legal authority to audit contractors' books, has shown that profits a company reports are not always the profits it has earned.

AUDIT FIGURES

In audits of five Defense contractors, which GAO refused to name, the agency found:

Company A reported 4.5 per cent profit but audit showed 10 per cent.

Company B said its profits were 12.5 per cent, but GAO found 19.5 per cent.

Company C reported 11.1 per cent profits but audit showed 16.9 per cent.

Company D reported a 2 per cent loss but GAO found 15 per cent profit.

Company E said its profit was 21.6 per cent. GAO found 23.7 per cent.

Even more than lowering the floor, Hartwig would like to get rid of the exemption for standard commercial articles.

As long as 35 per cent of contractors' sales of such articles—things like cars, drugs, fuel, computers—are on the private market or to agencies of Government not covered by the board, none of his sales of these items to Government agencies is subject to renegotiation.

Mr. CLARK. Mr. President, all of these amendments are useful. They all would cut nonessential fat out of this swollen budget. It is clear that the Senate is in no mood to accept them; but the time will come, Mr. President, when commonsense will prevail in this body, and may it come soon. It may well come next year, and we will find a situation where Senators will be up against the basic hard facts of life that you cannot have guns and butter both, that you have to choose between the integrity of the dollar and the very important domestic programs initiated in the Kennedy and Johnson administrations, and this very swollen and increasing military budget.

But that time is not yet here. Accordingly, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The Senator withdraws his amendment.

Mr. CLARK. Mr. President, I send to the desk another amendment, which my friend, the Senator from Georgia has indicated he has favorably considered and is willing to accept, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 44, between lines 21 and 22, insert the following:

"SEC. 542. The Secretary of Defense is instructed to transmit to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate, and the Committees

on Appropriations, Armed Services, and Foreign Affairs of the House, semiannual reports on the amounts spent on research, development, test, evaluation and procurement of chemical and biological weapons and agents, including those used for defoliation and other military operations."

On page 44, line 22, strike out "SEC. 542" and insert in lieu thereof "SEC. 543."

The PRESIDING OFFICER. Does the Senator desire that these amendments be considered en bloc?

Mr. CLARK. Yes.

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

Mr. RUSSELL. Mr. President, so far as I understand the amendment—and the Senator from Pennsylvania showed it to me earlier in the day—it calls for the secretary to report on certain expenditures, and I see no objection to the amendment. I do not accept it permanently, but I am willing to carry it to conference.

Mr. CLARK. Mr. President, I yield myself 1 minute. The purpose of the amendment is to make available to the relevant committees of the Senate and the House of Representatives information as to the sums of money we are spending on biological and chemical warfare, including those used for defoliation and other military operations, and reports on the amounts spent on research, development, tests, and evaluation of such weapons.

This is information to which I think the relevant committees of both bodies are entitled. I express my appreciation to the Senator from Georgia for his willingness to accept it.

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

Mr. CLARK. I yield.

Mr. CASE. I commend the Senator from Pennsylvania for this amendment, and join him in support of it, and I thank the Senator from Georgia for accepting it. I hope it will be accepted by the conference, because I think this is a matter of real importance potentially, and certainly one that could hardly harm us.

The PRESIDING OFFICER. The 1 minute the Senator from Pennslyvania yielded himself has expired.

Mr. CLARK. Does the Senator from New Jersey want further time?

Mr. CASE. No, I just wanted to make the point that I thought it was a sound amendment.

Mr. RUSSELL. Mr. President, I can not make any promises with respect to the amendment, other than that we will give it consideration. There are some strange words in it. In other words, how much money is being spent for defoliation is going to be a very difficult thing, at best, to come in with a dollars-and-cents quotation on what was spent for that purpose.

Mr. CASE. I am sure the Senator from Pennsylvania has no pride of authorship of the particular words; but the purpose, I think, is very useful, and I hope the amendment will prevail.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

Mr. SCOTT. Mr. President, I seek recognition.

The PRESIDING OFFICER. Who yields time to the junior Senator from Pennsylvania?

Mr. SCOTT. In default of anybody else being able to do it, I yield myself 3 minutes on the bill.

Mr. CLARK. Mr. President, can we have a vote on the amendment before the Senator proceeds?

The PRESIDING OFFICER. Does the junior Senator from Pennsylvania desire to discuss the amendment?

Mr. SCOTT. I will withhold until after action on the amendment.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SCOTT] is recognized for 3 minutes on the bill.

Mr. SCOTT. Mr. President, I have been seeking recognition to rise in opposition to the various amendments offered by my senior colleague, but especially in opposition to amendment No. 993, which would strike the manned orbital laboratory program from the Defense appropriations bill. I do not rise simply because the loss of this program would mean the loss of millions of dollars to Pennsylvania firms and the loss of an estimated 2,000 jobs in Pennsylvania. Rather, this amendment bespeaks a careless and cavalier attitude toward national defense and vital military needs. The series of amendments, of which this is one, in my judgment endangers the security of the Nation in these perilous times.

These amendments substitute a single judgment for the judgment and the wisdom of the Committee on Armed Services and the Committee on Appropriations. The manned orbital laboratory program is not controversial in the military. It has not been opposed by former Secretary McNamara who must have made it dance to his cost-effectiveness tune. It is not a duplication of civilian effort in NASA.

It is a military program designed to develop and test equipment in space. It is vital to our Nation's security to continue this program. We have to assume, indeed we are informed, that developments of this type are being carried forward swiftly by the Soviet Union. If we are to maintain our defense posture we cannot let the MOL program deteriorate. I, for one, am satisfied with the competence and recommendations of the committee in this matter.

I suggest that if my senior colleague had had more confidence in the administration, perhaps he would have permitted us to go to a vote on some of the rest of his amendments. However, I gather that he intends to withdraw them, in which case I shall not speak further at this time, except to say that I think the entire line of amendments which it was intended to use to cut $8.5 billion from the defense effort, in the midst of a war, was hardly, in my judgment, prudent or timely.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CARLSON. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas is recognized for 4 minutes on the bill.

Mr. CARLSON. Mr. President, my colleague [Mr. PEARSON] and I had prepared an amendment that I had intended to offer in regard to the purchase and use of bulk milk dispensing equipment. This matter has been before Congress previously, in connection with the use of milk dispensing equipment by the Army.

Through the kindness of the majority and minority members of the committee, we are able to have a colloquy on the floor in regard to it, and therefore I am not offering the amendment.

However, I sincerely hope that the chairman of the committee and other members, particularly the Senator from North Dakota [Mr. YOUNG], who is familiar with the subject, will be willing to state that they have no plans with respect to a change in the present operations.

I yield to my junior colleague.

Mr. PEARSON. Mr. President, I associate myself with the comments of my senior colleague.

I am pleased to note that the Appropriations Committee has again rejected the Department of Defense request for funds to purchase bulk milk dispensers to be used on military installations within the continental United States. At a time when we are trying to hold the line on spending I do not think it makes good sense for the Department of Defense to depart from the existing, highly satisfactory program whereby the military installations contract with local business suppliers for their necessary milk supplies along with the needed dispensing machine and ask for $814,000 new funds to purchase these milk dispensing machines directly.

I am convinced that over the long run the continuation of the present system will not only mean better service to military personnel but also that it will mean less cost to the taxpayer. Moreover, if the military were to get into the business of purchasing and servicing these dispensers a number of small businessmen would be dealt a severe financial blow.

I am also pleased to note that the committee, in its report, goes on to specifically "directs that none of the funds appropriated to the Department of Defense be utilized for these purposes."

I say this because despite the fact that no funds have been officially appropriated, there have been instances where military installations have made plans to purchase or have actually purchased milk dispensers.

One such instance which came to my attention involved an Army base in California. After I discussed this with Army officials I was happy to be informed that the base was instructed to remove the machines and to renew its contract with the local dairy. As far as the Army is concerned I think this situation has now been effectively taken care of as the Department of the Army formally notified on commands on July 2 of this year that no fiscal 1969 funds could be used to purchase bulk milk dispensers and that this

prohibition applied until otherwise specifically directed by Headquarters, Department of the Army.

However, I was recently informed that two naval bases had taken steps to purchase milk dispensing machines and also that a number of bases within the Air Force's Strategic Air Command were taking steps in preparation to purchase machines.

I have asked the Air Force and the Navy to explain their policy on this matter and I presume they will take the necessary corrective action. But the point is that none of this should be occurring at all. Therefore I think the language of the committee report will help clarify for one and all the congressional intent of this matter.

And in regards to this language I would like to ask the distinguished Senator from North Dakota a question: Do you interpret this language to also mean that no funds can be used for leasing milk dispensing machines?

Mr. YOUNG of North Dakota. Mr. President, this is a matter that the committee has gone into I believe for the past 3 years.

At the present time, those selling milk to the military forces furnish the dispensers. The military now wants to buy their own dispensers.

I believe that we can save the money involved here. This is the usual pattern of affairs. They want to buy a lot of equipment that they do not need.

I do not believe there will be any savings at all in this case. Those who sell the milk to the military forces can furnish the dispensers just as well, and they do all of the servicing. The servicing would become quite a problem for the military forces.

I believe the present language will serve the purpose of the Senator from Kansas, and that the military forces will not buy dispensers.

Mr. RUSSELL. Mr. President, as far as I am concerned, I stand four square on the committee position on the matter. It was approved in the committee after a full explanation by the distinguished Senator from North Dakota [Mr. YOUNG], who, I may say parenthetically, is my expert on all matters pertaining to milk from the time it is generated in the cow until it is consumed.

I intend to stand four square on that proposition as long as the Senator from North Dakota desires to do so.

Mr. STENNIS. Mr. President, I do not believe that the record needs any buttressing on these points in view of the strong statements made by these gentlemen.

I became familiar with this problem last year.

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

Mr. MANSFIELD. Mr. President, I yield 1 additional minute to the Senator.

Mr. STENNIS. Mr. President, I heartily agree with the Senator from North Dakota and the chairman of the subcommittee, too, that this is the best solution.

Mr. CARLSON. Mr. President, my colleague and I deeply appreciate the remarks just made by the distinguished chairman of the committee, the Senator from Georgia [Mr. RUSSELL], the Senator from Mississippi [Mr. STENNIS], and the Senator from North Dakota [Mr. YOUNG].

AMENDMENT NO. 998

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may call up amendment No. 998 at this time.

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

The clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 42, strike lines 23 and 24 over to and including lines 1 and 2 on page 43, and insert the following:

SEC. 537. No part of the funds provided in this Act shall be used to pay any recipient of a grant or contract for the conduct of a research project an amount for indirect expenses in connection with such project in excess of 25 per centum of the direct costs.

Mr. MANSFIELD. Mr. President, I yield myself such time as I may desire.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, facts have been unearthed which indicate that under the research and development programs moneys for administrative or overhead programs have been used to clean off college football fields, to pay for janitorial services, and the like.

The pending amendment merely specifies that a ceiling of 25 percent will be imposed on the indirect costs that may be charged to any research project funded by the Department of Defense. These indirect costs are sometimes referred to as "overhead" expenses. This indirect cost or overhead limitation would extend to every research project awarded by moneys appropriated in this act.

The need for such a limitation has become vital. Out of the billions of research dollars awarded—and the overall amount is $17 billion a year, often as grants—most of the money goes not for the prosecution of the project itself, but for these expenses that only relate indirectly; expenses that cover new equipment and construction, building maintenance, secretarial services and supporting staffs. This question of allocation is left entirely to the recipient. As a result, the Government pays the recipient double and in some cases as much as three or four times the costs directly allocated to the research project.

Each year more than 10 percent of our Federal budget is poured into corporations, institutions, schools, and laboratories for these basic studies of science and the applied technology related thereto. The Department of Defense has alone this year requested $8 billion and the bill before us appropriates $7.5 billion in this category of research and development.

The Federal Government does and should play a most vital role in support of basic research and development programs. The Government should participate in and encourage new breakthroughs in basic fields of learning. This immense Federal contribution demands a deep and abiding interest by the Congress, and I am pleased that the past year has reflected a deepening of that interest.

As the size of the Federal contribution has increased so has the Federal dependence of the institutions, the colleges and universities, the corporations—both nonprofit and profit—and the laboratories. What clearly is involved in these research grants and contracts is a huge Federal subsidy.

Let me say that it is extremely difficult for a layman without scientific training and expertise to evaluate the priority that should be given when we are dealing with any of these scientific projects. As a result, congressional review of the specifics of research and development has been necessarily abbreviated. Because of the absence of strict scrutiny, a degree of laxness has arisen in the public awareness of the extent and significance of the Federal involvement.

It was with some dismay that recent revelations were made about the salary structure of some of the various nonprofit Federal contract research centers. These organizations that are creatures of the Federal Government—totally set up for the purpose of doing Federal work and totally dependent upon Federal dollars for existence—were paying salaries that ranged from $50,000 to $90,000 per year. This revelation startled many. Some questioned whether civil service wage scales should not apply to these de facto employees of the Federal Government just as they do to those employed directly.

Additional interest was generated to determine other practices that might be occurring in other federally sponsored research and development programs.

It is not wild speculation to surmise that the ever increasing Defense Department budget for research and development is attributable in part at least to the general ease with which our military establishment has been able to obtain funds. As a result, the Defense Department's involvement has expanded far beyond any jurisdiction that could normally be classified as "defense" needs. For example, one can question with some validity why the Department of Defense assumes the sponsorship of birth control research or for that matter any medical research. The Congress created the National Institutes of Health, and each year we fund their far-reaching endeavors for this purpose. Any peculiar needs for medical research of the Defense Department would certainly be honored by the National Institutes of Health.

One can question also why the Department of Defense involves itself to a great extent in the field of basic social science research. The fact that the Department of Defense last year gave a security classification to 76 contracts dealing with social science research raises a most genuine suspicion. The very existence of a security classification for basic research is only justifiable to conceal the sponsor of the project—perhaps to avoid the sponsor's embarrassment—embarrassment because the sponsor has no business involving itself in that field.

What truly is needed is more attention to the specifics in this whole area of research and development. It is elementary that in a free and open society the Government should permit the public to know where its Federal money is spent. Research that is justified should be open to scrutiny—and Congress has the obligation to scrutinize all the details.

Whatever is not specifically of a security nature should be available to the public eye.

At my request, the Department of Defense furnished me a listing of every research contract it awarded last year. They number in the many thousands. All classified information was removed from the listing. They sit in six large cartons in the Appropriations Committee Room. I believe that it is necessary for each of us and the entire research community to know what every other part is doing. I believe duplication of effort and less significant work will more readily become apparent. There would be an awareness on the part of other Federal agencies of the work that each is performing. I believe there would be less likelihood of improper sponsorship.

Although all the information intended to be assembled and printed was of an unclassified nature, it is my understanding that the Department of Defense has now raised some doubts about the advisability of assembling this information. I am at a loss to know how a compilation of unclassified information could become classified. I know that the scrutiny of the public eye and the professions' eye will cause a critique of the total effort, but this is exactly what is long overdue. I am hopeful the printing of this information will be forthcoming in the very near future. I intend to seek similar information from each Federal agency sponsoring research and development.

The pending amendment covers grants as well as contracts. It seems incredible that especially in the field of grants or gifts even the generous allowance of a 25-percent ceiling would be needed for overhead costs—costs that merely facilitate the expenditure of the amount awarded outright. This rationale for awarding an additional percentage is based paradoxically upon the grantee's claimed inability to accept outright a gift for research without losing money. In other words, if a researcher accepts $100,000 to conduct a particular study, that $100,000 would pay for items of scientific equipment, consumable supplies, technicians and research associates, associated research travel, clerical assistants, computer time, and so forth—all directly related to the research project. The grantee has always insisted upon an additional award which is claimed necessary to prevent a loss of money occasioned by accepting the Government grant. The Government is simply giving away money to help spend money that it has given away. This amounts to a subsidy on top of a subsidy. Such a practice should at least have a ceiling.

If adopted and carried to law, this amendment would simply limit to $25,000 the maximum that could be allocated to overhead costs on any grant totaling $100,000. It would require the recipient of a grant or contract to strictly account for the exact costs of any project. The facts developed during the hearings on this bill demonstrate an excessive looseness with respect to the allocation of overhead. Some universities charge the Government as much as 86 percent of the direct project cost. A representative sampling showed the following results:

	Percent
University of Delaware	67.08
Lehigh University	72.16
Princeton University	80.00
Polytechnic Institute of Brooklyn	83.40
Worcester Polytechnic Institute	86.82

NOTE.—P. 1583, Defense appropriations hearings.

They run from 28 percent to nearly 90 percent. While the committee hearings reflect a great deal of information with respect to university-sponsored research, the universities are but representative of this overhead subsidy in the research community in general.

In fiscal year 1967, $1.67 billion was expended by all Federal agencies at our universities in support of research. Of the $1.67 billion just $426 million was actually expended on direct costs of research projects. A disproportionate $1.2 billion, or about 75 percent, was expended on indirect or overhead costs.

I agree that these indirect costs are perhaps necessary, if not vital, for the proper functioning of any university. They support the total apparatus of the school and extend to salary payments for a wide diversity of personnel, from janitors to secretaries to purchasing agents and deans. They also enhance the research and educational potential of the institution, providing funds for development and expansion and for improved departmental activities.

It is indeed essential that a strong educational system be maintained at the graduate level in our country and that we continue to expand and improve these institutional facilities. But Federal subsidies provided in the form of indirect overhead research allowances are not the proper way. Is it necessary that we so conceal this emphasis on graduate education? Can we not fund directly and in the open what now goes through the back door in the way of exorbitant overhead charges?

I fully support aid to graduate education for all our universities, not just those which happen to be singled out for grants or contracts. I think funds should be made available in a direct manner and through the agency of the Federal Government that has as its primary purpose the improvement and furtherance of higher education. Only in this way can the proper role of the Federal Government be contained. The extent to which the institutions become dependent upon the sponsor of the research projects is unclear when the institutions are being financed and subsidized in this indirect manner. Indeed, I believe a greater educational freedom would prevail if a direct subsidy were available and any strings and dependency or lack of it of the universities were expressed by Congress.

Let me say, too, that the history of the educational institution's dependence upon the Federal research dollar and its use of that dollar is only symptomatic of a problem that extends to every institution and corporation receiving part of this Federal dollar. The information at these other research centers was not specifically available, although it has been suggested that the indirect cost figure is far above that of the universities.

This amendment would simply limit these overhead charges to 25 percent, which is very similar to the guidelines adopted several years ago by our Appropriations Committee in this area.

It has been argued that accounting techniques could be used to make any necessary adjustments without saving a dollar. But the purpose of this amendment goes further than the saving of the Federal dollar, however important and significant that result will be.

The real purpose of this amendment is to focus much needed attention on this area that has been greatly neglected in the past; to encourage further scrutiny, not only by Congress but by other Government and non-Government institutions as well; and to demonstrate that this is but the beginning of an in-depth evaluation that will continue over the months and years ahead.

The essential thrust of my interest in the field of research and development has been to focus greater attention on the extent of the Federal involvement and the degree of laxity that has been attendant thereto. To obtain any degree of direction, the information concerning the research contracts and grants awarded by the Federal Government must necessarily be assembled in readily accessible form. This information should be available to Congress and the professional community. The wisdom of our involvement and the sponsorship of our research should withstand any scrutiny.

Conversations this morning with the Director of Research at the Department of Defense and the Bureau of the Budget have produced recommendations agreeing to the assemblage of information to be available to the public concerning all research sponsored by the Federal Government.

It is contemplated that the assemblage of the following information with respect to every Federal contract and grant—all classified information being first removed:

First, the name of the agency awarding the research; second, the institution performing the work and the principal investigator; third, the amount awarded in the 2 previous fiscal years; and fourth, the title of the contract and the principal objective of the work.

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

Mr. MANSFIELD. I yield.

Mr. RUSSELL. Mr. President, before I ask this question I wish to express my hearty congratulations to the Senator for his courage and eloquence in presenting this amendment.

The Senator has been reading what the Department of Defense was doing. One of the things to my mind that has made this so essential is the absence of any explicit definition of what are "indirect expenses."

I wonder if the Department proposes to do anything about that. In some cases they have held that the building of roads to a football stadium had something to do with indirect expenses.

Mr. MANSFIELD. And cleaning snow off the football field.

Mr. RUSSELL. Yes, things as remote as that.

We hear the cry from the smaller and poorer educational institutions when these things come up and they do not get the crumbs that poor Lazarus got from Dives' table.

They get a small amount directly received, and it is wholly insignificant when compared to the totality of the amount received by what we call the Ivy League—what they themselves call the Ivy League, and we follow them in calling it the Ivy League—and some larger institutions on the west coast.

Mr. MANSFIELD. And people should wire in every time they are opposed to it.

Mr. RUSSELL. Does the Senator have any assurance that we are going to get a definition of indirect expenses?

Mr. MANSFIELD. Yes, indeed.

Mr. RUSSELL. Then we could decide what is involved.

Mr. MANSFIELD. Yes, it is my understanding, after contacting the General Accounting Office, that they have in the works a study which is just about completed and which it expects to release shortly.

Mr. RUSSELL. I hope so. It should be clearly established what we are going allow to be included in "indirect expenses."

Mr. MANSFIELD. Yes. I would say to the Senator that probably because of the activities of the Committee on Appropriations a burr was placed under the saddle and it will be forthcoming shortly.

Mr. RUSSELL. I thank the Senator and assure him of my wholehearted support.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. Mr. President, is the Senator saying where a grant is made of $100,000 to one of these institutions he mentioned, where indirect costs may go up to 86 percent, $86,000 would go to the university and only $14,000 would be left for the project itself?

Mr. MANSFIELD. Overall, they would use 86 percent; but that is in addition to the grant they got, and this would limit it to 25 percent.

Mr. PASTORE. I know that. But what is the situation under the present system, before this amendment is agreed to.

Mr. MANSFIELD. They get additional funds.

Mr. PASTORE. Does the Senator mean they get $186,000 instead of $100,000?

Mr. MANSFIELD. The Senator is correct; for a $100,000 project.

Mr. PASTORE. I think the Senator from Montana has struck a good note. The only thing that bothers me is doing it rather precipitately and summarily here. I wonder whether in trying to avoid all abuses we create others or some injustices. I wonder if we could modify the proposal to provide that the formula today shall continue except it shall not go above, let us say, 35 percent or something. It used to be 20 percent or 25 percent and most universities wanted to raise it to 35 percent. We were reluctant to do so. I think somewhere between 20 percent and 35 percent we could strike an equitable agreement. I agree that when direct and indirect costs are equivalent to the project itself, it is out of proportion. But some of these research projects are for the benefit of the country and some of our best minds have to be attracted to them. Nobody is going to undertake a project where indirect cost has to be taken from the stockholders or from the pockets of the consumers, let us say, if it is one of the consuming products of the country.

I wonder if we could not stay with the existing formula and put on a ceiling, and then hope that the entire matter could be investigated and studied.

Mr. MANSFIELD. I think that approach should be considered. But I think 25 percent is an awful lot in itself. This is a long overdue step in the right direction.

Mr. PASTORE. It sounds like an awful lot but it could be too little, too.

Mr. MANSFIELD. The proposal I made came out with the unanimous approval of the Committee on Appropriations, at least with the approval of the members present at the time. There was in excess of a quorum. So the interest in this matter goes quite deep and it is felt, generally, that something should be done.

Mr. MANSFIELD. Mr. President, before yielding to the Senator from Florida, I wish to finish my statement, and then I am prepared to answer questions.

It is the belief that this information will lead to a fuller understanding of the Federal contribution through research and ultimately lead to a better alinement of primary responsibility.

The present amendment will be available for alteration in conference with my full approval.

Mr. HOLLAND. Mr. President, I am deeply disturbed about this amendment, and I do not have adequate information about it. I have a telegram in my hand, signed by G. T. Smiley, general manager, Apollo systems department, General Electric Co., Daytona Beach, Fla. I wish to read the telegram to show why my concern has been created in this matter:

DAYTONA BEACH, FLA.,
October 1, 1968.

Hon. SPESSARD L. HOLLAND,
U.S. Senate Office Building,
Washington, D.C.:

It is my understanding that Senator Mansfield has introduced in the Senate an amendment to H.R. 18707 the defense appropriation bill FY 1969, which would prohibit the payment of overhead rates in excess of 25 percent of direct costs on contracts for research projects. This amendment would make it impracticable for this company, and I am sure for most other companies, to accept research contracts, for example, costs for pensions, vacations, social security, and insurance are all overhead items in our companys accounting system and would probably account for most of the 25 percent of overhead that Senator Mansfield would allow. Thus, nothing would be left for traditional items of overhead costs such as facilities, utilities, supplies, etc.

Since there is no standard classification of direct vs indirect (overhead) costs, all contractors would not be treated equally. Precisely what goes into the overhead pool and what is treated as direct costs is dependent upon the exact accounting system used by each contractor.

I hope that after you have studied Senator Mansfield's amendment you will conclude that it is impractical, unreasonable and undesirable and that you will work to have it defeated.

G. T. SMILEY,
General Manager, Apollo System Department, General Electric Co.

Mr. President, I want to make it very clear that I have no great amount of information on this subject. Mr. Smiley, whom I happen to know, called me about this matter and I asked him to send me a wire. I meant to discuss it this morning with the able chairman of the Committee on Aeronautical and Space Sciences and call his attention in this particular instance to Apollo contracts which have been made with NASA.

But I have not had a chance to do so. I did not get the wire until last night. It seems to me the point made by the Senator from Georgia is a valid one, that we do not have any definition of what constitutes overhead costs, that overhead costs will differ in different cases depending on what accounting system is used, so that there is very much validity to Mr. Smiley's wire. I therefore invite my distinguished friend to make a comment on this question because I have already said I have little information on the subject.

Is the Senator aware of the fact that accounting systems are greatly different among the large concerns——

Mr. MANSFIELD. Oh yes.

Mr. HOLLAND (continuing). Handling research and development contract, and that they therefore would not be treated equally under the provisions of the amendment?

Mr. MANSFIELD. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Montana has 3 minutes remaining.

Mr. MANSFIELD. Let me say to the Senator from Florida that he is not the only one who has received telegrams and telephone calls. I see several Senators on their feet and I am sure that organizations and institutions from every State have been heard from as well as a good many Federal agencies. If Senators will look at the record of General Electric, so far as the Apollo program is concerned, if my memory is correct, the indirect costs or overhead—has run in excess of 100 percent. That is my best recollection at this time and subject to correction. Believe me, it is a lot of money. These people—organizations, corporations, institutions—are using the Federal Government and they are using their positions in their States to put the pressure on, so to speak, and bring their points of view before the Congress. That is proper and correct—provided the whole point of view is presented for consideration.

I repeat, to the best of my knowledge—and this is subject to correction—it is my understanding that the General Electric program on Apollo receives in excess—perhaps well in excess of 100 percent for overhead, maintenance, indirect costs, or whatever we want to call it.

Mr. ANDERSON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. ANDERSON. Is the Senator presenting his amendment as it now stands in type—the printed amendment?

Mr. MANSFIELD. It is at the desk. It applies only to the Department of Defense.

Mr. ANDERSON. If it applies only to the Department of Defense, I have no

objection. Otherwise, I might have. I am very happy about what the Senator has done, and am glad that it applies only to the Department of Defense.

Mr. MANSFIELD. I thank the Senator. If it is successful, it is the intention of the Appropriations Committee to look into other agencies in turn so that something in the way of a pattern can be set out. I thank the distinguished chairman of the Committee on Aeronautical and Space Sciences.

Mr. McINTYRE. Mr. President, I want to say that I have received a telegram from W. G. Krall, manager of the Hooksett plant of General Electric in New Hampshire, just as did the Senator from Florida. I do not have too much comprehension of what the Senator from Montana is trying to achieve here. Any comment the Senator could make——

The PRESIDING OFFICER. All time of the Senator from Montana has now expired.

Mr. MANSFIELD. I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 1 minute.

Mr. McINTYRE. A comment from the Senator from Montana on this telegram would be helpful to us.

Mr. MANSFIELD. I must say that I do not know the situation with respect to this New Hampshire division of the General Electric Co. I do recall approximate figures on this General Electric involvement in the program dealing with Apollo—whatever it is.

Mr. HOLLAND. Systems.

Mr. MANSFIELD. Systems, yes.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. ALLOTT. As I understand the time limitation on this matter, it is controlled by the mover of the amendment, and the time in opposition is controlled by the Senator in charge of the bill, unless he is in favor of the amendment, in which event it is controlled by the minority leader; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. CASE. Mr. President, I am happy to yield to the Senator from Colorado as much time as he may require.

Mr. ALLOTT. That being the case, Mr. President, since the Senator from New Jersey [Mr. CASE] is acting minority leader, I yield myself a few moments to discuss this matter.

The PRESIDING OFFICER. The Chair inquires of the Senator from Montana, the Senator in charge of the bill, whether he is in opposition to this amendment.

Mr. MANSFIELD. No. I am in favor of the amendment, and I believe I have so stated. If I am not correct, I will have the RECORD changed.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. ALLOTT. Three minutes?

The PRESIDING OFFICER. I thought that is what the Senator said. How many minutes does the Senator wish?

Mr. CASE. Mr. President, I yielded to the Senator from Colorado as much time as he might require.

The PRESIDING OFFICER. The Senator from Colorado may proceed.

Mr. ALLOTT. I thank the Chair, and the Senator from New Jersey.

Mr. President, no one in the Senate has more sympathy for the general purpose of the amendment offered by the Senator from Montana than I, because I have pursued this subject over a number of years. As a matter of fact, I hold in my hand a bill, S. 1305, sponsored by 12 Members of the Senate, to create a joint congressional committee to make a continuing study of the research programs and operations of the Federal Government relating to science and technology, and for other purposes.

I have seen this question and this problem coming up for many years. I think I may say, frankly, that it was the Senator from Colorado who raised this question in the Appropriations Committee. It had been my intention to offer an amendment similar but not foursquare with that of the Senator from Montana; but his motion and his amendment preceded mine.

Mr. President, I think there is one thing we have to face. The Senator from Montana has with considerable effort on his own behalf, certainly as much as he could spare since the bill was reported, tried to ascertain the facts. I am not sure that his amendment relates to the facts as we know them so far.

It is my intention to offer, when the time is yielded back upon this particular amendment, a substitute which will eliminate the word "contracts." Otherwise, it will be, to all intents and purposes, the same amendment as that of the Senator from Montana.

This calls for a direct statement as to why this should be done. If Senators will look at the hearings of the Appropriations Committee over the past few years, with one exception, when the great Senator from Massachusetts, Mr. Saltonstall, was here, the only inquiry that has been made in this area has been into the area of colleges, universities, and nonprofit institutions.

When we throw the word "contract" in, as does the present amendment, then we get into the position of working mischief, perhaps, of which we do not know the nature. I shall talk about this further. My only point at this time is to make the Senate aware that I am generally in accord with the purposes of the Senator's amendment. I do not know and I do not honestly believe that any Member of the Senate knows at this time what the sum total effect of this amendment as it is proposed will be. So, with that statement, I yield back my time to the acting minority leader with the notice to my fellow Senators that when the time is yielded back I wish to be recognized for the purpose of offering a substitute amendment.

Mr. JAVITS. Mr. President, will the Senator from New Jersey yield me 2 minutes?

Mr. CASE. First, does the Senator from Montana wish to respond to the Senator from Colorado? I think it would be appropriate to do so now.

Mr. MANSFIELD. Oh, no. When the Senator gets through I shall be prepared to yield back the time and the Senator from Colorado can get on to his amendment.

Mr. CASE. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, there are a great many universities in New York, as there are a great many contractors in New York. These amendments suddenly are flashed on us. I do not say that in any complaining tone. I receive an enormous volume of mail from colleges and universities engaged in research, urging that this not be done, that limitation not be placed upon them, and they present much data, facts, and figures with respect to it.

Also, Mr. President, I do not know that there is any valid distinction between grants and contracts such as what the Senator from Colorado [Mr. ALLOTT] would wish to carry through.

As a member of the Appropriations Committee, I do not believe anything ought to be swept under the rug. If the manager of the bill feels that this is a subject that ought to be considered in conference, with the aid of the expertise which various people can bring to it, including colleges and universities and contractors affected, I can understand that, and I am not going to make a great issue of it. But I think the Senate ought to be assured that, if any such action is sought to be taken in conference, at least we will have the understanding that a body of experts will be available to back up whatever the conferees propose to do.

I say that for the reason that we have $7 billion involved in this appropriation bill. The majority leader, the Senator from Montana [Mr. MANSFIELD], a very important Senator, says this is a precedent and he is going to press the matter in other quarters as well. It could well be that two things could happen: that, one, an indirect cost will go to direct cost and save nothing; and, two, we may discourage useful people like General Electric from undertaking these contracts at all because they are not worthwhile. That is not unusual. It has happened before, and we may deprive the United States, therefore, of a great deal of the brains and skills which we find in the whole free enterprise system and the university system.

So I am not standing here to oppose what the manager of the bill proposes, but I do express the feeling, as one Senator, that if the conferees should come back with some definitive proposal, it would be very clear that there is no basis in fact, as we have it now, profound and searching enough to determine this kind of finding in law. I would certainly want to have one that is reasonably persuasive, if the conferees act affirmatively on this matter.

Mr. CASE. Mr. President, I yield myself 2 minutes. I feel much as the Senator from New York does. In addition to some industrial communications, I have had a number of very highly respected educational institutions in New Jersey express concern about the amendment.

On the other hand, this is a matter we have dealt with for many years, and the Senator from Montana is no enemy of education. In fact, there is an educational

institution named for him in his own State, which some of us had the opportunity and honor to help institute. Yet this is such a wide-open matter, since the word "indirect" is so undefined at this time, that I, for one, and some of our other colleagues feel the same way, are relying very heavily on what our conferees may do in thoroughly considering this amendment.

I know very well that some universities have indirect expenses of 100 percent in connection with research projects, depending on how the word "indirect" is defined and how language of this sort would be applied by the Government department, in this case the Department of Defense, to a particular grant.

So I hope we may have—as we already have had assurance in the concluding remarks of the majority leader—thorough consideration of the matter de novo in conference and amendment if necessary—I believe that it is a correct interpretation of his intention——

Mr. MANSFIELD. The Senator is correct.

Mr. CASE. With that assurance, I am satisfied to let the matter go to conference.

Mr. MANSFIELD. Mr. President, the Senator from Utah [Mr. Moss] would like to have 2 or 3 minutes. I yield to him.

Mr. MOSS. I would like 3 minutes. I thank my colleague.

Mr. President, I, too, wish to voice the concern of educational institutions in my State. I do not profess to know very much about the way in which indirect and direct costs are computed. This has been worrying me since the matter was brought to my attention. But it is of such concern to my State university there that I was called late last night by the president of the university, who said this amendment would be damaging and would cost a number of research contracts the university had been working on.

The way they compute their direct and indirect costs, it amounts to about 30 percent of the computation they work out. I do not know; maybe that formula is not standard. Perhaps it is computed differently at different eductaional institutions, and perhaps private institutions compute it differently. But, at least, the way it is computed at the State university, which I would expect to be perhaps the lowest in indirect costs, the 25-percent limitation would preclude their taking a number of contracts that they have undertaken for research.

For that reason I rise to express the concern that I feel for the educational institutions, on whom we have been relying to do a great deal of this work, and to indicate that perhaps, until such time as there is an established, fixed formula of computation—if there is one, I do not know about it, and I just surmise that it varies from place to place—to determine what is an indirect cost and what is a direct cost, we may be damaging the interests of the Federal Government and damaging a number of our educational institutions that have been able to contribute to the national effort in this area by reason of accepting some of these contracts or grants for research.

So on that basis I would hope that the amendment either could be amended upward as to the top figure or laid aside at this time until more is known about it.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute. All I want to say is, coming from a State which has land-grant institutions, as does the Senator from Utah, it is the private institutions, some of which are subsidized almost entirely by the Government, that get the gravy under these programs and it is the land-grant colleges that get the droppings.

Mr. LAUSCHE. Mr. President, will the Senator yield to me?

Mr. MANSFIELD. I yield.

Mr. LAUSCHE. I want to commend the Senator from Montana for the very informative presentation which he has made. I have looked at the figures on page 1583 of the hearings, which show that some institutions have charged as high as 86 percent, 83 percent, 72 percent, 67 percent, as indirect costs in doing the research work. The very statement of the proposition——

Mr. MANSFIELD. Mr. President, I had better yield the Senator some time. I yield 2 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Chair asks the majority leader if it is on the bill.

Mr. MANSFIELD. Two minutes on the bill.

Mr. LAUSCHE. The very statement of the costs sort of shock an individual. That is the experience I had when I heard the Senator from Montana identify these figures.

I understand the Senator has said that when the matter goes to conference the exact figure which he has suggested of 25 percent would, of course, be available for modification to reach such objections as the Senator from Utah has just raised.

Mr. MANSFIELD. Yes.

Mr. LAUSCHE. I would anticipate that also, and I think that is rather sound, because on page 1583 Admiral Owen, who, to my great surprise, indicated a conspicuous paucity of intelligence on what was happening in his department, finally came through with the statement that he submitted, after the Senator from Colorado questioned him, which shows a cost range from 28.6 percent to 86.82 percent.

I again commend the Senator from Montana for the very constructive work he has done on this measure.

Mr. MANSFIELD. Mr. President, 1 minute.

I thank the Senator from Ohio for what he has said, but I think the chief credit should go to the distinguished Senator from Colorado [Mr. ALLOTT], who, year after year, has been trying to bring this matter to the attention of the Senate and to get some action on it.

I yield back the remainder of my time.

Mr. CASE. Does any Senator seek further time?

Mr. HOLLAND. Mr. President, I would like just a minute, if I might.

Mr. MANSFIELD. I believe the Senator from Colorado wishes to offer a substitute amendment.

Mr. HOLLAND. I understand, but I should like just a minute.

Mr. CASE. I yield 2 minutes to the Senator from Florida.

Mr. HOLLAND. First, do I correctly understand, from the statement of the distinguished Senator from Montana, that the amendment is now being presented in a slightly different form than the amendment on our desks?

Mr. MANSFIELD. That is correct.

Mr. HOLLAND. By striking out the words "or any other act," so as to make it apply only to this defense appropriation bill for 1969; is that correct?

Mr. MANSFIELD. That is correct.

Mr. HOLLAND. I thank the Senator.

I ask unanimous consent to have printed in the RECORD at this point the tables referred to by the Senator from Ohio, found on page 1583 of the printed record of the hearings, including 10 institutions that were considered in the lowest bracket of costs, 10 that were in the median bracket, and 10 that were in the highest bracket. I am talking, now, solely about institutions of learning, and not about corporations which have contracts in this field, and I ask unanimous consent that those three tables be printed in the RECORD.

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

1. University overhead rates—10 low

	Percent
Johns Hopkins University	28.6
Loma Linda University	29.3
University of Pennsylvania	29.7
Calvin College	30
Mississippi State University	30.1
Columbia University	30.5
Medical College of Virginia	30.7
University of Rhode Island	32.9
Louisiana State University	33
University of Cincinnati	33

2. University overhead rates—10 in medium range

	Percent
Northwestern University	49
University of Wisconsin	49
Cornell University	50
University of Rochester	51.5
Indiana University	52.5
University of Colorado	53.3
Michigan State University	54.87
University of Notre Dame	55
California Institute of Technology	56
Stanford University	57

3. University overhead rates—10 high

	Percent
University of Miami	63
Stevens Institute of Technology	64
University of Miami Institute of Marine Science	65
Iowa State University	65.02
University of Delaware	67.08
University of Illinois Medical Center Chicago	69
Lehigh University	72.16
Princeton University	80
Polytechnic Institute of Brooklyn	83.4
Worcester Polytechnic Institute	86.82

The PRESIDING OFFICER. Is all time yielded back?

Mr. CASE. I am happy to yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back on the amendment of the Senator from Montana, the Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I send to the desk an amendment by way of a substitute for the amendment of the distinguished Senator from Montana, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Colorado [Mr. ALLOTT] proposes a substitute amendment as follows, as a substitute for amendment No. 998, proposed by Mr. MANSFIELD to H.R. 18707, an act making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes:

SEC. 537. No part of the funds provided in this Act shall be used to pay any recipient of a grant for the conduct of a research project an amount for indirect expenses in connection with such project in excess of 25 per centum of the direct costs.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, when order can be restored, I shall yield myself as much of my 10 minutes as I may require.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Colorado may proceed.

Mr. ALLOTT. Mr. President, I should particularly like to have the attention of the distinguished majority leader on this discussion, because I hope that he will accept this amendment and take it to conference.

This, in a sense, is a diminishment of effects of his amendment, and I say that, immediately, in all honesty and candor.

But the real difference between the two amendments lies in this: that the substitute amendment offered now is limited to grants alone and not to grants and contracts, as provided in the amendment of the Senator from Montana.

What is the background for this proposed change? The background is that for years prior to fiscal year 1963, there were no limitations upon indirect costs in grants in the independent offices bill. As everyone knows, that included NASA, and also included the National Science Foundation, the Veterans' Administration, and other agencies where research was done.

In 1963, a limitation was put on of 25 percent. In 1964, that limitation was diminished to 20 percent. In 1965, it was kept at the same level of 20 percent.

Then commencing in fiscal year 1966 and as a result of what I think was a very foolish action by Congress, the limitation was amended to read as follows:

SEC. 305. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

If there was ever a foolhardy, thoughtless piece of legislation passed—and I must say that I objected to it very strongly at the time—it was this section, because what it says is simply that if you have a research contract for $100,000, you can incur $99,999.99, in addition to the $100,000, for indirect costs. How Congress could ever be so foolish as to have accepted such a provision I do not know.

I, like others, have wires from my State university president and letters from others, saying that they are going to lose all their research contracts. The facts are, as the Senator from Montana stated awhile ago, that if we tighten up the research provision in this bill, and keep it tight in the future, we are not going to find all of the research money spent in this country, or the great bulk of it, spilling into a small area on the eastern coast and two or three big institutions on the west coast; rather, we will have more money available for research throughout the length and breadth of this country, and particularly in our land-grant colleges and universities in the West and the Midwest.

The real reason for the difference in these amendments is this: The research in colleges and universities is basically and almost entirely—not entirely, but almost entirely—done by grants; but research by corporations, including private corporations is by contract. GE has been mentioned here, so I will use it as an example; it will not be tarnished by anything I shall say. At GE, arrangements for research are made by contract, not by grant.

Frankly, I think I have attended the various hearings, the independent offices hearings and all the other hearings, as diligently as any other Senator, and I cannot recall any testimony in the last 5, 6, or 7 years which would provide a basis for our making a decision on what should be done now with respect to research contracts going to private corporations.

I have here several letters written by the Comptroller General and other people, who say, in effect, "The trouble of it is, the different institutions and the different people involved keep their books separately, and with one an item is an indirect cost and with the other a direct cost."

Mr. President, that is exactly what we are trying to get at. It is the responsibility of the Government to say which of these shall be direct costs and which shall be indirect costs, and it is not the part of the Government to go along like a flood water going down a mountain stream, and accept the accounting procedures of every institution with which it makes a contract or to which it furnishes a grant.

So, because I do not know, and frankly there is no one else here who knows, what the effects on the contracts with private corporations would be, if we leave in the contracts, I have offered this amendment by way of a substitute which, basically, for all purposes, brings it back to the college and university level, and other nonprofit institutions. I feel as the Senator from Montana does. If we have a research grant and we have charged to this grant the direct cost of the grant, I find it impossible to understand why anyone cannot supervise that grant and keep it within the limit of 25 percent.

Certainly the space they occupy, the machines they use, the time that is paid to the help and to the researchers are all direct costs. Rental is a direct cost. Phone bills are direct costs. Travel associated with the project is a direct cost.

I find it hard to realize how our Government people have been able to let them build these costs up to the extent to which they have.

I obtained these figures after much effort. And, page 1582 of the hearings, reflects that I had been questioning the members of the Military Establishment about these costs. I finally had to make this statement:

I want to get an answer to this question, and I am not going to quit, even if I have to stay here until midnight. I want an answer as to what the outside limits are that are allowed to the university for administrative expense on a research contract.

Finally I got an answer from them. I did not get the answer then. Later, they had it inserted in the record. I asked them to give me 10 of the lowest they had, 10 that they would consider in a medium category, and 10 that they would consider in a higher category.

What did we find out? We found that whereas in the independent offices bill in 1963 we had a limit of 25 percent which was later reduced to 20 percent, the minimum now begins at 28.6 percent—or 3.6 percent more than the highest that was allowed under the law when we were putting a standard on it—and page 1583 of the hearings reflects that it runs as high as 63 percent, 64 percent, 65 percent, 65.02 percent, 67.08 percent, 69 percent, and goes as high as 83.4 percent, and 86.82 percent, which is almost 87 percent. That means that if there is a $10,000 contract, $8,700 would be added on top of that for indirect costs.

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

Mr. ALLOTT. Mr. President, I yield myself an additional 5 minutes, or as much thereof as I use.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALLOTT. Mr. President, I conclude my remarks at this time with the hope—and I see that the distinguished Senator from Montana has been called off the floor for a moment—that the Senator from Montana will see fit to accept my amendment for the reason that I believe the only justification in the records of our Committee on Appropriations is for the amendment which is offered by way of a substitute, and we cannot, out of our records, produce a justification for the broad scope, shotgun approach, which is taken by the amendment of the distinguished majority leader.

Mr. President, I reserve the remainder of my time.

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

Mr. ALLOTT. I yield.

Mr. HOLLAND. Mr. President, do I correctly understand—since I was not present at the hearings and am not a member of that subcommittee—that the only specific information on the subject which was brought out in the exhaustive hearings of that subcommittee relates to institutions of learning and contracts made between the Defense Department and those institutions of learning?

Mr. ALLOTT. The Senator is correct.

Mr. HOLLAND. And there is no information whatever on how this would apply to corporations or businesses that have contracts with the Defense Department?

Mr. ALLOTT. Or are doing business by contract, as compared with universities

and nonprofit institutions which are doing business by grants.

Mr. HOLLAND. I thank the Senator.

Mr. MANSFIELD. Mr. President, during my collection of information in this general area, I wrote to Mr. Philip Handler, chairman of the National Science Board. I asked him specific questions concerning the use of Federal money for research by the academic community. I wished to know how the awards for grants and contracts were used to support institutional facilities that were not directly connected with the specific research project. I also indicated to him my desire to find some way to limit such indirect charges.

Mr. Handler replied to my letter last September 16. Let me first say that he urged that a limitation on the so-called indirect costs of research awards would be neither practicable nor desirable.

In that view he is joined by the large number of colleges and universities that have since contacted me asking that the effort on this particular amendment be abandoned.

Mr. Handler did furnish the information I requested covering the use of Federal moneys for other than project purposes. I appreciate very much the candor and frankness of his reply.

He pointed out that even though much of the $1.67 billion appropriated for all Government research at academic centers had been designated by the Congress for direct project costs, a great portion of the line itemed amounts went for other purposes; for general institutional use and development, for facility construction, departmental activities, and fellowships. What it demonstrates beyond any doubt is how this support of specific research projects is so inextricably intertwined with the entire institution that happens to do the work. I think it is a situation that demands the keenest attention.

I ask that the RECORD include my letter to Mr. Handler and his reply.

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

SEPTEMBER 12, 1968.

Hon. PHILIP HANDLER,
Chairman, National Science Board, National Science Foundation, Washington, D.C.

DEAR MR. HANDLER: The issue of the Federal Government's involvement in research grants has captured significant public attention in the recent months. I would appreciate your views on this issue as it relates to institutions of higher learning.

In Fiscal Year 1967 universities received approximately $1.7 billion in funds for basic research from all agencies. Knowing that research, education and training are mutually reinforcing and inextricably intertwined in our universities, has the word "research" become a catch-all term that, in fact, includes other aspects of university activity in addition to the actual conduct of scientific research? What categories of university activities are dependent on Federal research funds? Approximately what percentage of the $1.7 billion was provided for each of these purposes and are these percentages representative for other years? Would it be possible to continue the current pace of academic research with a reduced Federal expenditure by imposing some limits on the expenditure of the Federal grant for other than the research itself? What changes might be made in budgetary terminology and the budgetary process that might clarify the influence of Federal research funds on our academic institutions?

Your timely response to these questions will be most helpful in identifying the crucial issues in this most important field.

Sincerely,

NATIONAL SCIENCE FOUNDATION,
NATIONAL SCIENCE BOARD,
Washington, D.C., September 16, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate, Washington, D.C.

DEAR SENATOR MANSFIELD: I am most pleased to have the opportunity to reply to your thoughful letter with respect to the implications of support of research at institutions of higher learning and the consequences of variation in the funding level of this endeavor.

As your letter indicates, in fiscal year 1967 there was transferred from the Federal government to the universities of the United States a total of 1.67 billion dollars from the appropriations to all agencies, categorized as "research." In some instances, the appropriation was so line-itemed as to permit understanding of the detailed manner in which the funds were to be utilized. In most instances, however, this is not the case. Some Federal funds which contributed significantly to the research process were not identified as support of research, per se. Particularly noteworthy in this category was the appropriations for NDEA fellowships. To the extent that these fellowships were awarded to graduate students in the physical, biological, social, engineering, and mathematical sciences, they most certainly contributed to the active pursuit of research at the universities.

In the course of preparation of a broader study of Federal support of university based science and of graduate education, the staff of the National Science Foundation undertook an analysis of the manner in which Federal funds "in support of research" were actually utilized at the universities. To do so, we subdivided these activities into six categories which require some explanation if the subsequent analysis is to be understood. These categories were as follows:

1. General institutional use. Within this subcategory were included payments for indirect costs and for faculty salaries. As you will recognize, the former represents support of the total apparatus of the university and consists very largely of salary payments to a wide diversity of personnel—from janitors to secretaries to purchasing agents and deans—all of whom are necessary to the overall functioning of the university and whose numbers and importance have been markedly increased by the scale of the academic research endeavor. Faculty salaries are paid in a variety of ways. These include "summer salaries," prorated stipends paid to members of the faculty who are normally on a nine months appointment and who devote the summer months entirely to the research projects for which they have support; partial salaries for the entire academic or twelve month year in an amount proportionately commensurate with the fraction of their time and effort devoted to the project; full salaries for the entire year paid to individuals who are members of the faculty whose teaching responsibilities are minimal or nonexistent and who devote all of their time to the research project; and a relatively small number of special instances in which the entire salary is defrayed from Federal funds for specific reasons such as the "Career Awards and Research Career Development Awards" of the National Institutes of Health.

2. Institutional development—funds specifically appropriated for this purpose and transmitted, in block, to universities to assist them in making a significant improvement in their research and educational potential.

3. Facilities—funds for the construction of laboratory buildings but occasionally also for rather specialized facilities such as a remote marine laboratory, etc.

4. Departmental activities. In this category are bracketed funds which are utilized to provide student stipends, such as payments from research grants to this purpose, funds which provide large equipment used in common for research by all or many members of a given department and other contributions to the research capability of a disciplinary department at a university.

5. Fellowships—payments made specifically to graduate students to promote their careers from funds appropriated specifically to this end.

6. Research costs proper. In this category are included the immediate and direct costs of the conduct of research including such items as scientific equipment, consumable supplies, technicians engaged entirely for the purposes of the research project, post-doctoral full-time research associates, computer time, ship time, clerical assistance, research associated travel, etc.

In the budgets of the various agencies, as approved by the Congress, can be found instances of each of these items. However the overwhelming bulk of all the funds involved appear in most agency budgets simply as "research." In considerable measure this is also true of the approved budget of the National Science Foundation. Accordingly we undertook an analysis of the manner in which the "research" funds provided by the National Science Foundation were actually utilized at the universities, in terms of the six categories listed above. We then assumed that funds utilized for "research" in the universities but provided by other Federal agencies were expended along the same lines as those provided by the National Science Foundation. In fact, the pattern to be described below was probably exaggerated in such agencies as the Department of Defense and the Atomic Energy Commission which customarily provide in their research contracts larger fractions of individual faculty salaries than is true at the National Science Foundation, and with them, larger payments for indirect costs. Nevertheless, if one assumes that the pattern of expenditures of NSF are essentially valid for expenditures by other agencies then the table below represents what happened in FY 1967.

UTILIZATION, AT THE UNIVERSITIES, OF ALL FEDERAL FUNDS IN SUPPORT OF RESEARCH, FISCAL YEAR 1967

[In millions of dollars]

Category	Object titles in agency budgets	Actual utilization
Research projects	1,246	426
Institutional funds	103	542
Departmental funds	92	473
Development funds	40	40
Facilities	166	166
Fellowships	24	24
Total	1,671	1,671

What is most striking in the table is that whereas one billion two hundred and forty-six million dollars of the funds utilized were identified simply as research support in agency budgets, only four hundred and twenty-six million were utilized for the support of research in the most immediate sense. This decrease does not represent any abuse or subversion of the funds appropriated. Nor was any proposed research then ignored or prosecuted with less vigor than that which is appropriate to such activities. However, a total of four hundred and thirty-nine million dollars, appropriated for support of research, was utilized for the purposes described earlier for institutional funds, viz., payments for faculty salaries (about half of this category) and for indirect costs. Moreover, three hundred eighty-one millions, again appropriated in support of research, were utilized for the

purposes described above as "departmental." Together these add to eight hundred and twenty millions which find their way into the support of the very fabric of the universities-administrative salaries, faculty salaries, student stipends, salaries of supporting personnel. When combined with those funds which were clearly appropriated for institutional support, institutional development, facilities construction and graduate student fellowships, it becomes clear that, of the total of 1.67 billion dollars in this pool of funds, 1.245 billions were utilized for these diverse purposes within the institutions and only four hundred and twenty-six millions were utilized for the most immediate costs of research itself.

Please understand that this analysis is provided not to deplore the manner in which the funds were utilized. Indeed quite the contrary is the case. But the analysis does indicate how utterly intertwined are the support of research—in its own right—and of graduate education, with all its ramifications, in the universities. Since the research is the most important single component of the experience of those who are graduate students, it too might be regarded as support of graduate education. Accordingly, it is equally fair to view the 1.67 billion dollars involved as the support of research and as the support of graduate education. Both are equally and simultaneously true. If the other funds were not appropriately expended, it would be impossible to utilize the four hundred and twenty-six million dollars of immediate research costs in an intelligent and useful fashion. Were the research funds themselves not available, graduate education would grind to a halt. Nevertheless, the description provided by the table does indeed illuminate the nature of the academic research enterprise and its relationship to the Federal government.

The other significant feature illustrated by this analysis is that the system operates in such fashion that there is no "knob" to turn which in simple fashion increases or decreases the level of the research endeavor without concomitantly increasing or decreasing the level of expenditure in most of the other categories. By the very nature of the operation there is very restricted freedom to "purchase" a varying amount of research from year to year. Consider for example the item of professorial salaries. In all but a few instances, the professor's salary is fractionated between funds provided from the university's own resources and those from a Federal agency. Reduction in research expenditures at the universities, of the sort which we are witnessing in the current fiscal year, must therefore result in financial embarrassment of the universities since they are committed to the total salary payments of these professors. Similar considerations apply to the salaries and wages of the administrative and supporting personnel at the institution whose activities make possible the educational and research aspects of the enterprise.

It is precisely for these reasons that it is difficult to find an appropriate answer to your question, "would it be possible to continue the current pace of academic research with a reduced Federal expenditure by imposing some limits on the expenditure of the Federal grant for other than the research itself?" Were budgetary allocations made along the lines indicated in the table, in the first instance, it would be possible, in theory, to impose restrictions on other categories while leaving the immediate direct costs of research intact. But the burden would then devolve upon the universities to provide for those services whose provision had been deleted from Federal expenditures. But the universities are themselves fully committed. Indeed I know of no university which is not presently overextended financially. The contemplated action would simply send the university closer to the borders of bankruptcy, disrupt morale, and undoubtedly result in the withdrawal of services on a scale which would make the conduct of research itself distinctly less possible and certainly less productive. The only component which could be deleted, of the six shown, in any one year, would be facilities construction. Clearly such construction is not imperative to the research ongoing in that year. But failing to appropriate such funds is, in effect, placing a mortgage upon the future. Laboratories and special research equipment which are deferred will not be available at some future date. And this means that there will be students who go untaught, and research which will go undone. It will also mean foregoing certain opportunities for new scientific starts as opportunities present. Nevertheless, were the National financial exigencies such as to make diminution in such expenditures absolutely imperative, this is the one component which could quite conceivably be put off to another year. I certainly hope that it would not be deferred for more than one year.

Your final question was, "what changes might be made in budgetary terminology and the budgetary process that might clarify the influence of Federal research funds on our academic institutions?". As we have seen these Federal funds are the life blood of the graduate education enterprise in the areas we have been considering. Parenthetically these include something more than two-thirds of all of the graduate educational endeavor. Only the arts and the humanities are outside this process at present.

In the course of securing our national position with respect to our capabilities for science and the technology which derives therefrom, through a variety of Federal agencies we have provided support in such fashion that it makes possible graduate education in the natural and social sciences as well as engineering and mathematics. At the same time the same endeavor constitutes the leading edge of science in our country since it is at the universities that the overwhelming bulk of our most significant fundamental research is conducted. It is my belief that, in the not too distant future, this entire system should be intensively and systematically investigated so that it may be better understood. Our Nation, through the Congress, should recognize that support of the graduate education/science research endeavor is indeed a Federal responsibility. Once such formal recognition were taken, it would then become possible to devise supporting instruments more appropriate to the process than is the current system whereby funds transferred in the support of research projects are then utilized to provide all of the subcomponents of the system. It is entirely conceivable that creation of a new agency is in order in the near future. An agency which would bear a closer correspondence to the system which it is designed to sustain. I should be most pleased to provide a position paper in that regard if you are interested. Meanwhile, I cannot refrain from requesting that, within the constraints imposed by our Federal fiscal problems, support of academic research, through all of the diverse Federal agencies currently so engaged, should be continued with all possible vigor and in an amount commensurate with a national need. This support has been on a budgetary plateau for two fiscal years. In view of the rising numbers of graduate students, general inflation, and the increased cost of doing scientific research due to its increased sophistication, this constitutes a serious reduction in the actual amount of research possible, and has meant indefinite postponement of starts on major new scientific opportunities. Surely, this is not in the long term national interest.

Sincerely yours,

PHILIP HANDLER,
Chairman.

Mr. MANSFIELD. Mr. President, I am prepared to vote.

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

Mr. YOUNG of North Dakota. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I oppose the substitute amendment. And I would like to have a roll-call vote on the matter if that is the way it is to be.

The fact that the record does not contain any information on what is going to happen to contracts does not mean that contracts are OK. And I do not want to see an arbitrary shift from research in universities and colleges to research under contract with individual firms, or vice versa.

I think we would be going very much further than we should if we were to accept the substitute rather than to dig into this question, which is fine with practically everyone here.

We would be casting our vote in favor of a certain type program against other types, at least by implication. The fact that there is no evidence in the record with relation to one type does not mean that they both should be adopted.

In view of the fact that we often face a situation in which we cannot do everything in a completely finished way, I think most of us were willing to go along with the distinguished majority leader because of the great respect and confidence we have in him, in order to have the matter looked into by the conferees.

If we are going to impose a limit on the cost for these universities and colleges and leave the corporate contractors out of it entirely, we will be making a decision that we should not make at this time because there is no evidence to support it.

The fact that there is evidence on one side and not on the other does not make the decision right. Therefore, I believe we ought to do what we originally planned to do. Let us turn over to the conferees the whole problem. But let us not opt for one type of research program as against the other.

The Senator from Colorado [Mr. ALLOTT] very frankly, as is always so characteristic of him, said there is no evidence with respect to the other type.

I think the proof, rather, is on the ground that we ought not to accept the substitute. There is evidence with respect to one and no evidence with respect to the other.

There is no reason that we should do something of this sort. I hope very much that the Senate will reject the substitute.

As I understand it, the manager of the bill is quite willing to accept the amendment of the distinguished majority leader.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. STENNIS. Mr. President, I think the Senator from New York is correct. This is a matter that is not easy to work out. I do not think it can be done on the Senate floor.

The best way to get at it, after all, is to let the matter go to conference where there will be an effort to go into the matter deeper and get a ruling that would be workable at least for 1 year.

In spite of the fact the Senator from Colorado has done such outstanding work in this field, I feel that it would be best at this stage to reject the substitute and vote for the Mansfield amendment.

I yield to the Senator from Montana such time as he may require.

Mr. MANSFIELD. Mr. President, I am in accord with what the distinguished Senator from Mississippi, the acting chairman of the committee, and the distinguished senior Senator from New York [Mr. JAVITS] have said.

Respectfully and regretfully, I feel that I cannot agree to the proposal suggested by my good friend the senior Senator from Colorado, because what it would do would be to differentiate between a given set of circumstances affecting two different types of endeavor. While I have every respect for American business, industry, and knowhow, I certainly would not sacrifice the educational community at their expense.

It would be my hope that the Senate would see fit to accept the amendment as originally introduced, covering both the academic community and businesses which do business with the Government. As I have said, then, whatever the conferees agree to in this respect would be satisfactory to me. I would hope that if they get involved in the matter of 25 percent, it might be possible for the committee to go to the General Accounting Office to get guidelines in time so that a definition of what 25 percent really is, apart from the figure itself, would be forthcoming.

So I would say that whatever the committee in conference does, if it accepts this proposal, will be satisfactory to me; and I have an idea that one of the conferees may well be the distinguished senior Senator from Colorado.

Mr. ALLOTT. Mr. President, I yield myself such time as I may require.

I am sincerely sorry that the Senator from Montana cannot see fit to accept this amendment, but I am even more chagrined that apparently the very deft argument of the Senator from New York has fallen on a receptive ear, because we are not setting up in this instance private corporations against universities. There are two great differences. One is that contracts have to be renegotiated or subject to negotiation, and the second is that we do have actual experience with universities under the grant system, and at a 20-percent and a 25-percent level.

It is quite true that the Senator from Colorado may be on the conference committee. Mr. President, I am able to predict what the result of the conference committee will be right now. I do not believe we will get a thing done on this matter. That is why I have offered the substitute amendment, because it can be backed by years of testimony—years of testimony—in the Senate. As it relates to contracts and as it relates to private corporations, it cannot be backed.

So I am afraid that the tail will go with the hide when we get into conference and that we will have made a lot of noise and a lot of fanfare on the floor of the Senate; and then the people who have been able to so slyly build the indirect costs up to 87 percent will say, "Well, we taught those fellows a lesson, and I guess we can just keep right on going." And they will keep right on going, Mr. President. They will keep right on going because they have done it for a number of years.

I know that it is very difficult to buck the majority leader of the Senate, and I know his intentions are just as well grounded, or even better grounded, perhaps, than those of the Senator from Colorado. Certainly, they are not less grounded. But I have been on this matter for a long time. If I had been consulted before he filed his amendment, or offered his amendment, I think I probably would have offered the same suggestions that I do now. As a member of that committee, of course, he exercised his rights, which he has a right to do, and offered the amendment. In that respect, I think he has performed a very great service. But I have been at this so long that, for the sake of the record, I ask for the yeas and nays on the substitute amendment.

The yeas and nays were not ordered.

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

The PRESIDING OFFICER. Is all time yielded back?

Mr. MANSFIELD. I yield back the remainder of my time.

Mr. ALLOTT. I yield back the remainder of my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MONDALE in the chair). Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays on the substitute amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the substitute amendment of the Senator from Colorado for the amendment of the Senator from Montana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. INOUYE. I announce that the Senator from Louisiana [Mr. ELLENDER], is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Missouri [Mr. SYMINGTON], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Alaska [Mr. BARTLETT] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY] and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is absent on official business.

If present and voting, the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY] and the Senator from Maine [Mrs. SMITH] would each vote "yea."

The result was announced—yeas 20, nays 46, as follows:

[No. 309 Leg.]

YEAS—20

Allott	Hatfield	Prouty
Boggs	Hickenlooper	Scott
Carlson	Holland	Sparkman
Curtis	Hruska	Thurmond
Dirksen	Jordan, Idaho	Tower
Dominick	Kuchel	Young, N. Dak.
Hansen	Morton	

NAYS—46

Anderson	Hill	Mundt
Brooke	Inouye	Pastore
Burdick	Jackson	Pearson
Byrd, Va.	Javits	Pell
Cannon	Jordan, N.C.	Percy
Case	Kennedy	Proxmire
Dodd	Lausche	Russell
Eastland	Magnuson	Spong
Ervin	Mansfield	Stennis
Fong	McGee	Talmadge
Goodell	McIntyre	Tydings
Gore	Metcalf	Williams, N.J.
Griffin	Miller	Williams, Del.
Gruening	Mondale	Young, Ohio
Harris	Montoya	
Hart	Moss	

NOT VOTING—34

Aiken	Ellender	Morse
Baker	Fannin	Murphy
Bartlett	Fulbright	Muskie
Bayh	Hartke	Nelson
Bennett	Hayden	Randolph
Bible	Hollings	Ribicoff
Brewster	Long, Mo.	Smathers
Byrd, W. Va.	Long, La.	Smith
Church	McCarthy	Symington
Clark	McClellan	Yarborough
Cooper	McGovern	
Cotton	Monroney	

So Mr. ALLOTT's substitute amendment was rejected.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time

having expired, the question is on agreeing to the amendment of the Senator from Montana [Mr. MANSFIELD]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HICKENLOOPER (when his name was called). On this vote I have a pair with the Senator from New Hampshire [Mr. COTTON]. If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. INOUYE. I announce that the Senator from Louisiana [Mr. ELLENDER] is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Missouri [Mr. SYMINGTON], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Alaska [Mr. BARTLETT] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is absent on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], and the Senator from Maine [Mrs. SMITH] would each vote "nay."

The pair of the Senator from New Hampshire [Mr. COTTON] has been previously announced.

The result was announced—yeas 47, nays 19, as follows:

[No. 310 Leg.]

YEAS—47

Allott	Hansen	Mundt
Anderson	Hart	Pearson
Boggs	Hatfield	Pell
Burdick	Hruska	Proxmire
Byrd, Va.	Inouye	Russell
Cannon	Jordan, N.C.	Smathers
Carlson	Jordan, Idaho	Spong
Curtis	Kennedy	Stennis
Dirksen	Kuchel	Talmadge
Dodd	Lausche	Thurmond
Dominick	Mansfield	Tower
Eastland	McGee	Tydings
Ervin	Metcalf	Williams, Del.
Fong	Mondale	Young, N. Dak.
Gore	Montoya	Young, Ohio
Gruening	Morton	

NAYS—19

Brooke	Jackson	Percy
Case	Javits	Prouty
Goodell	Magnuson	Scott
Griffin	McIntyre	Sparkman
Harris	Miller	Williams, N.J.
Hill	Moss	
Holland	Pastore	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Hickenlooper, for.

NOT VOTING—33

Aiken	Cotton	McGovern
Baker	Ellender	Monroney
Bartlett	Fannin	Morse
Bayh	Fulbright	Murphy
Bennett	Hartke	Muskie
Bible	Hayden	Nelson
Brewster	Hollings	Randolph
Byrd, W. Va.	Long, Mo.	Ribicoff
Church	Long, La.	Smith
Clark	McCarthy	Symington
Cooper	McClellan	Yarborough

So Mr. MANSFIELD'S amendment was agreed to.

Mr. JAVITS. Mr. President, I ask unanimous consent that an amendment I now send to the desk be considered before the committee amendments. I have already received clearance on it.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read, as follows:

On page 44, between lines 21 and 22, insert the following:

"SEC. 542. No part of the funds appropriated under this Act shall be used for the purpose of repairing any naval vessel at places other than the home port of such vessel pursuant to any contract for the repair of such vessel not awarded on the basis of competitive bidding, pursuant to chapter 137 of title 10, United States Code, open to all dry dock or other repair facilities which are (1) located within one thousand miles of the home port of such vessel, and (2) capable of performing the repair work involved."

On page 44, line 22, strike out "SEC. 542" and insert in lieu thereof "SEC. 543".

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

If I may have the attention of Senators, I can explain this amendment very, very quickly. The purpose of the amendment is to open ship repair contracts of the Navy on each coast, along the whole coast, to competitive bidding.

May I repeat that, because it is very simple concept—to take the whole of these coasts, east and west, and to open all naval ship repairs to competitive bidding upon each coast, up and down that coast.

The amendment excludes a repair which is made at the home port of such a vessel. So if a vessel is not going to be repaired at its home port, the repair of that vessel is open to competitive bidding right up and down each coast. The home port, however, may have its repair job done without being subject to the competitive bidding factor.

I may say, too, to make it plain to the Senate, that we are not trying to take work from A and give it to B. We want everybody to have a "crack" at it in terms of the competitive bidding practice.

The reason for the amendment is as follows: Within the last 5 years there has been a great overturn in the places where ship repairs have been made by the Navy. The reason—and I shall give the figures in a moment—for this overturn comes about because of the way in which the Navy has interpreted a rule, a regulation of its own, which regulation relates to the question of repair at home ports.

All the Navy rule says is that—

Overhauls, availabilities, and other upkeep periods will be scheduled in each as close to home ports as much as is possible.

That is an OPNAV regulation.

What has happened is that the Naval Ship Systems Command has implemented this directive by adopting a practice of restricting maintenance work to bidding by private shipyards located within the same naval district in which the ship involved has its home port.

We contend that this application of the Naval Ship Systems Command regulation to arbitrary naval district lines deprives New York, New Jersey, and other ports of a fair bidding opportunity to repair these ships.

For example, ships are being moved for repair from Norfolk to Jacksonville, a distance of about 700 miles, but are not moving from Norfolk to New York for repair, notwithstanding that New York may be able to do the work at a much lower cost, and notwithstanding that it is about half that distance away, because New York is in a different naval district.

We are contending that the Navy is using these arbitrary naval district lines for purposes for which they were never intended to be used, or for which the naval regulations were never intended, and it has distressed the whole pattern of naval ship repair on the whole east coast.

I did not submit this amendment to the committee for a very interesting reason. The whole New York delegation, which consists of 41 Members of the House and two Senators, has been doing its utmost to find a way out of the controversy with the Navy. But up until yesterday, when Secretary Ignatius went to the Far East—I do not know whether his visit is a secret or not, so I shall not name the place—we had not been able to get to the point where we felt we had to submit an amendment. But with the Defense appropriation bill before us, we felt this was the right thing to do.

Let me show the Senate how the application of the policy, which is strictly one of the Naval Ship Systems' Command, has affected the following ports, in percentages. In 1963 Boston had 62 percent of the naval ship repair work. In 1966,

the last year for which we have the figures, it had dropped to 11 percent.

The naval ship repair work in the New York port was 18 percent of the total in 1963. It was 7 percent of the total in 1966.

In Newport News-Norfolk, Va.—and I am not trying to begrudge my friends the business, but this is what happened—the percentage rose from 9 percent in 1963 to 31 percent in 1966.

In Jacksonville, Fla., the percentage rose from 5 percent in 1963 to 16 percent in 1966.

Without in any way seeking to deprive our good friends from other States of their portion of the business, all we ask is that those ports which have been seriously disadvantaged by the way this policy has been applied be given the opportunity to participate in open competitive bidding, so that the repair work would go to the lowest bidder. If such repair is not going to be done in the home port of the vessel, then everybody should be given a chance to bid on the work if it is within a reasonable distance of the home port of the ship to be repaired. If we are out of line on the bidding, let the best man win, but let us do away with the arbitrary regulation that requires the ship to be repaired in the same naval district as its home port, when the port of repair within that naval district bears no comparison to the distance of another available port. New York has an enormous availability, and often there is no relation in distance to the availability of the New York port as compared with another port.

That is the reason why I gave the distance between Newport News and Jacksonville, as compared with the distance from Newport News to New York. The ship can be repaired in Jacksonville, because it is in the same naval district, whereas New York cannot get the business, even though it may be a much lower bidder.

I think that matter should be corrected. We have tried to correct it administratively for a very long time, but even with the prestige of the whole New York delegation, we got nowhere. So we think it is time now for us to bring it up here on the floor.

Mr. President, I reserve the balance of my time, but before doing so I wish to make one fact available: Not one single Navy ship is being repaired today in New York, notwithstanding that we have the most extensive facilities for drydock, et cetera, for repair of ships in the New York area.

I yield 5 minutes to my colleague from New York.

Mr. GOODELL. I thank the Senator from New York for yielding to me.

Mr. President, this amendment is both an equity amendment and an economy amendment. If we were offering an amendment here today requiring competitive bidding to be restricted to naval districts, then rightly the opposition could argue it was going to cost the taxpayers money, and that we were simply presenting an amendment to try to get more business to New York State and other east coast facilities.

As a practical matter, the Navy, through its arbitrary regulations and interpretations of regulations, has put in such an amendment. Their argument primarily is that they want to have maximum use of home port facilities. There is valid argument along those lines, but this amendment would not affect home port repairs. It exempts home port repairs. The Navy, whether for morale purposes or otherwise, would be able to continue to have repairs take place in home ports at its discretion.

But when the Navy decides it wants the repairs to take place outside the home port, the bidding would be open for a radius of 1,000 miles, essentially along the entire Atlantic coast. This is where the economy aspect of the amendment comes in, because no contracts would be given to New York City or to Philadelphia or any other repair facilities unless they underbid everyone else; and if they underbid everyone else it is going to save the taxpayers of this country money.

At the moment, the arbitrary interpretation of the regulations is inequitable to New York and to a number of other States with repair facilities. It is also wasteful, because it leaves facilities unutilized.

In New York City, for instance, we have a potential employment of 25,000 employees in the ship repair industry. We are now employing 4,000 employees. Ship repair, in terms of tonnage, has been steadily going down, as my senior colleague indicated, in recent years. In World War II, the New York facilities performed 60 percent of the repair work for ships repaired on the Atlantic coast. That percentage is now down to 3.78 percent. The percentage is down because of the arbitrary interpretation of the regulation, not because the New York facilities are uncompetitive.

Therefore I say that there is ample reason to support this amendment, as a matter of equity and as a matter of potential savings to the taxpayers, and I hope the amendment will be agreed to.

Mr. RUSSELL. Mr. President, the Navy Department is very much opposed to this amendment, and they give what seems to me to be substantial reasons.

In the first place, there is very little difference, as a rule, between the costs involved, and so there would be no substantial saving, or so they assert, by use of this policy of expanded competitive bids, which I generally endorse.

They do say, however, that this amendment would have a very adverse effect upon the morale of crews. Some of the ships have very large crews, and they have families usually living at the home port, many in Government housing. If you take the ship and its crew away from its home port for 2 or 3 weeks or months while the ship is being repaired, it is very detrimental to the morale of the crews.

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

Mr. RUSSELL. I am happy to yield to the Senator from New York.

Mr. GOODELL. It should be emphasized that the Navy would be permitted to go right on ordering repairs at the home ports at their discretion, with this amendment. There is no requirement under the amendment that the Navy have repairs done outside the home ports. If the Navy decides to have the repairs done outside the home ports of the ships, then the amendment would take effect and be operative.

Mr. RUSSELL. If I understand the language of the amendment, it is not as definite as the distinguished Senator says it is.

Mr. JAVITS. Mr. President, if the Senator will yield, I think we have submitted a modified form of the amendment.

Mr. RUSSELL. I thought I had the latest modification.

Mr. JAVITS. This is the pertinent one.

Mr. RUSSELL. We still have the figures "within 1,000 miles of the home port."

Mr. JAVITS. That relates to the competitive bidding.

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

Mr. RUSSELL. I yield.

Mr. JACKSON. Suppose there should be a collision of naval ships in the Pacific. The normal thing, we will say, would be to bring the ships into Pearl Harbor for repair. Suppose, however, that there is no private yard capable of handling naval combat ships in that area. As I read the amendment, Mr. President, the Navy would be forced to bring the ships all the way to the Pacific coast to obtain private bids. As I understand it, the Navy would not be in a position to exercise any discretion in that situation, but would have to take the ship to an area in which they could get private bids. It does not even exempt an emergency.

Mr. JAVITS. Mr. President, will the Senator yield to me on my own time?

Mr. RUSSELL. It will have to be on the Senator's time.

Mr JAVITS. Surely. I yield myself 1 minute to say to the Senator from Washington that the amendment covers that contingency, because it refers to a section of the code which excludes such an emergency from the competitive bidding factor.

In other words, the Navy is permitted to exempt itself from competitive bidding in any such situation. My amendment does not change that.

Mr. JACKSON. Mr. President, I would point out that even if there were not an emergency, it is a long way from Pearl Harbor. I am not speaking of the Puget Sound Navy Yard, but just speaking in the interests of good economy. It is a long way to move a ship from the Hawaiian Islands, 2,500 miles, to the Pacific coast, to obtain competitive bids. And the bulk of our fleet is in the Pacific, as the Senator knows.

Mr. JAVITS. Mr. President, I might say to the Senator, in answer to that proposition, that there is no question about the fact that where you deal with an emergency, or where you have practical problems in regard to naval districts, I well understand that the conferees might have to work out some modifications to fit the situation.

But in the sort of situation we normally face—I yield myself 1 additional minute—the normal situation does not in any way run into that at all. The fact is that the Navy has plenty of room for deliberation about when and where it repairs the ships. If it chooses to repair them at their home ports, it thinks nothing of sending them 700 miles, for example, within the naval districts; but it has applied this arbitrary rule, which has worked to make the whole world lopsided: Those who had the business have lost it, and those who did not have the business have gained it, not because of competition or price, but simply because the Navy has interpreted the regulation this way.

Mr. JACKSON. Mr. President, I point out to the Senator from Georgia that we did not hold hearings on this amendment.

Mr. RUSSELL. No, the amendment was not brought up in committee, and the Senator from New York explained why at the outset of his remarks: Because the New York delegation was trying to come to terms with the Navy about the issue, and could not.

Mr. JACKSON. May we complete the colloquy? Suppose it is just ordinary wear and tear we are talking about, and not an emergency. As I understand the amendment, ships in the Pacific, home ported at Hawaii, would have to go all the way, 2,500 miles, to the west coast to be repaired.

Mr. JAVITS. Not at all. My amendment provides that they could be repaired at the home port.

Mr. JACKSON. Located within 1,000 miles.

Mr. JAVITS. No, I am sorry, the Senator is not reading the right part.

It says:

> No part of the funds * * * shall be used for the purpose of any naval vessel at places other than the home port of such vessel.

Only then is the competitive bidding factor invoked, not otherwise.

Mr. JACKSON. But the point is that if at the home port, or if the home port is not involved in the situation I have just stated, there are no private facilities——

Mr. JAVITS. This does not call for private facilities. It can be applied at public facilities.

Mr. MAGNUSON. There are no large private yards in Hawaii, only the Navy shipyard.

Mr. JAVITS. Well, if there is neither in Hawaii, the question makes no sense, because the Senator is contending that is where they should be left for repair.

Mr. MAGNUSON. No private facilities, I mean.

Mr. JAVITS. The question makes no sense at all if there are no repair facilities available.

Mr. RUSSELL. Mr. President, I am sure the parliamentarian is not charging this colloquy against my time.

Mr. JAVITS. No, it is on my time.

Mr. RUSSELL. Mr. President, I merely wish to make one other observation before I yield time to some of those who are directly affected and understand this better, perhaps, than I do, because, as has been stated, there were no hearings on this amendment. But there is no provision, as I see it, Mr. President, for any unfortunate collision at sea between ships that may be located away from their home port. We have had some very unfortunate accidents of that kind over the past several years.

The Navy is opposed to the amendment. We have had no hearings on it. I think it would be a very dangerous precedent for the Senate to accept the amendment with the very limited knowledge we have at this time.

Mr. President, with that statement, I yield 3 minutes to the distinguished senior Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, the amendment is not at all clear to me. I have consulted with the Navy Department and with the Bureau of Ships. And I have been informed that the adoption of the amendment would cause extreme confusion in the overhauling program of the Navy.

Thus, it seems to me that if we are going to adopt an amendment of this caliber, we should at least hold hearings on the matter and get information from the experts in the Navy as to the wisdom or lack of wisdom of such an amendment.

The repairing of naval vessels is a highly technical and difficult assignment. And before we change the general law and force the Navy to take a course of action which it feels apparently is an unwise course to take, certainly we ought to get the reasoning of that branch of the service that is involved.

The amendment is not clear. The Navy declares that in its judgment it would create extreme confusion in the handling of the ships and in the overhauling of naval vessels. And for that reason, I hope that the Senate will reject the amendment.

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

Mr. BYRD of Virginia. I yield.

Mr. MAGNUSON. Mr. President, the Senator from Virginia knows that the Navy must have flexibility in the matter of repairs. Different questions arise. Sometimes one yard is filled and the other yard is vacant. Ships come and go. The plans of these facilities are not always geared to a certain date.

The amendment would not only deny them flexibility but would also tie their hands.

Mr. BYRD of Virginia. It would tie their hands and make it very difficult for them to do their jobs.

Mr. RUSSELL. Mr. President, they cannot anticipate collisions either.

Mr. President, I yield 8 minutes to the distinguished junior Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. SPONG. Mr. President, I thank the Senator from Georgia.

No hearings have been held on this matter before either the Appropriations Committee or the Armed Services Committee. What is being attempted here today is to change the entire ship repair policy of the U.S. Navy on the floor of the Senate within 2 days after notice has been given of the amendment.

The amendment has some initial appeal because it deals with competitive bidding. And certainly all of our constituents want to hear about competitive bidding and they want to be sure that the Navy, as well as any other institution, is doing the right thing.

I have no expertise in this field, but there are some questions involved in this matter which I think should be answered. I believe committee hearings should be held on this matter.

First of all, as has also been brought to the attention of the Senate by the distinguished Senator from Georgia, I am not satisfied that this would take care of vessels in emergency situations.

The Senator from Washington also mentioned this.

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

Mr. SPONG. I yield.

Mr. JACKSON. Mr. President, I have just checked the United States Code. I point out that the amendment refers to chapter 137 of title 10 of the United States Code.

The amendment is directed to the competitive bidding provision in the code and not to the exemptive provisions.

That reference runs only to the competitive bidding provisions of title 10, and not to the exemptive provisions to which the Senator previously referred.

I understand that this is the interpretation the Navy places on the amendment.

Mr. SPONG. The Senator is correct.

Mr. President, there is no exception in the amendment for vessels which, due to the limited period of time available for repairs, cannot be returned to their home ports.

In the past few years a great distinction has been made in the repair of nuclear-powered naval vessels and naval ships powered by conventional means.

We are today engaged in a period of naval operations in which we have not only the unfortunate war in Vietnam, but also increased operations in the North Atlantic. We have problems in the Mediterranean as a result of the Russian naval buildup there. We have situations which call for the Navy to have maximum flexibility with respect to the repair of its ships in order that they might remain operational.

For the benefit of the junior Senator from New York, I would like to say that I concur with his wish insofar as economy is concerned.

When the senior Senator from New York gave notice of the amendment, he included therein a certain exchange of correspondence involving naval contracts. If it is in the interest of economy, the Navy may send vessels out of their home port.

Mr. President, I refer to page 29063 of the RECORD for October 1, 1968. A

letter addressed to Hon. JACOB K. JAVITS points out:

The present regulations also provide for extending the bidding area beyond the borders of a single naval district in certain circumstances. There have been occasions when solicitation outside a naval district (in some cases coast-wide) resulted in substantial monetary savings. Accordingly, when the contracting officer determining that restricting the bidding to a single district or area within a district will prevent the obtaining of adequate competition or that the results will be unduly costly, he may recommend that the area of competition be extended. In two instances during 1967, extensions of the bidding area resulted in the performance of work on First Naval District ships in the Third Naval District.

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

Mr. SPONG. Mr. President, I would prefer to complete what I have to say, and then I will be delighted to yield.

Furthermore, I think there are special considerations here, which matter is also brought out in the same letter addressed to the senior Senator from New York.

I continue to read from the letter.

Other special considerations may condition or limit the list of firms for solicitation on a particular procurement. For example, when work must be performed during a restricted availability, the list of firms to be solicited may have to be limited to those which are in geographical proximity to the ship or have sufficient capacity to perform the job within the prescribed time limits. This requirement is even more pertinent in the case of emergency voyage repairs, where contracting with a single firm may be necessary in order that the repaired ship may continue on mission without having to change its operating schedule. Moreover, when the performance of repair or overhaul work includes access to material classified *confidential* or higher the solicitation must be limited to those firms which possess the necessary security clearance.

I sum up my remarks by pointing out first that we are seeking in 3 short days to change the entire repair policy of the U.S. Navy. Second, aside from that, at this particular time, the Navy must have maximum flexibility with regard to its repair policy in order that the fleet may remain operational. Third, I would again return to this point: that before the Senate or any committee of the Senate or the conference, for that matter, goes into anything as far reaching as this, we certainly need the expertise of those directly involved.

Therefore, I join the senior Senator from Georgia in opposing this amendment.

I yield to the junior Senator from New York.

Mr. GOODELL. Mr. President, I thank the Senator from Virginia for yielding to me.

I also thank the Senator for making one of the strongest arguments in favor of the amendment, because a portion of the letter from which the Senator quoted specifically points out that the Navy now has this discretion but is not using it, used it only in two cases, and that in many instances substantial monetary savings can be made by extending the area in which there will be competitive bidding for repairs.

With reference to the point made by the Senator from Washington that the amendment clearly does exempt emergency situations. The language of the amendment applies to chapter 137 of title X of the United States Code, where all the exceptions and exemptions are made. It gives the Navy ample discretion in situations involving emergency or minor repairs when the vessel cannot be repaired in its home port.

Finally, let us make it absolutely clear that in this amendment there is no effect whatever on the discretion of the Navy to continue to have repairs made in the home port of the vessel. This is the major argument the Navy raised in response to appeals made by the New York delegation initially. They based their argument almost entirely on the question of morale of Navy personnel.

I might say in that connection that the largest percentage of naval personnel in the U.S. Navy comes from the State of New York and from the other large States on the east coast, such as Pennsylvania and Massachusetts, and I am sure the same would apply on the west coast to the State of California and the other large States.

So the personnel are very well taken care of in terms of their morale if the lowest bidder for repair happens to be the city of New York, the city of Boston, or the city of Philadelphia, with their repair facilities.

Mr. SPONG. I say, in answer to the Senator from New York, that whereas I would applaud any economies that can be effected, I am not prepared at this time to substitute my judgment for that of the Navy with regard to its present repair policy.

The PRESIDING OFFICER. Who yields time?

Mr. RUSSELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Georgia has 13 minutes remaining.

Mr. RUSSELL. I yield 3 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, we do not have a shipyard in my State, or my area, which would be affected by the matter of repairs. There is a small shipyard at Mobile that may get a little work such as this. We have a small shipyard that does not get any. I hope that some day it will get some.

This matter involves an item in the bill of $733 million for active fleet ship repair. I refer to page 1305 of the hearings. This amendment would come along and, without hearings, without adjustment, without really knowing what we are doing, we would take that three-quarters of a billion dollars, 3 months after the fiscal year has started, and just freeze it right there and say that new rules apply. The Navy would be stopped in its tracks and would be told it could not do anything with the money in this appropriation bill until it complied with this new machinery.

I desire to aid anyone in distress. But to put such a choker around the neck of the Navy—a rather discreet group, the way they handle their business—such a vital part of our war effort, which sails the seas around the world, is something that cannot be done.

For that reason, I hope the amendment will be rejected. Whatever merit there may be in the idea, certainly can be worked out at a later time in a logical, methodical, and rational way by those versed in this subject matter.

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

Mr. STENNIS. I yield.

Mr. GOODELL. For the record, it should be made clear that the bulk of the repair work is done in home ports. So the bulk of the three-quarters of a billion dollars to which the Senator has referred would be exempt from this amendment, and they could go on making the repairs in the home port.

Second, the amendment does not apply to repairs made in public facilities, which is another sizable portion. The amendment applies only where they are going to make repairs through contract with private repair facilities.

Mr. STENNIS. With all deference to the Senator, I believe it would take the remainder of the fiscal year to find out just what the amendment does mean, and I believe the Navy thereby would be cramped to death.

I yield back the remainder of my time.

Mr. JAVITS. Mr. President, how stands the time for the proponents?

The PRESIDING OFFICER. The Senator from New York has 14 minutes remaining.

Mr. JAVITS. I yield myself 4 minutes.

Mr. President, with respect to the figure of 700-some million dollars, that includes new construction and conversion. Repair and overhaul, in round figures, is only approximately 20 percent of that figure. We are not dealing with 700-odd million dollars.

Second, everybody in the Chamber is hollering because he is hurt. I do not expect the States which have received the big bulk of the business, because of the Navy Department, to give it up gladly. I do not expect the Navy—it would be defying its character, encrusted in history since the Republic began—to give up any discretion.

We are only trying to get a little fresh air and a little competitive bidding into this situation. Right now, when the Navy cannot find facilities in a given district, notwithstanding its own construction of the law and regulations, it will send the ships to another district. But then it is not bound by any competitive bidding. It can arbitrarily send the ships wherever it likes.

For example, one of the letters I put in the RECORD shows that very recently drydock work on a ship home-ported in Narragansett Bay was sent to Baltimore. They went right by the Port of New York, although the Port of New York has 20,000 tons greater shipyard drydock capacity than has Baltimore. A contract for topside repair work on the same vessel—mind you, this is Narragansett, in New England—was awarded to the Metro Machine Corp. in Norfolk. Again, it went by the Port of New York and went where the Navy pleased, because they are running it.

We are not saying that that ship should have been diverted to New York. We are saying that New York, New Jersey, and Boston should be given an even break and should be permitted to bid competitively where the circumstances permit open bidding. We, therefore, have applied the whole of chapter 137, which relates to Navy procurement, and that includes such broad outs as the following, by which the Navy, even if this amendment is agreed to, could award the contract wherever it pleased:

That the purchase or contract is for property or services for which it is impracticable to obtain competition; or—another section of the law—the purchase or contract is for property or services whose procurement he determines—to wit, the Navy procurement officer—should not be publicly disclosed because of their character, ingredients, or components.

Mr. President, I say affirmatively, for the legislative history of this amendment, that the whole of chapter 137 is included in this amendment.

There are plenty of outs for the Navy; but, fundamentally, this is the only way we have been able to find to reverse a policy which leaves it within the complete discretion of the Navy, no matter how exercised, to bypass great ports with enormous capacity, sail right by them, and go somewhere else, just because they are not compelled to open a contract to competitive bidding.

We have protected the home port and morale arguments. We have protected Senator PASTORE's State, which deals with nuclear submarines.

The important thing is that normal ship repair Navy work is not being done where it can be done most economically.

Mr. President, it is high time this matter was opened up and that is the only purpose of the amendment. Some people say that there is confusion and that we should have a hearing, but we have gone into this matter, and the best evidence is this enormous exchange of correspondence. We have been wrestling with the Navy on this matter for a long time and have gotten nowhere. I think it is high time that we had a showdown on the floor of the Senate.

Mr. GOODELL. Mr. President, will the Senator yield to me?

Mr. JAVITS. I yield 2 minutes to the Senator from New York.

Mr. GOODELL. Mr. President, there is really no mystery as to why naval authorities, administrators, or Federal agencies prefer not to be required under any circumstances to have competitive bidding. They prefer to have full authority to contract any place they wish. It is much more difficult for them when they have to have competitive bidding. The value of competitive bidding is not to the administrators in making their job easier, but the value is to the taxpayers, to save us money; and it would save us money, when we enter into repair contracts on a competitive bidding procedure.

Mr. President, the amendment would give the Navy ample authority to exempt many contracts for repairs but it would require them, when those exemptions did not apply, to enter into competitive bidding instead of arbitrarily restricting the bidding to the naval districts.

There is nothing in the record to support the contention that the repairs should not be made elsewhere than at the home port of the ship.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. JAVITS. I yield.

Mr. STENNIS. Mr. President, I refer to page 1305 of the hearings, part 3. The Senator from Louisiana [Mr. ELLENDER] was asking the questions. He said:

> The request includes $733.4 million for the program entitled "Active fleet ship repairs." For fiscal year 1968 $582.8 million was required for these repairs.

The Senator was apparently reading there from the official record. He purports to say so, in effect. I think these are accurate figures. I am advised by the staff member that that is so.

Mr. JAVITS. That figure includes the ship conversion, does it not?

Mr. STENNIS. I do not think so. On page 34 of the report there is listed an item, the fourth item, that the Senate committee recommends $801.7 million. There is the shipbuilding and conversion money. This is a separate item, as shown on page 1305 of part 3 of the Senate hearings.

Mr. JAVITS. I was referring to the table entered at page 29062 of the CONGRESSIONAL RECORD of October 1. It is stated:

> Dollar value of new construction and repair contracts awarded July 1967–March 1968.

That is where I got my figures.

Mr. STENNIS. Yes.

Mr. JAVITS. Whatever may be the differences in the figures, we are dealing with an order of magnitude and I think the order of magnitude has been generally described for the Senate. This is not a small matter.

Before we put the RECORD to bed tonight, I shall undertake to be sure the figures the Senator mentioned and those that I mentioned are reconciled.

However, our argument is not based on anything that is inconsequential. If it were inconsequential, we would not be here. We have a right to fight here because we think we have great facilities that are being bypassed and it is costing the United States money because those facilities are being bypassed. We only seek the opportunity to bid with everyone else. If our bid is not accepted, that is all right, but we want the opportunity.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, will the Senator yield to me for 5 minutes?

Mr. RUSSELL. I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, this amendment is not practical and would be very difficult to implement. Many special ships, such as nuclear ships, must be repaired in shipyards capable of performing the work. In most all cases that has to be in Navy shipyards. Our nuclear powered and nuclear support ships must not be restricted by such bidding procedures.

The amendment also would not permit transfer of work to a naval shipyard away from home port to keep the workload balanced between Navy shipyards. Unscheduled emergency repairs which must be expeditiously accomplished should not be made susceptible to competitive bidding. Frequently, this work has to be accomplished at ports remote from the home port. This amendment restriction would prevent intelligent and logical scheduling of repairs to meet operational deadlines.

Mr. President, ships crew accommodations and training would be disrupted and costs increased due to the inability to schedule the location in advance under an impossible bidding procedure.

Another adverse impact would be the affect on the morale of a ship's crew during repairs.

The policy of overhauling in or near home port is of the utmost importance to the morale of the crews of ships, since an overhaul represents a large amount of the time the crew can spend with their families during a tour of sea duty. A transfer of an overhaul to a location as far as 1,000 miles away is most undesirable because of the proven impact on the retention of the crew and the proven loss of life which results from personnel attempting to travel long distances by road in a limited time.

I do not believe the record sustains the fact that the Navy has been arbitrary in this matter, and I do not believe the record sustains the fact that they have not handled the matter in the most feasible and logical way possible. We have to give the Navy enough flexibility to do the job and at the place they feel is best to do it. If we do not follow that course it seems to me we are going to handicap the Navy in that respect.

Mr. President, I hope the amendment is rejected.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The Senator from New York is recognized.

Mr. JAVITS. Mr. President, to conclude, the debate has been very interesting. I again wish to emphasize that we are not dealing with repairs at home ports and we are not dealing with Navy shipyards or other Government installations. We are only dealing with construction, with these private agencies, and that is what caused the difference in the figures submitted by the Senator from Mississippi [Mr. STENNIS] and me.

We have tried to correct this matter with the Navy for a long time. We have run into a brick wall, and that is why we are here. There comes a time when there has to be a showdown with a great Government agency which will not yield any on the proposition that there shall be open opportunity. That is the purpose of our amendment.

I am prepared to yield back the remainder of my time if the Senator from Georgia will yield back the remainder of his time.

Mr. RUSSELL. Mr. President, I yield back such time as remains to the committee.

ORDER OF BUSINESS

Mr. MANSFIELD. Before the roll is called, I yield myself on the bill.

The PRESIDING OFFICER. The Senator from Montana is recognized.

RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which Calendar No. 1562, H.R. 10790, a bill to amend the Public Health Service Act to provide for the protection of the public health from radiation emissions from electronics products, was passed, together with the third reading.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Arizona [Mr. FANNIN], 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 9, line 13, insert immediately before the period the following: "(except that no such regulation shall in anywise limit, or interfere with, the use of electronic products by or under the direction of a licensed physician, or dentist, or by a hospital or other health facility which is licensed as such by the State in which it is located)".

Mr. MANSFIELD. I ask unanimous consent to have printed in the RECORD a statement by the Senator from Arizona [Mr. FANNIN].

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

STATEMENT OF SENATOR PAUL FANNIN

Mr. President, my amendment amends amendment No. 984 offered by the distinguished senior Senator from Texas and others.

Mr. President, the purpose of my amendment is to insure that the provisions of this bill will not in any way limit or interfere with the use of electronic products by or under the direction of a licensed physician or dentist or by a hospital or other health facility which is licensed by the State in which located.

Mr. President, H.R. 10790 has been before two committees of the Senate and neither committee has had an opportunity to study the ramifications of the distinguished Senator's amendment.

The language of that amendment is extremely broad. It provides for "standards for the manufacture, installation, operation, use, repair, or maintenance of such products . . .". This language is all encompassing. It is, a grant of extraordinary authority to the Secretary over a large part of industry in this country. No one knows how many industries are involved. The proposal not only covers manufacturers of electronic products but every group that uses such products. It also covers those individuals and companies who are engaged in the repair and maintenance of such products.

Mr. President, I am as concerned about the health and safety of the American worker as is anyone in the Senate, but I do not believe that so broad a grant of authority should be authorized without an exhaustive study of the ramifications of such a grant.

Mr. President, I would also like to point out that the promulgation of standards also implies inspection to insure their enforcement. I do not know how many new Federal inspectors would be necessary to carry out the proposal, but, in view of the number of industries and users it would apply to, the number would be very large.

Mr. President, there is another area of the Senator's proposal that concerns me greatly. That amendment provides, among other things, that the standards will apply to the operation and use of electronic products. I assume, therefore, that it would apply to their use by those engaged in the practice of the healing arts. In view of the fact that the proposal has not been studied by any committee of the Congress, I sincerely doubt the wisdom of a grant of authority which could lead to the interference in the practice of medicine and dentistry in this country. I do not believe that it would be the intent of the Senate of the United States to grant such an authority.

Not only would this grant of authority authorize the Secretary to govern the operation and use of electronic products by those engaged in the healing arts, but, of necessity, it would authorize the inspection of medical, dental, and hospital records, which have been historically considered privileged. This, of course, would involve the inspection of the records of hundreds of thousands of doctors, dentists, and hospitals.

Mr. President, for these reasons, I feel that, my amendment is an essential modification of the amendment of the Senator from Texas [Mr. YARBOROUGH].

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana on behalf of the Senator from Arizona [Mr. FANNIN].

The amendment was agreed to.

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

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I move that the Senate insist on its amendments and ask for a conference with the House of Representatives thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HARTKE, Mr. BARTLETT, Mr. YARBOROUGH, Mr. SCOTT, and Mr. JAVITS conferees on the part of the Senate.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New York [Mr. JAVITS]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. INOUYE. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Michigan]Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I also announce that the Senator from Louisiana [Mr. ELLENDER] is absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Oregon [Mr. MORSE], and the Senator from West Virginia [Mr. RANDOLPH] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. FANNIN], the Senator from Michigan [Mr. GRIFFIN], the Senator from California [Mr. MURPHY], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is absent on official business.

The Senator from Nebraska [Mr. HRUSKA] is detained on official business.

If present and voting the Senator from Arizona [Mr. FANNIN], the Senator from Nebraska [Mr. HRUSKA], the Senator from California [Mr. MURPHY], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] would each vote "nay."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Utah [Mr. BENNETT]. If present and voting, the Senator from Illinois would vote "yea" and the Senator from Utah would vote "nay."

The result was announced—yeas 21, nays 40, as follows:

[No. 311 Leg.]

YEAS—21

Boggs	Hatfield	Percy
Brooke	Javits	Prouty
Carlson	Jordan, Idaho	Proxmire
Case	Kennedy	Scott
Dominick	Lausche	Williams, N.J.
Goodell	Morton	Williams, Del.
Hansen	Pearson	Young, Ohio

NAYS—40

Allott	Holland	Mundt
Anderson	Inouye	Pastore
Burdick	Jackson	Pell
Byrd, Va.	Jordan, N.C.	Russell
Cannon	Kuchel	Smathers
Curtis	Magnuson	Sparkman
Dodd	Mansfield	Spong
Ervin	McGee	Stennis
Fong	McIntyre	Talmadge
Gore	Metcalf	Thurmond
Gruening	Miller	Tydings
Harris	Mondale	Young, N. Dak.
Hickenlooper	Montoya	
Hill	Moss	

NOT VOTING—39

Aiken	Eastland	McClellan
Baker	Ellender	McGovern
Bartlett	Fannin	Monroney
Bayh	Fulbright	Morse
Bennett	Griffin	Murphy
Bible	Hart	Muskie
Brewster	Hartke	Nelson
Byrd, W. Va.	Hayden	Randolph
Church	Hollings	Ribicoff
Clark	Hruska	Smith
Cooper	Long, Mo.	Symington
Cotton	Long, La.	Tower
Dirksen	McCarthy	Yarborough

So Mr. JAVITS' amendment was rejected.

Mr. MAGNUSON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. SPONG. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. RUSSELL. Mr. President, may I say, for the information of the Senate, that the committee amendments have not yet been agreed to. I know of no controversy on any of them. There is one amendment I shall offer in a moment which I do not think will cause any lengthy discussion. After that, I hope we can agree to the committee amendments en bloc, and then have a vote on final passage of the bill.

It will probably be to the convenience of Senators to remain in the Chamber, because we hope to have a final vote on the bill within the next 25 minutes.

Mr. President, I ask to call up my amendment No. 983.

The PRESIDING OFFICER. The amendment will be read by the clerk.

The legislative clerk read the amendment (No. 983) as follows:

On page 44, after line 21, insert the following:

"SEC. 542. Effective on the date of enactment of this Act—

"(1) The provisions of section 201 of the Revenue and Expenditure Control Act of 1968 shall not apply with respect to those employees of the Department of Defense in positions established after June 30, 1966, in support of Southeast Asia operations and scheduled for abolition on termination of those operations: *Provided,* That this paragraph shall apply to not more than one hundred and fifty thousand of such employees.

"(2) In applying the provisions of such section to the departments and agencies in the executive branch those employees (not exceeding one hundred and fifty thousand) covered by (1) above shall not be taken into account.

"(3) Notwithstanding the provisions of section 201 (a) of the Revenue and Expenditure Control Act of 1968, employment in temporary and part-time positions in the Department of Defense may be programed on an annual basis in an average number not exceeding the average number of such employees during 1967." On page 44, line 22, ployees during 1967."

On page 44, line 22, strike out "542" and insert "543".

Mr. RUSSELL. Mr. President, as all Senators are well aware, section 201 of the Revenue and Expenditure Control Act of 1968 imposes two limitations on executive branch employment. When full-time and permanent employment is above the June 30, 1966, level, the act permits the agencies to fill only three of four vacancies occurring after June 30, 1968.

Second, the number of temporary employees in any department during any month may not exceed the number of temporary employees on the rolls of that department during the corresponding month of 1967.

Mr. President, when the expenditure reduction amendment was adopted, the Senator from Delaware [Mr. WILLIAMS] and the Senator from Florida [Mr. SMATHERS] wisely took account of the situation in Southeast Asia and exempted it from the amendment.

We have employed in Southeast Asia a large number of foreign nationals, mostly South Vietnamese and Thais. They have all been employed since the 1st of July 1966, and are vitally important to the carrying on of the military operations in that area.

The purpose of this amendment is to exempt those additional employees for the support of Southeast Asia from the employee limitation provisions of the act.

The Department requested an amendment to exempt 203,000 civilian employees. This total included about 50,000 civilians that have been hired as substitutes for military personnel. My amendment does not exempt these 50,000 employees from the provisions of the act. However, I do think that it is important to exempt those employees that are supporting operations in Southeast Asia.

I have discussed the matter with the distinguished Senator from Delaware. I do not think he has any specific objection to this amendment. He, in essence, agrees that it was provided for in his original amendment.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WILLIAMS of Delaware. Mr. President, it was our intention that the cost of the war in South Vietnam, be exempted, and, of course, we intended the employees that were actually assigned in the Southeast Asia area, be exempted from the provisions of the amendment which was cosponsored by the Senator from Florida [Mr. SMATHERS] and myself. We explained the amendment that way, both at the time it was passed on the floor and at the time of the consideration of the conference report.

I have talked with the staff of our committee. They did not think it was at all necessary to approve this amendment to exempt those employees since they were already covered by the original Williams-Smathers bill. However, if it is thought they would be better satisfied to have it spelled out again, we would have no objection.

What concerns us at the time was that the Department may try to interpret the exemption for the war area to apply to some employees who are in the Pentagon by saying, "Well, they are working on the Southeast Asia problem and therefore they are exempt." That was not our intention and I know that is not the intention of the Senator from Georgia. To make sure that this area is not expanded, I was wondering if we could modify this amendment with an additional proviso, after paragraph (1), and if needed it could be added after paragraph (2), to read as follows:

Provided further, That this paragraph shall apply only to those employees stationed in the Southeast Asia theater of operations.

That would definitely pin it down to those employees who were not intended to be covered originally. Frankly, I do not think it would be needed in paragraph (2) and the addition after paragraph (1) will take care of it.

It was our intention, at the time the bill was passed, that expenditures in the Southeast Asian war area were to be exempted from the $6 billion expenditure cut, because it was simply impossible to project an estimate of the cost of the war in Vietnam. We exempted that cost, just as we did the interest on the national debt on the basis that both were uncontrollable items.

Mr. RUSSELL. Did the original amendment of the Senator from Delaware exempt any employees here in Washington who might be engaged full time?

Mr. WILLIAMS of Delaware. No.

Mr. RUSSELL. Mr. President, I assume that the Senator intends for "Southeast Asia" to include the Philippines and Okinawa?

Mr. WILLIAMS of Delaware. That is correct. That comes under the Southeast war arena.

Mr. RUSSELL. With that understanding, I have no objection to the amendment of the Senator from Delaware, and I am willing to incorporate it in my amendment.

As I stated earlier, section 201 also imposes a ceiling on temporary employees of each department. This limitation provides that the number of temporary employees on the rolls of a department for any month cannot exceed the number for that month during calendar year 1967. The administering of this provision on a monthly basis is not practical within the Department of Defense because of the changes in the pattern for hiring temporary employees. For example, for July of 1968 the Department of Defense, under the monthly ceiling formula, could have on its rolls 52,300 temporary employees when, in fact, it only required 46,700 employees. However, the Department has a need for 45,600 temporary employees during December of 1968 and the limitation would allow only 33,-

460. The Department has requested that they be allowed to administer this limitation on an annual basis, rather than on a monthly basis. It was the view of the committee that the Department was entitled to this "bookkeeping" relief, and the amendment so provides.

I think this amendment is all within the spirit of the provisions of the Williams-Smathers Revenue and Expenditure Control Act of 1968.

Mr. WILLIAMS of Delaware. Mr. President, as I stated earlier, with the modification I have outlined, I have no objection to the amendment, because it merely carries out the intention of the Williams-Smathers amendment at the time it was adopted. I have talked with the chief of our staff. The staff does not think this Russell amendment as now modified will change the original law. In fact they do not think that the amendment would be necessary, but we have no objection if there is any doubt. We so intended at the time we offered our amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. RUSSELL. I yield back my time.

Mr. WILLIAMS of Delaware. I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Georgia, as modified.

The amendment, as modified, was agreed to.

Mr. RUSSELL. Mr. President, I ask unanimous consent that all remaining committee amendments be agreed to en bloc.

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

The remaining amendments, agreed to en bloc, are as follows:

On page 3, line 10, after the word "cadets", strike out "$5,710,000,000" and insert "$5,680,000,000".

On page 4, line 11, strike out "$31,500,000" and insert "$31,100,000".

On page 4, line 19, after the word "law", strike out "$75,800,000" and insert "$71,800,000".

On page 5, line 13, after the word "law", strike out "$96,000,000" and insert "$88,000,000."

On page 13, line 7, after the word "Bureau," strike out "$302,000,000" and insert "$267,000,000".

On page 16, at the beginning of line 15, strike out "$1,033,800,000" and insert "$801,700,000".

On page 17, line 13, after the word "plants", strike out "$2,609,000" and insert "$2,505,600,000".

On page 21, line 11, after the word "law", strike out "$1,516,600,000" and insert "$1,528,730,000".

On page 21, line 18, after the word "law", strike out "$2,096,200,000" and insert "$2,171,339,000".

On page 22, line 1, after the word "law", strike out "$3,370,300,000" and insert, "$3,364,724,000".

On page 23, line 12, after the word "which", strike out "transferred," and insert "transferred; $50,000,000, and, in addition,".

On page 44, line 5, strike out:

"SEC. 541. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies."

And, in lieu thereof, insert:

"SEC. 541. No part of the funds appropriated under this Act shall be used after the date of enactment of this Act for payments to individuals who are determined to be ineligible for further payments in the manner and under the criteria contained in section 411 of the Department of Labor, and Health, Education, and Welfare Appropriation Act, 1969."

FAT DEFENSE APPROPRIATION NEEDS REDUCING

Mr. McINTYRE. Mr. President, the $71.9 billion defense appropriation before us is the largest single appropriation bill in the Nation's history. With this sobering fact in mind, I would like to emphasize two points.

First, it takes a strong and stable economy to support a powerful defense structure. This concept was integral to the Revenue and Expenditure Control Act of 1968, an act passed to help curb the inflation that would have resulted from another budget deficit of $20 to $25 billion.

The climbing consumer price index, the balance-of-payments deficit, and high mortgage interest rates for the home buyer tell the same story: we must exercise fiscal restraint.

The Revenue and Expenditure Control Act sought to limit spending to $180.1 billion. But the Bureau of the Budget's Summer Review estimates that outlays will total $184.4 billion. Extra costs of the Vietnam war, social security, interest on the national debt, and veterans benefits—four categories exempt from the $6 billion cutback—account for the increase.

It is almost certain that the Congress will be asked to appropriate emergency funds for the Vietnam war before the fiscal year is over. These billions will also be exempt from the spending limitations. Thus, expenditures continue to mount despite efforts of the Congress to limit them.

All of these additional expenditures, especially those we cannot predict now, will add pressure to the economy.

A second consideration is that arms alone do not make a nation powerful. Education, equal job opportunity, and security from crime are as central to our defense as sophisticated weaponry is. Our key social programs, manpower retraining, housing for low-income families and educational assistance, keep the Nation strong and therefore must continue in full force.

Our priorities are sometimes puzzling. We spend billions on weapons to maintain the strategic balance of terror, yet we are losing the war against fear and terror in our cities. It is important to realize that a battle in one of our major cities threatens the Nation's security at least as much as a battle in a Vietnamese hamlet does.

We can no longer afford to increase defense spending at the expense of our domestic programs.

Because the Congress has not itself cut expenditures by $6 billion, the Director of the Bureau of the Budget estimates that the administration will have to cut spending by $3.5 billion to meet the congressional demands. Some of the cuts will have to come out of essential domestic programs.

In order to protect our economic growth and our domestic programs, we must take a hard look at the bill before us in an attempt to cut all but the most necessary non-Vietnam expenditures. At the same time I express my hope that spending related to the Vietnam war, which now accounts for 34 percent of the total defense appropriation, will not increase.

By postponing projects which are not immediately necessary, such as the Air Force's Manned Orbiting Laboratory, and by trying to cut expenses in other nonvital areas, we should be able to reduce this appropriation further by at least half a billion dollars.

MILITARY SPENDING MUST BE HELD IN CHECK

Mr. GRUENING. Mr. President, again this afternoon I find myself compelled to vote against the bill making appropriations for the Department of Defense.

Unless we here in the Congress exercise, by our votes, a veto power over appropriations for killing and the machines to wage war all over the globe we shall find out that we have in fact ultimately voted for our own self-destruction.

While the Congress voted to cut $6 billion from programs such as those of health, education, welfare, and housing—cuts which I did not favor—we have seen here this afternoon that any attempt to cut even the smallest sum from the military appropriations has been overwhelmingly defeated.

There is much waste in military spending which can be cut out without in any way jeopardizing the vital defenses of our Nation. Meanwhile these reckless expenditures are gravely weakening our economy, the ultimate reliance not only for defense, but for all that America needs and holds dear.

Mr. RUSSELL. Mr. President, I ask for the third reading of the bill.

The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. RUSSELL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all remaining time yielded back on the bill?

Mr. MANSFIELD. All remaining time is yielded back.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is: Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. INOUYE. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Maryland [Mr. TYDINGS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from South Carolina [Mr. HOLLINGS] are necessarily absent.

I also announce that the Senator from Louisiana [Mr. ELLENDER] is absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Maryland [Mr. TYDINGS], the Senator from Mississippi [Mr. EASTLAND], and the Senator from South Carolina [Mr. HOLLINGS], would each vote "yea."

On this vote, the Senator from West Virginia [Mr. RANDOLPH] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from West Virginia would vote "yea," and the Senator from Oregon would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. FANNIN], the Senator from Michigan [Mr. GRIFFIN], the Senator from Oregon [Mr. HATFIELD], the Senator from California [Mr. MURPHY], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is absent on official business.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from Kentucky [Mr. COOPER], the Senator from Illinois [Mr. DIRKSEN], the Senator from Oregon [Mr. HATFIELD], the Senator from Michigan [Mr. GRIFFIN], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 55, nays 2, as follows:

[No. 312 Leg.]

YEAS—55

Allott	Hickenlooper	Mundt
Anderson	Hill	Pastore
Boggs	Holland	Pearson
Brooke	Hruska	Pell
Burdick	Inouye	Percy
Byrd, Va.	Jackson	Prouty
Cannon	Javits	Proxmire
Carlson	Jordan, N.C.	Russell
Case	Jordan, Idaho	Scott
Curtis	Kuchel	Sparkman
Dodd	Magnuson	Spong
Dominick	Mansfield	Stennis
Ervin	McGee	Talmadge
Fong	McIntyre	Thurmond
Goodell	Metcalf	Williams, N.J.
Gore	Miller	Williams, Del.
Hansen	Montoya	Young, N. Dak.
Harris	Morton	
Hart	Moss	

NAYS—2

Gruening	Young, Ohio

NOT VOTING—43

Aiken	Fannin	Monroney
Baker	Fulbright	Morse
Bartlett	Griffin	Murphy
Bayh	Hartke	Muskie
Bennett	Hatfield	Nelson
Bible	Hayden	Randolph
Brewster	Hollings	Ribicoff
Byrd, W. Va.	Kennedy	Smathers
Church	Lausche	Smith
Clark	Long, Mo.	Symington
Cooper	Long, La.	Tower
Cotton	McCarthy	Tydings
Dirksen	McClellan	Yarborough
Eastland	McGovern	
Ellender	Mondale	

So the bill (H.R. 18707) was passed.

Mr. RUSSELL. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RUSSELL, Mr. HILL, Mr. MCCLELLAN, Mr. STENNIS, Mr. PASTORE, Mr. SYMINGTON, Mr. YOUNG of North Dakota, Mr. MUNDT, and Mr. ALLOTT conferees on the part of the Senate.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections which may be required because of the amendments.

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

Mr. MANSFIELD. Mr. President, today the Senate, under the expert guidance of the distinguished and able chairman of the Defense Appropriations Subcommittee, the Senior Senator from Georgia [Mr. RUSSELL], has voted overwhelmingly in support of a bill which—as always—has had thorough and careful study, both in the Armed Services Committee and in the Appropriations Committee. Once again, we are deeply indebted to Senator RUSSELL whose expertise in this field is unsurpassed.

Our thanks go also to the ranking minority member of the Defense Appropriations Subcommittee, the Senator from North Dakota [Mr. YOUNG]. With his assistance and that of the the entire committee, this highly complex and involved measure was presented to the Senate with clarity, with great advocacy and in a manner which enabled us to move quickly to its thoughtful discussion and expeditious disposition. Contributing also to the high quality of debate were the Senator from Pennsylvania [Mr. CLARK], the Senator from Michigan [Mr. HART], and the Senator from Kentucky [Mr. COOPER].

The Senate can well be proud of the task performed on this bill. The Senator from Georgia has again earned our deepest gratitude.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney one of its reading clerks, announced that the House had passed the bill (S. 1247) to authorize the Commissioner of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under such streets and the correction of dangerous conditions of vaults in or vault openings on public spaces, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 913. An act to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes;

S. 1069. An act for the relief of Dr. Chung Chick Nahm;

S. 1652. An act for the relief of Anastasia D. Mpatziani;

S. 2017. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the inspection, maintenance, and repair of fixed equipment in District-owned buildings for periods not to exceed three years;

S. 2496. An act to authorize the Commissioner of the District of Columbia to enter into and renew reciprocal agreements for police mutual aid on behalf of the District of Columbia with the local governments in the Washington metropolitan area;

S. 2499. An act to extend the act of September 7, 1957, relating to aircraft loan guarantees;

S. 2592. An act to amend section 530 of the Act approved March 3, 1901, so as to provide notice of the enforcement of a secu-

rity interest in real property in the District of Columbia to the owner of such real property and the Commissioner of the District of Columbia;

S. 2897. An act for the relief of James T. O'Brien;

S. 3769. An act to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts;

S. 3986. An act to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to expedite the retirement of Government capital from Federal intermediate credit banks, production credit associations and banks for cooperatives, and for other purposes;

H.R. 5117. An act to authorize the Secretary of the Interior to construct, operate, and maintain stage 1 and to acquire lands for stage 2 of the Palmetto Bend reclamation project, Texas, and for other purposes;

H.R. 13099. An act to authorize the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes;

H.R. 13160. An act for the relief of William W. Hiebert;

H.R. 14079. An act for the relief of Lt. (j.g.) Herbert F. Swanson, and others;

H.R. 14098. An act to amend the act entitled "An act to provide for the annual inspection of all motor vehicles in the District of Columbia," approved February 18, 1938, as amended;

H.R. 17273. An act to amend the act of September 21, 1959 (Public Law 86-339), relating to the Reservation of the Agua Caliente Band of Mission Indians;

H.R. 17684. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, in New Mexico; and

H.R. 18885. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Seminole Tribe of Oklahoma in dockets numbered 150 and 248 of the Indian Claims Commission, and for other purposes.

PATRICK E. EAGAN

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 910.

The legislative clerk laid before the Senate the amendment of the House of Representatives to the bill (S. 910) for the relief of the estate of Patrick E. Eagan, which was on page 2, line 12, after "Act." insert:

No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

DISPOSITION OF FUNDS TO SOUTHERN PAIUTE NATION OF INDIANS

Mr. MOSS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3227.

The legislative clerk laid before the Senate the amendment of the House of Representatives to the bill (S. 3227) to provide for the disposition of funds appropriated to pay a judgment in favor of the Southern Paiute Nation of Indians in Indian Claims Commission dockets numbered 88, 330, and 330-A, and for other purposes, which was, on page 3, strike out line 21, over to and including line 13 on page 4, and insert:

SEC. 4. The total amounts apportioned to the groups enrolled in section 1 (b) and (c) shall be redeposited in the Treasury of the United States to the credit of the respective bands, and may be advanced, expended, invested, or reinvested in any manner authorized by the governing body and approved by the Secretary.

Mr. MOSS. Mr. President, the purpose of S. 3227, which passed the Senate on July 9, 1968, is to provide for the distribution and use of an award to the Southern Paiute Indians by the Indian Claims Commission in 1965. The net judgment amounted to $7,253,165.19. After deduction of attorney fees and expenses the amount available to the Indians, together with interest earned, will be approximately $7 million.

Legislation of this nature is required before the Indians can utilize their funds. A floor amendment to section 4 was adopted by the Senate which required that before any of these funds are paid out plans be submitted by the Indians as to how the funds would be used, to determine that they not be dissipated or wasted.

In this particular case, part of the Paiutes have been terminated—that is, they no longer are wards of the Government—but two bands are still wards of the Government. Consequently, it is necessary for the funds to be paid out in two different ways.

The House has amended the bill by striking out the Senate's proviso in section 4. As explained in House Report No. 1882, which accompanied S. 3227, the committee amendment deletes the proviso in section 4 which is intended to prohibit the use of the funds apportioned to the Kaibab and Moapa groups 1 and 2 until 60 days after plans have been submitted to the House and Senate Committees on Interior and Insular Affairs. The proviso is deleted for two reasons: First, the plans have already been submitted and the proviso is therefore unnecessary; and, second, because of defective drafting the proviso would not accomplish its intended purpose and would, in fact, accomplish a different purpose which was not intended.

The plans for the use of the funds by the two groups as furnished by the Bureau of Indian Affairs are as follows:

The Kaibab group intends to use its funds 30 percent for a recreation investment adjacent to the Pipe Springs National Monument; 30 percent for per capita payments or family plan programs; 20 percent for reservation development, including expansion of the tribal herd; 20 percent for tribal operations to match a grant expected to be received from the Economic Development Administration.

The Moapa group intends to use its funds 33⅓ percent for per capita payments; 66⅔ percent for educational programs—loans and grants to students—and for tribal operations.

The proviso deleted was intended to apply only to the Kaibab and Moapa groups. In fact, however, it does not apply to them because it excepts bands not heretofore terminated and the Kaibab and Moapa groups have not been terminated. Actually, the proviso applies only to the terminated groups and it was not intended to apply to them. Rather than correct the defective drafting the proviso has been deleted because the plans for the use of the money are already before the committees.

Mr. President, these Paiute Indians have been waiting many, many years for their claim to be settled. They have complied with congressional requirements in terms of the use to which the money will be put, at least in terms of percentage. After all, no one knows how many Paiutes there are, or exactly how much money will be available. Due to the lateness of the session, there appears to be no possibility of holding a conference with the House. Therefore, Mr. President, I move that the Senate concur in the amendment of the House to S. 3227.

The motion was agreed to.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 10 o'clock tomorrow morning.

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

EXECUTIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate proceeded to consider executive business.

Mr. MANSFIELD. Mr. President, I have discussed this matter with the interested parties. I would like the Senate to consider five noncontroversial conventions and protocols having to do with foreign arbitral awards, transit trade of landlocked states, customs cooperation council, Geneva radio regulations, and the status of refugees.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that the votes on the conventions and protocols take place beginning at 10:30 tomorrow morning on these five noncontroversial, unanimously reported matters.

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

Mr. SPARKMAN. Mr. President, in that connection, will the votes be taken all at the same time?

Mr. MANSFIELD. No. They are all different.

CONVENTION ON FOREIGN ARBITRAL AWARDS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the con-

sideration of Executive E, 90th Congress, second session, the convention of Foreign Arbitral Awards.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the convention, Executive E, 90th Congress, second session, the convention on Foreign Arbitral Awards, adopted at New York on June 10, 1958, which was read the second time, as follows:

UNITED NATIONS CONFERENCE ON INTERNATIONAL COMMERCIAL ARBITRATION (UNITED NATIONS, 1958)

CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Article I

1. This Convention shall apply to the recognition and enforcement of arbitral awards made in the territory of a State other than the State where the recognition and enforcement of such awards are sought, and arising out of differences between persons, whether physical or legal. It shall also apply to arbitral awards not considered as domestic awards in the State where their recognition and enforcement are sought.

2. The term "arbitral awards" shall include not only awards made by arbitrators appointed for each case but also those made by permanent arbitral bodies to which the parties have submitted.

3. When signing, ratifying or acceding to this Convention, or notifying extension under article X hereof, any State may on the basis of reciprocity declare that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. It may also declare that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State making such declaration.

Article II

1. Each Contracting State shall recognize an agreement in writing under which the parties undertake to submit to arbitration all or any differences which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration.

2. The term "agreement in writing" shall include an arbitral clause in a contract or an arbitration agreement, signed by the parties or contained in an exchange of letters or telegrams.

3. The court of a Contracting State, when seized of an action in a matter in respect of which the parties have made an agreement within the meaning of this article, shall, at the request of one of the parties, refer the parties to arbitration, unless it finds that the said agreement is null and void, inoperative or incapable of being performed.

Article III

Each Contracting State shall recognize arbitral awards as binding and enforce them in accordance with the rules of procedure of the territory where the award is relied upon, under the conditions laid down in the following articles. There shall not be imposed substantially more onerous conditions or higher fees or charges on the recognition or enforcement of arbitral awards to which this Convention applies than are imposed on the recognition or enforcement of domestic arbitral awards.

Article IV

1. To obtain the recognition and enforcement mentioned in the preceding article, the party applying for recognition and enforcement shall, at the time of the application, supply:

(*a*) The duly authenticated original award or a duly certified copy thereof;

(*b*) The original agreement referred to in article II or a duly certified copy thereof.

2. If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.

Article V

1. Recognition and enforcement of the award may be refused, at the request of the party against whom it is invoked, only if that party furnishes to the competent authority where the recognition and enforcement is sought, proof that:

(*a*) The parties to the agreement referred to in article II were under the law applicable to them, under some incapacity, or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or

(*b*) The party against whom the award is invoked was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or

(*c*) The award deals with a difference not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced; or

(*d*) The composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties, or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or

(*e*) The award has not yet become binding on the parties, or has been set aside or suspended by a competent authority of the country in which, or under the law of which, that award was made.

2. Recognition and enforcement of an arbitral award may also be refused if the competent authority in the country where recognition and enforcement is sought finds that:

(*a*) The subject matter of the difference is not capable of settlement by arbitration under the law of that country; or

(*b*) The recognition or enforcement of the award would be contrary to the public policy of that country.

Article VI

If an application for the setting aside or suspension of the award has been made to a competent authority referred to in article V(1)(*e*), the authority before which the award is sought to be relied upon may, if it considers it proper, adjourn the decision on the enforcement of the award and may also, on the application of the party claiming enforcement of the award, order the other party to give suitable security.

Article VII

1. The provisions of the present Convention shall not affect the validity of multilateral or bilateral agreements concerning the recognition and enforcement of arbitral awards entered into by the Contracting States nor deprive any interested party of any right he may have to avail himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

2. The Geneva Protocol on Arbitration Clauses of 1923 and the Geneva Convention on the Execution of Foreign Arbitral Awards of 1927 shall cease to have effect between Contracting States on their becoming bound and to the extent that they become bound, by this Convention.

Article VIII

1. This Convention shall be open until 31 December 1958 for signature on behalf of any Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized agency of the United Nations, or which is or hereafter becomes a party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations.

2. This Convention shall be ratified and the instrument of ratification shall be deposited with the Secretary-General of the United Nations.

Article IX

1. This Convention shall be open for accession to all States referred to in article VIII.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article X

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

Article XI

In the case of a federal or non-unitary State, the following provisions shall apply:

(*a*) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal authority, the obligations of the federal Government shall to this extent be the same as those of Contracting States which are not federal States;

(*b*) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent states or provinces which are not, under the constitutional system of the federation, bound to take legislative action, the federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of constituent states or provinces at the earliest possible moment;

(*c*) A federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the federation and its constituent units in regard

to any particular provision of this Convention, showing the extent to which effect has been given to that provision by legislative or other action.

Article XII

1. This Convention shall come into force on the ninetieth day following the date of deposit of the third instrument of ratification or accession.

2. For each State ratifying or acceding to this Convention after the deposit of the third instrument of ratification or accession, this Convention shall enter into force on the ninetieth day after deposit by such State of his instrument of ratification or accession.

Article XIII

1. Any Contracting State may denounce this Convention by a written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Any State which has made a declaration or notification under article X may, at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Convention shall cease to extend to the territory concerned one year after the date of the receipt of the notification by the Secretary-General.

3. This Convention shall continue to be applicable to arbitral awards in respect of which recognition or enforcement proceedings have been instituted before the denunciation takes effect.

Article XIV

A Contracting State shall not be entitled to avail itself of the present Convention against other Contracting States except to the extent that it is itself bound to apply the Convention.

Article XV

The Secretary-General of the United Nations shall notify the States contemplated in article VIII of the following:

(*a*) Signatures and ratifications in accordance with article VIII;

(*b*) Accessions in accordance with article IX;

(*c*) Declarations and notifications under articles I, X and XI;

(*d*) The date upon which this Convention enters into force in accordance with article XII;

(*e*) Denunciations and notifications in accordance with article XIII.

Article XVI

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit a certified copy of this Convention to the States contemplated in article VIII.

For Afghanistan:

For Albania:

For Argentina:

C. RAMOS 26 August 1958. Subject to the declaration contained in the Final Act.[1]

For Australia:

For Austria:

For the Kingdom of Belgium:
JOSEPH NISOT
A. HERMENT

For Bolivia:

For Brazil:

For Bulgaria:
A. GHEORGIEV 17 XII 1958
Bulgaria will apply the Convention to recognition and enforcement of awards made in the territory of another contracting State. With regard to awards made in the territory of non-contracting States it will apply the Convention only to the extent to which these States grant reciprocal treatment.

For the Union of Burma:

For the Byelorussian Soviet Socialist Republic:
F. N. GRYAZNOV, 29 XII–1958

For Cambodia:

For Canada:

For Ceylon:
M. T. D. KANAKARATNE, December 30th, 1958

For Chile:

For China:

For Colombia.

For Costa Rica:
ALBERTO F. CAÑAS

For Cuba:

For Czechoslovakia:
JAROSLAV PSCOLKA, October 3, 1958
Czechoslovakia will apply the Convention to recognition and enforcement of awards made in the territory of another contracting State. With regard to awards made in the territory of non-Contracting States it will apply the Convention only to the extent to which these states grant reciprocal treatment.

For Denmark:

For the Dominican Republic:

For Ecuador:
José A. CORREA, Dec. 17/1958
El Ecuador, a base de reciprocidad, aplicará la Convención al reconocimiento y la ejecución de sentencias arbitrales dictadas en el territorio de otro Estado Contratante únicamente y sólo cuando tales sentencias se hayan pronunciado sobre litigios surgidos de relaciones jurídicas consideradas comerciales por el Derecho ecuatoriano[2]

For El Salvador:
M. RAFAEL URQUIA
F. R. LIMA

For Ethiopia:

For the Federation of Malaya:

For Finland:
G. A. GRIPENBERG, Dec. 29th, 1958

For France:
G. GEORGES-PICOT, 25 November 1958

For the Federal Republic of Germany:
A. BULOW

For Ghana:

For Greece:

For Guatemala:

For Haiti:

For the Holy See:

For Honduras:

For Hungary:

For Iceland:

For India:
C. K. DAPHTARY

For Indonesia:

For Iran:

For Iraq:

For Ireland:

For Israel:
H. COHN

For Italy:

For Japan:

For the Hashemite Kingdom of Jordan:
THABET KHALIDI

For the Republic of Korea:

For Laos:

For Lebanon:

For Liberia:

For Libya:

For Liechtenstein:

For the Grand Duchy of Luxembourg:
GEORGES HEISBOURG, Le 11 novembre 1958

For Mexico:

For Monaco:
MARCEL PALMARO
Le 31/12/58

For Morocco:

For Nepal:

For the Kingdom of the Netherlands.
C. SCHURMANN

For New Zealand:

For Nicaragua:

For the Kingdom of Norway:

For Pakistan:
K. M. KAISER, 30th of December 1958

For Panama:

For Paraguay:

For Peru:

For the Philippine Republic:
OCTAVIO L. MALOLES
The Philippine delegation signs *ad referendum* this Convention with the reservation that it does so on the basis of reciprocity and declares that the Philippines will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State pursuant to article I, paragraph 3, of the Convention.

For Poland:
JACEK MACHOWSKI. With reservations as mentioned in article I, par. 3.

For Portugal:

For Rumania:

[1] The representative of Argentina made the following declaration on behalf of his Government in relation to article X: "If another Contracting Party extends the application of the Convention to territories which fall within the sovereignty of the Argentine Republic, the rights of the Argentine Republic shall in no way be affected by that extension."

[2] [*Translation*] Ecuador, on a basis of reciprocity, will apply the Convention to the recognition and enforcement of arbitral awards made in the territory of another Contracting State only if such awards have been made with respect to differences arising out of legal relationships which are regarded as commercial under Ecuadorian law.

For San Marino:

For Saudi Arabia:

For Spain:

For the Sudan:

For Sweden:
AGDA RÖSSEL, Dec. 23, 1958
For Switzerland:
FELIX SCHNYDER, 29 décembre 1958
For Thailand:

For Tunisia:

For Turkey:

For the Ukrainian Soviet Socialist Republic:
P. P. UDOVICHENKO, 29. XII, 1958
For the Union of South Africa:

For the Union of Soviet Socialist Republics:
A. A. SOBOLEV, 29–XII–58
For the United Arab Republic:

For the United Kingdom of Great Britain and Northern Ireland:

For the United States of America:

For Uruguay:

For Venezuela:

For Viet-Nam:

For Yemen:

For Yugoslavia:

The PRESIDING OFFICER. Without objection, the convention will be considered as having passed through its various parliamentary stages up to the point of consideration of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to accession to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, adopted at New York on June 10, 1958, with the following Declarations:

"The United States of America will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of only those awards made in the territory of another Contracting State."

"The United States of America will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the United States."

Mr. MANSFIELD. Mr. President, this convention was adopted at the conclusion of a United Nations conference which was held in New York from May 20 to June 10, 1958. Forty-four other countries participated in the conference. The administration recommends the accession to the convention.

Mr. President, I ask unanimous consent that pertinent parts of the committee report be printed at this point on the RECORD.

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

BACKGROUND AND PURPOSE

This convention was adopted at the conclusion of a United Nations Conference which was held in New York from May 20 to June 10, 1958. Forty-four other countries participated in the conference and 33 have become parties to the convention. It was not signed for the United States because at that time the American delegation felt certain provisions of the convention were in conflict with some of our domestic laws. According to the administration, however, during the past several years there has been increasing support (both within and without the Government) for U.S. accession.

The convention applies only in those cases where the persons involved have voluntarily accepted arbitration. In this connection, article II specifically requires a written agreement under which the parties undertake to submit their differences to arbitration. In addition, article V contains certain guarantees in the nature of due process, and provides that an American court may refuse recognition or enforcement of an award as contrary to the public policy of the United States.

PROPOSED DECLARATIONS

The administration recommends that accession to the convention be accompanied by declarations that the United States, on the basis of reciprocity, would not be required to recognize and enforce awards made in states not parties to the convention or awards made in another contracting state with respect to matters excluded by that state or by the United States in its approval of the convention. These declarations are set forth below.

1. The United States of America will apply the convention, on the basis of reciprocity, to the recognition and enforcement of only those awards made in the territory of another contracting state.

2. The United States of America will apply the convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the United States.

CHANGES IN DOMESTIC LAW

Changes in the Federal Arbitration Act (title 9 of the United States Code) will be required before the United States becomes party to the convention. Accordingly, the President's letter of transmittal states that U.S. accession to the convention will be executed "only after the necessary legislation is enacted."

CONVENTION ON TRANSIT TRADE OF LAND-LOCKED STATES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Executive I, 90th Congress, second session—the Convention on Transit Trade of Land-Locked States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the Convention (Ex. I, 90th Cong., second sess.)—the Convention on Transit Trade of Land-Locked States, signed in behalf of the United States of America on December 30, 1965, which was read the second time, as follows:

CONVENTION ON TRANSIT TRADE OF LAND-LOCKED STATES

PREAMBLE

The States Parties to the present Convention

Recalling that article 55 of its charter requires the United Nations to promote conditions of economic progress and solutions of international economic problems,

Noting General Assembly resolution 1028 (XI) on the land-locked countries and the expansion of international trade which, "recognizing the need of land-locked countries for adequate transit facilities in promoting international trade", invited "the Governments of Member States to give full recognition to the needs of land-locked Member States in the matter of transit trade and, therefore, to accord them adequate facilities in terms of international law and practice in this regard, bearing in mind the future requirements resulting from the economic development of the land-locked countries",

Recalling article 2 of the Convention on the High Seas which states that the high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty and article 3 of the said Convention which states:

"1. In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter and in conformity with existing international conventions accord:

"(a) To the State having no sea-coast, on a basis of reciprocity, free transit through their territory; and

"(b) To ships flying the flag of that State treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to seaports and the use of such ports.

"2. States situated between the sea and a State having no sea-coast shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal State or State of transit and the special conditions of the State having no sea-coast, all matters relating to freedom of transit and equal treatment in ports, in case such States are not already parties to existing international conventions."

Reaffirming the following principles adopted by the United Nations Conference on Trade and Development with the understanding that these principles are interrelated and each principle should be construed in the context of the other principles:

Principle I

The recognition of the right of each land-locked State of free access to the sea is an essential principle for the expansion of international trade and economic development.

Principle II

In territorial and on internal waters, vessels flying the flag of land-locked countries should have identical rights and enjoy treatment identical to that enjoyed by vessels flying the flag of coastal States other than the territorial State.

Principle III

In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea coast should have free access to the sea. To this end States situated between the sea and a State having no sea coast shall by common agreement with the latter and in conformity with existing international conventions accord to ships flying the flag of that State treatment equal to that accorded to their own ships or to the ships of any other State as regards access to sea ports and the use of such ports.

Principle IV

In order to promote fully the economic development of the land-locked countries, the said countries should be afforded by all States on the basis of reciprocity, free and unrestricted transit, in such a manner that they have free access to regional and international trade in all circumstances and for every type of goods.

Goods in transit should not be subject to any customs duty.

Means of transport in transit should not be subject to special taxes or charges higher than those levied for the use of means of transport of the transit country.

Principle V

The State of transit, while maintaining full sovereignty over its territory shall have the right to take all indispensable measures to ensure that the exercise of the right of free and unrestricted transit shall in no way infringe its legitimate interests of any kind.

Principle VI

In order to accelerate the evolution of a universal approach to the solution of the special and particular problems of trade and development of land-locked countries in the different geographical areas, the conclusion of regional and other international agreements in this regard should be encouraged by all States.

Principle VII

The facilities and special rights accorded to land-locked countries in view of their special geographical position are excluded from the operation of the most-favoured-nation clause.

Principle VIII

The principles which govern the right of free access to the sea of the land-locked State shall in no way abrogate existing agreements between two or more contracting parties concerning the problems, nor shall they raise an obstacle as regards the conclusions of such agreements in the future, provided that the latter do not establish a régime which is less favourable than or opposed to the above-mentioned provisions.

Have agreed as follows:

ARTICLE 1. DEFINITIONS

For the purpose of this Convention,

(a) the term "land-locked State" means any Contracting State which has no sea-coast;

(b) the term "traffic in transit" means the passage of goods including unaccompanied baggage across the territory of a Contracting State between a land-locked State and the sea when the passage is a portion of a complete journey which begins or terminates within the territory of that land-locked State and which includes sea transport directly preceding or following such passage. The trans-shipment, warehousing, breaking bulk, and change in the mode of transport of such goods as well as the assembly, disassembly or reassembly of machinery and bulky goods shall not render the passage of goods outside the definition of "traffic in transit" provided that any such operation is undertaken solely for the convenience of transportation. Nothing in this paragraph shall be construed as imposing an obligation on any Contracting State to establish or permit the establishment of permanent facilities on its territory for such assembly, disassembly or reassembly;

(c) the term "transit State" means any Contracting State with or without a sea-coast, situated between a land-locked State and the sea, through whose territory "traffic in transit" passes;

(d) the term "means of transport" includes:

(i) any railway stock, seagoing and river vessels and road vehicles;

(ii) where the local situation so requires porters and pack animals;

(iii) if agreed upon by the Contracting States concerned, other means of transport and pipelines and gas lines

when they are used for traffic in transit within the meaning of this article.

ARTICLE 2. FREEDOM OF TRANSIT

1. Freedom of transit shall be granted under the terms of this Convention for traffic in transit and means of transport. Subject to the other provisions of this Convention, the measures taken by Contracting States for regulating and forwarding traffic across their territory shall facilitate traffic in transit on routes in use mutually acceptable for transit to the Contracting States concerned. Consistent with the terms of this Convention, no discrimination shall be exercised which is based on the place of origin, departure, entry, exit or destination or on any circumstances relating to the ownership of the goods or the ownership, place of registration or flag of vessels, land vehicles or other means of transport used.

2. The rules governing the use of means of transport, when they pass across part or the whole of the territory of another Contracting State, shall be established by common agreement among the Contracting States concerned, with due regard to the multilateral international conventions to which these States are parties.

3. Each Contracting State shall authorize, in accordance with its laws, rules and regulations, the passage across or access to its territory of persons whose movement is necessary for traffic in transit.

4. The Contracting States shall permit the passage of traffic in transit across their territorial waters in accordance with the principles of customary international law or applicable international conventions and with their internal regulations.

ARTICLE 3. CUSTOMS DUTIES AND SPECIAL TRANSIT DUES

Traffic in transit shall not be subjected by any authority within the transit State to customs duties or taxes chargeable by reason of importation or exportation nor to any special dues in respect of transit. Nevertheless on such traffic in transit there may be levied charges intended solely to defray expenses of supervision and administration entailed by such transit. The rate of any such charges must correspond as nearly as possible with the expenses they are intended to cover and, subject to that condition, the charges must be imposed in conformity with the requirement of non-discrimination laid down in article 2, paragraph 1.

ARTICLE 4. MEANS OF TRANSPORT AND TARIFFS

1. The Contracting States undertake to provide, subject to availability, at the points of entry and exit, and as required at points of trans-shipment, adequate means of transport and handling equipment for the movement of traffic in transit without unnecessary delay.

2. The Contracting States undertake to apply to traffic in transit, using facilities operated or administered by the State, tariffs or charges which, having regard to the conditions of the traffic and the considerations of commercial competition, are reasonable as regards both their rates and the method of their application. These tariffs or charges shall be so fixed as to facilitate traffic in transit as much as possible, and shall not be higher than the tariffs or charges applied by Contracting States for the transport through their territory of goods of countries with access to the sea. The provisions of this paragraph shall also extend to the tariffs and charges applicable to traffic in transit using facilities operated or administered by firms or individuals, in cases in which the tariffs or charges are fixed or subject to control by the Contracting State. The term "facilities" used in this paragraph shall comprise means of transport, port installations and routes for the use of which tariffs or charges are levied.

3. Any haulage service established as a monopoly on waterways used for transit must be so organized as not to hinder the transit of vessels.

4. The provisions of this article must be applied under the conditions of non-discrimination laid down in article 2, paragraph 1.

ARTICLE 5. METHODS AND DOCUMENTATION IN REGARD TO CUSTOMS, TRANSPORT, ETC.

1. The Contracting States shall apply administrative and customs measures permitting the carrying out of free, uninterrupted and continuous traffic in transit. When necessary, they should undertake negotiations to agree on measures that ensure and facilitate the said transit.

2. The Contracting States undertake to use simplified documentation and expeditious methods in regard to customs, transport and other administrative procedures relating to traffic in transit for the whole transit journey on their territory, including any transshipment, warehousing, breaking bulk, and changes in the mode of transport as may take place in the course of such journey.

ARTICLE 6. STORAGE OF GOODS IN TRANSIT

1. The conditions of storage of goods in transit at the points of entry and exit, and at intermediate stages in the transit State may be established by agreement between the States concerned. The transit States shall grant conditions of storage at least as favourable as those granted to goods coming from or going to their own countries.

2. The tariffs and charges shall be established in accordance with article 4.

ARTICLE 7. DELAYS OR DIFFICULTIES IN TRAFFIC IN TRANSIT

1. Except in cases of *force majeure* all measures shall be taken by Contracting States to avoid delays in or restrictions on traffic in transit.

2. Should delays or other difficulties occur in traffic in transit, the competent authorities of the transit State or States and of the land-locked State shall co-operate towards their expeditious elimination.

ARTICLE 8. FREE ZONES OR OTHER CUSTOMS FACILITIES

1. For convenience of traffic in transit, free zones or other customs facilities may be provided at the ports of entry and exit in the transit States, by agreement between those States and the land-locked States.

2. Facilities of this nature may also be provided for the benefit of land-locked States in other transit States which have no sea coast or seaports.

ARTICLE 9. PROVISION OF GREATER FACILITIES

This Convention does not entail in any way the withdrawal of transit facilities which are greater than those provided for in the Convention and which under conditions consistent with its principles, are agreed between Contracting States or granted by a Contracting State. The Convention also does not preclude such grant of greater facilities in the future.

ARTICLE 10—RELATION TO MOST-FAVOURED-NATION CLAUSE

1. The Contracting States agree that the facilities and special rights accorded by this Convention to land-locked States in view of their special geographical position are excluded from the operation of the most-favoured-nation clause. A land-locked State which is not a Party to this Convention may claim the facilities and special rights accorded to land-locked States under this Convention only on the basis of the most-favoured-nation clause of a treaty between that land-locked State and the Contracting State granting such facilities and special rights.

2. If a Contacting State grants to a land-locked State facilities or special rights greater than those provided for in this Convention, such facilities or special rights may be limited to that land-locked State, except in so

far as the withholding of such greater facilities or special rights from any other land-locked State contravenes the most-favoured-nation provision of a treaty between such other land-locked State and the Contracing State granting such facilities or special rights.

ARTICLE 11—EXCEPTIONS TO CONVENTION ON GROUNDS OF PUBLIC HEALTH, SECURITY, AND PROTECTION OF INTELLECTUAL PROPERTY

1. No Contracting State shall be bound by this Convention to afford transit to persons whose admission into its territory is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public morals, public health, or security, or as a precaution against diseases of animals or plants or against pests.

2. Each Contracting State shall be entitled to take reasonable precautions and measures to ensure that persons and goods, particularly goods which are the subject of a monopoly, are really in transit, and that the means of transport are really used for the passage of such goods, as well as to protect the safety of the routes and means of communication.

3. Nothing in this Convention shall affect the measures which a Contracting State may be called upon to take in pursuance of provisions in a general international convention, whether of a world-wide or regional character, to which it is a party, whether such convention was already concluded on the date of this Convention or is concluded later, when such provisions relate:

(a) to export or import or transit of particular kinds of articles such as narcotics, or other dangerous drugs, or arms; or

(b) to protection of industrial, literary or artistic property, or protection of trade names, and indications of source or appellations of origin, and the suppression of unfair competition.

4. Nothing in this Convention shall prevent any Contracting State from taking any action necessary for the protection of its essential security interests.

ARTICLE 12. EXCEPTIONS IN CASE OF EMERGENCY

The measures of a general or particular character which a Contracting State is obliged to take in case of an emergency endangering its political existence or its safety may, in exceptional cases and for as short a period as possible, involve a deviation from the provisions of this Convention on the understanding that the principle of freedom of transit shall be observed to the utmost possible extent during such a period.

ARTICLE 13. APPLICATION OF THE CONVENTION IN TIME OF WAR

This Convention does not prescribe the rights and duties of belligerents and neutrals in time of war. The convention shall, however, continue in force in time of war so far as such rights and duties permit.

ARTICLE 14. OBLIGATIONS UNDER THE CONVENTION AND RIGHTS AND DUTIES OF UNITED NATIONS MEMBERS

This Convention does not impose upon a Contracting State any obligation conflicting with its rights and duties as a Member of the United Nations.

ARTICLE 15. RECIPROCITY

The provisions of this Convention shall be applied on a basis of reciprocity.

ARTICLE 16. SETTLEMENT OF DISPUTES

1. Any dispute which may arise with respect to the interpretation or application of the provisions of this Convention which is not settled by negotiation or by other peaceful means of settlement within a period of nine months shall, at the request of either party, be settled by arbitration. The arbitration commission shall be composed of three members. Each party to the dispute shall appoint one member to the commission, while the third member, who shall be the Chairman, shall be chosen in common agreement between the parties. If the parties fail to agree on the designation of the third member within a period of three months, the third member shall be appointed by the President of the International Court of Justice. In case any of the parties fail to make an appointment within a period of three months the President of the International Court of Justice shall fill the remaining vacancy or vacancies.

2. The arbitration commission shall decide on the matters placed before it by simple majority and its decisions shall be binding on the parties.

3. Arbitration commissions or other international bodies charged with settlement of disputes under this Convention shall inform, through the Secretary-General of the United Nations, the other Contracting States of the existence and nature of disputes and of the terms of their settlement.

ARTICLE 17. SIGNATURE

The present Convention shall be open until 31 December 1965 for signature by all States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

ARTICLE 18. RATIFICATION

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 19. ACCESSION

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in article 17. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 20. ENTRY INTO FORCE

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the instruments of ratification or accession of at least two land-locked States and two transit States having a sea coast.

2. For each State ratifying or acceding to the Convention after the deposit of the instruments of ratification or accession necessary for the entry into force of this Convention in accordance with paragraph 1 of this article, the Convention shall enter into force on the thirtieth day after the deposit by each State of its instrument of ratification or accession.

ARTICLE 21. REVISION

At the request of one third of the Contracting States, and with the concurrence of the majority of the Contracting States, the Secretary-General of the United Nations shall convene a Conference with a view to the revision of this Convention.

ARTICLE 22. NOTIFICATIONS BY THE SECRETARY-GENERAL

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in article 17;

(a) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with articles 17, 18 and 19;

(b) of the date on which the present Convention will enter into force, in accordance with article 20;

(c) of requests for revision, in accordance with article 21.

ARTICLE 23. AUTHENTIC TEXTS

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in article 17.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE at the Headquarters of the United Nations, New York, this eighth day of July, one thousand nine hundred and sixty-five.

For Afghanistan:

ABDUL H. TABIBI

For Albania:

For Algeria:

For Argentina:

LUCIO GABCÍA DEL SOLAR, December 29, 1965

For Australia:

For Austria:

For Belgium:

Subject to the reservations[1] stated in my letter No. S. 5036 of 30 December 1965, addressed to the Secretary-General of the United Nations.

C. SCHUURMANS, 30 December 1965.

For Bolivia:

F. ORTIZ S., 29 December 1965

For Brazil:

JOSÉ SETTE CÂMARA, August 4th, 1965

For Bulgaria:

For Burma:

For Burundi:

For the Byelorussian Soviet Socialist Republic:

With the following reservation:

The Government of the Byelorussian Soviet Socialist Republic does not consider itself bound by the provisions of article 16 of the Convention on Transit Trade of Land-locked States, under which members of the arbitration commission may be appointed by the President of the International Court of Justice, and declares that, in each individual case, the consent of the contending States is necessary for the appointment of members of the arbitration commission by the President of the International Court of Justice.

G. CHERNUSHCHENKO, 28 XII. 65

For Cambodia:

For Cameroon:

J. B. BELEOKEN, 10 August 1965

For Canada:

For the Central African Republic:

M. GALLIN-DOUATHE, New York, 30 December 1965

For Ceylon:

For Chad:

For Chile:

With a reservation with regard to article 16, to the effect that, in any dispute with

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[1] *Text of the reservations:*

1. With regard to the application of article 3 of the Convention, the Belgian Government considers that the exemption relates exclusively to duties or taxes on imports or exports, and not to taxes on transactions, such as the Belgian tax on transport and auxiliary services, which also apply to internal trade.

2. Belgium can apply article 4, paragraph 1, only in so far as State-owned means of transport and handling equipment are concerned.

3. The Belgian Government intends, upon depositing its instrument of ratification of the Convention, to make a reservation concerning the rights and obligations of Belgium arising from its adherence to certain international treaties relating to economic matters or trade.

American countries over the interpretation or implementation of this Convention, Chile shall proceed in accordance with whatever inter-American instruments concerning the peaceful settlement of disputes may be binding both on Chile and on the other American country.

RENÁN FUENTEALBA, December 20, 1965

For China:
For Colombia:
For the Congo (Brazzaville):
For the Congo (Democratic Republic of):
For Costa Rica:
For Cuba:
For Cyprus:
For Czechoslovakia:

With reservations [2] to articles 16, 17, 19, 22 and 23, the text of which is enclosed hereto.

MILAN KLUSAK, 10 December 1965

For Dahomey:
For Denmark:
For the Dominican Republic:
For Ecuador:
For El Salvador:
For Ethiopia:
For the Federal Republic of Germany:

With the reservations [3] set forth in my note of December 20, 1965 addressed to the Secretary-General of the United Nations, which is attached herewith.

SIGISMUND VON BRAUN, December 20, 1965

For Finland:
For France:
For Gabon:
For Ghana:
For Greece:
For Guatemala:
For Guinea:
For Haiti:
For the Holy See:

ALBERTO GIOVANNETTI, December 30, 1965

For Honduras:
For Hungary:

KÁROLY CSATORDAY, December 30, 1965

For Iceland:
For India:
For Indonesia:
For Iran:
For Iraq:
For Ireland:
For Israel:
For Italy:

PIERO VINCI, December 31st, 1965

For the Ivory Coast:
For Jamaica:
For Japan:
For Jordan:
For Kenya:
For Kuwait:
For Laos:

T. KHAMPAN

For Lebanon:
For Liberia:
For Libya:
For Liechtenstein:
For Luxembourg:

PIERRE WURTH, 28.12.1965

For Madagascar:
For Malawi:
For Malaysia:
For Mali:
For Malta:
For Mauritania:
For Mexico:
For Monaco:
For Mongolia:
For Morocco:
For Nepal:

PADMA BAHADUR KHATRI

For the Netherlands:

J. G. DE BEUS, December 30, 1965

For New Zealand:
For Nicaragua:
For the Niger:
For Nigeria:
For Norway:
For Pakistan:
For Panama:
For Paraguay:

MIGUEL SOLANO LÓPEZ, 23 December 1965

For Peru:
For the Philippines:
For Poland:
For Portugal:
For the Republic of Korea:
For the Republic of Viet-Nam:
For Romania:
For Rwanda:

C. MUDENGE, July 23, 1965

For San Marino:

FRANCO FIORIO, 23 July 1965

For Saudi Arabia:
For Senegal:
For Sierra Leone:
For Somalia:
For South Africa:
For Spain:
For the Sudan:

With reservation [4] as far as article 2 is concerned. Reservation is attached.

ABDUL MAGID BASHIR EL-AHMADI, 11th August 1965

For Sweden:
For Switzerland:

ERNESTO THALMANN, 10 December 1965

For Syria:
For Thailand:
For Togo:
For Trinidad and Tobago:
For Tunisia:
For Turkey:
For Uganda:

APOLLO K. KIRONDE, 21 December 1965

For the Ukrainian Soviet Socialist Republic:

With the following reservation:

The Government of the Ukrainian Soviet Socialist Republic does not consider itself bound by the provisions of article 16 of the Convention on Transit Trade of Land-locked States, under which members of the arbitration commission may be appointed by the President of the International Court of Justice, and declares that, in each individual case, the consent of the contending States is necessary for the appointment of members of the arbitration commission by the President of the International Court of Justice.

S. SHEVCHENKO, 31 December 1965

For the Union of Soviet Socialist Republics:

With the following reservation:

The Government of the Union of Soviet Socialist Republics does not consider itself bound by the provisions of article 16 of the Convention on Transit Trade of Land-locked States, under which members of the arbitration commission may be appointed by the President of the International Court of Justice, and declares that, in each individual case, the consent of the contending States is necessary for the appointment of members of the arbitration commission by the President of the International Court of Justice.

N. FEDORENKO, 28 December 1965

For the United Arab Republic:
For the United Kingdom of Great Britain and Northern Ireland:
For the United Republic of Tanzania:
For the United States of America:

CHARLES W. YOST, December 30, 1965

For the Upper Volta:
For Uruguay:
For Venezuela:
For Western Samoa:
For Yemen:

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[2] *Text of the reservations:*

(1) The Czechoslovak Socialist Republic does not consider itself bound by article 16 providing for a compulsory procedure of arbitration for any dispute which may arise with respect to interpretation or application of the provisions of the Convention. The Czechoslovak Socialist Republic maintains that the consensus of all Parties to the dispute is indispensable in any particular case to be submitted for arbitration.

(2) The Czechoslovak Socialist Republic considers articles 17 and 19 to be of discriminatory character since, on the basis of their provisions, a number of States has been deprived of the possibility of becoming a Party to the Convention.

The Convention relates to matters which are of interest to all States; consequently, it has to be open for participation of all States. In accordance with the principle of sovereign equality, no States have the right to exclude other States from becoming a Party to the Convention of general interest.

(3) The latter reservation applies also to articles 22 and 23 for the same reasons.

[3] *Text of the reservations:*

In respect of article 2, paragraph 1, article 5 and article 7:

The Federal Republic of Germany starts from the assumption that normal frontier controls which, in accordance with international agreements and with existing national legislation, are carried through in an adequate and nondiscriminatory manner, meet the requirements of article 2, paragraph 1, article 5 and article 7.

In respect to article 2, paragraph 2:

The Federal Republic of Germany understands this provision to imply that, as long as agreements according to article 2, paragraph 2, have not been concluded, the national regulations of the transit state will apply.

In respect of article 4, paragraph 1 and article 6, paragraph 1:

The Federal Republic of Germany is not in a position to assume obligations as provided for in article 4, paragraph 1 and in article 6, paragraph 1. Considering transport conditions in the Federal Republic of Germany, however, it may be taken for granted that sufficient means of transport as well as handling equipment and storage facilities will be available for traffic in transit. Should difficulties arise nevertheless, the Government of the Federal Republic of Germany would be prepared to seek remedies.

In respect of article 4, paragraph 2 and article 6, paragraph 2:

The Federal Republic of Germany is not in a position to assume obligations as contained in article 4, paragraph 2 and article 6, paragraph 2. The Government of the Federal Republic of Germany is, however, prepared, within the scope of its possibilities, to use its influence as regards tariffs and charges so as to facilitate traffic in transit as much as possible.

[4] *Text of the reservation:*

The Government of the Republic of the Sudan will not consider itself bound by the third sentence of article 2, paragraph 1, of the Convention in respect of the passage across its territory of goods destined to or coming from South Africa or Portugal or goods the ownership of which could be claimed by South Africa or Portugal. The reservation is made in accordance with the spirit of Security Council resolution S/5773, in which the Security Council condemned the *apartheid* policies of the Government of the Republic of South Africa, resolution A/AC.109/124 in which the Special Committee condemned the colonial policy of Portugal and its persistent refusal to carry out the resolutions of the General Assembly, the Security Council and the Special Committee, and resolution CM/Res. 6(I) of the Council of Ministers of the Organization of African Unity. The reservations will remain in force pending the ending of the prevailing situation in South Africa and the Portuguese colonies.

Nor will the Republic of Sudan, as a member of the Arab League, consider itself bound by the same provision in respect of the passage across its territory of goods destined for or coming from Israel.

For Yugoslavia:
A. JELIC
For Zambia:
F. M. MULIKITA, 23rd December 1965

I hereby certify that the foregoing text is a true copy of the Final Act, Resolutions and Convention on Transit Trade of Land-locked States, adopted by the United Nations Conference on Transit Trade of Land-locked countries, held at the Headquarters of the United Nations in New York from 7 June to 8 July 1965, the original of which is deposited with the Secretary-General of the United Nations.

For the Secretary-General:
C. A. STAVROPOULOS
Under-Secretary, Legal Counsel

United Nations, New York
21 February 1966

The PRESIDING OFFICER. Without objection, the Convention will be considered as having passed through its various parliamentary stages up to the point of consideration of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of the Convention on Transit Trade of Land-Locked States, signed in behalf of the United States of America on December 30, 1965.

Mr. MANSFIELD. Mr. President, this Convention was signed by the United States on December 30, 1965. It is designed to give countries having no seacoast free access to the sea on equal terms with coastal States.

Mr. President, I ask unanimous consent that excerpts from the committee report be printed at this point in the RECORD.

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

PURPOSE

This convention was signed by the United States on December 30, 1965. It is designed to give countries having no seacoast free access to the sea on equal terms with coastal states. Although the United States is not directly affected by the convention, there are benefits which the American trading community may derive from it by supporting measures which tend to lessen bureaucratic difficulties encountered in international trade.

PROVISIONS OF CONVENTION

The convention covers such subjects as freedom of transit, customs duties, means of transport and tariffs, and methods of documentation and storage of goods in transit. Article 10 of the convention states that the facilities and special rights accorded by the convention to land-locked countries are excluded from the operation of the most-favored-nation clause, and article 15 provides that the provisions of the convention are to be applied on a basis of reciprocity. Article 11 sets forth certain exceptions to the convention on grounds of public health, security, and protection of intellectual property. Article 16 of the convention provides for the settlement of disputes by an arbitration commission composed of three members.

Article 20 of the convention states that it shall enter into force 30 days after instruments of ratification or accession are deposited by at least two land-locked states and two transit states having a seacoast. Pursuant to the provisions of this article, the convention went into effect on June 9, 1967.

CONVENTION ON CUSTOMS COOPERATION COUNCIL

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Executive G, 90th Congress, second session—the Convention on Customs Cooperation Council.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the convention (Ex. G, 90th Cong., second sess.)—the Convention on Customs Cooperation Council, with annexes, signed in Brussels on December 15, 1950, which was read the second time as follows:

CONVENTION ESTABLISHING A CUSTOMS CO-OPERATION COUNCIL

The Governments signatory to the present Convention,

Considering it advisable to secure the highest degree of harmony and uniformity in their customs systems and especially to study the problems inherent in the development and improvement of customs technique and customs legislation in connection therewith.

Convinced that it will be in the interests of international trade to promote co-operation between Governments in these matters, bearing in mind the economic and technical factors involved therein,

Have agreed as follows:

ARTICLE I

A Customs Co-operation Council (hereinafter referred to as "the Council") is hereby set up.

ARTICLE II

(*a*) The Members of the Council shall be:

(i) the Contracting Parties to the present Convention;

(ii) the Government of any separate customs territory which is proposed by a Contracting Party having responsibility for the formal conduct of its diplomatic relations, which is autonomous in the conduct of its external commercial relations and whose admission as a separate Member is approved by the Council.

(*b*) Any Government of a separate customs territory, which is a Member of the Council under paragraph (*a*) (ii) above, shall cease to be a Member on notification to the Council of the withdrawal of its membership by the Contracting Party having responsibility for the formal conduct of its diplomatic relations.

(*c*) Each Member shall nominate one delegate and one or more alternates to be its representatives on the Council. These representatives may be assisted by advisers.

(*d*) The Council may admit representatives of non-member Governments or of international organisations in the capacity of observers.

ARTICLE III

The functions of the Council shall be:

(*a*) to study all questions relating to co-operation in customs matters which the Contracting Parties agree to promote in conformity with the general purposes of the present Convention;

(*b*) to examine the technical aspects, as well as the economic factors related thereto, of customs systems with a view to proposing to its Members practical means of attaining the highest possible degree of harmony and uniformity;

(*c*) to prepare draft Conventions and amendments to Conventions and to recommend their adoption by interested Governments;

(*d*) to make recommendations to ensure the uniform interpretation and application of the Conventions concluded as a result of its work as well as those concerning the Nomenclature for the Classification of Goods in Customs Tariffs and the Valuation of Goods for Customs Purposes prepared by the European Customs Union Study Group and, to this end, to perform such functions as may be expressly assigned to it in those Conventions in accordance with the provisions thereof;

(*e*) to make recommendations, in a conciliatory capacity, for the settlement of disputes concerning the interpretation or application of the Conventions referred to in paragraph (*d*) above in accordance with the provisions of those Conventions; the parties in dispute may agree in advance to accept the recommendations of the Council as binding;

(*f*) to ensure the circulation of information regarding customs regulations and procedures;

(*g*) on its own initiative or on request, to furnish to interested Governments information or advice on customs matters within the general purposes of the present Convention and to make recommendations thereon;

(*h*) to co-operate with other inter-governmental organisations as regards matters within its competence.

ARTICLE IV

The Members of the Council shall supply to the Council any information and documentation requested by it which is necessary for the execution of its functions provided that no Member shall be required to divulge confidential information, the disclosure of which would impede the enforcement of its laws, or which would otherwise be contrary to the public interest or prejudice the legitimate commercial interests of any enterprise, public or private.

ARTICLE V

The Council shall be assisted by a permanent Technical Committee and a General Secretariat.

ARTICLE VI

(*a*) The Council shall elect annually, from among the delegates of Members, a Chairman and not less than two Vice-Chairmen.

(*b*) It shall establish its own Rules of Procedure by a majority of not less than two-thirds of its Members.

(*c*) It shall establish a Nomenclature Committee as provided in the Convention on Nomenclature for the Classification of Goods in Customs Tariffs and a Valuation Committee as provided in the Convention on the Valuation of Goods for Customs Purposes. It shall also establish such other committees as may be desirable for the purposes of the Conventions referred to in Article III(*d*) or for any other purpose within its competence.

(*d*) It shall determine the tasks to be assigned to the Permanent Technical Committee and the powers to be delegated to it.

(*e*) It shall approve its annual budget, control its expenditure and give such directions as it may consider desirable regarding its finances to the General Secretariat.

ARTICLE VII

(*a*) The headquarters of the Council shall be in Brussels.

(*b*) The Council, the Permanent Technical Committee and any committees established by the Council may meet elsewhere than at the headquarters of the Council, if the Council so decides.

(*c*) The Council shall meet at least twice a year. Its first meeting shall take place not later than three months after the entry into force of the present Convention.

ARTICLE VIII

(*a*) Each Member of the Council shall have one vote except that a Member shall not

have a vote on any question relating to the interpretation, application or amendment of any of the Conventions referred to in Article III(*d*) which is in force and which does not apply to that Member.

(*b*) Except as provided in Article VI(*b*) the decisions of the Council shall be taken by a majority of two-thirds of the Members present and entitled to vote. The Council shall not take a decision on any matter unless more than half of the Members entitled to vote on that matter are present.

ARTICLE IX

(*a*) The Council shall establish such relations with the United Nations, its principal organs, subsidiary bodies and specialised agencies, and any other inter-governmental organisations, as may best assure collaboration in the achievement of their respective tasks.

(*b*) The Council may make arrangements necessary to facilitate consultation and co-operation with non-governmental organisations interested in matters within its competence.

ARTICLE X

(*a*) The Permanent Technical Committee shall be composed of representatives of the Members of the Council. Each Member of the Council may nominate one delegate and one or more alternates to be its representatives on the Committee. Representatives shall be officials specialised in technical customs matters. They may be assisted by experts.

(*b*) The Permanent Technical Committee shall meet not less than four times a year.

ARTICLE XI

(*a*) The Council shall appoint a Secretary General and a Deputy Secretary General whose functions, duties, conditions of service and terms of office shall be determined by the Council.

(*b*) The Secretary General shall appoint the staff of the General Secretariat. The establishment and staff regulations shall be approved by the Council.

ARTICLE XII

(*a*) Each Member shall bear the expenses of its own delegation to the Council, to the Permanent Technical Committee and to any committees of the Council.

(*b*) The expenses of the Council shall be borne by its Members in accordance with a scale to be determined by the Council.

(*c*) The Council may deprive of its voting rights any Member which does not pay its contribution within three months of being notified of the amount thereof.

(*d*) Each Member shall pay its full annual contribution for the financial year during which it becomes a Member of the Council and for the financial year during which its notice of withdrawal becomes effective.

ARTICLE XIII

(*a*) The Council shall enjoy, in the territory of each of its Members, such legal capacity, as defined in the Annex to the present Convention, as may be necessary for the exercise of its functions.

(*b*) The Council, the representatives of Members, the advisers and experts appointed to assist them, and the officials of the Council shall enjoy the privileges and immunities specified in the Annex to the present Convention.

(*c*) The Annex to the present Convention shall form an integral part thereof, and any reference to the Convention shall be deemed to include a reference to the Annex.

ARTICLE XIV

The Contracting Parties accept the provisions of the Protocol concerning the European Customs Union Study Group opened for signature at Brussels on the same date as the present Convention. In determining the scale of contributions provided for in Article XII (*b*), the Council shall take into consideration membership of the Study Group.

ARTICLE XV

The present Convention shall be open for signature until 31st March, 1951.

ARTICLE XVI

(*a*) The present Convention shall be subject to ratification.

(*b*) Instruments of ratification shall be deposited with the Belgian Ministry of Foreign Affairs, which shall notify all signatory and acceding Governments and the Secretary General of each such deposit.

ARTICLE XVII

(*a*) When instruments of ratification have been deposited by seven of the signatory Governments, the present Convention shall come into force between them.

(*b*) For each signatory Government ratifying thereafter the present Convention shall come into force upon deposit of its instrument of ratification.

ARTICLE XVIII

(*a*) The Government of any State which is not a signatory to the present Convention may accede thereto as from 1st April, 1951.

(*b*) Instruments of accession shall be deposited with the Belgian Ministry of Foreign Affairs, which shall notify all signatory and acceding Governments and the Secretary General of each such deposit.

(*c*) The present Convention shall come into force for any acceding Government on the deposit of its instrument of accession, but not before it comes into force in accordance with paragraph (*a*) of Article XVII.

ARTICLE XIX

The present Convention is of unlimited duration, but at any time after the expiry of five years from its entry into force under paragraph (*a*) of Article XVII, any Contracting Party may withdraw therefrom. Withdrawal shall take effect one year after the date of receipt by the Belgian Ministry of Foreign Affairs of the notification of withdrawal. The Belgian Ministry of Foreign Affairs shall notify each withdrawal to all signatory and acceding Governments and to the Secretary General.

ARTICLE XX

(*a*) The Council may recommend amendments to the present Convention to the Contracting Parties.

(*b*) Any Contracting Party accepting an amendment shall notify the Belgian Ministry of Foreign Affairs in writing of its acceptance and the Belgian Ministry of Foreign Affairs shall notify all signatory and acceding Governments and the Secretary General of the receipt of the notice of acceptance.

(*c*) An amendment shall come into force three months after receipt by the Belgian Ministry of Foreign Affairs of notice of acceptance by all the Contracting Parties. When any amendment has been accepted by all the Contracting Parties the Belgian Ministry of Foreign Affairs shall notify all signatory and acceding Governments and the Secretary General of such acceptance and of the date on which the amendment will come into force.

(*d*) After an amendment has come into force, no Government may ratify or accede to the present Convention unless it also accepts the amendment.

In witness whereof the undersigned, having been duly authorised thereto by their respective Governments, have signed the present Convention.

Done at Brussels on the fifteenth day of December, nineteen hundred and fifty (December 15th, 1950) in the English and French languages, both texts being equally authentic, in a single original, which shall be deposited in the archives of the Government of Belgian which shall transmit certified copies thereof to each signatory and acceeding Government.

For Germany:
V. MALTZAN.
For Austria:
For Belgium:
PAUL VAN ZEELAND.
For Denmark:
BENT FALKENSTJERNE.
For France:
J. DE HAUTECLOCQUE.
For Great Britain
and Northern Ireland:
J. H. LE ROUGETEL.
For Greece:
D. CAPSALIS.
For Ireland:
———— ————.
For Iceland:
PÉTUR BENEDIKTSSON.
For Italy:
PASQUALE DIANA.
For Luxembourg:
ROBERT ALS.
For Norway:
JOHAN GEORG RAEDER.
For the Netherlands:
G. BEELAERTS VAN BLOKLAND.
For Portugal:
EDUARDO VIEIRA LEITAO.
For Sweden:
G. DE REUTERSKIOLD.
For Switzerland:
———— ————.
For Turkey:
———— ————.

ANNEX—LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES OF THE COUNCIL

ARTICLE I. DEFINITIONS

Section 1

In this Annex:

(i) For the purposes of Article III, the words "property and assets" shall also include property and funds administered by the Council in furtherance of its constitutional functions;

(ii) For the purposes of Article V, the expression "representatives of Members" shall be deemed to include all representatives, alternates, advisers, technical experts and secretaries of delegations.

ARTICLE II. JURIDICAL PERSONALITY

Section 2

The Council shall possess juridical personality. It shall have the capacity:

(*a*) to contract,

(*b*) to acquire and dispose of immovable and movable property,

(*c*) to institute legal proceedings.

In these matters the Secretary General shall act on behalf of the Council.

ARTICLE III. PROPERTY, FUNDS AND ASSETS

Section 3

The Council, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 4

The premises of the Council shall be inviolable.

The property and assets of the Council, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 5

The archives of the Council and in general all documents belonging to it or held by it, shall be inviolable, wherever located.

Section 6

Without being restricted by financial controls, regulations or moratoria of any kind:

(*a*) the Council may hold currency of any kind and operate accounts in any currency;

(*b*) the Council may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency.

Section 7

The Council shall, in exercising its rights under section 6 above, pay due regard to any representations made by any of its Members and shall give effect to such representations in so far as it considers that this can be done without detriment to the interests of the Council.

Section 8

The Council, its assets, income and other property shall be:

(*a*) exempt from all direct taxes; it is understood, however, that the Council will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(*b*) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Council for its official use; it is understood, however, that articles imported under such exemption will not be sold in the country into which they are imported, except under conditions agreed by the Government of that country;

(*c*) exempt from all customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Section 9

While the Council will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Council is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members of the Council will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE IV. FACILITIES IN RESPECT OF COMMUNICATIONS

Section 10

The Council shall enjoy, in the territory of each of its Members, for its official communications, treatment not less favourable than that accorded by that Member to any other Government including the latter's diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

Section 11

No censorship shall be applied to the official correspondence and other official communications of the Council.

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the Council and any of its Members.

ARTICLE V. REPRESENTATIVES OF MEMBERS

Section 12

Representatives of Members at meetings of the Council, the Permanent Technical Committee and committees of the Council shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

(*a*) immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;

(*b*) inviolability for all papers and documents;

(*c*) the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(*d*) exemption in respect of themselves and their spouses from immigration restrictions or aliens' registration in the State which they are visiting or through which they are passing in the exercise of their functions;

(*e*) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;

(*f*) the same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Section 13

In order to secure for the representatives of Members at meetings of the Council, the Permanent Technical Committee and committees of the Council complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 14

Privileges and immunities are accorded to the representatives of Members, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Council. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 15

The provisions of sections 12 and 13 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

ARTICLE VI. OFFICIALS OF THE COUNCIL

Section 16

The Council will specify the categories of officials to which this Article shall apply. The Secretary General shall communicate to the Members of the Council the names of the officials included in these categories.

Section 17

Officials of the Council shall:

(*a*) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity and within the limits of their authority;

(*b*) be exempt from taxation in respect of the salaries and emoluments paid to them by the Council;

(*c*) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(*d*) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;

(*e*) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;

(*f*) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question, and to return such furniture and effects free of duty to their country of domicile on the termination of their functions.

Section 18

In addition to the privileges and immunities specified in section 17, the Secretary General of the Council shall be accorded in respect of himself, his spouse and children under the age of 21, the privileges, immunities, exemptions and facilities accorded to heads of diplomatic missions in conformity with international law.

The Deputy Secretary General shall enjoy the privileges, immunities, exemptions and facilities accorded to diplomatic representatives of comparable rank.

Section 19

Privileges and immunities are granted to officials in the interests of the Council only and not for the personal benefit of the individuals themselves. The Secretary General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Council. In the case of the Secretary General, the Council shall have the right to waive the immunity.

ARTICLE VII. EXPERTS ON MISSIONS FOR THE COUNCIL

Section 20

Experts (other than officials coming within the scope of Article VI) performing missions for the Council, shall be accorded such privileges, immunities and facilities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

(*a*) immunity from personal arrest or detention and from seizure of their baggage;

(*b*) in respect of words spoken or written or things done by them in the performance of their mission and within the limits of their authority, immunity from legal process of every kind;

(*c*) inviolability for all papers and documents.

Section 21

Privileges, immunities and facilities are granted to experts in the interests of the Council and not for the personal benefit of the individual concerned. The Secretary General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Council.

ARTICLE VIII. ABUSES OF PRIVILEGES

Section 22

Representatives of Members at meetings of the Council, the Permanent Technical Committee and committees of the Council, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 16 and section 20, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country provided that:

(1) Representatives of Members of the

Council, or persons who are entitled to diplomatic immunity under section 18, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.

(ii) In the case of an official to whom section 18 is not applicable, no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the Secretary General of the Council; and if expulsion proceedings are taken against an official, the Secretary General of the Council shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

Section 23

The Secretary General shall co-operate at all times with the appropriate authorities of Members of the Cuncil to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities enumerated in the present Annex.

ARTICLE IX. SETTLEMENT OF DISPUTES

Section 24

The Council shall make provision for appropriate modes of settlement of:

(*a*) disputes arising out of contracts or other disputes of a private character to which the Council is a party;

(*b*) disputes involving any official of the Council who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of sections 19 and 21.

ARTICLE X. SUPPLEMENTARY AGREEMENTS

Section 25

The Council may conclude with any Contracting Party or Contracting Parties supplementary agreements adjusting the provisions of the present Annex so far as that Contracting Party or those Contracting Parties are concerned.

PROTOCOL CONCERNING THE EUROPEAN CUSTOMS UNION STUDY GROUP

The Governments signatory to the present Protocol,

Bearing in mind the objectives of the European Customs Union Study Group (hereinafter referred to as "the Study Group"), as stated in the declaration made by certain Governments in the Committee of European Economic Co-operation on the 12th September, 1947,

Desiring to relieve the Belgian Government of the expenses incurred in respect of the Study Group,

Having regard to the Convention establishing a Customs Co-operation Council opened for signature in Brussels this day (hereinafter referred to as "the Convention"),

Have agreed as follows:

1. Subject to the provisions of Paragraph 2 below, the expenses incurred by the Study Group as from 1st January, 1951 shall be provided for in the budget of the Customs Co-operation Council established by the Convention. The Council shall make appropriate arrangements for the sharing of these expenses among its Members and, if it considers it desirable, among any other Governments concerned.

2. If the Convention does not enter into force before the 1st January, 1952, the signatory Governments undertake to make joint arrangements forthwith to meet the expenses of the Study Group as from the 1st January 1951 until the Convention enters into force.

3. The General Secretariat and the Permanent Technical Committee set up under Article V of the Convention shall be placed at the disposal of the Study Group.

4. The present Protocol shall remain open for signature. It shall enter into force on the date of signature for all signatory Governments, except those which sign subject to ratification. It shall enter into force for Governments which sign subject to ratification on the date on which they deposit their instruments of ratification with the Belgian Ministry of Foreign Affairs.

5. The present Protocol shall cease to be in force if the Study Group or the Customs Co-operation Council is liquidated or if the status of the Study Group is altered by amalgamation with any other organization or otherwise.

In witness whereof the undersigned, having been duly authorized thereto by their respective Governments, have signed the present Protocol.

Done at Brussels on the fifteenth day of December, nineteen hundred and fifty (December 15th, 1950) in the English and French languages, both texts being equally authentic, in a single original, which shall be deposited in the archives of the Belgian Government, which shall transmit certified copies thereof to each signatory Government and to each other Government which signs or accedes to the Convention.

For Germany:
V. MALTZAN.
For Austria:
For Belgium:
PAUL VAN ZEELAND.
For Denmark:
BENT FALKENSTJERNE.
For France:
J. DE HAUTECLOCQUE.
For Great Britain and Northern Ireland:
J. H. LE ROUGETEL.
For Greece:
D. CAPSALIS.
For Ireland:
———— ————.
For Iceland:
———— ————.
For Italy:
PASQUALE DIANA.
For Luxembourg:
ROBERT ALS.
For Norway:
JOHAN GEORG RAEDER.
For the Netherlands:
G. BEELAERTS VAN BLOKLAND.
For Portugal:
EDUARDO VIEIRA LEITAO.
For Sweden:
G. DE REUTERSKIOLD.
For Switzerland:
———— ————.
For Turkey:
———— ————.

The PRESIDING OFFICER. Without objection, the protocol will be considered as having passed through its various parliamentary stages up to the point of consideration of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to accession to the Convention Establishing a Customs Cooperation Council, together with the protocol concerning the European Customs Union Study Group, signed in Brussels on December 15, 1950, with the following reservation:

"The United States of America accepts the obligations of article XIII of the convention and the annex to the convention only to the extent the United States of America generally accords privileges and immunities to designated public international organizations under the law."

Mr. MANSFIELD. Mr. President, the convention establishing a Customs Cooperation Council was signed at Brussels on December 15, 1950. It entered into force on November 4, 1952, and is presently in force with respect to 53 countries.

Mr. President, I ask unanimous consent that excerpts from the committee report be printed in the RECORD at this point.

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

BACKGROUND AND PURPOSE

The Convention Establishing a Customs Cooperation Council was signed in Brussels on December 15, 1950. It entered into force on November 4, 1952, and is presently in force with respect to 53 countries.

The Council, which meets at least twice a year, is the only international organization created to study problems of tariff classification, valuation, and customs administration. It attempts to achieve the highest possible degree of harmony and uniformity between the customs systems of member countries, but its actions are in the form of recommendations which are not binding upon members.

When the Customs Cooperation Council was first established, its membership and activities were primarily European. Now, however, many of the Council's recommendations are accepted by the major trading nations of the world and it is considered important for the United States to participate in the activities of the Council in order to protect and promote U.S. interests.

COST TO U.S. GOVERNMENT

According to the executive branch, if the United States accedes to the pending convention, the Customs Cooperation Council could ask for an annual contribution of up to 30 percent of its operating expenditures (approximately $200,000) and a one-time contribution to its working capital (about $18,000).

PROPOSED RESERVATION

Article XIII of the convention goes beyond customary U.S. practices regarding privileges and immunities accorded by this country to international organizations. Such being the case, the Department of State has recommended the following reservation, which is designed to make U.S. domestic law applicable in matters relating to privileges and immunities:

"The United States of America accepts the obligations of article XIII of the convention and the annex to the convention only to the extent the United States of America generally accords privileges and immunities to designated public international organizations under its law."

PROTOCOL TO GENEVA RADIO REGULATIONS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Executive F—90th Congress, second session—the protocol to Geneva radio regulations.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the Convention

(Ex. F, 90th Cong., second sess.)—the protocol to Geneva radio regulations, with annexes, dated at Geneva, November 3, 1967, which was read the second time, as follows:

FINAL ACTS OF THE WORLD ADMINISTRATIVE RADIO CONFERENCE TO DEAL WITH MATTERS RELATING TO THE MARITIME MOBILE SERVICE, GENEVA, 1967

ABBREVIATIONS

The following abbreviations are used in the Annexes to indicate the nature of amendments made in the partial revision of the Radio Regulations and of the Additional Radio Regulations:

Symbol	*Meaning*
MOD	Modification
SUP	Suppression
ADD	Addition

(NOTE.—If a modification affects only the drafting of a number, without changing the substance, the following symbol is used: (MOD))

PARTIAL REVISION OF THE RADIO REGULATIONS, GENEVA, 1959

In Resolution No. 20 adopted by the Plenipotentiary Conference, Montreux, 1965, it was decided that a World Administrative Radio Conference to deal with matters relating to the maritime mobile service should be held in Geneva in 1967, and the Administrative Council was invited to draw up the detailed agenda for this Conference and to fix the opening date and the duration thereof at its 1966 annual session. During its 21st Session (1966), the Administrative Council, with the concurrence of a majority of the Members of the Union, adopted Resolution No. 590 which determined the Agenda of the Conference and decided that a World Administrative Radio Conference should be convened in Geneva on 18 September 1967.

The World Administrative Radio Conference to deal with matters relating to the maritime mobile service accordingly convened on the appointed date, and in accordance with the provisions of Nos. 52 and 54 of the Convention, Montreux, 1965, considered and revised the relevant provisions of the Radio Regulations and of the Additional Radio Regulations, Geneva, 1959. Particulars of the revisions of the Radio Regulations are given in Annexes 1 to 37 hereto.

The revised provisions of the Radio Regulations, Geneva, 1959, shall form an integral part of the Radio Regulations which are annexed to the International Telecommunication Convention. They shall come into force on 1 April 1969 upon which date the provisions of the Radio Regulations, Geneva, 1959, which are cancelled or modified by these revisions shall be abrogated.

The delegates signing this revision of the Radio Regulations, Geneva, 1959, hereby declare that, should an administration make reservations concerning the application of one or more of the revised provisions of the Radio Regulations, Geneva, 1959, no other administration shall be obliged to observe that provision or those provisions in its relations with that particular administration.

Members and Associate Members of the Union shall inform the Secretary-General of their approval of the revision of the Radio Regulations, Geneva, 1959, by the World Administrative Radio Conference to deal with matters relating to the maritime mobile service, Geneva, 1967. The Secretary-General will inform Members and Associate Members of the Union regarding receipt of such notifications of approval as they are received.

In witness whereof the delegates of the Members of the Union represented at the World Administrative Radio Conference to deal with matters relating to the maritime mobile service, Geneva, 1967, have signed in the names of their respective countries this revision of the Radio Regulations, Geneva, 1959, in a single copy which will remain in the archives of the International Telecommunication Union and of which a certified copy will be delivered to each Member and Associate Member of the Union.

Done at Geneva, 3 November, 1967.

Pour l'Algérie (République Algérienne Démocratique et Populaire):
MOHAMED AOUABED.
AHCENE HAMADOU.
MOHAMED HARBI.

Pour la République Argentine:
ALDO SANTIAGO IRRERA.
ANTONIO DARINO.
HORACIO FRANCISCO FERRER.
GUSTAVO ALBERTO URRUTIA.

Pour le Commonwealth de l'Australie:
J. D. CAMPBELL.

Pour l'Autriche:
H. PANGRATZ.

Pour la Belgique:
PIERRE CHARLES MARIE BOUCHIER.
ROBERT VANCRAEYNEST.

Pour le Brésil:
ALVARO DE SOUZA COELHO.
FERNANDO COTTA PORTELLA.
ARTUR DE F. TORRES DE MELO.
DJALMA S. FERREIRA.
ROBERTO RIBEIRO RAMOS.
RENAN DOS SANTOS SILVA.

Pour la République Populaire de Bulgarie:
NICOLAY STEPHANOV.

Pour la République Fédérale du Cameroun:
J. JIPGUEP.

Pour la Canada:
A. G. W. TIMMERS.

Pour Ceylan:
F. V. VERNON WATSON.

Pour le Chili:
RAMON ARAGAY.

Pour la Chine:
PAONAN CHENG.
PETER BEI-TEH CHANG.
TIMOTHY L. WANG.
AN-KANG CHENG.
WILLIAM W. L. WU.

Pour la République de Chypre:
R. M. MICHAELIDES.
A. E. EMBEDOKLIS.

Pour la République de Colombie:
ANTONIO OVIEDO.
JOSE ANTONIO VILLAMIZAR H.

Pour la République de Corée:
JOON SHIK CHOY.
JAE MOON CHO.

Pour la République de Côte d'Ivoire:
PIERRE KOPOIN.

Pour Cuba:
JOEL RAURELL VIDAL.
LUIS SOLÁ VILA.
WIGBERTO HERNANDEZ DOMINGUEZ.

Pour le Danemark:
BØRGE NIELSEN.
POUL KR. OLESEN.
A. LINDBLAD.
P. V. LARSEN.

Pour l'Ensemble des Territoires représentés par l'Office français des postes et télécommunications d'Outre-Mer:
JEAN CONSTANTIN.

Pour l'Espagne:
FERNANDO BENITO.
VALERIANO MARTIN.
ROGELIO MASIP.
JOSÉ M. M. VILLAREJO.
FRANCISCO JIMÉNEZ EUSEBIO.

Pour les Etats-Unis d'Amérique:
ROBERT T. BARTLEY.
GORDON L. HUFFCUTT.
PAUL D. MILES.

Pour l'Ethiopie:
TESFATSION SEBHATU.
HAILU G. MARIAM.

Pour la Finlande:
T. KYTONIEMI.
ARVI SINKKONEN.

Pour la France:
YVES PLACE.
ALBERT CHASSIGNOL
JEAN BES.

Pour le Ghana.
KWEKY B. HUDSON.

Pour la Grèce:
GEORGES PAPOULIAS.

Pour la Guyane:
H. L. HAYWARD.

Pour la République Populaire Hongroise:
DEZO HORN.

Pour la République de l'Inde:
V. V. RAO.
S. V. JUNNARKAR.

Pour la République d'Indonésie:
E. J. S. LAHAY.
R. SOEKARJONO.

Pour l'Irlande:
J. MALONE.

Pour l'Islande:
S. THORKELSSON.

Pour l'Etat d'Israël:
YIRMIYAHU FLEMINGER.

Pour l'Italie:
ANGELO PETTI.

Pour la Jamaïque:
KENNETH B. SCOTT.

Pour le Japon:
S. OUCHI.
M. NIKI.
Y. KASAI.

Pour le Royaume Hachémite de Jordanie:
AHMED A. AL-SÁADOON.

Pour l'Etat de Koweït:
AHMED A. AL-SÁADOON.

Pour la République du Libéria:
SAMUEL H. BUTLER.

Pour la Malaisie:
K. P. RAMANATHAN MENON.

Pour Malte:
JOSEPH V. GALEA.

Pour le Mexique:
J. J. HERNÁNDEZ G.

Pour Monaco:
CESAR CHARLES SOLAMITO.

Pour la Norvège:
PER MORTENSEN.
ODD J. SANDVEI.
JOHN RAGNAR VEASTAD.
K. HAMMERSTROM.
ARNE BOE.

Pour la Nouvelle-Zélande:
DEREK C. ROSE.
P. D. SCOTT.

Pour le Pakistan:
S. N. RAHIM.
AKBAR HUSSAIN KHAN.

Pour le Royaume des Pays-Bas:
V. R. Y. WINKELMAN.
P. E. WILLEMS.

Pour la République Populaire de Pologne:
JERZY RUTKOWSKI.

Pour le Portugal:
M. AMARO VIEIRA.
CARLOS ALBERTO DE OLIVEIRA E LEMOS.

Pour les Provinces portugaises d'Outre-Mer:
M. AMARO VIEIRA.
CARLOS ALBERTO DE OLIVEIRA E LEMOS.

Pour la République Fédérale d'Allemagne:
B. ARENS W. KRONJAEGER.

Pour la République Socialiste de Roumanie:
VICTOR NICOLESCU.
ALEXANDRU GHEGELIU.

Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les Iles Anglo-Normandes et L'Ile de Man:
R. M. BILLINGTON.
P. W. F. FRYER.
J. L. CREIGHTON.
S. G. HICKS.

Pour la République du Sénégal:
PIERRE KOPOIN.
Pour la République de Singapour:
SENG KONG WAN.
Pour la République Sudafricaine:
WILLIAM LENNOX BROWN.
Pour la Suède:
PER V. AKERLIND.
SVEN E. THORNANDER.
Pour la Confédération Suisse:
H. A. KIEFFER.
Pour la République du Tchad:
J. JIPGUEP.
Pour la République Socialiste Tchécoslovaque:
JAROSLAV MARSÍCEK.
MILAN ZAHRADNEK.
Pour les Territoires des Etats-Unis d'Amérique:
WILLIAM E. DENNY.
Pour la République Togolaise:
JEAN CONSTANTIN.
Pour la Tunisie:
HABIB BEN CHEIKH.
Pour la Turquie:
O. GÜLTEKIN GEBIZLI.
Mme. ESEN ATLI.
Pour l'Union des Républiques Socialistes Soviétiques:
ASHOT BADALOV.
JOURI ATSEROV.
Pour la République de Venezuela:
MARIO DELMORAL
JOSE A. LOPEZ
ANGEL LANDAETA LOVERA.

Pour la République du Viet-Nam:
BACH VAN THAM.
PHAM VAN TRINH.
Pour la République Socialiste Fédérative de Yougoslavie:
MAKSO DAKIC

ANNEX 1. REVISION OF ARTICLE 1 OF THE RADIO REGULATIONS

Article 1 of the Radio Regulations shall be amended as follows:

SECTION II. RADIO SYSTEMS, SERVICES AND STATIONS

Replace Regulation No. 37 by the following new text:

MOD 37—*Port Operations Service:* A maritime mobile service in or near a port, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and the safety of ships and, in emergency, to the safety of persons. Messages which are of a public correspondence nature shall be excluded.

After Regulation No. 38, add the following new Regulation:

ADD 38A—*Port Station:* A coast station in the port operations service.

After Regulation No. 68, add the following new Regulation:

ADD 68A—*Emergency Position-Indicating Radiobeacon Station:* A station in the mobile service the emissions of which are intended to facilitate search and rescue operations.

ANNEX 2. REVISION OF ARTICLE 5 OF THE RADIO REGULATIONS

Article 5 of the Radio Regulations shall be amended as follows:

SECTION IV. TABLE OF FREQUENCY ALLOCATIONS—10 KC/S TO 40 GC/S

Replace Regulations Nos. 158 and 167 by the following new texts:

MOD 158—Limited to coast radiotelegraph stations (A1 and F1 only). Exceptionally, the use of class A7J emissions is permissible subject to the necessary bandwidth not exceeding that normally used for class A1 or F1 emissions in the bands concerned.

MOD 167—Only classes A1 or F1 or F4 emissions are authorized in the band 90–160 kc/s for stations of the fixed and maritime mobile services. Exceptionally, class A7J emissions is also authorized in the band 90–160 kc/s for stations of the maritime mobile service.

Delete Regulation No. 171.

Replace Regulations Nos. 172 and 197 by the following new texts:

MOD 172—Limited to ship stations. However, the bands between 140 and 146 kc/s may also be used for coast stations on a permitted basis.

MOD 197—In Australia, North Borneo, Brunei, Sarawak, Singapore, China, Indonesia, Malaya, New Zealand and the Philippines, the band 1 605–1 800 kc/s is allocated on a permitted basis to the aeronautical radionavigation service, the stations of which shall use a mean power not exceeding 2 kW.[1]

Replace Regulations Nos. 199, 200, 201 and 287 by the following new texts:

MOD 199—In India, the band 1 800–2 000 kc/s is allocated on a permitted basis to the aeronautical mobile service.[2]

MOD 200—In Region 2, except in Greenland, coast stations and ship stations using radiotelephony shall be limited to class A3A or A3J emissions and to a peak envelope power not exceeding 1 kW. Preferably, the following carrier frequencies should be used: 2 065.0, 2 079.0, 2 082.5, 2 086.0, 2 093.0, 2 096.5, 2 100.0, 2 103.5 kc/s.

MOD 201—The frequency 2 182 kc/s is the international distress and calling frequency for radiotelephony. The conditions for the use of the band 2 170– 2194 kc/s are prescribed in Article 35.

MOD 287—The frequency 156.8 Mc/s is the international safety and calling frequency for the maritime mobile VHF radiotelephone service. Administrations shall ensure that a guard-band on each side of the frequency 156.8 Mc/s is provided. The conditions for the use of this frequency are contained in Article 35.

In the bands 156.025–157.425 Mc/s and 160.625–160.975 Mc/s and 161.475–162.025 Mc/s, each administration shall give priority to the maritime mobile service on only such frequencies as are assigned to stations of the maritime mobile service by that administration (see Article 35).

Any use of frequencies in these bands by stations of other services to which they are allocated should be avoided in areas where such use might cause harmful interference to the maritime mobile VHF radiotelephone service.

However, the frequency bands in which priority is given to the maritime mobile service may be used for radiotelephone communications on inland waterways, subject to agreements between interested and affected administrations and taking into account current frequency usage and existing agreements.

ANNEX 3. REVISION OF ARTICLE 7 OF THE RADIO REGULATIONS

Article 7 of the Radio Regulations shall be amended as follows:

SECTION IV. MARITIME MOBILE SERVICE

Before Regulation No. 438, add the following new Regulation:

ADD 437A—§ 7A. Stations of the maritime mobile service employing single sideband radiotelegraph transmissions shall use upper sideband emissions. The frequencies specified in the Radio Regulations for class A2H emissions in the maritime mobile service such as 410, 425, 454, 468, 480, 500, 512 and 8 364 kc/s, shall be used as carrier frequencies.

After Regulation No. 438, add the following new Regulation:

ADD 438A—§ 8A. As a general rule, the minimum separation between adjacent frequencies used respectively by coast stations and by ship stations is 4 kc/s.

Delete Regulation No. 441.

Replace Regulations Nos. 442 to 444 by the following new texts:

MOD 442—§ 11.(1) In Region 1, frequencies assigned to stations of the maritime mobile service operating in the bands between 1 605 and 3 800 kc/s (see Article 5) should, whenever possible, be in accordance with the following subdivision:

1 605–1 625 kc/s: Radiotelegraphy exclusively.

1 625–1 670 kc/s: Low power radiotelephony.

1 670–1 950 kc/s: Coast stations.

1 950–2 053 kc/s: Ship stations working to coast stations.

2 053–2 065 kc/s: Intership working.

2 065–2 170 kc/s: Ship stations working to coast stations.

2 170–2 173.5 kc/s: Coast stations calling ship stations (including selective calling) and, exceptionally, coast stations transmitting safety messages.

2 173.5–2 190.5 kc/s: Guard-band for the distress and calling frequency 2 182 kc/s.

2 190.5–2 194 kc/s: Ship stations calling coast stations.

2 194–2 440 kc/s: Intership working.

2 440–2 578 kc/s: Ship stations working to coast stations.

2 578–2 850 kc/s: Coast stations.

3 155–3 340 kc/s: Ship stations working to coast stations.

3 340–3 400 kc/s: Intership working.

3 500–3 600 kc/s: Intership working.

3 600–3 800 kc/s: Coast stations.

MOD 443—(2) in these bands, in Region 1, the frequencies assigned to the maritime mobile service are spaced, as far as possible, by:

7 kc/s when two adjacent frequencies are used for double sideband radiotelephony;

3 kc/s when two adjacent frequencies are used for radiotelegraphy;

5 kc/s when one frequency is used for double sideband radiotelephony and the adjacent frequency is used for radiotelegraphy.

MOD 444—(3) However, in the case of the intership bands, in Region 1, the spacing is reduced to 5 kc/s for adjacent frequencies used for double sideband radiotelephony.

After Regulation No. 444, add the following new Regulations:

ADD 444A—(4) When these bands are used for single sideband radiotelephony, a station operating in the lower half of a double sideband channel shall use upper sideband emission with the carrier frequency located 3 kc/s below the centre frequency of that channel.

ADD 444B—(5) However, in the case of the intership bands, the carrier frequency of a station operating in the lower half of the double sideband channel is located only 2.5 kc/s below the centre frequency of that channel.

Replace Regulation No. 445 by the following new text:

MOD 445—§ 11A. In Regions 2 and 3, the carrier frequencies 2 635 kc/s (assigned frequency 2 636.4 kc/s) and 2 638 kc/s (assigned frequency 2 639.4 kc/s) are used as single sideband intership radiotelephony working frequencies in addition to the frequencies prescribed for common use in certain services. The carrier frequency 2 635 kc/s should be used with class A3A and A3J emissions only. The carrier frequency 2 638 kc/s may be used with class A3, A3H, A3A and A3J emis-

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[1] ADD 197.1—In Australia, Malaysia [including Sabah (North Borneo) and Sarawak], Brunei, Singapore, China, Indonesia, New Zealand and the Philippines, the stations of the maritime mobile service are authorized to use this band subject to agreements to be reached with administrations whose services, operating in accordance with the Table, may be affected.

[2] ADD 199.1—In India, the stations of the maritime mobile service are authorized to use this band subject to agreements to be reached with administrations whose services, operating in accordance with the Table, may be affected.

sions. However, after 1 January 1982, class A3 and A3H emissions are no longer authorized. In Region 3 these frequencies are protected by a guard-band between 2 634 and 2 642 kc/s.

After Regulation No. 445, add the following new Regulation:

ADD 445A—§ 11B. The assigned frequency of a single sideband channel of a station in the radiotelephone maritime mobile service shall be 1 400 c/s higher than the carrier frequency.

Replace Regulations Nos. 447 to 449 by the following new texts:

MOD 447—(*a*) *Ship stations,* telephony, duplex operation (two-frequency channels)

4063–4139.5 kc/s
6200–6210.4 kc/s
8195–8281.2 kc/s
12330–12421 kc/s
16460–16565 kc/s
22000–22094.5 kc/s

MOD 448—(*b*) *Coast stations,* telephony, duplex operation (two-frequency channels)

4361–4438 kc/s
6514–6525 kc/s
8728.5–8815 kc/s
13107.5–13200 kc/s
17255–17360 kc/s
22624.5–22720 kc/s

MOD 449—(*c*) *Ship stations and coast stations,* telephony, simplex operation (single-frequency channels)

4139.5–4142.5 kc/s
6210.4–6216.5 kc/s
8281.2–8288 kc/s
12421–12431.5 kc/s
16565–16576 kc/s
22094.5–22112 kc/s

Delete Regulation No. 450.

Replace Regulation No. 451 by the following new text:

MOD 451—(*e*) *Ship stations,* wide-band telegraphy, facsimile, and special transmission systems

4 142.5–4 162.5 kc/s
6 216.5–6 244.5 kc/s
8 288–8 328 kc/s
12 431.5–12 479.5 kc/s
16 576–16 636.5 kc/s
22 112–22 160.5 kc/s

After Regulation No. 451, add the followig new Regulations:

ADD 451A—(*f*) *Ship stations,* oceanographic data transmission (see note *a*) in Appendix 15)

4 162.5–4 166 kc/s
6 244.5–6 248 kc/s
8 328–8 331.5 kc/s
12 479.5–12 483 kc/s
16 636.5–16 640 kc/s
22 160.5–22 164 kc/s

ADD 451B—(*g*) *Ship stations,* narrow-band direct-printing telegraph and data transmission systems

4 166–4 172.25 kc/s
6 248–6 258.25 kc/s
8 331.5–8 341.75 kc/s
12 483–12 503.25 kc/s
16 640–16 660.5 kc/s
22 164–22 184.5 kc/s

Replace Regulation No. 452 by the following new text:

MOD 452—(*h*) *Ship stations,* telegraphy

4 172.25–4 231 kc/s
6 258.25–6 345.5 kc/s
8 341.75–8 459.5 kc/s
12 503.25–12 689 kc/s
16 660.5–16 917.5 kc/s
22 184.5–22 374 kc/s
25 070–25 110 kc/s

Delete Regulation No. 452.1.

Replace Regulation No. 453 by the following new text:

MOD 453—(*i*) *Coast stations,* wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems

4 231–4 361 kc/s
6 345.5–6 514 kc/s
8 459.5–8 728.5 kc/s
12 689–13 107.5 kc/s
16 917.5–17 255 kc/s
22 374–22 624.5 kc/s

After Regulation No. 453, add the following new Regulation:

ADD 453A—(1A) Frequencies in the bands 25 010–25 070 kc/s, 25 110–25 600 kc/s and 26 100–27 500 kc/s may be assigned to coast stations.

Delete Regulations Nos. 453.1, 454 and 455.

Replace Regulations Nos. 456 and 457 by the following new texts:

MOD 456—§ 13. (1) Appendix 17 shows the radiotelephone channels of the maritime mobile service in the frequency bands listed in Nos. 447, 448 and 449.

MOD 457—(2) Appendix 25 contains the frequency allotment plan for coast radiotelephone stations in the high frequency bands (see, however, Resolution No. MAR 11).

ANNEX 4. REVISION OF ARTICLE 9 OF THE RADIO REGULATIONS

Article 9 of the Radio Regulations shall be amended as follows:

SECTION III. RECORDING OF DATES AND FINDINGS IN THE MASTER REGISTER

Replace Regulation No. 573 by the following new text:

MOD 573—§ 26. (1) *Frequency Bands:*

10–2 850 kc/s
3 155–3 400 kc/s
3 500–3 900 kc/s in Region 1
3 500–4 000 kc/s in Region 2
3 500–3 950 kc/s in Region 3
4 231–4 361 kc/s
6 345.5–6 514 kc/s
8 459.5–8 728.5 kc/s
12 689–13 107.5 kc/s
16 917.5–17 255 kc/s
22 374–22524.5 kc/s

ANNEX 5. REVISION OF ARTICLE 12 OF THE RADIO REGULATIONS

Article 12 of the Radio Regulations shall be amended as follows:

Replace Regulation No. 677 by the following new text:

MOD 677—§ 8. The use of class B emissions is forbidden in all stations.

ANNEX 6. REVISION OF ARTICLE 19 OF THE RADIO REGULATIONS

Article 19 of the Radio Regulations shall be amended as follows:

SECTION I. GENERAL PROVISIONS

Replace Regulations Nos. 736 and 737 by the following new texts:

MOD 736—(2) However, the requirements of identification need not apply to:

survival craft stations when transmitting distress signals automatically,

emergency position-indicating radiobeacons.

MOD 737—§ 2. A station shall be identified either by a call sign or other recognized means of identification. Such recognized means of identification may be one or more of the following necessary for complete identification: name of station, location of station, operating agency, official registration mark, flight identification number, ship station selective call number or signal, coast station selective call identification number or signal, characteristic signal, characteristic of emission or other clearly distinguishing features readily recognized internationally.

SECTION II. ALLOCATION OF INTERNATIONAL SERIES AND ASSIGNMENT OF CALL SIGNS

After regulation No. 749, add the following new Regulation:

ADD 749A—§ 10A. As an interim procedure, the Secretary-General shall be responsible for supplying series of selective call numbers or signals (see No. 783H) at the request of the administrations concerned.

Replace Regulations Nos. 750 and 751 by the following new texts:

MOD 750—§ 11.(1) Each country shall choose the call signs and, if the selective calling system used is in accordance with Appendix 20C, the ship station selective call number and the coast station identification number of its stations from the international series allocated or supplied to it; and shall, in accordance with Article 20, notify this information to the Secretary-General together with the information which is to appear in Lists I to VI inclusive. These notifications do not include call signs assigned to amateur and experimental stations.

MOD 751—(2) The Secretary-General shall ensure that the same call sign, the same selective call number or the same identification number is not assigned more than once and that call signs which might be confused with distress signals, or with other signals of the same nature, are not assigned.

SECTION III. FORMATION OF CALL SIGNS

Delete Regulation No. 760.

After Regulation No. 768, add the following new Regulation:

ADD—*Emergency position-indicating radiobeacon stations*

ADD 768A § 18A.—the Morse letter B and/or the call sign of the parent ship to which the radiobeacon belongs.

SECTION IV. IDENTIFICATION OF STATIONS USING RADIOTELEPHONY

Replace Regulation No. 776 by the following new text:

MOD 776—(2) *Ship stations*

A call sign (see Nos. 765 and 766); *or*

The official name of the ship preceded, if necessary, by the name of the owner on condition that there is no possible confusion with distress, urgency and safety signals; *or*

Its selective call number or signal

After Regulation No. 777, add the following new Regulation:

ADD 777A—(4) *Emergency position-indicating radiobeacon stations:*

When speech transmission is used (see No. 1476G)

The name and/or the call sign of the parent ship to which the radiobeacon belongs.

After Section IV, insert the following new Section IVA:

ADD

SECTION IVA. SELECTIVE CALL NUMBERS IN THE MARITIME MOBILE SERVICE

ADD 783A § 25A. When stations of the maritime mobile service use selective calling devices in accordance with Appendix 20C, their call numbers shall be assigned by the responsible administrations in accordance with the provisions below.

ADD—*Formation of ship station selective call numbers and coast station identification numbers*

ADD 783B—§ 25B. (1) The ten digits from 0 to 9 inclusive shall be used to form selective call numbers.

ADD 783C—(2) However, combinations of numbers commencing with the digits 00 (zero, zero) shall not be used when forming the identification numbers for coast stations.

ADD 783D—(3) Ship station selective call numbers and coast station identification numbers in the series are formed as indicated in Nos. 783E, 783F and 783G.

ADD 783E—(4) *Coast station identification numbers*

Four digits (see No. 783C).

ADD 783F—(5) *Ship station selective call numbers*

Five digits.

ADD 783G—(6) *Predetermined groups of ship stations*

Five digits consisting of:

The same digit repeated five times, *or*

Two different digits repeated alternately.

ADD—*Assignment of ship station selective call numbers and coast station identification numbers*

ADD 783H—§ 25C. (1) In cases where selective call numbers for ship stations and identification numbers for coast stations are required for use in the maritime mobile service and the selective calling system is in accordance with Appendix 20C, as an interim procedure, the selective call numbers and identification numbers shall be supplied by the Secretary-General on request. Upon notification by an administration of the introduction of selective calling for use in the maritime mobile service:

Selective call numbers for ships will be supplied as required in blocks of 100 (one hundred);

Coast station identification numbers will be supplied in blocks of 10 (ten) to meet actual requirements;

Selective call numbers for selective calling of predetermined groups of ship stations in accordance with No. 783G will be supplied as required as single numbers.

The final procedure shall be determined at a future competent World Administrative Radio Conference.

ADD 783I—(2) Each administration shall choose the selective call numbers to be assigned to its ship stations from the blocks of the series supplied to it.

ADD 783J—(3) Each administration shall choose the coast station identification numbers to be assigned to its coast stations from the blocks of the series supplied to it.

ANNEX 7. REVISION OF ARTICLE 20 OF THE RADIO REGULATIONS

Article 20 of the Radio Regulations shall be amended as follows:

Replace Regulations Nos. 805, 806, 809, 815, 824 and 825 by the following new texts:

MOD 805 (IV)—*List IV. List of Coast Stations.*

There are annexed to this list a table and a chart showing the zones and hours of service of ships of the second and third categories (see Appendix 12) and a table of inland telegraph rates, limitrophic rates, etc.

MOD 806 (V)—*List V. List of Ship Stations.*

This list shall contain particulars of:

(*a*) ship stations fitted with radiotelegraph installations;

(*b*) ship stations fitted with radiotelegraph and radiotelephone installations;

(*c*) ship stations fitted with radiotelephone installations only, which communicate with stations of the maritime mobile service other than those of their own nationality or make international voyages.

This list shall contain a table and a chart showing the zones and hours of service of ships of the second and third categories (see Appendix 12).

MOD 809—(*a*) *List VIIA. Alphabetical List of Call Signs of Stations used by the Maritime Mobile Service (Coast, Ship, Radiodetermination and Special Service Stations), Ship Station Selective Call Numbers or Signals and Coast Station Identification Numbers or Signals.*

MOD 815—§ 2. (1) The Secretary-General shall publish the amendments to be made in the documents listed in Nos. 790 to 814 inclusive. Once a month administrations shall inform him, in the form shown for the lists themselves in Appendix 9, of the additions, modifications or deletions to be made in Lists IV, V and VI using for this purpose the appropriate symbols shown in Appendix 10. Furthermore, in order to make the necessary additions, modifications and deletions to Lists I, II, III, and VIIIA, he shall use the data provided by the International Frequency Registration Board, obtained from the information received in application of the provisions of Articles 9, 9A and 10. He shall make the requisite amendments to List VII by using the data he has received for Lists I to VI and VIIIA. Lists IV and VI shall be co-ordinated with the information appearing in List I. The Secretary-General shall refer any discrepancies to the administrations concerned.

MOD 824—§ 6. The List of Coast Stations (List IV) shall be republished every two years and kept up to date by recapitulative supplements issued every six months.

MOD 825—§ 7. The List of Ship Stations (List V) shall be republished each year. It shall be kept up to date by means of a half-yearly supplement.

ANNEX 8. REVISION OF ARTICLE 23 OF THE RADIO REGULATIONS

Article 23 of the Radio Regulations shall be amended as follows:

SECTION II. CLASSES AND CATEGORIES OF CERTIFICATES

After Regulation No. 860, add the following new Regulation:

ADD 860A—(3) There is also a radiocommunication operator's general certificate for the maritime mobile service (Resolution No. MAR 16 refers).

Replace Regulations Nos. 861 and 863 by the following new texts:

MOD 861—§ 6. (1) The holder of a first or second class radiotelegraph operator's certificate may carry out the radiotelegraph or radiotelephone service of any ship or aircraft station.

MOD 863—(3) The holder of a radiotelephone operator's restricted certificate may carry out the radiotelephone service of any aircraft station, when working on frequencies of the maritime mobile service, provided that:

—the peak envelope power of the transmitter does not exceed 200 watts, or

—the operation of the transmitter requires only the use of simple external switching devices, excluding all manual adjustment of frequency determining elements, with the stability of the frequencies maintained by the transmitter itself within the limits of tolerance specified by Appendix 3, and the peak envelope power of the transmitter does not exceed 1 kilowatt.

After Regulation No. 863, add the following new Regulation:

ADD 863A—(3A) However, in the maritime mobile service, the holder of a radiotelephone operator's restricted certificate may carry out the radiotelephone service of any ship station, when working on frequencies of the maritime mobile service, provided that:

—the operation of the transmitter requires only the use of simple external controls, and excludes all manual adjustment of frequency determining elements, with the stability of the frequencies maintained by the transmitter itself within the limits of tolerance specified by Appendix 3, and the peak envelope power of the transmitter does not exceed 1 kilowatt.

SECTION III. CONDITIONS FOR THE ISSUE OF OPERATORS' CERTIFICATES

Replace Regulation No. 903 by the following new text:

MOD 903—(2) For ship radiotelephone stations where the peak envelope power of the transmitter does not exceed 400 watts and for aircraft radiotelephone stations operating on frequencies allocated exclusively to the aeronautical mobile service, each administration may itself fix the conditions for obtaining a restricted radiotelephone operator's certificate, provided that the operation of the transmitter requires only the use of simple external switching devices, excluding all manual adjustment of frequency determining elements, and that the stability of the frequencies is maintained by the transmitter itself within the limits of tolerance specified in Appendix 3. However, in fixing the conditions, administrations shall ensure that the operator has an adequate knowledge of radiotelephone operation and procedure particularly as far as distress, urgency and safety are concerned. This is no way contravenes the provisions of No. 906.

SECTION IV. QUALIFYING SERVICE

Replace Regulations 907 to 909 by the following new texts:

MOD 907—§ 17.(1) An operator holding a first or second class radiotelegraph operator's certificate is authorized to embark as chief operator of a ship station of the fourth category (see No. 932).

MOD 908—(2) Before becoming chief operator of a ship station of the second or third category (see Nos. 931 and 931A), an operator holding a first or second class radiotelegraph operator's certificate shall have had, as operator on board ship or in a coast station, at least six months' experience of which at least three months shall have been on board ship.

MOD 909—(3) Before becoming chief operator of a ship station of the first category (see No. 930), an operator holding a first class radiotelegraph operator's certificate shall have had, as operator on board ship or in a coast station, at least one year's experience of which at least six months shall have been on board ship.

Delete Regulations Nos. 910 and 911.

ANNEX 9. REVISION OF ARTICLE 24 OF THE RADIO REGULATIONS

Article 24 of the Radio Regulations shall be amended as follows:

Replace Regulations Nos. 914, 915, 916 and 918 by the following new texts:

MOD 914—(*a*) ship stations of the first category, except in the case provided for in No. 918: a chief operator holding a first class radiotelegraph operator's certificate;

MOD 915—(*b*) ship stations of the second and third categories, except in the case provided for in No. 918: a chief operator holding a first or second class radiotelegraph operator's certificate;

MOD 916—(*c*) ship stations of the fourth category, except in the cases provided for in Nos. 917 and 918: one operator holding a first or a second class radiotelegraph operator's certificate;

MOD 918—(*e*) ship stations equipped with radiotelephone installation only: one operator holding either a radiotelephone operator's certificate or a radiotelegraph operator's certificate;

ANNEX 10. REVISION OF ARTICLE 25 OF THE RADIO REGULATIONS

Article 25 of the Radio Regulations shall be amended as follows:

SECTION IV. SHIP STATIONS

Replace Regulations Nos. 929 and 931 by the following new texts:

MOD 929—§ 6. (1) For the international public correspondence service, ship stations are divided into four categories:

MOD 931—Stations of the second category: these stations maintain a service for 16 hours a day.

After Regulation No. 931, add the following new Regulation:

ADD 931A—Stations of the third category: these stations maintain a service for 8 hours a day.

Replace Regulations Nos. 932 to 934 by the following new texts:

MOD 932—Stations of the fourth category: these stations maintain a service the duration of which is either shorter than that of stations of the third category, or is not fixed by these Regulations.

MOD 933—(2) Each administration shall itself determine the rules under which ship

stations subject to it are to be place in one of the above four categories.

MOD 934—§ 7. (1) Ship stations of the second and third categories shall provide service at least during the hours fixed by Appendix 12.

After Regulation No. 935, add the following new Regulation:

ADD 935A—§ 7A. Ship stations of the fourth category are encouraged to provide service as follows:

—in Zone C, defined in Appendix 12: at least during the first half-hour of the second period of service of ships in the third category;

—in Zone D, defined in Appendix 12: at least during the first half-hour of the first period of service of ships in the third category.

Delete Regulations Nos. 936 to 938.

ANNEX 11. REVISION OF ARTICLE 28 OF THE RADIO REGULATIONS

Article 28 of the Radio Regulations shall be amended as follows:

SECTION I. GENERAL PROVISIONS

Replace Regulation No. 955 by the following new text:

(MOD) 955—§ 1. Mobile stations shall be established in such a way as to conform to the provisions of Chapter II as regards frequencies and classes of emission.

Delete Regulation No. 956.

After Regulation No. 964, add the following new Regulation:

ADD 964A—§ 8A. Equipment intended for use on narrow-band direct-printing telegraph systems shall conform to the characteristics specified in Appendix 20B.

SECTION III. SHIP STATIONS USING RADIOTELEGRAPHY

Delete title after No. 970 and Regulation No. 971.

Replace Regulations Nos. 974 to 976, 978 and 981 by the following new texts:

MOD 974—(*a*) send class A2 or A2H emissions and receive class A2 and A2H emissions with a carrier frequency of 500 kc/s;

MOD 975—(*b*) send, in addition, class A1 and either A2 or A2H emissions on at least two working frequencies;

MOD 976—(*c*) receive, in addition, class A1, A2 and A2H emissions on all the other frequencies necessary for their service.

MOD 978—§ 17. In Region 2, any radiotelegraph station installed on board a ship which uses frequencies in the band 2 089·5-2 092·5 kc/s for call and reply shall be provided with at least one other frequency in the authorized bands between 1 605 and 2 850 kc/s.

MOD 981—(*b*) changes of frequency in transmitting apparatus shall be effected as quickly as practicable, but within fifteen seconds in any event;

SECTION IV. SHIP STATIONS USING RADIOTELEPHONY

Replace Regulations Nos. 984 and 985 by the following new texts:

MOD 984—(*a*) send class A3 or A3H emissions with a carrier frequency of 2 182 kc/s and receive class A3 and A3H emissions on a carrier frequency of 2 182 kc/s. However, after 1 January 1982, it is no longer authorized to send class A3 emissions, except for such apparatus as is referred to in No. 987.

MOD 985—(*b*) send, in addition:

(*1*) class A3 or

(*2*) class A3H, A3A and A3J [1]

emissions on at least two working frequencies.[2] However, after 1 January 1982 class A3 and A3H emissions are no longer authorized on working frequencies;

Replace Regulations Nos. 986 and 988 by the following new texts:

MOD 986—(*c*) receive, in addition:

(*1*) class A3 and A3H or

(*2*) class A3, A3H, A3A and A3J

emissions on all other frequencies necessary for their service. However, after 1 January 1982, the ability to receive class A3 and A3H emissions is no longer required.

MOD 988—§ 21. All ship stations equipped with radiotelephony to work in the authorized bands between 156 and 174 Mc/s (see No. 287 and Appendix 18) shall be able to send and receive class F3 emissions (see Resolution No. MAR 14) on:

SECTION V. AIRCRAFT STATIONS

Replace Regulation No. 992 by the following new text:

MOD 992—§ 22. (1) Any aircraft following a maritime course and required by national or international regulations to communicate for safety purposes with stations of the maritime mobile service, shall be capable of transmitting preferably class A2 or A2H and receiving preferably class A2 and A2H emissions on the carrier frequency of 500 kc/s or, on the carrier frequency of 2 182 kc/s, transmitting class A3 or A3H and receiving class A3 and A3H emissions.

SECTION VI. SURVIVAL CRAFT STATIONS

Replace Regulations Nos. 995 to 997 by the following new texts:

MOD 995—*in the bands between 405 and 535 kc/s*, be able to transmit with a carrier frequency of 500 kc/s, using class A2 or A2H emissions. If a receiver is provided for any of these bands, it shall be able to receive class A2 and A2H emissions on a carrier frequency of 500 kc/s;

MOD 996—*in the bands between 1 605 and 2 850 kc/s*, be able to transmit with a carrier frequency of 2 182 kc/s using class A3 or A3H emissions. If a receiver is provided for any of these bands, it shall be able to receive class A3 and A3H emissions on a carrier frequency of 2 182 kc/s;

MOD 997—*in the bands between 4 000 and 27 500 kc/s*, be able to transmit with a carrier frequency of 8 364 kc/s using class A2 or A2H emissions. If a receiver is provided for any of these bands, it shall be able to receive class A1, A2 and A2H emissions throughout the band 8 341·75 to 8 728·5 kc/s;

ANNEX 12. ADDITION OF A NEW ARTICLE (ARTICLE 28A) TO THE RADIO REGULATIONS

The following new Article shall be added to the Radio Regulations after Article 28:

ADD

ARTICLE 28A. INTERNATIONAL USAGE OF SELECTIVE CALLING IN THE MARITIME MOBILE SERVICE

ADD 999A.—§ 1. The characteristics of the sequential single-frequency code international selective calling system shall be in accordance with Appendix 20C.

Method of Calling

ADD 999B.—§ 2. (1) The call shall consist of:

—the selective call number or signal of the ship station called;

—the identification number or signal of the coast station calling.

However, in VHF the number of the channel to be used for the reply and for traffic may replace the identification number or signal of the coast station calling.

The call shall be transmitted twice.

ADD 999C.—(2) When a station called does not reply, the call should not normally be repeated until after an interval of at least ten minutes and should not then normally be renewed until after a further interval of thirty minutes.

Reply to Calls

ADD 999D—§ 3. The reply to calls should be made in accordance with the provisions of

—Nos. 1022 and 1023 when using radiotelegraphy;

—Nos. 1241 to 1253 when using radiotelephony.

Frequencies to be used

ADD 999E—§ 4. Selective calls should be sent on one or more of the following calling frequencies:

500 kc/s
2 182 kc/s
2 170·5 kc/s [1]
4 434·9 kc/s
6 518·6 kc/s
8 802·4 kc/s
13 182·5 kc/s
17 328·5 kc/s
22 699·0 kc/s
156·8 Mc/s

ANNEX 13. REVISION OF ARTICLE 29 OF THE RADIO REGULATIONS

Article 29 of the Radio Regulations shall be amended as follows:

SECTION I. GENERAL PROVISIONS

Replace Regulations Nos. 1004 and 1005 by the following new texts:

MOD 1004—§ 3. (1) In order to facilitate radiocommunications, stations of the mobile service, other than the maritime mobile service, shall use the service abbreviations given in Appendix 13.

MOD 1005—(2) In the maritime mobile service, only the service abbreviations given in Appendix 13A are to be used.

SECTION II. PRELIMINARY OPERATIONS

Delete Regulation No. 1006.

SECTION III. CALLS, REPLY TO CALLS AND SIGNALS PREPARATORY TO TRAFFIC

After Regulation No. 1013, add the following new Regulations:

ADD 1013A—(3) The procedure described in No. 1013 is not applicable to the maritime mobile service.

ADD 1013AA—(4) When selective calling is used in the maritime mobile service, the procedures prescribed in Nos. 999B, 999C and 999D shall be observed.

ADD—*Method of Calling in the Maritime Mobile Service Bands betwen 4,000 kc/s and 27,500 kc/s.*

ADD 1013B—§ 6A (1) The call consists of:

— the call sign of the station called, not more than three times;

— the word DE;

— the call sign of the calling station, not more than three times;

— the signal — . . . — (separation sign);

— the call sign of the station called, once only;

— the letter K.

ADD 1013C—(2) for normal calling, when the requirements of No. 1162 have been met, the call specified in No. 1013B may be repeated at intervals of not less than one minute for a period not exceeding five minutes and shall not be renewed until after an interval of ten minutes.

ADD 1013D—(3) When, however, the conditions of establishing contact are difficult, the call sign may be transmitted not more

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[1] MOD 985.1 Up to 1 January 1982 administrations may, in certain areas, reduce this requirement to class A3H and A3J emissions on working frequencies.

[2] ADD 985.2 In certain areas, administrations may reduce this requirement to one working frequency.

[1] ADD 999E.1 This frequency will replace 2 182 kc/s for selective calling not later than 1 April 1977.

than ten times in succession. The call shall consist of:

— the call sign of the station called, not more than ten times;

— the word DE;

— the call sign of the calling station, not more than three times;

— the signal — . . . — (separation sign);

— the call sign of the station called, once only;

— the letter K.

If necessary, this call may be transmitted a second time (see No. 1079). The call or group of two consecutive calls may be repeated three times at intervals of two minutes; thereafter it shall not be repeated until an interval of ten minutes has elapsed.

ADD 1013E—(4) When calling a coast station which has indicated a watch[1] on the special calling frequencies 4 186·5, 6 279·75, 8 373, 12 559·5, 16 746 and 22 262·5 kc/s, ship stations do not apply the calling method contained in Nos. 1013B, 1013C and 1013D. In these circumstances the call consists of:

—the call sign of the station called, not more than once;

—the word DE;

—the call sign of the calling station, not more than once.

This call may be transmitted three times at intervals of one minute; thereafter it shall not be repeated until after an interval of three minutes.

After Regulation No. 1015, add the following new Regulation:

ADD 1015A—(3) However, when using direct-printing telegraphy or similar systems, the call may, by prior arrangement, be made on a working frequency in the bands reserved for such systems.

Replace Regulations Nos. 1017 and 1018 by the following new texts:

MOD 1017—(2) When, in the aeronautical mobile service, as an exception to this rule, the call is not followed by an indication of the frequency to be used for the traffic, this indicates:

MOD 1018

(*a*) where the calling station is a land station, that it proposes to use for traffic its normal working frequency shown in the appropriate document;

After Regulation No. 1019, add the following new Regulation:

ADD 1019A—(3) When, in the maritime mobile service, as an exception to No. 1016, the call by a coast station is not followed by an indication of the frequency to be used for the traffic, this indicates that the coast station proposes to use for traffic its normal working frequency shown in the List of Coast Stations.

Replace Regulation No. 1023 by the following new text:

MOD 1023—§ 11. (1) Except as otherwise provided in these Regulations, for transmitting the reply to calls and to preparatory signals, the station called shall use the frequency on which the calling station keeps watch, unless the calling station has specified a frequency for the reply.

Delete Regulations Nos. 1024 to 1026.

ANNEX 14. REVISION OF ARTICLE 30 OF THE RADIO REGULATIONS

Article 30 of the Radio Regulations shall be amended as follows:

After Regulation No. 1068, add the following new Regulation:

ADD 1068A—(2A) However, in the bands between 4 000 and 27 500 kc/s, a coast station may transmit its call sign at intervals, using Type 1 transmission, to enable mobile stations to select the calling band with the most favourable propogation characteristics for reliable communication (see No. 1162).

Replace Regulations Nos. 1069 to 1071 by the following new texts:

MOD 1069—(3) Coast stations shall transmit their traffic lists on their normal working frequencies in the appropriate bands. This transmission shall be preceded by a general call to all stations (CQ).

MOD 1070—(4) The call to all stations announcing the traffic list may be sent on a calling frequency in the following form:

—CQ, not more than three times;

—the word DE;

—the call sign of the calling station, not more than three times;

—QSW followed by the indication of the working frequency or frequencies on which the traffic list is about to be sent.

In no case may this preamble be repeated.

MOD 1071—(5) The provisions of No. 1070:

After Regulation No. 1071, add the following new Regulation:

ADD 1071A—(*a*) *are obligatory when 500 kc/s is used;*

Replace Regulations Nos. 1072 and 1086 by the following new texts:

(MOD) 1072—(*b*) do not apply when frequencies in the bands between 4 000 and 27 500 kc/s are used.

MOD 1086—(2) The information referred to in Nos. 1083 to 1085, preceded by the abbreviation TR, should be furnished by mobile stations, whenever this seems appropriate, without prior request from the coast station. The provision of this information is authorized only by the master or person responsible for the ship, aircraft or other vehicle carrying the mobile station.

Delete Regulation No. 1087.

ANNEX 15. REVISION OF ARTICLE 32 OF THE RADIO REGULATIONS

Article 32 of the Radio Regulations shall be amended as follows:

Replace the title of Section I by the following:

MOD

SECTION I. GENERAL

After the new title of Section I, add the following new Regulation:

ADD 1094A—§ 1 Whenever the class of emission A2 or A2H is mentioned in the present Regulations for use in the maritime mobile service, the type of transmission shall, except for selective calling purposes, be telegraphy by on-off keying of the modulated emission, to the exclusion of on-off keying of the modulating audio frequencies only.

Delete Regulations Nos. 1095 to 1105 (including the titles of sub-sections A. and B.).

SECTION II. BANDS BETWEEN 405 AND 535 KC/S

Replace Regulations Nos. 1111 and 1113 by the following new texts:

MOD 1111—(*b*) by coast stations to announce the transmission of their traffic lists under the conditions provided for in Nos. 1070, 1071 and 1071A.

MOD 1113—(5) In order to facilitate the reception of distress calls, other transmissions on the frequency 500 kc/s shall be reduced to a minimum, and in any case shall not exceed one minute.

After Regulation No. 1113, add the following new Regulations:

ADD 1113A—(6) Before transmitting on 500 kc/s, stations in the mobile service must listen on this frequency for a reasonable period to make sure that no distress traffic is being sent (see No. 1007).

ADD 1113B—(7) The provisions of No. 1113A do not apply to stations in distress.

After Regulation No. 1115, add the following new Regulations:

ADD 1115A—§ 7A(1) A ship station calling a coast station shall, wherever possible and particularly in regions of heavy traffic, indicate to the coast station that it is ready to receive on the working frequency of that station.

ADD 1115B—(2) The ship station should make sure beforehand that this frequency is not already being used by the coast station.

Replace Regulations Nos. 1116, 1117, 1121 and 1122 by the following texts:

MOD 1116—§ 8.(1) The frequency for replying to a call sent on the general calling frequency (see No. 1114) shall be as follows:

—either 500 kc/s,

—or the frequency specified by the calling station (see Nos. 1023 and 1115A).

MOD 1117—(2) In regions of heavy traffic, coast stations may answer calls made by ship stations of their own nationality in accordance with special arrangements made by the administration concerned (see No. 1023).

MOD 1121—(4) In regions of heavy traffic, coast stations and ship stations should use class A1 emission on their working frequencies.

MOD 1122—§ 10. As an exception to the provisions of Nos. 1107, 1109, 1110 and 1111 and on condition that signals of distress, urgency and safety, and calls and replies are not interfered with, 500 kc/s may be used outside regions of heavy traffic for direction-finding but with discretion.

Delete Regulation No. 1122.1.

Replace Regulations Nos. 1123 to 1125 and 1134 by the following new texts:

MOD 1123—§ 11. (1) Ship stations operating in the authorized bands between 405 and 535 kc/s shall use working frequencies chosen from the following: 425, 454, 468, 480 and 512 kc/s, except as permitted by No. 418.

MOD 1124—(2) Coast stations are prohibited from transmitting on the working frequencies designated for the use of ship stations on a world-wide basis.

MOD 1125—(3) The frequency 512 kc/s may be used by ship stations as a supplementary calling frequency when 500 kc/s is being used for distress.

MOD 1134—§ 13. (1) Stations of the maritime mobile service open to public correspondence and using frequencies in the authorized bands between 405 and 535 kc/s shall, during their hours of service, remain on watch on 500 kc/s. This watch is obligatory only for class A2 and A2H emissions.

SECTION III. BANDS BETWEEN 1 605 AND 4 000 KC/S

Delete Regulation No. 1137.

Replace Regulation No. 1138 by the following new text:

MOD 1138—§ 15. In Region 2, the frequencies in the band 2 068·5 to 2 078·5 kc/s are assigned to ship stations using wide-band telegraphy, facsimile and special transmission systems. The provisions of No. 1146 are applicable.

Replace the title of Section IV and Nos. 1139 to 1142 by the following new texts:

MOD

SECTION IV. ADDITIONAL PROVISIONS APPLICABLE IN REGION 3 AREAS NORTH OF EQUATOR ONLY

MOD 1139—§ 16. (1) The band 2 089·5-2 092·5 kc/s is the calling and safety band for the maritime mobile service of radiotelegraphy in those parts of the bands between 1 605 and 2 850 kc/s in which radiotelegraphy is authorized.

MOD 1140—(2) Freqencies in the band 2 089·5-2 092·5 kc/s may be used for calls, replies and safety. These frequencies may also be used for messages preceded by the urgency or safety signals.

MOD 1141—(3) Each coast station using the calling band 2 089·5-2 092·5 kc/s shall, as far as possible, maintain watch on this band during its working hours.

MOD 1142—(4) Coast stations which use

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[1] ADD 1013E.1 Administrations whose coast stations keep watch on the special calling frequencies provided for the study of the new calling procedure, shall ensure that watch is also maintained on normal calling bands (see No. 1174) which they have indicated in accordance with No. 1168.

frequencies in the band 2 089·5-2 092·5 kc/s for calling shall be able to use at least one other frequency in those parts of the bands between 1 605 and 2 850 kc/s in which the maritime mobile service of radiotelegraphy is authorized.

SECTION V. BANDS BETWEEN 4 000 AND 27 500 KC/S

Replace Regulations Nos. 1145 to 1148 by the following new texts:

MOD 1145—§ 17.(1) Mobile radiotelegraph stations equipped to operate in the bands specified in Nos. 1174, 1192 and 1196 shall employ only class A1 emissions. In the bands specified in No. 1192, stations may use manual or automatic A1 Morse telegraphy at speeds not exceeding 40 bands. Survival craft stations may use class A2 or A2H emissions in these bands (see Nos. 994 and 997).

MOD 1146—(2) Mobile stations equipped for wide-band telegraphy, facsimile and special transmission systems may, in the frequency bands reserved for such use, employ any class of emission provided that such emissions can be contained within the wide-band channels indicated in Appendix 15. However, manual Morse and telephony are excluded, except for circuit alignment purposes.

MOD 1147—(3) Except as provided for in No. 1352A.1, coast radiotelegraph stations operating in the maritime mobile exclusive bands between 4 000 and 27 500 kc/s shall not use Type 2 emissions. (See No. 1094A.)

MOD 1148—(4) Coast radiotelegraph stations employing single-channel class A1 or F1 emissions and operating in the maritime mobile exclusive bands between 4 000 and 27 500 kc/s shall at no time use a mean power in excess of the following:

Band	*Maximum mean power*
4 Mc/s	5 kW
6 Mc/s	5 kW
8 Mc/s	10 kW
12 Mc/s	15 kW
16 Mc/s	15 kW
22 Mc/s	15 kW

After Regulation No. 1848, add the following new Regulation:

ADD 1148A—(5) Coast radiotelegraph stations employing multichannel telegraph emissions and operating in the maritime mobile exclusive bands between 4 000 and 27 500 kc/s shall at no time use a mean power in excess of 2.5 kW per 500 c/s bandwidth.

Replace Regulation No. 1149 by the following new text:

MOD 1149—§ 18. (1) Each of the bands reserved for ship radiotelegraph stations, except for the band 25 070 to 25 110 kc/s, shall be divided into six parts, beginning at the low frequency end:

After Regulation No. 1150, add the following new Regulations:

ADD 1150A—(*b*) a band of working frequencies for oceanographic data transmissions;

ADD 1150B—(*c*) a band of working frequencies for ship stations using narrow-band direct-printing telegraph and data transmission systems.

Replace Regulations Nos. 1151 to 1154 by the following new texts:

(MOD) 1151—(*d*) a band of working frequencies for the use of high traffic ship stations;

(MOD) 1152—(*e*) a band of calling frequencies for the use of all ship and aircraft stations entering into communication with stations of the maritime mobile service;

(MOD) 1153—(*f*) a band of working frequencies for the use of low traffic ship stations.

MOD 1154—(2) The bands 25 070 to 25 082.5 kc/s and 25 082.5 to 25 110 kc/s are allocated, respectively for calling and working by ship radiotelegraph stations on ships of all categories which employ A1 or F1 emissions (see No. 224).

Delete Regulation No. 1155.

Replace Regulation No. 1156 by the following new text:

MOD 1156—§ 20.(1) Ship stations shall, at the discretion of the administration controlling the station concerned, use either the high traffic band (see No. 1151) or the low traffic band (see No. 1153), depending on their traffic requirements.

Delete Regulation No. 1157.

Replace Regulations Nos. 1158, 1173 to 1178 and 1180 by the following new texts:

MOD 1158—(3) The arrangement of the frequencies in the ship radiotelegraph bands is illustrated graphically in Appendix 15.

MOD 1173—(3) Working frequencies assignable to coast stations using the bands between 4 000 and 27 500 kc/s are included within the following band limits:

4 231 to 4 361 kc/s
6 345.5 to 6 514 kc/s
8 459.5 to 8 728.5 kc/s
12 689 to 13 107.5 kc/s
16 917.5 to 17 255 kc/s
22 374 to 2 624.5 kc/s
(See also No. 453A.)

1. Calling Frequencies of Ship Stations

MOD 1174—§ 29. (1) The calling frequencies assignable to ship stations are included within the following band limits:

4 178 to 4 187 kc/s
6 267 to 6 280·5 kc/s
8 356 to 8 374 kc/s
12 534 to 12 561 kc/s
16 712 to 16 748 kc/s
22 222·5 to 22 267·5 kc/s
25 070 to 25 082·5 kc/s

MOD 1175—(2) In the band 4 178 to 4 187 kc/s, the calling frequencies are spaced 0·5 kc/s apart. The extreme frequencies assignable are 4 178·5 and 4 186·5 kc/s as indicated in Appendix 15.

MOD 1176—(3) In each of the other maritime mobile service bands between 4 000 and 18 000 kc/s, the calling frequencies shall be in harmonic relationship with those in the band 4 178 to 4 187 kc/s. In the bands 22 222·5 to 22 267·5 kc/s and 25 070 to 25 082·5 kc/s the spacing of calling frequencies is 2·5 kc/s and 1·5 kc/s respectively. The extreme frequencies assignable are 22 225 and 22 265 kc/s, and 25 073·5 and 25 081 kc/s, respectively.

MOD 1177—§ 30. The administration to which a ship station is subject shall assign to it a series of calling frequencies including one frequency in each of the bands in which the station is equipped to transmit. Administrations may, however, assign a supplementary series of calling frequencies for use in the event of interference. In the bands between 4 000 and 18 000 kc/s, the frequencies assigned to each ship station shall be in harmonic relationship. Each administration shall take the necessary steps to assign such harmonic series of calling frequencies to ships in accordance with an orderly system of rotation so as to distribute these frequencies uniformly throughout the calling bands. The same system of uniform distribution shall be applied in the assignment of calling frequencies in the bands 22 222·5 to 22 267·5 kc/s and 25 070 to 25 082·5 kc/s. Administrations may also assign to their ship stations the special calling frequencies appearing in the footnote indicated by *d*) in Appendix 15.

MOD 1178—§ 31.(1) One calling frequency in each of the calling bands indicated in No. 1174 (except in the 25 Mc/s band) shall be reserved as far as possible for the use of aircraft desiring to communicate with stations of the maritime mobile service. These frequencies are the following: 4 182, 6 273, 8 364, 12 546, 16 728 and 22 245 kc/s.

MOD 1180—§ 32. In all bands the working frequencies for ship stations equipped to use wide-band telegraphy, facsimile and special transmission systems are spaced 4 kc/s apart. The frequencies assignable are shown in Appendix 15.

After Regulation No. 1180, add the following new Regulations:

ADD 1180A—§ 32A. In all bands, the frequencies assignable for oceanographic data transmissions are spaced 0·3 kc/s apart. The frequencies assignable are shown in Appendix 15.

ADD 1180B—§ 32B. The working frequencies for ship stations using narrow-band direct-printing telegraph and data transmission systems are spaced 0·5 kc/s apart in the 4, 6 and 8 Mc/s bands and 1·0 kc/s apart in the 12, 16 and 22 Mc/s bands. The frequencies assignable are shown in Appendix 15.

Replace Regulations Nos. 1181 to 1189 and 1191 by the following new texts:

MOD 1181—§ 33.(1) The working frequencies for high traffic ships in the band 4 172·25 to 4 178 kc/s are spaced 0·5 kc/s apart, the extreme frequencies assignable being 4 172·5 and 4 177·5 kc/s as shown in Appendix 15.

MOD 1182—(2) In the band 4 187 to 4 231 kc/s, the working frequencies for low traffic ships are spaced 0·5 kc/s apart, the extreme frequencies assignable being 4 187·5 and 4 229 kc/s as shown in Appendix 15.

MOD 1183—§ 34. The working frequencies assigned to each ship station in the 6, 8, 12 and 16 Mc/s bands shall be harmonically related to those assigned in the 4 Mc/s band in all cases where such a relationship is provided in Appendix 15.

MOD 1184—§ 35. In the 22 Mc/s band, which is not in harmonic relationship with the other bands, the frequencies are spaced as follows, as shown in Appendix 15:

MOD 1185—(*a*) in the high traffic band, the working frequencies are spaced 2 kc/s apart, the extreme frequencies assignable being 22 187 and 22 221 kc/s;

MOD 1186—(*b*) in the low traffic band, the working frequencies are spaced 2·5 kc/s apart, the extreme frequencies assignable being 22 270 and 22 370 kc/s.

MOD 1187—§ 36. In the 25 Mc/s band, the working frequencies are spaced 1·5 kc/s apart. The extreme frequencies assignable are 25 084 and 25 106·5 kc/s, as shown in Appendix 15.

MOD 1188—§ 37. The working frequencies assignable for ship stations using wide-band telegraphy, facsimile and special transmission systems are included within the following band limits:

4 142·5 to 4 162·5 kc/s
6 216·5 to 6 244·5 kc/s
8 288 to 8 328 kc/s
12 431·5 to 12 479·5 kc/s
16 576 to 16 636·5 kc/s
22 112 to 22 160·5 kc/s

MOD 1189—§ 38. (1) Each administration shall assign to each ship station under its jurisdiction and employing wide-band telegraphy, facsimile and special transmission systems, one or more series of the working frequencies reserved for this purpose and shown in Appendix 15. The total number of series assigned to each ship shall be determined by traffic requirements.

MOD 1191—(3) However, within the limits of the bands given in No. 1188, administrations may, to meet the needs of specific systems, assign frequencies in a different manner from that shown in Appendix 15. Nevertheless, administrations shall take into account, as far as possible, the provisions of Appendix 15 concerning channelling and 4kc/s spacing.

After Regulation No. 1191, add the following new sub-title and Regulations:

ADD—(*c*) *Working Frequencies for Oceanographic Data Stations*

ADD 1191A—§ 38A. The working frequencies assignable to ship stations for oceano-

graphic data transmissions are included within the following band limits:

4 162·5 to 4 166 kc/s
6 244·5 to 6 248 kc/s
8 328 to 8 331·5 kc/s
12 479·5 to 12 483 kc/s
16 636·5 to 16 640 kc/s
22 160·5 to 22 164 kc/s

ADD 1191B—§ 38B. The frequency bands in No. 1191A may also be used by buoy stations for oceanographic data transmission and by stations interrogating these buoys.

ADD 1191C—§ 38C. Each administration may assign to each station under its jurisdiction of a type specified in Nos. 1191A and 1191B one or more of the assignable frequencies designated in Appendix 15.

After new Regulation No. 1191C, add the following new sub-title and Regulations:

ADD—(*d*) *Working Frequencies for Ship Stations using Narrow-Band Direct-Printing Telegraph and Data Transmission Systems*

ADD 1191D—§ 38D. Working frequencies assignable to ship stations using narrow-band direct-printing telegraph and data transmission systems are included within the following band limits:

4 166 to 4 172.25 kc/s
6 248 to 6 258.25 kc/s
8 331.5 to 8 341.75 kc/s
12 483 to 12 503.25 kc/s
16 640 to 16 660.5 kc/s
22 164 to 22 184.5 kc/s

ADD 1191E—§ 38E. When assigning frequencies listed in Appendix 15 for narrow-band direct-printing telegraph and data transmission systems, administrations shall take due account of the information entries in the Master Register resulting from the notification procedure contained in Resolution No. MAR 8.

Replace Regulation No. 1192, the preceding title and Regulation No. 1193, by the following new texts:

(MOD)—(*e*) *Working Frequencies for High Traffic Ship Stations*

MOD 1192—§ 39. The working frequencies assignable to high traffic ship stations are included within the following band limits:

4 172.25 to 4 178 kc/s
6 258.25 to 6 267 kc/s
8 341.75 to 8 356 kc/s
12 503.25 to 12 534 kc/s
16 660.5 to 16 712 kc/s
22 184.5 to 22 222.5 kc/s

MOD 1193—§ 40. (1) Each administration shall assign to each high traffic ship station under its jurisdiction two or more of the series of working frequencies shown in Appendix 15 for vessels of this class. The total number of series of frequencies assigned to each ship station should be determined by the traffic requirements.

Replace Regulation No. 1196 and the preceding title and Nos. 1197 to 1199 by the following new texts:

(MOD)—(*f*) *Working Frequencies for Low Traffic Ship Stations*

MOD 1196—§ 42. Working frequencies assigned to low traffic ship stations shall be included within the following band limits:

4 187 to 4 231 kc/s
6 280.5 to 6 345.5 kc/s
8 374 to 8 459·5 kc/s
12 561 to 12 689 kc/s
16 748 to 16 917·5 kc/s
22 267·5 to 22 374 kc/s

MOD 1197—§ 43. (1) In each of the low traffic bands, the assignable frequencies are divided into two equal Groups A and B, Group A comprising the frequencies in the lower half of the band and Group B the frequencies in the upper half (see Appendix 15).

MOD 1198—(2) Each administration shall assign to each of the low traffic ship stations under its jurisdiction two series of working frequencies, one in Group A and the other in Group B. In each band, the two working frequencies of each station are separated, as far as practicable, by half of the width of the assignable band.

MOD 1199—(3) For example, if one of the frequencies assigned to a ship station is the lowest frequency assignable in Group A, the other should be the lowest frequency assignable in Group B. If one of the frequencies assigned is the second frequency from the low frequency end of Group A, then the other frequency assigned should be the second frequency from the low frequency end of Group B, etc.

Replace Regulation No. 1202 and the preceding title by the following new texts:

(MOD)—(*g*) *Working Frequencies Available for Use by Ships of all Categories*

MOD 1202—§ 44. The working frequencies in the bands specified in No. 1191D for narrow-band direct-printing telegraph and data transmission systems, and also those in the band 25 082·5 to 25 110 kc/s, may be assigned to ships of all categories.

Replace the title preceding No. 1203 by the following:

(MOD)—(*h*) *Abbreviations for the Indication of Working Frequencies*

ANNEX 16. REVISION OF ARTICLE 33 OF THE RADIO REGULATIONS

Article 33 of the Radio Regulations shall be amended as follows:

SECTION I. GENERAL PROVISIONS

Replace Regulation No. 1216 by the following new text:

(MOD) 1216—§ 5. (1) Stations of the maritime mobile service equipped for radiotelephony may transmit and receive radiotelegrams by means of radiotelephony.

After Regulation No. 1216, add the following new Regulations:

ADD 1216A—(2) To facilitate radiocommunications the service abbreviations given in Appendix 13A may be used.

ADD 1216B—(3) When it is necessary to spell out certain expressions, difficult words, service abbreviations, figures, etc., the phonetic spelling tables in Appendix 16 shall be used.

SECTION III. CALLS, REPLY TO CALLS AND SIGNALS PREPARATORY TO TRAFFIC

Replace Regulations Nos. 1222 and 1224 by the following new texts:

MOD 1222—§ 7. (1) The call consists of:

—the call sign or other identification of the station called, not more than three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the calling station, not more than three times.

MOD 1224—(3) When the coast station is fitted with equipment for selective calling and the ship station is fitted with equipment for receiving selective calls, the coast station shall call the ship by transmitting the appropriate code signals. The ship station shall call the coast station by speech in the manner given in No. 1222. (See also Article 28A.)

After Regulation No. 1224, add the following new Regulations:

ADD 1224A—§ 7A. Calls for internal communications on board ship when in territorial waters shall consist of:

ADD 1224B—(*a*) From the master station:

—the name of the ship followed by a single letter (ALFA, BRAVO, CHARLIE, etc.) indicating the sub-station not more than three times;

—the words THIS IS;

—the name of the ship followed by the word CONTROL;

ADD 1224C—(*b*) From the sub-station:

—the name of the ship followed by the word CONTROL not more than three times;

—the word THIS IS;

—the name of the ship followed by a single letter (ALFA, BRAVO, CHARLIE, etc.) indicating the sub-station.

Replace Regulation No. 1226 by the following new text:

MOD 1226—(*a*) the carrier frequency 2 182 kc/s;

After Regulation No. 1227, add the following new Regulations:

ADD 1227A—(*c*) in Regions 1 and 3 and in Greenland, the carrier frequency 2 191·0 kc/s (assigned frequency 2 192·4 kc/s) when a carrier frequency of 2 182 kc/s is being used for distress.

Replace Regulations Nos. 1228, 1230, 1232 to 1235 by the following new texts:

MOD 1228—(2) A ship radiotelephone station calling a coast station of another nationality should, as a general rule, use the carrier frequency 2 182 kc/s or, in Regions 1 and 3 and in Greenland, the carrier frequency 2 191·0 kc/s (assigned frequency 2 192·4 kc/s) when a carrier frequency of 2 182 kc/s is being used for distress. However, where so agreed by administrations, the ship station may use a working frequency on which watch is kept by that coast station.

MOD 1230—(*a*) the carrier frequency 2 182 kc/s;

MOD 1232—(a) An aircraft station calling a coast station or a ship station may use the carrier frequency 2 182 kc/s.

MOD 1233—(5) Subject to the provisions of No. 1235A, coast stations shall, in accordance with the requirements of their own country, call ship stations of their own nationality either on a working frequency, or, when calls to individual ships are made, on the carrier frequency 2 182 kc/s.

MOD 1234—(6) However, a ship station which keeps watch simultaneously on the carrier frequency 2 182 kc/s and a working frequency should be called on the working frequency.

MOD 1235—(7) As a general rule, coast stations should call radiotelephone ship stations of another nationality on the carrier frequency 2 182 kc/s.

After Regulation No. 1235, add the following new Regulation:

ADD 1235A—(8) Coast stations may call ship stations equipped to receive selective calls in accordance with the provisions of Article 28A.

Replace Regulations Nos. 1236 and 1237 by the following texts:

MOD 1236—§ 9. (1) A ship station calling a coast station by radiotelephony shall use either one of the calling frequencies mentioned in No. 1352 or the working frequency associated with that of the coast station in accordance with Appendix 17, Sections A and B.

MOD 1237—(2) A coast station calling a ship station by radiotelephony shall use one of the calling frequencies mentioned in No. 1352A, or one of its working frequencies shown in the List of Coast Stations.

After Regulation No. 1238, add the following new Regulation:

ADD 1238A—(4) The provisions of Nos. 1236 and 1237 do not apply to communication between ship stations and coast stations using the simplex frequencies specified in Appendix 17, Section C.

Replace Regulations Nos. 1239, 1241 and 1242 by the following new texts:

MOD 1239—§ 10. (1) In the bands between 156 Mc/s and 174 Mc/s used for the maritime mobile services, coast and ship stations should, as a general rule, call on 156.80 Mc/s. However, calling may be conducted on a working channel or on a two-frequency calling channel which has been implemented in accordance with No. 1361.

MOD 1241—§ 11. The reply to calls consists of:

—the call sign or other identification of the calling station, not more than three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the station called, not more than three times.

MOD 1242—§ 12.(1) When a ship station is called on the carrier frequency 2 182 KC/s it should reply on the same carrier frequency unless another frequency is indicated by the calling station.

After Regulation No. 1242, and the following new Regulation:

ADD 1242A—(1A) When a ship station is called by selective calling it shall reply on a frequency on which the coast station keeps watch.

Replace Regulations Nos. 1244 and 1247 by the following new texts:

MOD 1244—(3) When calling a coast station or another ship station, a ship station shall indicate the frequency on which a reply is required if this frequency is not the normal one associated wtih the frequency used for the call.

MOD 1247—(*a*) on the carrier frequency 2 182 kc/s to calls made on the carrier frequency 2 182 kc/s, unless another frequency is indicated by the calling station;

After Regulation No. 1248, add the following new Regulation:

ADD 1248A—(*c*) on a working frequency to calls made in Regions 1 and 3 and in Greenland on the carrier frequency 2 191·0 kc/s (assigned frequency 2 192·4 kc/s).

Replace Regulations Nos. 1249 and 1250 by the following new texts:

MOD 1249—§ 13. (1) A ship station called by a coast station shall reply on either one of the calling frequencies mentioned in No. 1352 or on the working frequency associated with that of the coast station, in accordance with Appendix 17, Sections A and B.

MOD 1250—(2) A coast station called by a ship station shall reply on one of the calling frequencies mentioned in No. 1352A, or on one of its working frequencies shown in the List of Coast Stations.

After Regulation No. 1251, add the following new Regulation:

ADD 1251A—(4) The provisions of Nos. 1249 and 1250 do not apply to communication between ship stations and coast stations using the simplex frequencies specified in Appendix 17, Section C.

Replace Regulation No. 1254 by the following new text:

MOD 1254—§ 15. If contact is established on the carrier frequency 2 182 kc/s, coast and ship stations shall transfer to working frequencies for the exchange of traffic.

After Regulation No. 1258, added the following new Regulations:

ADD 1258A—(4) However, a brief exchange of traffic concerning the safety of navigation need not be transmitted on a working frequency when it is important that all ships within range receive the transmission.

ADD 1258B—(5) Stations hearing a transmission concerning the safety of navigation shall listen to the message until they are satisfied that the message is of no concern to them. They shall not make any transmission likely to interfere with the message.

Replace Regulation No. 1266 by the following new text:

MOD 1266—§ 20. (1) If the station called is unable to accept traffic immediately, it should reply to the call as indicated in No. 1241 followed by "Wait . . . minutes" (or AS spoken as ALFA SIERRA . . . (minutes) in case of language difficulties), indicating the probable duration of waiting time in minutes. If the probable duration exceeds ten minutes the reason for the delay shall be given. Alternatively the station called may indicate, by any appropriate means, that it is not ready to receive traffic immediately.

SECTION IV. FORWARDING (ROUTING) OF TRAFFIC

Replace Regulations Nos. 1273 and 1280 by the following new texts:

MOD 1273

—the call sign or other identification of the station called;

—the words THIS IS or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the calling station.

(MOD) 1280—(*This modification concerns the French version only*)

Deleate Regulation No. 1284.

Replace Regulations Nos. 1285, 1287 and 1269 by the following new texts:

MOD 1285—(6) In transmitting groups of figures each figure shall be spoken separately and the transmission of each group or series of groups shall be preceded by the words "in figures".

MOD 1287—§ 24. (1) The acknowledgement of receipt of a radiotelegram or a series of radiotelegrams shall be given by the receiving station in the following manner:

—the call sign or other identification of the sending station;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the receiving station;

—"Your No . . . received, over" (or R spoken as ROMEO . . . (number), K spoken as KILO in case of language difficulties); *or*

—"Your No . . . to No . . . received, over" (or R spoken as ROMEO . . . (numbers), K spoken as KILO in case of language difficulties).

MOD 1289—(3) The end of work between two stations shall be indicated by each of them by means of the word "Out" (or VA spoken as VICTOR ALFA in case of language difficulties).

SECTION V. DURATION AND CONTROL OF WORKING

Replace Regulation No. 1290 by the following new text:

MOD 1290—§ 25. (1) Calling, and signals preparatory to traffic, shall not exceed two minutes when made on the carrier frequency 2 182 kc/s or on 156·80 Mc/s, except in cases of distress, urgency or safety to which the provisions of Article 36 apply.

SECTION VI. TESTS

Replace Regulation No. 1295 by the following new text:

MOD 1295—(2) Any signals sent for testing shall be kept to a minimum, particularly:

—on the carrier frequency 2 182 kc/s;

—on the frequency 156·80 Mc/s;

—in the zone lying between the parallels 33° North and 57° South, on the carrier frequency 4 136·3 kc/s;

—in the zone of Regions 1 and 3 lying between the parallels 33° North and 57° South, on the carrier frequency 6 204 kc/s.

ANNEX 17. REVISION OF ARTICLE 34 OF THE RADIO REGULATIONS

Article 34 of the Radio Regulations shall be amended as follows:

Replace Regulations Nos. 1301 and 1302 by the following new texts:

MOD 1301—(2) Coast stations shall transmit their traffic lists on their normal working frequencies in the appropriate bands. The transmission shall be preceded by a general call to all stations.

MOD 1302—(3) The general call to all stations announcing the traffic lists may be sent on a calling frequency in the following form:

—"Hello all ships" or CQ (spoken as CHARLIE QUEBEC) not more than three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—". . . Radio" not more than three times;

—"Listen for my traffic list on . . . kc/s".

In no case may this preamble be repeated.

After Regulation No. 1308, add the following new Regulation:

ADD 1308A—(1A) However, in the maritime mobile service, when a station called does not reply, the call may be repeated at three-minute intervals.

Replace Regulation No. 1309 by the following new text:

(MOD) 1309—(2) In the case of a communication between a station of the maritime mobile service and an aircraft station, calling may be renewed after an interval of five minutes.

After Regulation No. 1311, add the following new Regulation:

ADD 1311A—(5) However, in the maritime mobile service, before renewing the call, the calling station shall ascertain that further calling is unlikely to cause interference to other communications in progress and that the station called is not in communication with another station.

Replace Regulations Nos. 1314 and 1317 by the following new texts:

MOD 1314—§ 8. (1) The land station may, by means of the abbreviation TR (spoken as TANGO ROMEO), ask the mobile station to furnish it with the following information:

MOD 1317—(2) The information referred to in Nos. 1314 to 1316, preceded by the abbreviation TR, should be furnished by mobile stations, whenever this seems appropriate, without prior request from the coast station. The provision of this information is authorized only by the master or the person responsible for the ship, aircraft or other vehicle carrying the mobile station.

Delete Regulation No. 1318.

ANNEX 18. REVISION OF ARTICLE 35 OF THE RADIO REGULATIONS

Article 35 of the Radio Regulations shall be amended as follows:

SECTION I. GENERAL PROVISIONS

After Regulation No. 1321, add the following new Regulation:

Add 1321A—§ 1A. Frequencies on which single sideband emissions are sent shall be designated by the carrier frequency. This may be followed, in brackets, by the assigned frequency.

After Regulation No. 1322, add the following new Regulation:

Add 1322A—§ 2A. Single sideband apparatus in radiotelephone stations of the maritime mobile service operating in the bands between 1 605 and 4 000 kc/s allocated to this service and in the bands allocated exclusively to this service between 4 000 and 23 000 kc/s shall satisfy the technical and operational conditions specified in Appendix 17A and Resolution No. MAR 4.

SECTION II. BANDS BETWEEN 1 605 AND 4 000 KC/S

Add the following sub-section as first subsection of Section II:

Add

A. Mode of Operation of Stations

ADD 1322B—§ 2B. (1) Except in the cases specified in Nos. 984, 1322D and 1323, the classes of emissions to be used in the bands between 1 605 and 4 000 kc/s shall be:

(*a*) A3 or

(*b*) A3H, A3A and A3J [1].

However, unless otherwise specified in the present Regulations (see Nos. 984, 996, 1322D, 1323 and 1337):

—after 1 January 1975, class A3 emissions shall no longer be authorized for coast stations and

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[1] ADD 1322B.1 See also Resolution No. MAR 3.

—after 1 January 1982, class A3H emissions for coast stations and class A3 and A3H emissions for ship stations shall no longer be authorized.

ADD 1322C—(2) The normal mode of operation for each coast station shall be indicated in the List of Coast Stations.

ADD 1322D—(3) Transmissions in the bands 2 170–2 173.5 kc/s and 2 190.5– 2 194 kc/s with the carrier frequency 2 170.5 kc/s (assigned frequency 2 171.9 kc/s) and the carrier frequency 2 191 kc/s (assigned frequency 2 194.4 kc/s) respectively are limited to class A3A and A3J emissions and are limited to a peak envelope power of 400 watts. However, on the carrier frequency 2 170.5 kc/s and with the same power limits [2], coast stations may use classes A2H, A2A and A2J emissions for selective calling [3] and, exceptionally, in Regions 1 and 3 and in Greenland, may also use class A3H emissions for safety messages.

Replace the heading of sub-section A as well as Regulations Nos. 1323, 1325 and 1326 by the following:

(MOD)

B. Distress

MOD 1323—§ 3. (1) The frequency 2 182 kc/s [4] is the international distress frequency for radiotelephony; it shall be used for this purpose by ship, aircraft and survival craft stations and by emergency position-indicating radiobeacons using frequencies in the authorized bands between 1 605 and 4 000 kc/s when requesting assistance from the maritime services. It is used for the distress call and distress traffic, for signals of emergency position-indicating radiobeacons, for the urgency signal and urgency messages and for the safety signal. Safety messages shall be transmitted, where practicable, on a working frequency after a preliminary announcement on 2 182 kc/s. The class of emission to be used for radiotelephony on the frequency 2 182 kc/s shall be A3 or A3H (see No. 984). The class of emission to be used by emergency position-indicating radiobeacons shall be as specified in Appendix 20A, (see also 1476G).

MOD 1325—(3) Except for transmissions authorized on the carrier frequency 2 182 kc/s, all transmissions on the frequencies between 2 173·5 and 2 190·5 kc/s are forbidden.

MOD 1326—(4) Any coast station using the carrier frequency 2 182 kc/s for distress purposes shall be able to transmit the radiotelephone alarm signal described in No. 1465 (see also Nos. 1471, 1472 and 1473).

After Regulation No. 1326, add the following new Regulations:

ADD 1326A—(5) Before transmitting on the carrier frequency 2 182 kc/s, a station in the mobile service should listen on this frequency for a reasonable period to make sure that no distress traffic is being sent (see No. 1217).

ADD 1326B—(6) The provisions of No. 1326A do not apply to stations in distress.

After the new Regulation 1326B, add the following new heading and Regulation:

ADD

C. Search and Rescue

ADD 1326—§ 3A. The frequency 3 023.5 kc/s may be used for intercommunication between mobile stations engaged in co-ordinated search and rescue operations, including communication between these stations and participating land stations, in accordance with the provisions of paragraph 4 of No. 27/196 of Appendix 27 (Frequency Allotment Plan for the Aeronautical Mobile (R) Service).

The heading of sub-section B is replaced by the following:

(MOD)

D. Call and Reply

Replace Regulation No. 1329 by the following new text:

(MOD) 1329—(*b*) by coast stations to announce the transmission, on another frequency, of traffic lists (see Nos. 1301 to 1304);

After Regulation No. 1329, add the following new Regulation:

ADD 1329A—(*c*) coast stations for selective calling with classes of emission A2H, A2A and A2J until 1 April 1977 [5] (see No. 999E).

The headings of sub-sections C and D are replaced by the following:

(MOD)

E. Watch

(MOD)

F. Traffic

After Regulation No. 1336, add the following new Regulation:

ADD 1336A—(1A) Coast stations authorized to use radiotelephony on one or more frequencies other than 2 182 kc/s in the authorized bands between 1 605 and 2 850 kc/s shall be capable of transmitting on those frequencies class A3 emissions or class A3H, A3A and A3J emissions.[6] However, after 1 January 1975, class A3 emissions shall no longer be authorized, and after 1 January 1982 class A3H emissions also shall no longer be authorized, except on the frequency 2 182 kc/s (see also No. 1322D).

Replace Regulation No. 1337 by the following new text:

MOD 1337—(2) Coast stations open to the public correspondence service on one or more frequencies between 1 605 and 2 850 kc/s shall also be capable of transmitting class A3H [7] emissions with a carrier frequency of 2 182 kc/s, and of receiving class A3 and A3H emissions with a carrier frequency of 2 182 kc/s.

The heading of sub-section E as well as Regulations Nos. 1341, 1342, 1344 and 1345 are replaced by the following:

(MOD)—

G. Additional Provisions Applying to Region 1

MOD 1341—(2) The peak envelope power of mobile radiotelephone stations operating in the authorized bands between 1 605 and 2 850 kc/s shall not exceed 400 watts.

MOD 1342—(3) The peak envelope power of coast radiotelephone stations operating in the authorized bands between 1 605 and 3 800 kc/s shall not exceed:

—8 kilowatts for coast stations located north of latitude 32° N;

—14 kilowatts for coast stations located south of latitude 32° N.

MOD 1344—(*a*) the following ship-shore working frequencies, if required by their service:

—carrier frequency 2 046 kc/s (assigned frequency 2 047.4 kc/s) and carrier frequency 2 049 kc/s (assigned frequency 2 050.4 kc/s) for class A3A and A3J emissions;

—carrier frequency 2 049 kc/s also for class A3 and A3H emissions until 1 January 1982.

MOD 1345—(*b*) the following intership frequencies, if required by their service:

—carrier frequency 2 053 kc/s (assigned frequency 2 054.4 kc/s) and carrier frequency 2 056 kc/s (assigned frequency 2 057.4 kc/s) for class A3A and A3J emissions;

—carrier frequency 2 056 kc/s also for class A3 and A3H emissions until 1 January 1982.

These frequencies may be used as additional ship-shore frequencies.

Delete Regulation No. 1347.

Replace Regulation No. 1348 by the following new text:

(MOD) 1348—§ 11. (1) Ships frequently exchanging correspondence with a coast station of a nationality other than their own may use the same frequencies as ships of the nationality of the coast station where mutually agreed by the administrations concerned.

After Regulation No. 1348, add the following new Regulation:

ADD 1348A—(2) In exceptional circumstances, if frequency usage according to Nos. 1343 to 1345 or No. 1348 is not possible, a ship station may use one of its own assigned national ship-to-shore frequencies for communication with a coast station of another nationality, under the express condition that the coast station as well as the ship station take precautions (see No. 1217) to ensure that the use of such a frequency will not cause harmful interference to the service for which the frequency in question is authorized.

The headings of sub-sections F and G as well as Regulations Nos. 1350 and 1351 are replaced by the following:

(MOD) *H. Additional Provisions Applying to Regions 1 and 3*

MOD 1350—(2) During the periods mentioned above, except for the transmissions provided for in Article 36, transmission shall cease within the band 2 173.5–2 190.5 kc/s.

I. Additional Provisions Applying to Regions 2 and 3

MOD 1351—§ 13. All stations on ships making international voyages should, if required by their service, be able to use the intership carrier frequencies:

2635 kc/s (assigned frequency 2 636·4 kc/s)

2638 kc/s (assigned frequency 2 639·4 kc/s)

The conditions of use of these frequencies are specified in No. 445.

SECTION III. BANDS BETWEEN 4 000 AND 23 000 KC/S

Add the following new sub-section as first sub-section of Section III:

ADD

A. Mode of Operation of Stations

ADD 1351A—§ 13A. (1) The classes of emission to be used for radiotelephony in the maritime mobile service bands between 4 000 and 23 000 kc/s are:

(*a*) class A3 [8], or

(*b*) class A3H,[9] A3A and A3J.[10]

However, unless otherwise specified in these Regulations (see No. 1353A):

—after 1 January 1972, class A3 emissions shall no longer be authorized for coast stations, and

—after 1 January 1978, class A3H emissions for coast stations and class A3 and A3H emissions for ship stations shall no longer be authorized.

ADD 1351B—(2) The normal mode of operation of each coast station is indicated in the List of Coast Stations.

The heading of sub-section A as well as Regulation No. 1352 are replaced by the following:

B. Call, Reply and Safety

(MOD)—

MOD 1352—§ 14.(1) Ship stations may use

---

[2] ADD 1322D.1 The application of this power limit to selective calling systems, as well as the transfer of selective calling systems from 2 182 to 2 170.5 kc/s on 1 April 1977 (see 999E), may be reconsidered, in the light of experience, by the next competent World Administrative Radio Conference.

[3] ADD 1322D. See also No. 1329A.

[4] ADD 1323.1 Whatever the class of emission used, the frequency 2 182 kc/s always designates the carrier frequency of the emission.

[5] ADD 1329A.1 Class of emission A2 permitted until 1 January 1975.

[6] ADD 1336A.1 See also Resolution No. MAR 3.

[7] ADD 1337.1 Coast stations are authorized to transmit class A3 emissions in lieu of class A3H emissions until 1 January 1975.

[8] ADD 1351A.1 For the use of class A3B emissions, see Resolution No. MAR 13.

[9] ADD 1351A.2 The conditions of use of class A3H emissions are specified in Appendix 17 and in Resolution No. MAR 6.

[10] ADD 1351A.3 See also Resolution No. MAR 3.

the following carrier frequencies for calling in radiotelephony:

4136.3 kc/s [11]
6204.0 kc/s
8268.4 kc/s
12403.5 kc/s
16533.5 kc/s
22073.5 kc/s

After Regulation No. 1352, add the following new Regulations:

ADD 1352A—(2) Coast stations may use the following carrier frequencies for calling in radiotelephony [12]:

4434.9 kc/s [13]
6518.6 kc/s [13]
8802.4 kc/s
13182.5 kc/s
17328.5 kc/s
22699.0 kc/s

ADD 1352B—§ 15. (1) In the zone lying between the parallels 33° North and 57° South, the carrier frequency 4 136·3 kc/s is designated for call, reply and safety purposes. It may also be used for messages preceded by the urgency or safety signals and, if necessary, for distress messages.

Replace Regulation No. 1353, by the following new text:

MOD 1353—(2) In the zone of Regions 1 and 3 lying between the parallels 33° North and 57° South, the carrier frequency 6 204 kc/s is designated for call, reply and safety purposes. It may also be used for messages preceded by the urgency or safety signals and, if necessary, for distress messages.

After Regulation 1353, and the following new Regulation:

ADD 1353A—(3) Stations using the frequencies 4 136·3 kc/s and 6 204 kc/s in the conditions specified in Nos. 1352B and 1353 may continue to use class A3H emissions beyond 1 January 1978.

After new Regulation No. 1353A, add the following new sub-section:

ADD

C. Search and Rescue

ADD 1353B—§ 15A. The frequency 5 680 kc/s may be used for intercommunication between mobile stations engaged in co-ordinated search and rescue operations, including communication between these stations and participating land stations, in accordance with No. 27/201, paragraph 4 of Appendix 27 (Frequency Allotment Plan for the Aeronautical Mobile (R) Service).

Replace the heading of sub-section B and Regulation No. 1354 by the following new texts:

(MOD)

D. Watch

MOD 1354—§ 16. The hours of service of coast stations open to public correspondence and the frequency or frequencies on which watch is maintained shall be indicated in the List of Coast Stations.

Replace the heading of sub-section C and Regulations Nos. 1355 to 1358 by the following new texts:

(MOD)

E. Traffic

MOD 1355—§ 17.(1) For the conduct of duplex telephony, the transmitting frequencies of the coast stations and of the corresponding ship stations shall be associated in pairs, as far as possible, as indicated in Appendix 17, Sections A and B.

MOD 1356—(2) The frequencies to be used for the conduct of simplex radiotelephony are shown in Appendix 17, Section C. In these cases, the peak envelope power of the coast station transmitter shall not exceed 1 kW.

MOD 1357—(3) The frequencies indicated in Appendix 17, Sections A, B and C, for ship station transmissions may be used by ships of any category according to traffic requirements.

MOD 1358—(4) The technical characteristics of transmitters used for radio-telephony in the maritime mobile service in the bands between 4 000 and 23 000 kc/s are specified in Appendix 17A.

SECTION IV. BANDS BETWEEN 156 AND 174 MC/S

After Regulation No. 1359, add the following new Regulation:

ADD 1359A—(1A) The frequency 156.80 Mc/s may be used by coast stations for selective calls to ships.

Replace Regulation No. 1363 by the following new text:

(MOD) 1363—(5) All emissions in the band 156.725–156.875 Mc/s [14] capable of causing harmful interference to the authorized transmissions of stations of the maritime mobile service on 156.80 Mc/s are forbidden.

After Regulation No. 1367, add the following new Regulation:

ADD 1367A—(5) However, ship stations, when in communication with a port station may, on an exceptional basis and subject to the agreement of the administration concerned, continue to maintain watch, on the appropriate port operations frequency only, provided that watch on 156.8 Mc/s is being maintained by the port station.

Replace Regulations Nos. 1370, 1371 and 1373 by the following new texts:

MOD 1370—(2) The method of working (single-frequency or two-frequency) specified in Appendix 18 for each channel should be used in the international services (see Resolution No. MAR 14).

MOD 1371—§ 22. Communications on port operations channels shall be restricted to those relating to operational handling, the movement and the safety of ships and, in emergency, to the safety of persons. Public correspondence messages are excluded.

MOD 1373—(2) In the band 156 to 174 Mc/s, administrations shall, where practicable, assign frequencies to coast and ship stations in accordance with the Table of Transmitting Frequencies given in Appendix 18 for such international services as administrations consider necessary (see Resolution No. MAR 14).

After Regulation No. 1373, add the following new Regulations:

ADD 1373A—(3) The normal sequence in which channels should be put into use by stations of the maritime mobile service in the band 156–174 Mc/s is indicated by the figures in the relevant columns of Appendix 18.

ADD 1373B—(4) Administrations should, as far as possible, arrange that ship stations fitted with the channels corresponding to the figures in a circle in Appendix 18 can obtain a reasonably adequate use of available services.

ADD 1373C—(5) During ice seasons, ship stations shall avoid harmful interference to communications on 156·300 Mc/s (Channel 06 of Appendix 18) between icebreakers and assisted ships.

Replace Regulations Nos. 1374, 1375 and 1377 by the following new texts:

(MOD) 1374—(6) In assigning frequencies to their coast stations, administrations should collaborate in cases where harmful interference might occur.

MOD 1375—(7) Channels are designated by numbers in the Table of Transmitting Frequencies given in Appendix 18 (see Resolution No. MAR 14).

MOD 1377—(2) The use of channels for maritime mobile purposes other than those indicated in the Table of Transmitting Frequencies given in Appendix 18 shall not cause harmful interference to services which operate in accordance with that Table and shall not prejudice the future development of such services (see Resolution No. MAR 14).

Delete Regulation No. 1378.

Replace Regulation No. 1379 by the following new text:

MOD 1379—§ 25. The carrier power of ship station transmitters shall not exceed 25 watts for equipment brought into service after 1 January, 1970.

ANNEX 19. REVISION OF ARTICLE 36 OF THE RADIO REGULATIONS

Article 36 of the Radio Regulations shall be amended as follows:

SECTION I. GENERAL

After Regulation No. 1386, add the following new Regulation:

ADD 1386A—§ 4A. The abbreviations and signals of Appendix 13A and the Phonetic Alphabet and Figure Code in Appendix 16 should be used where applicable and, where language difficulties exist, the use of the International Code of Signals also is recommended.

After Regulation No. 1388, add the following new Regulation:

ADD 1388A—§ 5A. Information concerning the characteristics of the emergency position-indicating radiobeacon signals is given in Nos. 1476B, 1476C and 1476D.

SECTION III. DISTRESS CALL AND MESSAGE

Replace Regulation No. 1393 by the following new text:

MOD 1393—(2) The distress call sent by radiotelephony consists of:

—the distress signal MAYDAY, spoken three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the mobile station in distress, spoken three times.

SECTION IV. DISTRESS CALL AND MESSAGE TRANSMISSION PROCEDURE

Replace Regulation No. 1408 by the following new text:

MOD 1408—(2) However, when time is vital, the second step of this procedure (No. 1403) or even the first and second steps (Nos. 1402 and 1403), may be omitted or shortened. These two steps of the distress procedure may also be omitted in circumstances where transmission of the alarm signal is considered unnecessary.

SECTION V. ACKNOWLEDGEMENT OF RECEIPT OF A DISTRESS MESSAGE

Replace Regulation No. 1426 by the following new text:

MOD 1426—(2) However, in areas where reliable communications with one or more coast stations are practicable, ship stations should defer this acknowledgement for a short interval so that a coast station may acknowledge receipt.

After Regulation No. 1427, add the following new Regulation:

ADD 1427A—(4) However, stations in the maritime mobile service which receive a distress message from a moble station which, beyond any possible doubt, is a long distance away need not acknowledge receipt of messages except as specified in No. 1455.

Replace Regulations Nos. 1430 to 1432 by the following new texts:

MOD 1430—(*b*) Radiotelephony:

—the call sign or other identification of the station sending the distress message, spoken three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

---

[11] ADD 1352.1 In Region 2, the frequency 4136.3 kc/s is also authorized for common use by coast and ship stations for single sideband radiotelephony on a simplex basis, provided the peak envelope power of such stations does not exceed 1 kW (see also No. 1352A.2).

[12] ADD 1352A.1 These frequencies may also be used for selective calling purposes by coast radiotelegraph stations (see Nos. 1147 and 1224).

[13] ADD 1352.2 In Region 2, the frequencies 4434.9 and 6518.6kc/s are also authorized for common use by coast and ship stations for single sideband radiotelephony on a simplex basis, provided the peak envelope power of such stations does not exceed 1 kW. The use of 6518.6 kc/s for this purpose should be limited to daytime use (see also No. 1352.1).

[14] ADD 1363.1. After 1 January 1983 this band is reduced to 156.7625–156.8375 Mc/s (see Resolution No. MAR 14).

—the call sign or other identification of the station acknowledging receipt, spoken three times;

—the word RECEIVED (or RRR spoken as ROMEO ROMEO ROMEO in case of language difficulties);

—the distress signal.

MOD 1431—§ 23. (1) Every mobile station which acknowledges receipt of a distress message shall, on the order of the master or person responsible for the ship, aircraft or other vehicle, transmit, as soon as possible, the following information in the order shown:

—its name;

—its position in the form prescribed in Nos. 1397, 1399 and 1400;

—the speed at which it is proceeding towards, and the approximate time it will take to reach, the mobile station in distress;

—additionally, if the position of the ship in distress appears doubtful, ship stations should also transmit, when available, the true bearing of the ship in distress preceded by the abbreviation QTE (for classification of bearings, see Appendix 23).

MOD 1432—(2) Before transmitting the message specified in No. 1431, the station shall ensure that it will not interfere with the emissions of other stations better situated to render immediate assistance to the station in distress.

SECTION VI. DISTRESS TRAFFIC

Replace Regulations Nos. 1436, 1449, and 1451 by the following new texts:

MOD 1436—§ 27. The station in distress or the station in control of distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. It shall address these instructions "to all stations" (CQ) or to one station only, according to circumstances. In either case, it shall use:

MOD 1449—§ 34. (1) When distress traffic has ceased, or when silence is no longer necessary on a frequency which has been used for distress traffic, the station which has controlled this traffic shall transmit on that frequency a message addressed "to all stations" (CQ) indicating that normal working may be resumed.

MOD 1451—(3) In radiotelephony, this message consists of:

—the distress signal MAYDAY;

—the call "Hello all stations" or CQ (spoken as CHARLIE QUEBEC) spoken three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the station sending the message;

—the time of handing in of the message;

—the name and call sign of the mobile station which was in distress;

—the words SEELONCE FEENEE pronounced as the French words "silence fini".

After Regulation No. 1451, add the following new Regulation:

ADD 1451A—§ 34A. When a station in distress has delegated control of distress working to another station, the person in charge of the station in distress should, when he considers silence no longer justified, immediately inform the controlling station, which will act in accordance with the provisions of No. 1449.

SECTION VII. TRANSMISSION OF A DISTRESS MESSAGE BY A STATION NOT ITSELF IN DISTRESS

Replace Regulation No. 1460 by the following new text:

MOD 1460—(*b*) Radiotelephony:

—the signal MAYDAY RELAY pronounced as the French expression "m'aider relais", spoken three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the transmitting station, spoken three times.

After Regulation No. 1462, add the following new Regulation:

ADD 1462A—§ 38A. A ship station should not acknowledge receipt of a distress message transmitted by a coast station under the conditions mentioned in Nos. 1452 to 1455 until the master or person responsible has confirmed that the ship station concerned is in a position to render assistance.

SECTION VIII. RADIOTELEGRAPH AND RADIOTELEPHONE ALARM SIGNALS

After Regulation No. 1466, add the following new Regulation:

ADD 1466A—(3) The use of the radiotelephone alarm signal (see No. 1465) by emergency position-indicating radiobeacons is indicated in Article 36, Section VIIIA.

Replace Regulation No. 1472 by the following new text:

MOD 1472—(*b*) the transmission of an urgent cyclone warning, which should be preceded by the safety signal (see Nos. 1488 and 1489). In this case they may only be used by coast stations duly authorized by their government; or

After Regulation No. 1473, add the following new Regulation:

ADD 1473A—(2) The radiotelephone alarm signal may be used by emergency position-indicating radiobeacons of Type H (see No. 1476C).

Replace Regulation No. 1474 by the following new text:

MOD 1474—(3) In the cases referred to in Nos. 1472 and 1473, an interval of two minutes should, if possible, separate the end of the radiotelegraph alarm signal and the beginning of the warning or the message.

Add the following new section after Section VIII:

ADD

SECTION VIIIA. EMERGENCY POSITION-INDICATING RADIOBEACON SIGNALS

ADD 1476A—§ 44A.(1) The emergency position-indicating radiobeacon signal consists of:

ADD 1476B—(*a*) for medium frequencies, i.e. 2 182 kc/s[1]

(1) a keyed emission modulated by a tone of 1 300 cycles per second, and having a ratio of the period of the emission to the period of silence equal to or greater than one, and an emission duration between one and five seconds;

or

ADD 1476C—(2) the radiotelephone alarm signal (see No. 1465) followed by the Morse letter B and/or the call sign of the ship to which the radio-beacon belongs transmitted by keying a carrier modulated by a tone of either 1 300 or 2200 cycles per second;

ADD 1476D—(*b*) for very high frequencies, i.e. 121·5 Mc/s and 243 Mc/s, the signal characteristics shall be in accordance with those recommended by the Organizations mentioned in Resolution No. MAR 7.

ADD 1476E—(2) Only the signal specified in No. 1476B shall be used by low power radiobeacons (Type L) and it shall be transmitted continuous.

ADD 1476F—(3) High power radiobeacons (Type H) may transmit either of the signals specified in Nos. 1476B or 1476C with a keying cycle which consists of the keying signal for between thirty and fifty seconds followed by a period of silence of between thirty and sixty seconds.

ADD 1476G—(4) However, the keying cycles in Nos. 1476E and 1476F may be interrupted for speech transmission if administrations so desire.

ADD 1476H—(5) The essential purpose of the emergency position-indicating radiobeacon signals is to facilitate determining the position of survivors in search and rescue operations.

[1] ADD 1476B.1—In Japan, there are emergency position-indicating radiobeacons which transmit the distress signal and identification on frequencies between 2 089·5 kc/s and 2 092·5 kc/s using class A1 emissions.

ADD 1476I—(6) These signals shall indicate that one or more persons are in distress, may no longer be on board a ship or an aircraft, and that receiving facilities may not be available.

ADD 1476J—(7) Any mobile service station receiving one of these signals, while no distress or urgent traffic is being passed, shall consider that the provisions of Nos. 1452 and 1453 are applicable.

ADD 1476K—(8) Equipment designed to transmit emergency position-indicating radiobeacon signals on the carrier frequency 2 182 kc/s shall meet the requirements specified in Appendix 20A.

ADD 1476L—(9) Equipment designed to transmit emergency position-indicating radiobeacon signals on very high frequencies shall be in agreement with the recommendations and standards recommended by the Organizations mentioned in Resolution No. MAR 7.

SECTION IX. URGENCY SIGNAL

Replace Regulation No. 1482 by the following new text:

(MOD) 1482—(2) The urgency signal and the message following it shall be sent on one of the international distress frequencies (500 kc/s or 2 182 kc/s) or on one of the frequencies which may be used in case of distress.

After Regulation No. 1482, add the following new Regulation:

ADD 1482A—(2A) However, in the maritime mobile service, in areas of heavy traffic or in the case of a long message or a medical call, the message should be transmitted on a working frequency. An indication to this effect should be given at the end of the call.

After Regulation No. 1483, add the following new Regulation:

ADD 1483A—(4) In the maritime mobile service, urgency messages may be addressed either to all stations or to a particular station.

Replace Regulation No. 1485 by the following new text:

MOD 1485—§ 49. (1) Mobile stations which hear the urgency signal shall continue to listen for at least three minutes. At the end of this period, if no urgency message has been heard, a land station should, if possible, be notified of the receipt of the urgency signal. Thereafter, normal working may be resumed.

SECTION X. SAFETY SIGNAL

Replace Regulations Nos. 1491 and 1492 by the following new texts:

(MOD) 1491—(2) The safety signal and call shall be sent on the distress frequency or one of the frequencies which may be used in case of distress.

MOD 1492—(3) Wherever possible, the safety message which follows the call should be sent on a working frequency, particularly in areas of heavy traffic. A suitable announcement to this effect shall be made at the end of the call.

After Regulation No. 1492, add the following new Regulation:

ADD 1492A—(4) In the maritime mobile service, safety messages shall generally be addressed to all stations. In some cases, however, they may be addressed to a particular station.

ANNEX 20.—REVISION OF ARTICLE 40 OF THE RADIO REGULATIONS

Article 40 of the Radio Regulations shall be amended as follows:

SECTION III. ESTABLISHMENT OF ACCOUNTS FOR RADIOTELEPHONE CALLS

Replace Regulation No. 1530 by the following:

(MOD) 1530—(*This modification concerns the French and Spanish versions only*)

ANNEX 21.—REVISION OF APPENDIX 3 TO THE RADIO REGULATIONS

Appendix 3 to the Radio Regulations shall be amended as follows:

APPENDIX 3

Table of frequency tolerances [1] *(see article 12)*

	Frequency bands (lower limit exclusive, upper limit inclusive) and categories of stations	Tolerances applicable until Jan. 1, 1966,[1] to transmitters in use and to those to be installed before Jan. 1, 1964	Tolerances applicable to new transmitters installed after Jan. 1, 1964, and to all transmitters after Jan. 1, 1966 [1]
	Band: 1,605 to 4,000 kc/s:		
MOD	2. *Land stations:*		
	—power 200 W or less	100	100(*h*)
	—power above 200 W	50	50(*h*)
	3. *Mobile stations:*		
MOD	(a) Ship stations	200	200(*i*)
	(b)		
ADD	(b A) Emergency position-indicating radiobeacons		300
	Band: 4 to 29.7 Mc/s:		
	2. *Land stations:*		
MOD	(a) Coast stations:		
	—power 500 W or less	50	50(*h*) (*l*)
	—power above 500 W and less than or equal to 5 kW	*50	*30(*h*) (*l*)
	—power above 5 kW	50	15(*h*) (*l*)
	3. *Mobile stations:*		
MOD	(a) Ship stations:		
	(1) Class A1 emissions:		
	—low traffic ships	200	200(*j*)
	—high traffic ships	—	50(*j*) (*m*)
	(2) Emissions other than class A1:		
	—power 50 W or less	50(*c*)	50(*c*) (*i*) (*k*)
	—power above 50 W	50	50(*i*) (*k*)
	Band: 100 to 470 Mc/s:		
MOD	2. *Land stations:*		
	(a) Coast stations	100	20(*n*)
	3. *Mobile stations:*		
MOD	(a) Ship stations and survival craft stations in the band 156 to 174 Mc/s	100	20(*n*)

*Jan. 1, 1970, in the case of all tolerances marked with an asterisk.
[1] Certain services may need tighter tolerances for technical and operational reasons.

NOTES REFERRING TO TABLE OF FREQUENCY TOLERANCES

ADD (*h*) For coast station single sideband radiotelephone transmitters the tolerance is 20 c/s.
ADD (*i*) For ship station single sideband radiotelephone transmitters the tolerance is 100 c/s (see also appendix 17A).
ADD (*j*) A frequency tolerance of 50 parts in 10^6 shall be applicable, in the case of assignments made after April 1, 1969, to ship stations using the lowest or highest series of:
(1) calling frequencies;
(2) working frequencies for low traffic and high traffic ships (see Appendix 15).
ADD (*k*) For ship station transmitters used for direct-printing telegraphy or for data transmissions, the tolerance is 100 c/s (with a maximum deviation of 40 c/s for short periods of the order of 15 minutes).
ADD (*l*) For coast station transmitters used for direct-printing telegraphy and for data transmissions the tolerance is 40 c/s.
ADD (*m*) Applicable to new transmitters installed after Apr. 1, 1969. Ship station transmitters installed before this date may continue to have a tolerance of 200 parts in 10^6 until Jan. 1, 1973, from which date all high traffic ship station transmitters shall have a tolerance of 50 parts in 10^6.
ADD (*n*) For coast and ship station transmitters put into service after Jan. 1, 1973, a tolerance of 10 parts in 10^6 shall apply. This tolerance is applicable to all transmitters, including survival craft stations, after Jan. 1, 1983.

ANNEX 22. REVISION OF APPENDIX 9 TO THE RADIO REGULATIONS

Appendix 9 to the Radio Regulations shall be amended as follows:

APPENDIX 9. SERVICE DOCUMENTS

(See Articles 8, 9, 10 and 20)

* * * * *

List IV. List of coast stations

* * * * *

Part B. Particulars of Coast Stations

* * * * *

MOD (*Column 2*)

. . .	. . .
Call sign [8]	
2	
3	
. . .	. . .

. . . . . .

ADD

[8] The call sign of the station shall be followed, where appropriate, by the identification number or signal, in brackets, that the station uses when sending selective calling signals.

List V. List of ship stations

MOD

Particulars of ship stations

The information concerning these stations shall be published as shown below:

Name of ship	Call sign	Country	Auxiliary installations	Class of ship	Nature of service	Hours of service	Telegraph transmission frequency bands	Telephone transmission frequency bands	Ship charge per word for radiotelegrams	Ship charge for a radiotelephone call of three minutes	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

Column 1: The stations shall be arranged in alphabetical order of the names of the ships, irrespective of nationality. In the case of duplication of names, the name of the ship shall be followed by the call sign (separated from the name by a fraction bar).
Column 2: Call sign. This column also contains the selective call number or signal, where appropriate.
Column 3: Country having jurisdiction over the station (indicated by the appropriate symbol).
Column 4: Auxiliary installations, including information concerning:
(*a*) number of lifeboats fitted with radio apparatus, and
(*b*) types and number of emergency position-indicating radiobeacons (optional), the operating frequency being indicated by one of the following letters:

A = 2182 kc/s
B = 121.5 Mc/s
C = 243 Mc/s

A figure following the letter indicates the number of radiobeacons. The letter "X" signifies that the number of radiobeacons has not been communicated.
Columns 5 to 7: In the form of service symbols (see Appendix 10). In addition, the list of the symbols used in column 5 to designate the class of ship is given in the Preface to the List.
Columns 8 and 9: Indication of the frequency bands and class of emission by means of the following symbols:

Radiotelegraphy

W = 110– 150 kc/s
X = 405– 535 kc/s
Y = 1 605– 3 800 kc/s
Z = 4 000–25 110 kc/s

Radiotelephony

T = 1 605– 4 000 kc/s
U = 4 000–23 000 kc/s
V = 156– 174 Mc/s

These symbols should, if necessary, be followed by references to brief notes and indications of the frequencies for which the transmitters are adjusted, which shall appear at the end of the List.

Column 10: Basic ship charge per word for radiotelegrams. [1]
Column 11: Minimum charge for a radiotelephone call of three minutes. [1] The information in columns 10 and 11 shall be followed by a note reference to indicate the administration or private enterprise to which the accounts should be sent. In case of a change of address of the operating authority, a second note reference after the charge should give the new address and the date from which the change will take effect.
Column 12: When two or more ship stations of the same nationality bear the same name, or if the accounts for charges should be sent direct to the owner of the ship, the name of the shipping line or the firm to which the ship belongs shall be given in this column.
In addition, if there is no room in the appropriate column, further information relating to columns 1 to 11 may be given in column 12 by means of a note reference. This column may comprise several lines.

[1] These charges are fixed or approved by each administration.

ANNEX 23. REVISISON OF APPENDIX 10 TO THE RADIO REGULATIONS

Appendix 10 to the Radio Regulations shall be amended as follows:

APPENDIX 10. SERVICE DOCUMENT SYMBOLS

(See Article 20 and Appendix 9)

Delete symbols ⚹ and ⊖

Replace the symbol [ ], ▼, Ca, H8 and Pa by the following:

MOD [ ]—A ship which carries lifeboats fitted with radio apparatus; a number inside the square brackets shows the number of such lifeboats ("S")[1]
MOD △—High traffic ship ("HS")[1]
MOD CA—Cargo ship
MOD H8—8-hour service provided by a ship station of the third category
MOD PA—Passenger ship
Add, in alphabetical order, the following new symbols:
ADD GS—Station on board a warship or a military or naval aircraft
ADD OD—Oceanographic data station

[1] MOD—The symbol shown in parenthesis may be used in notifications and service documents.

ADD OE—Oceanographic data interrogating station

ANNEX 24. REVISION OF APPENDIX 11 TO THE RADIO REGULATIONS

Appendix 11 to the Radio Regulations shall be amended as follows:

APPENDIX 11. DOCUMENTS WITH WHICH SHIP AND AIRCRAFT STATIONS SHALL BE PROVIDED

(See Articles 18, 20, 21, 23, 28, and Appendix 9)

Section. I. Ship stations for which a radiotelegraph installation is required by international agreement

Replace Nos. 6 and 8 by the following new texts:

MOD 6. List of Ship Stations (the carriage of the supplement is optional);

MOD 8. Manual for Use by the Maritime Mobile Service;

Section III. Ship stations for which a radiotelephone installation is required by international agreement

Replace No. 5 by the following next text:

MOD 5. the provisions of the Radio Regulations and Additional Radio Regulations applicable to the maritime mobile radiotelephone service, or the Manual for Use by the Maritime Mobile Service.

ANNEX 25. REVISION OF APPENDIX 12 TO THE RADIO REGULATIONS

The title of Appendix 12 to the Radio Regulations shall be amended as follows:

MOD

Hours of Service for Ship Stations of the Second and Third Categories

(See Articles 20 and 25)

ANNEX 26. REVISION OF APPENDIX 13 TO THE RADIO REGULATIONS

The title of Appendix 13 to the Radio Regulations shall be amended as follows:

MOD

Miscellaneous Abbreviations and Signals to be used in Radiotelegraphy Communications except in the Maritime Mobile Service

(See Article 29)

ANNEX 27. ADDITION OF A NEW APPENDIX (APPENDIX 13A) TO THE RADIO REGULATIONS

The following new Appendix shall be added to the Radio Regulations after Appendix 13:

ADD

APPENDIX 13A. MISCELLANEOUS ABBREVIATIONS AND SIGNALS TO BE USED FOR RADIOCOMMUNICATIONS IN THE MARITIME MOBILE SERVICE

(See Articles 29, 33 and 36.)

Section I. Q Code

Introduction

1. The series of groups listed in this Appendix range from QOA to QVZ.

2. The QOA to QQZ series are reserved for the maritime mobile service.

3. Certain Q code abbreviations may be given an affirmative or negative sense by sending, immediately following the abbreviation, the letter C or the letters NO (in radiotelephony spoken as: CHARLIE or NO).

4. The meanings assigned to Q code abbreviations may be amplified or completed by the appropriation addition of other groups, call signs, place names, figures, numbers, etc. It is optional to fill in the blanks shown in parentheses. Any data which is filled in where blanks appear shall be sent in the same order as shown in the text of the following tables.

5. Q code abbreviations are given the form of a question when followed by a question mark in radiotelephony and RQ (ROMEO QUEBEC) in radiotelephony. When an abbreviation is used as a question and is followed by additional or complementary information, the question mark (or RQ) should follow this information.

6. Q code abbreviations with numbered alternative significations shall be followed by the appropriate figure to indicate the exact meaning intended. This figure shall be sent immediately following the abbreviation.

7. All times shall be given in Greenwich Mean Time (G.M.T.) unless otherwise indicated in the question or reply.

8. An asterisk * following a Q code abbreviation means that this signal has a meaning similar to a signal appearing in the International Code of Signals.

ABBREVIATIONS AVAILABLE FOR THE MARITIME MOBILE SERVICE

A. LIST OF ABBREVIATIONS IN ALPHABETICAL ORDER

Abbreviation	Question	Answer or advice
QOA	Can you communicate by radiotelegraphy (500 kc/s)?	I can communicate by radiotelegraphy (500 kc/s).
QOB	Can you communicate by radiotelephony (2 182 kc/s)?	I can communicate by radiotelephony (2 182 kc/s).
QOC	Can you communicate by radiotelephony (channel 16-frequency 156·80 Mc/s)?	I can communicate by radiotelephony (channel 16-frequency 156·80 Mc/s).
QOD	Can you communicate with me in . . . 0. Dutch 5. Italian 1. English 6. Japanese 2. French 7. Norwegian 3. German 8. Russian 4. Greek 9. Spanish?	I can communicate with you in . . . 0. Dutch 5. Italian 1. English 6. Japanese 2. French 7. Norwegian 3. German 8. Russian 4. Greek 9. Spanish.
QOE	Have you received the safety signal sent by . . . (*name and/or call sign*)?	I have received the safety signal sent by . . . (*name and/or call sign*).
QOF	What is the commercial quality of my signals?,	The quality If your signals is . . . 1. not commercial 2. marginally commercial 3. commercial.
QOG	How many tapes have you to send?..	I have . . . tapes to send.
QOH	Shall I send a phasing signal for . . . seconds?	Send a phasing signal for . . . seconds.
QOI	Shall I send my tape?	Send your tape.
QOJ	Will you listen on . . . kc/s (*or* Mc/s) for signals of emergency position-indicating radiobeacons?	I am listening on . . . kc/s (*or* Mc/s) for signals of emergency position-indicating radiobeacons.
QOK	Have you received the signals of an emergency position-indicating radiobeacon on . . . kc/s (*or* Mc/s)?	I have received the signals of an emergency position-indicating radiobeacon on . . . kc/s (*or* Mc/s).
QRA	What is the name of your vessel (*or* station)?	The name of my vessel (*or* station) is . . .
QRB	How far approximately are you from my station?	The approximate distance between our stations is . . . nautical miles (*or* kilometres).
QRC	By what private enterprise (*or* State Administration) are the accounts for charges for your station settled?	The accounts for charges of any station are settled by the private enterprise . . . (*or* State Administration).
QRD	Where are you bound for and where are you from?	I am bound for . . . from . . .
QRE	What is your estimated time of arrival at . . . (*or* over . . .) (*place*)?	My estimated time of arrival at . . . (*or* over . . .) (*place*) is . . . hours.
QRF	Are you returning to . . . (*place*)?	I am returning to . . . (*place*). *or* Return to . . . (*place*).
QRG	Will you tell me my exact frequency (*or* that of . . .)?	Your exact frequency (*or* that of . . .) is . . . kc/s (*or* Mc/s).
QRH	Does my frequency vary?	Your frequency varies.
QRI	How is the tone of my transmission?	The tone of your transmission is . . . 1. good 2. variable 3. bad.
QRJ	How many radiotelephone calls have you to book?	I have . . . radiotelephone calls to book.
QRK	What s the intelligibility of my signals (*or* those of . . . (*name and/or call sign*))?	The intelligibility of your signals (*or* those of . . . (*name and/or call sign*)) is . . . 1. bad. 2. poor 3. fair 4. good 5. excellent.
QRL	Are you busy?	I am busy (*or* I am busy with . . . (*name and/or call sign*)). Please do not interfere.
QRM	Is my transmission being interfered with?	Your transmission is being interfered with . . . 1. nil 2. slightly 3. moderately 4. severely 5. extremely.
QRN	Are you troubled by static?	I am troubled by static . . . 1. nil 2. slightly 3. moderately 4. severely 5. extremely
QRO	Shall I increase transmitter power?	Increase transmitter power.
QRP	Shall I decrease transmitter power?	Decrease transmitter power.
QRQ	Shall I send faster?	Send faster (. . . words per minute).
QRR	Are you ready for automatic operation?	I am ready for automatic operation. Send at . . . words per minute.
QRS	Shall I send more slowly?	Send more slowly (... words per minute).
QRT	Shall I stop sending?	Stop sending.
QRU	Have you anything for me?	I have nothing for you.
QRV	Are you ready?	I am ready.
QRW	Shall I inform... that you are calling him on...kc/s (*or* Mc/s)?	Please inform... that I am calling him on...kc/s (*or* Mc/s).
QRX	When will you call me again?	I will call you again at... hours (on ...kc/s (*or* Mc/s)).
QRY	What is my turn? (*Relates to communication*)	Your turn is Number... (*or according to any other indication*). (*Relates to communication*).
QRZ	Who is calling me?	You are being called by . . . (on . . . kc/s (*or* Mc/s)).
QSA	What is the strength of my signals (*or* those of . . . (*name and/or call sign*))?	The strength of your signals (*or* those of . . . (*name and/or call sign*)) is . . . 1. scarcely perceptible 2. weak 3. fairly good 4. good 5. very good
QSB	Are my signals fading?	Your signals are fading.
QSC	Are you a low traffic ship station? (*see Article 32, Section V*).	I am a low traffic ship station.
QSD	Are my signals mutilated?	Your signals are mutilated.

ABBREVIATIONS AVAILABLE FOR THE MARITIME MOBILE SERVICE—Continued

A. LIST OF ABBREVIATIONS IN ALPHABETICAL ORDER—Continued

Abbreviation	Question	Answer or advice
QSE*	What is the estimated drift of the survival craft?	The estimated drift of the survival craft is ... (*figures and units*).
QSF*	Have you effected rescue?	I have effected rescue and am proceeding to ... base (with ... persons injured requiring ambulance).
QSG	Shall I send ... telegrams at a time?	Send ... telegrams at a time.
QSH	Are you able to home with your direction-finding equipment?	I am able to home with my direction-finding equipment (on ... (*name and/or call sign*)).
QSI		I have been unable to break in on your transmission. *or* Will you inform ... (*name and/or call sign*) that I have been unable to break in on his transmission (on ... kc/s (*or* Mc/s)).
QSJ	What is the charge to be collected to ... including your internal charge?	The charge to be collected to ... including my internal charge is ... francs.
QSK	Can you hear me between your signals and if so may I break in on your transmission?	I can hear you between my signals; break in on my transmission.
QSL	Can you acknowledge receipt?	I am acknowledging receipt.
QSM	Shall I repeat the last telegram which I sent you (*or* some previous telegram)?	Repeat the last telegram which you sent me (*or* telegram(s) number(s) ...).
QSN	Did you hear me (*or* ... (*name and/or call sign*)) on ... kc/s (*or* Mc/s)?	I did hear you (*or* ... (*name and/or call sign*)) on ... kc/s (*or* Mc/s).
QSO	Can you communicate with ... (*name and/or call sign*) direct (*or* by relay)?	I can communicate with ... (*name and/or call sign*) direct (*or* by relay through ...).
QSP	Will you relay to ... (*name and/or call sign*) free of charge?	I will relay to ... (*name and/or call sign*) free of charge.
QSQ	Have you a doctor on board (*or* is ... (*name of person*) on board)?	I have a doctor on board (*or* ... (*name of person*) is on board).
QSR	Shall I repeat the call on the calling frequency?	Repeat your call on the calling frequency; did not hear you (*or* have interference).
QSS	What working frequency will you use?	I will use the working frequency ... kc/s (*or* Mc/s) (*in the high frequency bands normally only the last three figures of the frequency need be given*).
QSU	Shall I send or reply on this frequency (*or* on ... kc/s (*or* Mc/s)) (with emissions of class ...)?	Send or reply on this frequency (*or* on ... kc/s (*or* Mc/s)) (with emissions of class ...).
QSV	Shall I send a series of V's (*or* signs) for adjustment on this frequency (*or* on ... kc/c (*or* Mc/s))?	Send a series of V's (*or* signs) for adjustment on this frequency (*or* on ... kc/s (*or* Mc/s)).
QSW	Will you send on this frequency (*or* on ... kc/s (*or* Mc/s)) (with emissions of class ...)?	I am going to send on this frequency (*or* on ... kc/s (*or* Mc/s)) (with emissions of class ...).
QSX	Will you listen to ... (*name and/or call sign(s)*) on ... kc/s (*or* Mc/s)?	I am listening to ... (*name and/or call sign(s)*) on ... kc/s (*or* Mc/s).
QSY	Shall I change to transmission on another frequency?	Change to transmission on another frequency (*or* on ... kc/s (*or* Mc/s)).
QSZ	Shall I send each word or group more than once?	Send each word or group twice (*or* ... times).
QTA	Shall I cancel telegram (*or* message) number ...?	Cancel telegram (*or* message) number ...
QTB	Do you agree with my counting of words?	I do not agree with your counting of words; I will repeat the first letter or digit of each word or group.
QTC	How many telegrams have you to send?	I have ... telegrams for you (*or* for ... (*name and/or call sign*)).
QTD*	What has the rescue vessel or rescue aircraft recovered?	... (*identification*) has recovered ... 1. ... (*number*) survivors 2. wreckage 3. ... (*number*) bodies.
QTE	What is my TRUE bearing from you? *or* What is my TRUE bearing from ... (*name and/or call sign*)? *or* What is the TRUE bearing of ... (*name and/or call sign*) from ... (*name and/or call sign*)?	Your TRUE bearing from me is ... degrees at ... hours. *or* Your TRUE bearing from ... (*name and/or call sign*) was ... degrees at ... hours. *or* The TRUE bearing of ... (*name and/or call sign*) from ... (*name and/or call sign*) was ... degrees at ... hours.
QFT	Will you give me my position according to the bearings taken by the direction-finding stations which you control?	Your position according to the bearings taken by the direction-finding stations which I control was ... latitude ... longitude (*or other indication of position*), class ... at ... hours.
QTG	Will you send two dashes of ten seconds each (*or* carrier) followed by your call sign (*or* name) (repeated ... times) on ... kc/s (*or* Mc/s)? *or* Will you request ... (*name and/or call sign*) to send two dashes of ten seconds each (*or* carrier) followed by his call sign (and/*or* name) (repeated ... times) on ... kc/s (*or* M/c/s)?	I am going to send two dashes of ten seconds each (*or* carrier) followed by my call sign (*or* name) (repeated ... times) on ... kc/s (*or* Mc/s). *or* I have requested ... (*name and/or call sign*) to send two dashes of ten seconds each (*or* carrier) followed by his call sign (and/*or* name) (repeated ... times) on ... kc/s (*or* Mc/s).
QTH	What is your position in latitude and longitude (*or according to any other indication*)?	My position is ... latitude ... longitude (*or according to any other indication*).
QTI*	What is your TRUE course?	My TRUE course is ... degrees.
QTJ*	What is your speed? (*Requests the speed of a ship or aircraft through the water or air respectively.*)	My speed is ... knots (*or* kilometres per hour *or* ... statute miles per hour). (*Indicates the speed of a ship or aircraft through the water or air respectively.*)
QTK*	What is the speed of your aircraft in relation to the surface of the earth?	The speed of my aircraft in relation to the surface of the earth is ... knots (*or* ... kilometres per hour *or* ... statute miles per hour).
QTL*	Whzt is your TRUE heading?	My TRUE heading is ... degrees.
QTM*	What is your MAGNETIC heading?	My MAGNETIC heading is * * * degrees.
QTN	At what time did you depart from * * * (*place*)?	I departed from * * * (*place*) at * * * hours.
QTO	Have you left dock (*or* port)? *or* Are you airborne?	I have left dock (*or* port). *or* I am airborne.
QTP	Are you going to enter dock (*or* port)? *or* Are you going to alight (*or* land)?	I am going to enter dock (*or* port). *or* I am going to alight (*or* land).
QTQ	Can you communicate with my station by means of the International Code of Signals (INTERCO)?	I am going to communicate with your station by means of the International Code of Signals INTERCO).
QTR	What is the correct time?	The correct time is ... hours.
QTS	Will you send your call sign (*and/or* name) for ... seconds?	I will send my call sign (*and/or* name) for ... seconds.
QTT		The identification signal which follows is superimposed on another transmission.
QTU	What are the hours during which your station is open?	My station is open from ... to ... hours.
QTV	Shall I stand guard for you on the frequency of ... kc/s (*or* Mc/s) (from ... to ... hours)?	Stand guard for me on the frequency of ... kc/s (*or* Mc/s) (from ... to ... hours).
QTW*	What is the condition of survivors?	Survivors are in ... condition and urgently need ...
QTX	Will you keep your station open for further communication with me until further notice (*or* until ... hours)?	I will keep my station open for further communication with you until further notice (*or* until ... hours).
QTY*	Are you proceeding to the position of incident and if so when do you expect to arrive?	I am proceeding to the position of incident and expect to arrive at ... hours (on ... *date*).
QTZ*	Are you continuing the search?	I am continuing the search for ...; (aircraft, ship, survival craft, survivors or wreckage).
QUA	Have you news of ... (*name and/or call sign*)?	Here is news of ... (*name and/or call sign*).
QUB*	Can you give me in the following order information concerning: the direction in degrees TRUE and speed of the surface wind; visibility; present weather; and amount, type and height of base of cloud above surface elevation at ... (*place of observation*)?	Here is the information requested: ... (*The units used for speed and distances should be indicated*).
QUC	What is the number (*or other indication*) of the last message you received from me (*or* from ... (*name and/or call sign*))?	The number (*or other indication*) of the last message I received from you (*or* from ... (*name and/or call sign*)) *is* ...
QUD	Have you received the urgency signal sent by ... (*name and/or call sign*)?	I have received the urgency signal sent by ... (*name and/or call sign*) *at* ... hours.
QUE	Can you speak in ... (*language*), with interpreter if necessary; if so, on what frequencies?	I can speak in ... (*language*) on ... kc/s (*or* Mc/s).
QUF	Have you received the distress signal sent by ... (*name and/or call sign*)?	I have received the distress signal sent by ... (*name and/or call sign*) at ... hours.
QUH*	Will you give me the present barometric pressure at sea level?	The present barometric pressure at sea level is ... (*units*).
QUM	May I resume normal working?	Normal working may be resumed.
QUN	1. *When directed to all stations:* Will vessels in my immediate vicinity ... *or* (in the vicinity of ... latitude ... longitude) *or* (in the vicinity of ...) please indicate their position, TRUE course and speed? 2. *When directed to a single station:* Please indicate your position, TRUE course and speed?	My position, TRUE course and speed are ...
QUO*	Shall I search for ... 1. aircraft 2. ship 3. survival craft in the vicinity of ... latitude ... longitude (*or according to any other indication*)?	Please search for ... 1. aircraft 2. ship 3. survival craft in the vicinity of ... latitude ... longitude (*or according to any other indication*).
QUP*	Will you indicate your position by ... 1. searchlight 2. black smoke trail 3. pyrotechnic lights?	My position is indicated by ... 1. searchlight 2. black smoke trail 3. pyrotechnic lights.

ABBREVIATIONS AVAILABLE FOR THE MARITIME MOBILE SERVICE—Continued

A. LIST OF ABBREVIATIONS IN ALPHABETICAL ORDER—Continued

Abbreviation	Question	Answer or advice
QUR*	Have survivors . . . 1. received survival equipment 2. been picked up by rescue vessel 3. been reached by ground rescue party?	Survivors . . . 1. are in possession of survival equipment dropped by . . . 2. have been picked up by rescue vessel 3. have been reached by ground rescue party.
QUS*	Have you sighted survivors or wreckage? If so, in what position?	Have sighted . . . 1. survivors in water 2. survivors on rafts 3. wreckage in position . . . latitude . . . longitude (*or according to any other indication*).
QUT*	Is position of incident marked?	Position of incident is marked by . . . 1. flame or smoke float 2. sea marker 3. sea marker dye 4. . . . (*specify other marking*).
QUU*	Shall I home ship or aircraft to my position?	Home ship or aircraft . . . (*name and/or call sign*) . . . 1. to your position by sending your call sign and long dashes on . . . kc/s (*or* Mc/s) 2. by sending on . . . kc/s (*or* Mc/s) TRUE track to reach you.
QUW*	Are you in the search area designated as . . . (*designator or latitude and longitude*)?	I am in the . . . (*designation*) search area.
QUY*	Is position of survival craft marked?	Position of survival craft was marked at . . . hours by . . . 1. flame or smoke float 2. sea marker 3. sea marker dye 4. . . . (*specify other marking*).

B. LIST OF SIGNALS ACCORDING TO THE NATURE OF QUESTIONS, ANSWER OR ADVICE

Abbreviation	Question	Answer or advice
	NAME	
QRA	What is the name of your vessel (*or* station)?	The name of my vessel (*or* station) is. . .
	ROUTE	
QRD	Where are you bound for and where are you from?	I am bound for . . . from . . .
	POSITION	
QRB	How far approximately are you from my station?	The approximate distance between our stations is . . . nautical miles (*or* kilometres).
QTH	What is your position in latitude and longitude (*or according to any other indication*)?	My position is . . . latitude . . . longitude (*or according to any other indication*).
QTN	At what time did you depart from . . . (*place*)?	I departed from . . . (*place*) at . . . hours.
	QUALITY OF SIGNALS	
QOF	What is the commercial quality of my signals?	The quality of your signals is . . . 1. not commercial 2. marginally commercial 3. commercial.
QRI	How is the tone of my transmission?	The tone of your transmission is . . . 1. good 2. variable 3. bad.
QRK	What is the intelligibility of my signals (*or* those of . . . (*name and/or call sign*))?	The intelligibility of your signal (*or* those of . . . (*name and/or call sign*)) is . . . 1. bad 2. poor 3. fair 4. good 5. excellent.
	STRENGTH OF SIGNALS	
QRO	Shall I increase transmitter power?	Increase transmitter power.
QRP	Shall I decrease transmitter power?	Decrease transmitter power.
QSA	What is the strength of my signals (*or those of* . . . (*name and/or call sign*))?	The strength of your signals (*or those of* . . . (*name and/or call sign*)) is . . . 1. scarcely perceptible 2. weak 3. fairly good 4. good 5. very good.
QSB	Are my signals fading?	Your signals are fading.
	KEYING	
QRQ	Shall I send faster?	Send faster (. . . words per minute).
QRR	Are you ready for automatic operation?	I am ready for automatic operation. Send at. . . words per minute.
QRS	Shall I send more slowly?	Send more slowly (. . . words per minute).
QSD	Are my signals mutilated?	Your signals are mutilated.
	INTERFERENCE	
QRM	Is my transmission being interfered with?	Your transmission is being interfered with. . . 1. nil 2. slightly 3. moderately 4. severely 5. extremely.
QRN	Are you troubled by static?	I am troubled by static . . . 1. nil 2. slightly 3. moderately 4. severely 5. extremely.
	ADJUSTMENT OF FREQUENCY	
QRG	Will you tell me my exact frequency (*or* that of . . .)?	Your exact frequency (*or* that of . . .) is . . . kc/s (*or* Mc/s).
QRH	Does my frequency vary?	Your frequency varies.
QTS	Will you send your call sign (and/*or* name) for . . . seconds?	I will send my call sign (and/*or* name) for . . . seconds.
	CHOICE OF FREQUENCY AND/OR CLASS OF EMISSION	
QSN	Did you hear me (*or* . . . (*name and/or call sign*)) on . . . kc/s (*or* Mc/s)?	I did hear you (*or* . . . (*name and/or call sign*)) on . . . kc/s (*or* Mc/s).
QSS	What working frequency will you use?	I will use the working frequency . . . kc/s (*or* Mc/s) (*in the high frequency bands normally only the last three figures of the frequency need be given*).
QSU	Shall I send *or* reply on this frequency (*or* on . . . kc/s (*or* Mc/s)) (with emissions of class . . .)?	Send or reply on this frequency (*or* on . . . kc/s (*or* Mc/s)) (with emissions of class . . .).
QSV	Shall I send a series of V's (*or* signs) for adjustment on this frequency (*or* . . . kc/s (*or* Mc/s))?	Send a series of V's (*or* signs) for adjustment on this frequency (*or* . . . kc/s (*or* Mc/s)).
QSW	Will you send on this frequency (*or* on . . . kc/s (*or* Mc/s)) (with emissions of class . . .)?	I am going to send on this frequency (*or* on . . . kc/s (*or* Mc/s)) (with emissions of class . . .).
QSX	Will you listen to . . . (*name and/or call sign(s)*) on . . . kc/s (*or* Mc/s)?	I am listening to . . . (*name and/or call sign(s)*) on . . . kc/s (*or* Mc/s).
	CHANGE OF FREQUENCY	
QSY	Shall I change to transmission on another frequency?	Change to transmission on another frequency (*or* on . . . kc/s (*or* Mc/s)).
	ESTABLISHING COMMUNICATION	
QOA	Can you communicate by radiotelegraphy (500 kc/s)?	I can communicate by radiotelegraphy (500 kc/s).
QOB	Can you communicate by radiotelephony (2 182 kc/s)?	I can communicate by radiotelephony (2 182 kc/s).
QOC	Can you communicate by radiotelephony (channel 16-frequency 156.80 Mc/s)?	I can communicate by radiotelephony (channel 16-frequency 156.80 Mc/s).
QOD	Can you communicate with me in . . . 0. Dutch 1. English 2. French 3. German 4. Greek 5. Italian 6. Japanese 7. Norwegian 8. Russian 9. Spanish?	I can communicate with you in . . . 0. Dutch 1. English 2. French 3. German 4. Greek 5. Italian 6. Japanese 7. Norwegian 8. Russian 9. Spanish.
QRL	Are you busy?	I am busy (*or* I am busy with . . . (*name and/or call sign*)). Please do not interfere.
QRV	Are you ready?	I am ready.
QRX	When will you call me again?	I will call you again at . . . hours (on . . . kc/s (*or* Mc/s)).
QRY	What is my turn? (*Relates to communication*)	Your turn is Number . . . (*or according to any other indication*). (*Relates to communication*)
QRZ	Who is calling me?	You are being called by . . . (on . . . kc/s (*or* Mc/s)).
QSC	Are you a low traffic ship station? (*see Article 32, Section V*)	I am a low traffic ship station.
QSR	Shall I repeat the call on the calling frequency?	Repeat your call on the calling frequency; did not hear you (*or* have interference).
QTQ	Can you communicate with my station by means of the International Code of Signals (INTERCO)?	I am going to communicate with your station by means of the International Code of Signals (INTERCO).
QUE	Can you speak in . . . (*language*), with interpreter if necessary; if so, on what frequencies?	I can speak in . . . (*language*) on . . . kc/s (*or* Mc/s).
	TIME	
QTR	What is the correct time?	The correct time is . . . hours.
QTU	What are the hours during which your station is open?	My station is open from . . . to. hours.
	CHARGES	
QRC	By what private enterprise (*or* State Administration) are the accounts for charges for your station settled?	The accounts for charges of my station are settled by the private enterprise . . . (*or* State Administration).
QSJ	What is the charge to be collected to . . . including your internal charge?	The charge to be collected to . . . including my internal charge is. . . francs.

ABBREVIATIONS AVAILABLE FOR THE MARITIME MOBILE SERVICE—Continued

B. LIST OF SIGNALS ACCORDING TO THE NATURE OF QUESTIONS, ANSWER OR ADVICE—Continued

Abbreviation	Question	Answer or advice
	TRANSIT	
QRW	Shall I inform . . . that you are calling him on . . . kc/s (*or* Mc/s)?	Please inform . . . that I am calling him on . . . kc/s (*or* Mc/s).
QSO	Can you communicate with . . . (*name and/or call sign*) direct (*or* by relay)?	I can communicate with . . . (*name and/or call sign*) direct (*or* by relay through . . .).
QSP	Will you relay to . . . (*name and/or call sign*) free of charge?	I will relay to . . . (*name and/or call sign*) free of charge.
QSQ	Have you a doctor on board (*or* is . . . (*name of person*) on board)?	I have a doctor on board (*or* . . . (*name of person*) is on board).
QUA	Have you news of . . . (*name and/or call sign*)?	Here is news of . . . (*name and/or call sign*).
QUC	What is the number (*or other indication*) of the last message you received from me (*or from* . . . (*name and/or call sign*))?	The number (*or other indication*) if the last message I received from you (*or* from . . . (*name and/or call sign*)) *is* . . .
	EXCHANGE OF CORRESPONDENCE	
QOG	How many tapes have you to send?	I have . . . tapes to send.
QOH	Shall I send a phasing signal for . . . seconds?	Send a phasing signal for . . . seconds.
QOI	Shall I send my tape?	Send your tape.
QRJ	How many radiotelephone calls have you to book?	I have . . . radiotelephone calls to book.
QRU	Have you anything for me?	I have nothing for you.
QSG	Shall I send . . . telegrams at a time?	Send . . . telegrams at a time.
QSI		I have been unable to break in on your transmission. *or* Will you inform . . . (*name and/or call sign*) that I have been unable to break in on his transmission (on . . . kc/s (*or* Mc/s)).
QSK	Can you hear me between your signals and if so may I break in on your transmission?	I can hear you between my signals; break in on my transmission.
QSL	Can you acknowledge receipt?	I am acknowledging receipt.
QSM	Shall I repeat the last telegram which I sent you (*or* some previous telegram)?	Repeat the last telegram which you sent me (*or* telegram(s) number(s) . . .).
QSZ	Shall I send each word or group more than once?	Send each word or group twice (*or* . . . times).
QTA	Shall I cancel telegram (*or* message) number . . .?	Cancel telegram (*or* message) number . . .
QTB	Do you agree with my counting of words?	I do not agree with your counting of words; I will repeat the first letter or digit of each word or group.
QTC	How many telegrams have you to send?	I have . . . telegrams for you (*or* for . . . (*name and/or call sign*)).
QTV	Shall I stand guard for you on the frequency of . . . kc/s (*or* Mc/s) (from . . . to . . . hours)?	Stand guard for me on the frequency of . . . kc/s (*or* Mc/s) (from . . . to . . . hours).
QTX	Will you keep your station open for further communication with me until further notice (*or* until . . . hours)?	I will keep my station open for further communication with you until further notice (*or* until . . . hours).
	MOVEMENT	
QRE	What is your estimated time of arrival at . . . (*or* over . . .) (*place*)?	My estimated time of arrival at . . . (*or* over . . .) (*place*) is . . . hours.
QRF	Are you returning to . . . (*place*)?	I am returning to . . . (*place*). Return to . . . (*place*).
QSH	Are you able to home with your direction-finding equipment?	I am able to home with my direction-finding equipment (on . . . (*name and/or call sign*)).
QTI*	What is your TRUE course?	My TRUE course is . . . degrees.
QTJ*	What is your speed?	My speed is . . . knots (*or* . . . kilometres per hour *or* . . . statute miles per hour).
	(*Requests the speed of a ship or aircraft through the water or air respectively.*)	(*Indicates the speed of a ship or aircraft through the water or air respectively.*)
QTK*	What is the speed of your aircraft in relation to the surface of the earth?	The speed of my aircraft in relation to the surface of the earth is . . . knots (*or* . . . kilometres per hour *or* . . . statute miles per hour).
QTL*	What is your TRUE heading?	My TRUE heading is . . . degrees.
QTM*	What is your MAGNETIC heading?	My MAGNETIC heading is . . . degrees.
QTN	At what time did you depart from . . . (*place*)?	I departed from . . . (*place*) at . . . hours.
QTO	Have you left dock (*or* port)? *or* Are you airborne?	I have left dock (*or* port). *or* I am airborne.
QTP	Are you going to enter dock (*or* port? *or* Are you going to alight (*or* land)?	I am going to enter dock (*or* port). *or* I am going to alight (*or* land).
QUN	1. *When directed to all stations:* Will vessels in my immediate vicinity . . . *or* (in the vicinity of . . . latitude . . . longitude) *or* (in the vicinity of . . .) please indicate their position, TRUE course and speed? 2. *When directed to a single station:* Please indicate your position, TRUE course and speed?	My position, TRUE course and speed are . . .

Abbreviation	Question	Answer or advice
	METEOROLOGY	
QUB*	Can you give me in the following order information concerning: the direction in degrees TRUE and speed of the surface wind; visibility; present weather; and amount, type and height of base of cloud above surface elevation at . . . (*place of observation*)?	Here is the information requested . . . (*The units used for speed and distances should be indicated*).
QUH*	Will you give me the present barometric pressure at sea level?	The present barometric pressure at sea level is . . . (*units*).
	RADIO DIRECTION-FINDING	
QTE	What is my TRUE bearing from you? *or* What is my TRUE bearing from * * * (*name and/or call sign*)? *or* What is the TRUE bearing of * * * (*name and/or call sign*) from * * * (*name and/or call sign*)?	Your TRUE bearing from me is * * * degrees at * * * hours. *or* Your TRUE bearing from * * * (*name and/or call sign*) was * * * degrees at * * * hours. *or* The TRUE bearing of * * * (*name and/or call sign*) from * * * (*name and/or call sign*) was * * * degrees at * * * hours.
QTF	Will you give me my position according to the bearings taken by the direction-finding stations which you control?	Your position according to the bearings taken by the direction-finding stations which I control was . . . latitude . . . longitude (*or other indication of position*), class . . . at . . . hours.
QTG	Will you send two dashes of ten seconds each (*or* carrier) followed by your call sign (*or* name) (repeated . . . times) (on . . . kc/s (*or* Mc/s))? *or* Will your request . . . (*name and/or call sign*) to send two dashes of ten seconds each (*or* carrier) followed by his call sign (and/or name) (repeated . . . times) on . . . kc/s (*or* Mc/s)?	I am going to send two dashes of ten seconds each (*or* carrier) followed by my call sign (*or* name) (repeated . . . times) (on . . . kc/s (*or* Mc/s)). *or* I have requested . . . (*name and/or call sign*) to send two dashes of ten seconds each (*or* carrier) followed by his call sign (and/or] name) (repeated . . . times) on . . . kc/s (*or* Mc/s).
	SUSPENSION OF WORK	
QRT	Shall I stop sending?	Stop sending.
QUM	May I resume normal working?	Normal working may be resumed.
	SAFETY	
QOE	Have you received the safety signal sent by. . . (*name and/or call sign*)?	I have received the safety signal sent by. . . (*name and/or call sign*).
	URGENCY	
QUD	Have you received the urgency signal sent by. . . (*name and/or call sign*)?	I have received the urgency signal sent by. . . (*name and/or call sign*) at. . . hours.
	DISTRESS	
QOJ	Will you listen on . . . kc/s (*or* Mc/s) for signals of emergency position-indicating radiobeacons?	I am listening on . . . kc/s (*or* Mc/s) for signals of emergency position-indicating radiobeacons.
QOK	Have you received the signals of an emergency position-indicating radiobeacon on . . . kc/s (*or* Mc/s)?	I have received the signals of an emergency position-indicating radiobeacon on . . . kc/s (*or* Mc/s).
QUF	Have you received the distress signal sent by . . . (*name and/or call sign*)?	I have received the distress signal sent by . . . (*name and/or call sign*) at . . . hours.
QUM	May I resume normal working?	Normal working may be resumed.
	SEARCH AND RESCUE	
QSE*	What is the estimated drift of the survival craft?	The estimated drift of the survival craft is . . . (*figures and units*).
QSF*	Have you effected rescue?	I have effected rescue and am proceeding to . . . base (with . . . persons injured requiring ambulance).
QTD*	What has the rescue vessel or rescue aircraft recovered?	. . . (*identification*) has recovered . . . 1. . . . (*number*) survivors 2. wreckage 3. . . . (*number*) bodies.
QTW*	What is the condition of survivors?	Survivors are in . . . condition and urgently need . . .
QTY*	Are you proceeding to the position of incident and if so when do you expect to arrive?	I am proceeding to the position of incident and expect to arrive at . . . hours (on . . . *date*).
QTZ*	Are you continuing the search?	I am continuing the search for . . . (aircraft, ship, survival craft, survivors or wreckage).
QUN	1. *When directed to all stations:* Will vessels in my immediate vicinity . . . *or* (in the vicinity of . . . latitude . . . longitude) *or* (in the vicinity of . . .) please indicate their position, TRUE course and speed? 2. *When directed to a single station:* Please indicate your position, TRUE course and speed?	My position, TRUE course and speed are . . .

B. LIST OF SIGNALS ACCORDING TO THE NATURE OF QUESTIONS, ANSWER OR ADVICE—Continued

Abbreviation or Signal	Definition
	SEARCH AND RESCUE—continued
QUO*	Shall I search for . . . 1. aircraft 2. ship 3. survival craft in the vicinity of . . . latitude . . . longitude (*or according to any other indication*)? Please search for . . . 1. aircraft 2. ship 3. survival craft in the vicinity of . . . latitude . . . longitude (*or according to any other indication*).
QUP*	Will you indicate your position by . . . 1. searchlight 2. black smoke trail 3. pyrotechnic lights? My position is indicated by . . . 1. searchlight 2. black smoke trail 3. pyrotechnic lights.
QUR*	Have survivors . . . 1. received survival equipment 2. been picked up by rescue vessel 3. been reached by ground rescue party? Survivors . . . 1. are in possession of survival equipment dropped by . . . 2. have been picked up by rescue vessel 3. have been reached by ground rescue party.
QUS*	Have you sighted survivors or wreckage? If so, in what position? Have sighted . . . 1. survivors in water 2. survivors on rafts 3. wreckage in position . . . latitude . . . longitude (*or according to any other indication*).
QUT*	Is position of incident marked? Position of incident is marked by . . . 1. flame or smoke float 2. sea marker 3. sea marker dye 4. . . . (*specify other marking*).
QUU*	Shall I home ship or aircraft to my position? Home ship or aircraft . . . (*name and/or call sign*) . . . 1. to your position by sending your call sign and long dashes on . . . kc/s (*or* Mc/s) 2. by sending on . . . kc/s (*or* Mc/s) TRUE track to reach you.
QUW*	Are you in the search area designated as . . . (*designator or latitude and longitude*)? I am in the . . . (*designation*) search area.
QUY*	Is position of survival craft marked? Position of survival craft was marked at . . . hours by . . . 1. flame or smoke float 2. sea marker 3. sea marker dye 4. . . . (*specify other marking*).
	IDENTIFICATION
QTT	The identification signal which follows is superimposed on another transmission.

SECTION II. MISCELLANEOUS ABBREVIATIONS AND SIGNALS

Abbreviation or Signal	Definition
AA	All after . . . (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
AB	All before . . . (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
ADS	Address (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
AR	End of transmission.
AS	Waiting period.
BK	Signal used to interrupt a transmission in progress.
BN	All between . . . and . . . (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
BQ	A reply to an RQ.
BT	Signal to mark the separation between different parts of the same transmission.
C	Yes *or* "The significance of the previous group should be read in the affirmative".
CFM	Confirm (*or* I confirm).
CL	I am closing my station.
COL	Collate (*or* I collate).
CORRECTION.	Cancel my last word *or* group. The correct word *or* group follows (*used in radiotelephony, spoken as KOR-REK-SHUN*).
CP	General call to two or more specified stations (*see Article 31*).
CQ	General call to all stations.
CS	Call sign (*used to request a call sign*).
DE	"from . . ." (*used to precede the name or other identification of the calling station*).
DF	Your bearing at . . . hours was . . . degrees, in the doubtful sector of this station, with a possible error of . . . degrees.
DO	Bearing doubtful. Ask for another bearing later (*or* at . . . hours).
E	East (Cardinal point) (*see No.* 1400).
ETA	Estimated time of arrival.
INTERCO	International Code of Signals groups follow (*used in radiotelephony, spoken as IN-TER-CO*).
K	Invitation to transmit.
KA	Starting signal.
KTS	Nautical miles per hour (*Knots*).
MIN	Minute (*or* Minutes).
MSG	Prefix indicating a message to or from the master of a ship concerning its operation or navigation.
N	North (Cardinal point) (*see No.* 1400).
NIL	I have nothing to send to you.
NO	No (*Negative*).
NW	Now.
NX	Notice to Mariners (*or* Notice to Mariners follows).
OK	We agree (*or* It is correct).
OL	Ocean Letter.
P	Prefix indicating a private radiotelegram.
PBL	Preamble (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
PSE	Please.
R	Received.
REF	Reference to . . . (*or* Refer to . . .).
RPT	Repeat (*or* I repeat) (*or* Repeat . . .).
RQ	Indication of a request.
S	South (Cardinal point) (*see No.* 1400).
SIG	Signature (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
SLT	Radiomaritime Letter.
SVC	Prefix indicating a service telegram.
SYS	Refer to your service telegram.
TFC	Traffic.
TR	Used by a land station to request the position and next port of call of a mobile station (*see Nos.* 1083 *and* 1314); used also as a prefix to the reply.
TU	Thank you.
TXT	Text (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
VA	End of work.
W	West (Cardinal point) (*see No. 1400*).
WA	Word after . . . (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
WB	Word before . . . (*used after a question mark in radiotelegraphy or after, RQ in radiotelephony (in case of language difficulties) or after RPT to request a repetition*).
WD	Word(s) *or* Group(s).
WX	Weather report (*or* Weather report follows).
XQ	Prefix used to indicate the transmission of a service note.
YZ	The words which follow are in plain language.

Note: When used in radiotelegraphy a bar over the letters composing a signal denotes that the letters are to be sent as one signal.

ANNEX 28. REVISION OF APPENDIX 15 TO THE RADIO REGULATIONS

Appendix 15 to the Radio Regulations shall be amended as follows:

MOD

APPENDIX 15. TABLE OF FREQUENCIES TO BE USED BY SHIP RADIOTELEGRAPH STATIONS IN THE BANDS BETWEEN 4 AND 27.5 MC/S ALLOCATED EXCLUSIVELY TO THE MARITIME MOBILE SERVICE

(See Article 32)

In the Table:

(*a*) the assignable frequencies in a given band for each usage are:

Indicated by the lowest and highest frequency, in heavy type, assigned in that band;

Regularly spaced, the number of assignable frequencies and the spacing in kc/s being indicated in italics;

(*b*) the vertical arrows indicate the harmonic relationship between the frequencies assigned in the different bands.

FREQUENCIES ASSIGNABLE TO SHIP RADIOTELEGRAPH STATIONS USING THE MARITIME MOBILE SERVICE BANDS BETWEEN 4 AND 27·5 MC/S

(KC/S)

Bands Mc/s	Limits	Assignable frequencies for wide-band telegraphy, facsimile and special transmission systems	Limits	Oceanographic data transmission (*a*)	Limits	Assignable frequencies for narrow-band direct-printing telegraph and data transmission systems	Limits	Assignable working frequencies for high traffic ships (*b*)	Limits	Calling frequencies (*d*)	Limits	Assignable working frequencies for low traffic ships		Limits
												GROUP A	GROUP B	
4	4 142·5	4 144·5...4 160·5 *5 frequencies spaced 4*	4 162·5	4 162·9...4 165·6 *10 frequencies spaced 0·3*	4 166	4 166·5...4 172 *12 frequencies spaced 0·5*	4 172·25	4 172·5..4 177·5 *11 frequencies spaced 0·5*	4 178	4 178·5...4 186·5 *17 frequencies spaced 0·5*	4 187	4 187·5..4 208 | 4 208·5..4 229 *84 frequencies spaced 0·5*		4 231
6	6 216·5	6 218·5...6 242·5 *7 frequencies spaced 4*	6 244·5	6 244·9...6 247·6 *10 frequencies spaced 0·3*	6 248	6 248·5...6 258 *20 frequencies spaced 0·5*	6 258·25	6 258·75..6 266·25 *11 frequencies spaced 0·75*	6 267	6 267·75..6 279·75 *17 frequencies spaced 0·75*	6 280·5	6 281·25..6 312 | 6 312·75..6 343·5 *84 frequencies spaced 0·75*		6 345·5
8	8 288	8 290...8 326 *10 frequencies spaced 4*	8 328	8 328·4...8 331·1 *10 frequencies spaced 0·3*	8 331·5	8 332...8 341·5 *20 frequencies spaced 0·5*	8 341·75	8 342.....8 345.....8 355 *14 frequencies spaced 1*	8 356	8 357...(*c*)...8 373 *17 frequencies spaced 1*	8 374	8 375...8 416 | 8 417...8 458 *84 frequencies spaced 1*		8 459·5
12	12 431·5	12 433·5...12 477·5 *12 frequencies spaced 4*	12 479·5	12 479·9...12 482·6 *10 frequencies spaced 0·3*	12 483	12 484...12 503 *20 frequencies spaced 1*	12 503·25	12 504..12 513..12 517·5..12 532·5 *20 frequencies spaced 1·5*	12 534	12 535·5...12 599·5 *17 frequencies spaced 1·5*	12 561	12 562·5..12 624 | 12 625·5..12 687 *84 frequencies spaced 1·5*		12 689
16	16 576	16 578...16 634 *15 frequencies spaced 4*	16 636·5	16 636·9...16 639·6 *10 frequencies spaced 0·3*	16 640	16 641...16 660 *20 frequencies spaced 1*	16 660·5	16 662..16 672..16 684..16 690..16 710 *25 frequencies spaced 2*	16 712	16 714...16 746 *17 frequencies spaced 2*	16 748	16 750..16 832 | 16 834..16 916 *84 frequencies spaced 2*		16 917·5
22	22 112	22 114...22 158 *12 frequencies spaced 4*	22 160·5	22 169·9...22 163·6 *10 frequencies spaced 0·3*	22 164	22 165...22 184 *20 frequencies spaced 1*	22 184·5	22 187.....22 221 *18 frequencies spaced 2*	22 222·5	22 225...22 265 *17 frequencies spaced 2·5*	22 267·5	22 270...22 320 | 22 322·5...22 370 *41 frequencies spaced 2·5*		22 374

ASSIGNABLE FREQUENCIES TO SHIPS OF ALL CATEGORIES

	Limit	Calling frequencies	Limit	Working frequencies	Limit
25	25 070	25 073·5.....25 081 *6 frequencies spaced 1·5*	25 082·5	25 084.....25 106·5 *16 frequencies spaced 1·5*	25 110

(*a*) The frequency bands may also be used by buoy stations for oceanographic data transmission and by stations interrogating these buoys, in accordance with the conditions set forth in Resolution No. MAR 20.
(*b*) Manual or automatic A1 Morse telegraphy at speeds not exceeding 40 bauds.
(*c*) For the conditions of use of 8 364 kc/s, see No. 1179.

(*d*) The frequencies 4 186·5, 6 279·75, 8 373, 12 559·5, 16 746 and 22 262·5 kc/s may also be assigned as special calling frequencies. Administrations should, if possible, abstain from assigning these frequencies as normal calling frequencies (See Nos. 1013E and 1013E.1).

ANNEX 29. REVISION OF APPENDIX 16 TO THE RADIO REGULATIONS

Appendix 16 to the Radio Regulations shall be amended as follows:

MOD

APPENDIX 16 PHONETIC ALPHABET AND FIGURE CODE

(See Articles 33 and 36)

1. When it is necessary to spell out call signs, service abbreviations and words, the following letter spelling table shall be used:

Letter to be transmitted	Word to be used	Spoken as [1]—
A	Alfa	*AL* FAH
B	Bravo	*BRAH* VOH
C	Charlie	*CHAR* LEE or *SHAR* LEE
D	Delta	*DELL* TAH
E	Echo	*ECK* OH
F	Foxtrot	*FOKS* TROT
G	Golf	GOLF
H	Hotel	HOH *TELL*
I	India	*IN* DEE AH
J	Juliett	*JEW* LEE *ETT*
K	Kilo	*KEY* LOH
L	Lima	*LEE* MAH
M	Mike	MIKE
N	November	NO *VEM* BER
O	Oscar	*OSS* CAH
P	Papa	PAH *PAH*
Q	Quebec	KEH *BECK*
R	Romeo	*ROW* ME OH
S	Sierra	SEE *AIR* RAH
T	Tango	*TANG* GO
U	Uniform	*YOU* NEE FORM or *OO* NEE FORM
V	Victor	*VIK* TAH
W	Whiskey	*WISS* KEY
X	X-ray	*ECKS RAY*
Y	Yankee	*YANG* KEY
Z	Zulu	*ZOO* LOO

[1] The syllables to be emphasized are italicized.

2. When it is necessary to spell out figures or marks, the following table shall be used:

Figure or mark to be transmitted	Code word to be used	Spoken as [1]—
0	NADAZERO	NAH-DAH-ZAY-ROH
1	UNAONE	OO-NAH-WUN
2	BISSOTWO	BEES-SOH-TOO
3	TERRATHREE	TAY-RAH-TREE
4	KARTEFOUR	KAR-TAY-FOWER
5	PANTAFIVE	PAN-TAH-FIVE
6	SOXISIX	SOK-SEE-SIX
7	SETTESEVEN	SAY-TAY-SEVEN
8	OKTOEIGHT	OK-TOH-AIT
9	NOVENINE	NO-VAY-NINER
Decimal point	DECIMAL	DAY-SEE-MAL
Full stop	STOP	STOP

[1] Each syllable should be equally emphasized.

3. However, stations of the same country, when communicating between themselves, may use any other table recognized by their administration.

ANNEX. 30.—REVISION OF APPENDIX 17 TO THE RADIO REGULATIONS

Appendix 17 to the Radio Regulations shall be amended as follows:

MOD

APPENDIX 17.—CHANNELING OF THE MARITIME MOBILE RADIOTELEPHONE BANDS BETWEEN 4 000 AND 23 000 KC/S

(See Article 35)

1. Channelling arrangements for the frequencies to be used by coast and ship stations in the bands allocated to the maritime mobile radiotelephone service are indicated in three sections as follows:

Section A—Table of double sideband transmitting frequencies for duplex (two-frequency) operation (in kc/s).

Section B—Table of single sideband transmitting frequencies for duplex (two-frequency) operation (in kc/s).

Section C—Table of single sideband transmitting frequencies for simplex (single-frequency) operation (in kc/s).

2. The technical characteristics for single sideband transmitters are specified in Appendix 17A.

3. One or more series of frequencies from Sections A or B (with the exception of those frequencies of Section B mentioned in paragraph 5 below) are assigned to each coast station, which uses these frequencies associated, as far as possible, in pairs; each pair comprises a transmitting and a receiving frequency. The series shall be selected with due regard to the areas served and so as to avoid, as far as possible, harmful interference between the services of different coast stations.

4. The frequencies in Section C are provided for world-wide common use by ships of all categories, according to traffic requirements, for ship transmissions to coast stations and for intership communication. They are also authorized for world-wide common use for transmissions by coast stations (simplex operation) provided the peak envelope power does not exceed 1 kW.

5. (*a*) The following series of frequencies in Section B are allocated for calling purposes:

Series No. 24 in the 4 Mc/s and 8 Mc/s band;

Series No. 2 in the 6 Mc/s band;

Series No. 22 in the 12, 16 and 22 Mc/s bands.

The remaining frequencies in Sections A, B and C are working frequencies.

(*b*) Use of the double sideband calling frequencies 8 269, 12 403.5, 16 533.5 and 22 074 kc/s should, as far as possible, cease by 1 March 1970 to permit the use of the new single sideband channels. In any event, the use of these frequencies for double sideband calling shall cease by 1 January 1978.

6. Stations utilizing double sideband emissions shall operate only on the frequencies in Section A subject to No. 1351A and on the frequencies mentioned in paragraph 5 (*b*) above.

7. (*a*) Stations using single sideband emissions shall operate only on the carrier frequencies shown in Sections B and C in conformity with the technical characteristics specified in Appendix 17A. The upper sideband mode shall always be employed.

(*b*) Stations employing the single sideband mode shall use only class A3A and A3J emissions. However, administration should endeavour, as far as possible, to restrict to class A3J emissions, the use of the Series No. 1 frequencies from Section B. Until 1 January 1978 class A3H emissions (in accordance with No. 1351A) are permitted only on those carrier frequencies shown in Section B which are coincident with, or within 100 c/s of, the frequencies shown in Section A. However, on the calling frequencies for coast stations class A3H emissions may be used until 1 January 1978.

8. During the transition period (see Resolution No. MAR 13) assignments to stations using independent sideband emissions shall be considered to be in accordance with the Table in Section A if the necessary bandwidth does not extend beyond the upper or lower limits of the bandwidth provided for double sideband emissions.

9. If an administration authorizes the use of frequencies other than those indicated in Sections A, B, and C, its radiotelephone service shall not cause harmful interference to radiotelephone stations of the maritime mobile service which use frequencies in accordance with the following Tables.

SECTION A.—TABLE OF DOUBLE SIDEBAND TRANSMITTING FREQUENCIES FOR DUPLEX (2-FREQUENCY) OPERATION (IN KC/S)

Series No.	4 Mc/s band		8 Mc/s band		12 Mc/s band		16 Mc/s band		22 Mc/s band	
	Coast station frequency	Ship station frequency	Coast station frequency	Ship station frequency	Coast station frequency	Ship station frequency	Coast station frequency	Ship station frequency	Coast station frequency	Ship station frequency
1	4 364·7	4 066·1	8 732·1	8 198·1	13 112·5	12 333·5	17 258·5	16 463·5	22 629·0	22 003·5
2	4 371·0	4 072·4	8 738·4	8 204·4	13 119·5	12 340·5	17 265·5	16 470·5	22 636·0	22 010·5
3	4 377·4	4 078·8	8 744·8	8 210·8	13 126·5	12 347·5	17 272·5	16 477·5	22 643·0	22 017·5
4	4 383·8	4 085·2	8 751·2	8 217·2	13 133·5	12 354·5	17 279·5	16 484·5	22 650·0	22 024·5
5	4 390·2	4 091·6	8 757·6	8 223·6	13 140·5	12 361·5	17 286·5	16 491·5	22 657·0	22 031·5
6	4 396·6	4 098·0	8 764·0	8 230·0	13 147·5	12 368·5	17 293·5	16 498·5	22 664·0	22 038·5
7	4 403·0	4 104·4	8 770·4	8 236·4	13 154. 5	12 375·5	17 300·5	16 505·5	22 671·0	22 045. 5
8	4 409·4	4 110·8	8 776·8	8 242·8	13 161·5	12 382·5	17 307·5	16 512·5	22 678·0	22 052·5
9	4 415·8	4 117·2	8 783·2	8 249·2	13 168·5	12 389·5	17 314·5	16 519·5	22 685·0	22 059·5
10	4 422·2	4 123·6	8 789·6	8 255·6	13 175·5	12 396·5	17 321·5	16 526·5	22 692·0	22 066·5
11	4 428·6	4 129·9	8 796·0	8 261·9						

SECTION B.—TABLE OF SINGLE SIDEBAND TRANSMITTING FREQUENCIES FOR DUPLEX (TWO-FREQUENCY) OPERATION (IN KC/S)

[4 Mc/s Band]

Series No.	Coast stations		Ship stations	
	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency
1	4 361·6	4 363·0	4 063·0	4 064·4
2	4 364·7	4 366·1	4 066·1	4 067·5
3	4 367·8	4 369·2	4 069·2	4 070·6
4	4 371·0	4 372·4	4 072·4	4 073·8
5	4 374·2	4 375·6	4 075·6	4 077·0
6	4 377·4	4 378·8	4 078·8	4 080·2
7	4 380·6	4 382·0	4 082·0	4 083·4
8	4 383·8	4 385·2	4 085·2	4 086·6
9	4 387·0	4 388·4	4 088·4	4 089·8
10	4 390·2	4 391·6	4 091·6	4 093·0
11	4 393·4	4 394·8	4 094·8	4 096·2
12	4 396·6	4 398·0	4 098·0	4 099·4
13	4 399·8	4 401·2	4 101·2	4 102·6
14	4 403·0	4 404·4	4 104·4	4 105·8
15	4 406·2	4 407·6	4 107·6	4 109·0
16	4 409·4	4 410·8	4 110·8	4 112·2
17	4 412·6	4 414·0	4 114·0	4 115·4
18	4 415·8	4 417·2	4 117·2	4 118·6
19	4 419·0	4 420·4	4 120·4	4 121·8
20	4 422·2	4 423·6	4 123·6	4 125·0
21	4 425·4	4 426·8	4 126·8	4 128·2
22	4 428·6	4 430·0	4 130·0	4 131·4
23	4 431·8	4 433·2	4 133·2	4 134·6
24	4 434·9*	4 436·3*	4 136·3*[1]	4 137·7*
6 MC/S BAND				
1	6 515·4	6 516·8	6 200·8	6 202·2
2	6 518·6*	6 520·0*	6 204·0*[1]	6 205·4*
3	6 521·8	6 523·2	6 207·2	6 208·6
8 MC/S BAND				
1	8 729·0	8 730·4	8 195·0	8 194·4
2	8 732·1	8 733·5	8 198·1	8 199·5
3	8 735·2	8 736·6	8 201·2	8 202·6
4	8 738·4	8 739·8	8 204·4	8 205·8
5	8 741·6	8 743·0	8 207·6	8 209·0
6	8 744·8	8 746·2	8 210·8	8 212·2
7	8 748·0	8 749·4	8 214·0	8 215·4
8	8 751·2	8 752·6	8 217·2	8 218·6
9	8 754·4	8 755·8	8 220·4	8 221·8
10	8 757·6	8 759·0	8 223·6	8 255·0
11	8 760·8	8 762·2	8 226·8	8 228·2
12	8 764·0	8 765·4	8 230·0	8 231·4
13	8 767·2	8 768·6	8 233·2	8 234·6
14	8 770·4	8 771·8	8 236·4	8 237·8
15	8 773·6	8 775·0	8 239·6	8 241·0
16	8 776·8	8 778·2	8 242·8	8 244·2
17	8 780·0	8 781·4	8 246·0	8 247·4
18	8 783·2	8 784·6	8 249·2	8 250·6
19	8 786·4	8 787·8	8 252·4	8 253·8

SECTION B.—TABLE OF SINGLE SIDEBAND TRANSMITTING FREQUENCIES FOR DUPLEX (TWO-FREQUENCY) OPERATION (IN KC/S)—Continued

8 MC/S BAND—Continued

[4 Mc/s Band]

Series No.	Coast stations		Ship stations	
	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency
20	8 789·6	8 791·0	8 255·6	8 257·0
21	8 792·8	8 794·2	8 258·8	8 260·2
22	8 796·0	8 797·4	8 262·0	8 263·4
23	8 799·2	8 800·6	8 265·2	8 266·6
24	8 802·4*	8 803·8*	8 268·4*	8 269·8*
25	8 805·6	8 807·0	8 271·6	8 273·0
26	8 808·8	8 810·2	8 274·8	8 276·2
27	8 812·0	8 813·4	8 278·0	8 279·4
12 MC/S BAND				
1	13 109·0	13 110·4	12 330·0	12 331·4
2	13 112·5	13 113·9	12 333·5	12 334·9
3	13 116·0	13 117·4	12 337·0	12 338·4
4	13 119·5	13 120·9	12 340·5	12 341·9
5	13 123·0	13 124·4	12 344·0	12 345·4
6	13 126·5	13 127·9	12 347·5	12 348·9
7	13 130·0	13 131·4	12 351·0	12 352·4
8	13 133·5	13 134·9	12 354·5	12 355·9
9	13 137·0	13 138·4	12 358·0	12 359·4
10	13 140·5	13 141·9	12 361·5	12 362·9
11	13 144·0	13 145·4	12 365·0	12 366·4
12	13 147·5	13 148·9	12 368·5	12 369·9
13	13 151·0	13 152·4	12 372·0	12 373·4
14	13 154·5	13 155·9	12 375·5	12 376·9
15	13 158·0	13 159·4	12 379·0	12 380·4
16	13 161·5	13 162·9	12 382·5	12 383·9
17	13 165·0	13 166·4	12 386·0	12 387·4
18	13 168·5	13 169·9	12 389·5	12 390·9
19	13 172·0	13 173·4	12 393·0	12 394·4
20	13 175·5	13 176·9	12 396·5	12 397·9
21	13 179·0	13 180·4	12 400·0	12 401·4
22	13 182·5*	13 183·9*	12 403·5*	12 404·9*
23	13 186·0	13 187·4	12 407·0	12 408·4
24	13 189·5	13 190·9	12 410·5	12 411·9
25	13 193·0	13 194·4	12 414·0	12 415·4
26	13 196·5	13 197·9	12 417·5	12 418·9
16 MC/S BAND				
1	17 255·0	17 256·4	16 460·0	16 461·4
2	17 258·5	17 259·9	16 463·5	16 464·9
3	17 262·0	17 263·4	16 467·0	16 468·4
4	17 265·5	17 266·9	16 470·5	16 471·9
5	17 269·0	17 270·4	16 474·0	16 475·4
6	17 272·5	17 273·9	16 477·5	16 478·9
7	17 276·0	17 277·4	16 481·0	16 482·4
8	17 279·5	17 280·9	16 484·5	16 485·9
9	17 283·0	17 284·4	16 488·0	16 489·4
10	17 286·5	17 287·9	16 491·5	16 492·9
11	17 290·0	17 291·4	16 495·0	16 496·4

SECTION B.—TABLE OF SINGLE SIDEBAND TRANSMITTING FREQUENCIES FOR DUPLEX (TWO-FREQUENCY) OPERATION (IN KC/S)—Continued

16 MC/S BAND—Continued

[4 Mc/s Band]

Series No.	Coast stations		Ship stations	
	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency
12	17 293·5	17 294·9	16 498·5	16 499·9
13	17 297·0	17 298·4	16 502·0	16 503·4
14	17 300·5	17 301·9	16 505·5	16 506·9
15	17 304·0	17 305·4	16 509·0	16 510·4
16	17 307·5	17 308·9	16 512·5	16 513·9
17	17 311·0	17 312·4	16 516·0	16 517·4
18	17 314·5	17 315·9	16 519·5	16 520·9
19	17 318·0	17 319·4	16 523·0	16 524·4
20	17 321·5	17 322·9	16 526·5	16 527·9
21	17 325·0	17 326·4	16 530·0	16 531·4
22	*17 328·5	*17 329·9	*16 533·5	*16 534·9
23	17 332·0	17 333·4	16 537·0	16 538·4
24	17 335·5	17 336·9	16 540·5	16 541·9
25	17 339·0	17 340·4	16 544·0	16 545·4
26	17 342·5	17 343·9	16 547·5	16 548·9
27	17 346·0	17 347·4	16 551·0	16 552·4
28	17 349·5	17 350·9	16 554·5	16 555·9
29	17 353·0	17 354·4	16 558·0	16 559·4
30	17 356·5	17 357·9	16 561·5	16 562·9
22 MC/S BAND				
1	22 625·5	22 626·9	22 000·0	22 001·4
2	22 629·0	22 630·4	22 003·5	22 004·9
3	22 632·5	22 633·9	22 007·0	22 008·4
4	22 636·0	22 637·4	22 010·5	22 011·9
5	22 639·5	22 640·9	22 014·0	22 015·4
6	22 643·0	22 644·4	22 017·5	22 018·9
7	22 646·5	22 647·9	22 021·0	22 022·4
8	22 650·0	22 651·4	22 024·5	22 025·9
9	22 653·5	22 654·9	22 028·0	22 029·4
10	22 657·0	22 658·4	22 031·5	22 032·9
11	22 660·5	22 661·9	22 035·0	22 036·4
12	22 664·0	22 665·4	22 038·5	22 039·9
13	22 667·5	22 668·9	22 042·0	22 043·4
14	22 671·0	22 672·4	22 045·5	22 046·9
15	22 674·5	22 675·9	22 049·0	22 050·4
16	22 678·0	22 679·4	22 052·5	22 053·9
17	22 681·5	22 682·9	22 056·0	22 057·4
18	22 685·0	22 686·4	22 059·5	22 060·9
19	22 688·5	22 689·9	22 063·0	22 064·4
20	22 692·0	22 693·4	22 066·5	22 067·9
21	22 695·5	22 696·9	22 070·0	22 071·4
22	22 699·0*	22 700·4*	22 073·5*	22 074·9*
23	22 702·5	22 703·9	22 077·0	22 078·4
24	22 706·0	22 707·4	22 080·5	22 081·9
25	22 709·5	22 710·9	22 084·0	22 085·4
26	22 713·0	22 714·4	22 087·5	22 088·9
27	22 716·5	22 717·9	22 091·0	22 092·4

*The frequencies followed by an asterisk are calling frequencies (see Nos. 1352 and 1352A).

[1] For the conditions of use of frequencies 4 136·3 and 6 204·0 kc/s, see Nos. 1352B and 1353 respectively.

SECTION C.—TABLE OF SINGLE SIDEBAND TRANSMITTING FREQUENCIES FOR SIMPLEX (SINGLE-FREQUENCY) OPERATION (IN KC/S)

4 Mc/s Band		6 Mc/s Band		8 Mc/s Band		12 Mc/s Band		16 Mc/s Band		22 Mc/s Band	
Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency
4 139·5	4 140·9	6 210·4	6 211·8	8 281·2	8 282·6	12 421·0	12 422.4	16 565·0	16 566·4	22 094·5	22 095·9
		6 213·5	6 214·9	8 284·4	8 285·8	12 424·5	12 425·9	16 568·5	16 569·9	22 098·0	22 099·4
						12 428·0	12 429·4	16 572·0	16 573·4	22 101·5	22 102·9
										22 105·0	22 106·4
										22 108·5	22 109·9

ANNEX 31. ADDITION OF A NEW APPENDIX (APPENDIX 17A) TO THE RADIO REGULATIONS

The following new Appendix shall be added to the Radio Regulations after Appendix 17:

ADD

APPENDIX 17A. TECHNICAL CHARACTERISTICS OF SINGLE SIDEBAND TRANSMITTERS USED IN THE MARITIME MOBILE SERVICE FOR RADIOTELEPHONY IN THE BANDS BETWEEN 1 605 AND 4 000 KC/S AND BETWEEN 4 000 AND 23 000 KC/S

1. Classes of emission:

(*a*) for class A3A emissions the power of the carrier shall be 16±2 db below the peak envelope power;

(*b*) for class A3J emissions the power of the carrier shall be at least 40 db below the peak envelope power.

2. Coast and ship stations shall use only the upper sideband.

3. The transmitter audio-frequency band shall be 350 to 2 700 c/s, with a permitted amplitude variation of 6 db.

4. The carrier frequencies shall be maintained within the following tolerances:

(*a*) coast stations: ±20 c/s;

(*b*) ship stations: ±100 c/s; the short-term limits (of the order of 15 minutes) shall be ±40 c/s.

5. The unwanted frequency modulation of the carrier shall be sufficiently low to prevent harmful distortion.

6. When class A3H, A3A or A3J emissions are used, the power of any unwanted emission supplied to the antenna transmission line on any discrete frequency shall, when the transmitter is driven to full peak envelope power, be in accordance with the following table:

Separation △ in kc/s between the frequency of the unwanted emission and the assigned frequency [1]	Minimum attenuation below peak envelope power
1·6<△≦4·8	28 db
4·8<△≦8·0	38 db
8·0<△	43 db, without exceeding the power of 50 milliwatts

[1] The assigned frequency is 1 400 c/s higher than the carrier frequency (see No. 445A).

Transmitters using reduced carrier or suppressed carrier emission may, as far as spurious emissions are concerned, be tested for compliance with this regulation by means of a two-tone audio input signal with a frequency separation between the tones such that all intermodulation products occur at frequencies at least 1.6 kc/s removed from the assigned frequency.

ANNEX 32. REVISION OF APPENDIX 18 TO THE RADIO REGULATIONS

Appendix 18 to the Radio Regulations shall be amended as follows:

MOD

APPENDIX 18. TABLE OF TRANSMITTING FREQUENCIES FOR THE BAND 156–174 MC/S FOR RADIOTELEPHONY IN THE INTERNATIONAL MARITIME MOBILE SERVICE (SEE NO. 287 AND ARTICLE 35)

Note 1: For assistance in understanding the Table, see notes (*a*) to (*j*) below.

Note 2: Channles 01 to 28, except 15 and 17, correspond to the channels of Appendix 18 to the Radio Regulations, Geneva, 1959, and channels 15, 17 and 60 to 88 represent the additional channels available for assignment by administrations in the future in this frequency band (see Resolution No. MAR 14).

Note 3: Channel designators 60 to 88 were chosen for the additional channels in order to separate them clearly from the original channels.

Channel designators	Transmitting frequencies (Mc/s)		Intership	Port operations		Public correspondence
	Ship stations	Coast stations		Single frequency	Two frequency	
60(*g*)	156·025	160·625			17	25
01	156·050(*f*)	160·650			10	8
61	156·075	160·675			23	19
02	156·100	160·700			8	10
62	156·125	160·725			20	22
03	156·150(*f*)	160·750			9	9
63	156·175(*f*)	160·775			18	24
04	156·200	160·800			11	7
64	156·225	160·825			22	20
05	156·250	160·850			6	12
65	156·275	160·875			21	21
06	156·300(*e*)	①				
66	156·325	160·925			19	23
07	156·350	160·950			7	11
67	156·375	156·375	10	10		
08	156·400	③				
68	156·425	156·425		6		
09	156·450	156·450	5	5		
69	156·475	156·475	9	11		
10	156·500	156·500	3	9		
70	156·525		6			
11	156·550	156·550		3		
71	156·575	156·575		7		
12	156·600	156·600		①		
72	156·625		7			
13	156·650	156·650	4	4		
73	156·675	156·675	8	12		
14	156·700	156·700		③		
74	156·725	156·725		8		
15(*d*)(*i*)	156·750	156·750	12	14		
75		Guard-band 156·7625–156·7875 Mc/s (*j*)				
16	156·800	156·800	CALLING AND SAFETY			
76		Guard-band 156·8125–156·8375 Mc/s (*j*)				
17(*d*)(*i*)	156·850	156·850	13	13		
77	156·875		11			
18	156·900	161·500			3	
78	156·925	161·525			12	
19	156·950	161·550			4	
79	156·975	161·575			14	
20	157·000	161·600			①	
80	157·025	161·625			16	
21	157·050	156·050(*f*) or 161·650			5	
81	157·075	161·675			15	
22	157·100	161·700			②	
82	157·125	161·725			13	26
23	157·150	156·150(*f*) or 161·750				5
83	157·175	156·175(*f*) or 161·775				16
24	157·200	161·800				4
84	157·225	161·825			24	13
25	157·250	161·850				③
85	157·275	161·875				17
26	157·300	161·900				①
86	157·325	161·925				15
27	157·350	161·950				②
87	157·375	161·975				14
28	157·400	161·000				6
88(*g*)	157·425	161·025				18

NOTES REFERRING TO THE TABLE

(*a*) The figures in the column headed "Intership" indicate the normal sequence in which channels should be taken into use by mobile stations.

(*b*) The figures in the columns headed "Port Operations" and "Public Correspondence" indicate the normal sequence in which channels should be taken into use by each coast station. However, in some cases, it may be necessary to omit channels in order to avoid harmful interference between the services of neighboring coast stations.

(*c*) Administrations should, as far as possible, arrange that ship stations fitted with the channels corresponding to the figures in a circle can obtain a reasonably adequate use of available services.

(*d*) On channels 15 and 17, the maximum frequency deviation shall be limited to ± 5 kc/s. Until Jan. 1. 1983, the effective radiated power of ship stations must not exceed 1 watt.

(*e*) During ice seasons, ship stations shall avoid harmful interference to communications on 156·300 Mc/s (channel 06) between icebreakers and assisted ships.

(*f*) In France and in Belgium, the frequencies 156·050, 156·150 and 156·175 Mc/s are used as ship station frequencies in channels 01, 03, and 63, respectively, and as coast station frequencies in channels 21, 23, and 83, respectively, when the latter are used in the special semiduplex public correspondence systems employed with 1 Mc/s separation between transmit and receive frequencies.

(*g*) Channels 60 and 88 can be used subject to special agreements between interested and affected administrations.

(*h*) The frequencies in this table may also be used for radiotelephone communications on inland waterways in accordance with the conditions specified in No. 287.

(*i*) Channels 15 and 17 may also be used for internal operational communications on board ships, provided the effective radiated power does not exceed 0·1 W, and subject to the national regulations of the administration concerned when these channels are used in its territorial waters.

(*j*) This guard-band will apply after Jan. 1, 1983 (see No. 1363.1).

ANNEX 33. REVISION OF APPENDIX 19 TO THE RADIO REGULATIONS

Appendix 19 to the Radio Regulations shall be amended as follows:

MOD

APPENDIX 19 TECHNICAL CHARACTERISTICS FOR TRANSMITTERS AND RECEIVERS USED IN THE MARITIME MOBILE SERVICE IN THE 156–174 MC/S BAND

(See Articles 28 and 35, Appendix 18 and Resolution No. MAR 14)

Section A. Transmitters and receivers using 50 kc/s-spacing between adjacent channels

1. Only frequency modulation with a pre-emphasis of 6 db/octave (phase modulation) shall be used.

2. The frequency deviation corresponding to 100% modulation shall approach 15 kc/s as nearly as practicable. In no event shall the frequency deviation exceed ± 15 kc/s. However, it is recognized that, under certain conditions, the percentage of modulation may be decreased to avoid adjacent channel interference.

3. When transmitting on any of the frequencies designated in the Table in Appendix 18, the emission of each station shall be vertically polarized at the source.

4. The audio-frequency band shall be limited to 3 000 c/s.

Section B. Transmitters and receivers using 25 kc/s-spacing between adjacent channels

1. Only frequency modulation with a pre-emphasis of 6 db/octave (phase modulation) shall be used.

2. The frequency deviation corresponding to 100% modulation shall approach 5 kc/s as nearly as practicable. In no event shall the frequency deviation exceed ± 5 kc/s.

3. The frequency tolerance for coast and ship stations shall not exceed 10 parts in 10^6.

4. When transmitting on any of the frequencies designated in the Table in Appendix 18, the emission of each station shall be vertically polarized at the source.

5. The audio-frequency band shall be limited to 3,000 c/s.

6. It shall be possible to reduce, readily, the effective radiated power of a ship station to 1 watt or less.

ANNEX 34. REVISION OF APPENDIX 20 TO THE RADIO REGULATIONS

Appendix 20 to the Radio Regulations shall be amended as follows:

APPENDIX 20. AUTOMATIC RECEIVING EQUIPMENT FOR RADIOTELEGRAPH AND RADIOTELEPHONE ALARM SIGNALS

(See Section VIII of Article 36)

1. The automatic devices intended for the reception of the radiotelegraph alarm signal shall fulfill the following conditions:

MOD—(a) The equipment shall respond to the alarm signal transmitted by the telegraphic emissions of at least class A2 and A2H (see No. 1094A).

* * * * *

ANNEX 35. ADDITION OF A NEW APPENDIX (APPENDIX 20A) TO THE RADIO REGULATIONS

The following new Appendix shall be added to the Radio Regulations after Appendix 20:

ADD

APPENDIX 20A. TECHNICAL CHARACTERISTICS OF EMERGENCY POSITION-INDICATING RADIOBEACONS OPERATING ON THE CARRIER FREQUENCY 2 182 KC/S

(See Section VIIIA of Article 36)

Emergency position-indicating radiobeacons shall fulfill the following conditions:

(*a*) The power radiated by low-power radiobeacons (Type L) shall be of a value necessary to produce at a distance of 30 nautical miles at sea level a field strength equal to or less than 10 microvolts per metre, with an initial field strength of at least 2.5 microvolts per metre.

(*b*) The power radiated by high-power radiobeacons (Type H) shall be of a value necessary to produce at a distance of 30

nautical miles at sea level a field strength greater than 10 microvolts per metre.

(c) After a period of 48 hours' continuous operation the radiated power shall not be less than 20 per cent of the initial power.

(d) The radiobeacons shall be capable of class A2 or A2H emissions, with a depth of modulation between 30 and 90 per cent.

(e) The audio-frequency tolerance of emissions used for emergency position-indicating radiobeacons (Nos. 1476B and 1476C) are:

±20 c/s for the frequency of 1 300 c/s
±35 c/s for the frequency of 2 200 c/s

(f) Equipment shall be designed to comply with relevant C.C.I.R. recommendations.

ANNEX 36. ADDITION OF A NEW APPENDIX (APPENDIX 20B) TO THE RADIO REGULATIONS

The following new Appendix shall be added to the Radio Regulations after Appendix 20A:

ADD

APPENDIX 20B. NARROW-BAND DIRECT-PRINTING TELEGRAPH EQUIPMENT

(See Articles 28 and 29)

The equipment for narrow-band direct-printing telegraph systems in the maritime mobile service shall fulfill the following conditions:

(a) The equipment shall accept signals conforming to International Telegraph Alphabet Code No. 2 at a modulation rate of 50 bauds and shall provide similar signals at its output for extension to the public telegraph network.

(b) The modulation rate over the radio path shall not exceed 100 bauds.

(c) Class F1 emissions shall be used with a total frequency shift of 170 c/s.

ANNEX 37. ADDITION OF A NEW APPENDIX (APPENDIX 20C) TO THE RADIO REGULATIONS

The following new Appendix shall be added to the Radio Regulations after Appendix 20B:

ADD

APPENDIX 20C. SELECTIVE CALLING SYSTEM FOR USE IN THE INTERNATIONAL MARITIME MOBILE SERVICE

(See Articles 19, 28A, 29 and 33 and Appendix 9)

1. Where there is a need to fulfill immediate requirements for selective calling, the system to be used shall have the following characteristics:

1.1 the selective call signal shall consist of five figures representing the code number assigned to a ship for selective calling;

1.2 the audio-frequency signal applied to the input of the coast station transmitter shall consist of consecutive audio-frequency pulses conforming to the following:

1.2.1 the audio frequencies used to identify the figures of the code number assigned to a ship shall conform to the following series:

Figure	1	2	3	4	5	6	7	8	9	0	Figure repetition
Audio frequency (c/s)..	1124	1197	1275	1358	1446	1540	1640	1747	1860	1981	2110

For example, the series of audio-frequency pulses corresponding to the selective call 12133 would be 1124–1197–1124–1275–2110 c/s, and the series corresponding to the code number 22222 would be 1197–2110–1197–2110–1197 c/s;

1.2.2 if the series of numbers represented by the use of only two frequencies, chosen from those in paragraph 1.2.1, are reserved for calling predetermined groups of ships, then 100 different groups of numbers are available for allocation, according to the needs of administrations;

1.2.3 the waveforms of the audio-frequency generators shall be substantially sinusoidal, not exceeding 2% total harmonic distortion;

1.2.4 the audio-frequency pulses shall be transmitted sequentially;

1.2.5 the difference between the maximum amplitude of any audio-frequency pulses shall not exceed 1 db;

1.2.6 the duration of each audio-frequency pulse, measured between the half-amplitude points, shall be 100 ms ± 10 ms;

1.2.7 the time interval between consecutive pulses, measured between the half-amplitude points, shall be 3 ms ± 2 ms;

1.2.8 the rise and the decay time of each audio-frequency pulse, measured between the 10% and 90% amplitude points, shall be 1·5 ms ± 1 ms;

1.2.9 the frequency tolerance of the audio frequencies given in paragraph 1.2.1 shall be ± 4 c/s;

1.2.10 the selective call signal (the selective call number assigned to the ship station) shall be transmitted twice with an interval of 900 ms ± 100 ms between the end of the first signal and the beginning of the second signal (Figure 1);

1.2.11 the interval between calls from a coast station to different ships shall be at least 1 second (Figure 1).

2. The additional information following the selective call signal shall be transmitted as follows:

2.1 to identify the calling coast station, four figures shall be transmitted;

2.2 to identify the VHF channel on which a reply is required, two "zeros" followed by two "figures" should be transmitted (see Appendix 18);

2.3 the characteristics of the signals shall conform to paragraphs 1.2.1 and 1.2.3 to 1.2.9 inclusive;

2.4 the composition of the signal shall be as shown in the diagram (Figure 2), the tolerance on the 350 ms interval being ± 30 ms.

3. An "all ships call" to actuate the receiving selectors on all ships, regardless of their individual code number, shall consist of a continuous sequential transmission of the eleven audio frequencies given in paragraph 1.2.1. The parameters of the audio-frequency pulses shall be in accordance with paragraphs 1.2.3, 1.2.4, 1.2.5 and 1.2.9. The duration of each audio-frequency pulse, measured between the half-amplitude points, shall be 17 ms ± 1 ms and the interval between consecutive pulses, measured between half-amplitude points, shall not exceed 1 ms.

4. Receiving selectors on ships should operate reliably in any radio conditions acceptable for satisfactory communication.

5. The receiving selector shall be designed to accept the signals as defined in paragraph 1. However, bearing in mind that coast stations may transmit additional signals (e.g. coast station identification), it is important that he reset time of the decoder should be 250 ms ± 40 ms.

6. The receiving selector should be so designed, constructed and maintained that it is resistant to atmospherics and other unwanted signals including selective calling signals other than that for which the decoder has been set up.

7. The receiving selector shall include an audible or visual means of indicating the receipt of a call and, if required, an additional facility allowing the determination of the identity of the calling station or the VHF channel on which to reply according to the needs of administrations.

8. The indicating means shall be actuated on correct reception of the calling signal, no matter whether the correct registration has occurred on the first, or the second, or both parts of the calling signal transmitted by the coast stations.

9. The indicating means shall remain actuated until reset manually.

10. The receiving selector equipment should be as simple as is practicable, be capable of reliable operation over long periods with a minimum of maintenance, and could, with advantage, include facilities for self-testing.

FIGURE 1.—COMPOSITION OF SELECTIVE CALL SIGNALS WITHOUT ADDITIONAL INFORMATION

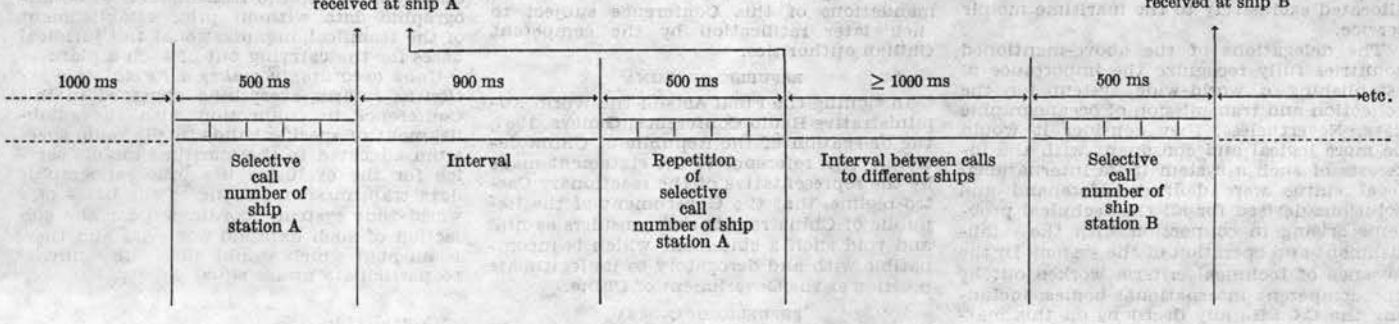
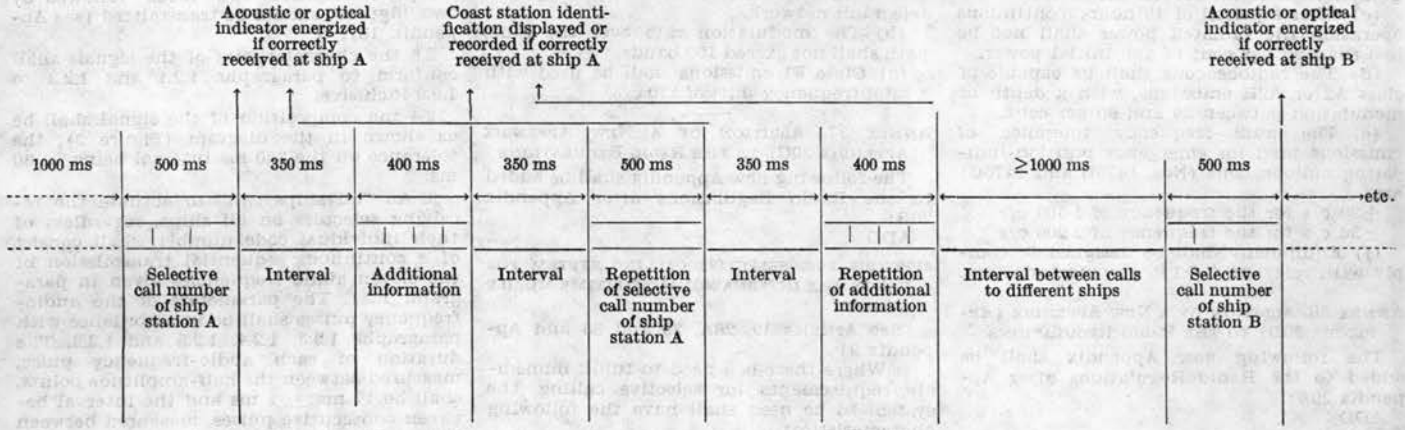


FIGURE 2.—COMPOSITION OF SELECTIVE CALL SIGNALS WITH ADDITIONAL INFORMATION



FINAL PROTOCOL

At the time of signing the Final Acts of the World Administrative Radio Conference, Geneva, 1967, the undersigned delegates take note of the following statements made by signatory delegations:

ALGERIA (ALGERIAN DEMOCRATIC AND POPULAR REPUBLIC), FEDERAL REPUBLIC OF CAMEROON, REPUBLIC OF THE IVORY COAST, ETHIOPIA, GHANA, REPUBLIC OF LIBERIA, REPUBLIC OF THE SENEGAL, TUNISIA

The delegations of the above-mentioned countries declare that neither their signature of the Final Acts of the Radio Administrative Conference on matters relating to the maritime mobile service, Geneva, 1967, nor the subsequent approval of these Acts by their Governments in any way imply recognition of the present Government of the Republic of South Africa or any obligation towards that Government.

ALGERIA (ALGERIAN DEMOCRATIC AND POPULAR REPUBLIC), HASHEMITE KINGDOM OF JORDAN, STATE OF KUWAIT AND TUNISIA

The above-mentioned delegations declare that the signature, and possible subsequent approval by their respective Governments of the Final Acts of the World Administrative Radio Conference to deal with matters relating to the maritime mobile service, are not valid with respect to the Member appearing under the name of Israel, and in no way imply its recognition.

PEOPLE'S REPUBLIC OF BULGARIA, HUNGARIAN PEOPLE'S REPUBLIC, PEOPLE'S REPUBLIC OF POLAND AND CZECHOSLOVAK SOCIALIST REPUBLIC

In signing the Final Acts of the present Conference, the delegations of the above-mentioned countries wish to make the following declaration:

The present Conference has designated frequency bands for the transmission of oceanographic data in the decametric wave bands allocated exclusively to the maritime mobile service.

The delegations of the above-mentioned countries fully recognize the importance of establishing a world-wide system for the collection and transmission of oceanographic data. Nevertheless, they consider it would be more logical and consonant with the interests of such a system if its international legal status were defined beforehand and solutions devised for all the technical problems arising in connection with the establishment and operation of the system. In the absence of technical criteria worked out by the competent international bodies, including the C.C.I.R., any decisions on this matter are bound to be incomplete and even erroneous.

For these reasons the delegations of the above-mentioned countries maintain their point of view that a solution to the problems of oceanography including the allocation of frequency bands and the assignment of frequencies for the transmission of oceanographic data, can only be worked out following a thorough study of the problem by the Intergovernmental Oceanographic Commission and the World Meteorological Organization, acting in consultation with the International Telecommunication Union—the technical and legal conditions referred to above having been fulfilled—and on the basis of a world-wide, coordinated plan for the geographical distribution of oceanographical stations and their systems of operation.

In view of the foregoing, the delegations of the abovementioned countries consider the question of the allocation and use of frequency bands for the transmission of oceanographic data as not yet settled.

CHILE

The delegation of Chile makes the following reservations for inclusion in the Final Protocol:

(*a*) *Introduction of single sideband technique*

Considering

1. that the present Conference has laid down dates for the replacement of the double sideband system by the single sideband system in the bands allocated to the maritime mobile service between 1 605 and 4 000 kc/s and the HF bands;

2. that the observance of these dates will make considerable financial demands that will not be easy to meet;

the delegation of Chile makes a formal reservation with regard to the dates adopted at the present Conference for the introduction of the single sideband technique into the maritime mobile service. Nevertheless, every effort will be made to observe the dates laid down.

(*b*) *General reservation*

The delegation of Chile signs the Final Acts, the agreements, resolutions and recommendations of this Conference subject to their later ratification by the competent Chilian authorities.

REPUBLIC OF CHINA

In signing the Final Acts of the World Administrative Radio Conference, Geneva, 1967, the delegation of the Republic of China declares, with reference to the statement made by the representative of the reactionary Castro régime, that the Government of the Republic of China rejects and considers as null and void such a statement which is incompatible with and derogatory to its legitimate position as the Government of China.

REPUBLIC OF KOREA

The delegation of the Republic of Korea to the World Administrative Radio Conference, Geneva, 1967, declares that it is, as at the previous conferences since the accession of Korea to the Union, the only legitimate representation throughout Korea and recognized as such by the Conference.

Any declaration or reservation made in connection with or attached to the Radio Regulations by any Member of the Union, incompatible with the position of the Republic of Korea as set forth above, is illegal and therefore null and void.

REPUBLIC OF THE IVORY COAST AND REPUBLIC OF THE SENEGAL

The delegation of the Ivory Coast hereby declares that it reserves for its Government and for that of the Republic of the Senegal, by virtue of the powers conferred on it, the right to take any steps—in cooperation with the I.T.U.—they might deem necessary to safeguard their interests, should any Member or Associate Member fail to observe in any way the provisions of the revised version of the Radio Regulations, Geneva, 1959, established by the World Administrative Radio Conference to deal with matters relating to the maritime mobile service, Geneva, 1967, or if reservations made by other countries should jeopardize the proper working of their telecommunication services.

CUBA

On signing the Final Acts of the Maritime Mobile Radio Conference, Geneva, 1967, the delegation of Cuba, on behalf of the Government of the Republic of Cuba, makes the following declarations:

I

Considering

(a) that there is no agreement on legislation regulating all matters concerned with oceanographic data transmission under world-wide juridical standards;

(*b*) that technical data and an organized world-wide system for establishing a plan for collecting and supplying oceanographic information to all countries do not exist;

(*c*) that this Conference approved without unanimity the setting aside of a frequency band for the transmission of oceanographic data without prior establishment of the technical, organizational and juridical bases for the carrying out of such a plan;

Cuba accordingly makes a formal reservation as regards everything approved in this Conference in connection with the establishment of specific bands in the radio spectrum allocated to the maritime mobile service for the exclusive use of oceanographic data transmission, so long as the bases of a world-wide system, coordinated for the collection of such data, do not exist and there is no plan which would allow all countries to participate under equal conditions.

II

Considering

(*a*) that several countries have expressed themselves in favour of later dates than that agreed by the present Conference for the introduction of single sideband technique in the maritime mobile bands;

(b) that no single criterion has been found on the dates of implementation, which shows that various countries are not in sufficiently developed economic, technical and operational conditions to introduce this system by the agreed date;

(c) that the Conference has not taken into account the unequal development of the various countries represented; we therefore make a formal reservation as regards the dates approved by the present Conference for the introduction of single sideband technique in the maritime mobile service.

III

1. The delegation of the traitor régime of Saigon cannot, in this Conference, nor in any other, represent the heroic people of South Vietnam. The sole legitimate representative of the people of South Vietnam is the National Liberation Front of South Vietnam.

2. It is ridiculous and without any legal value that the delegates of the puppet régime of South Korea should presume to represent all Korea at this Conference. The Government of South Korea is at no time representative of the Korean people.

3. The presence and the signature of the Final Acts of this Conference by the delegates of the puppet régime of Taiwan are illegal and illogical. The legitimate representatives of China can be appointed only by the Government of the Chinese People's Republic.

GHANA

The delegation of the Republic of Ghana reserves the right of its Government to take any action it deems necessary to safeguard its interests should Members or Associate Members in any way fail to comply with the requirements of the Radio Regulations of the World Administrative Radio Conference, Geneva, 1967, or should reservations by other countries jeopardize its telecommunication services.

REPUBLIC OF INDONESIA

Bearing in mind that the new five-year development plan, scheduled to start in 1969, is still being formulated, the Indonesian delegation, on behalf of its Administration, reserves its position, with regard to the target dates (1.1.1972) mentioned (No. 1351A of the Revised Radio Regulations, Geneva, 1967) in paragraphs 2 and 3 of Resolution No. MAR 6.

STATE OF ISRAEL

The declarations made by the Governments of Algeria, Jordan, Kuwait and Tunisia being in flagrant contradiction to the principles and purposes of the International Telecommunication Union and therefore void of any legal validity, the Government of Israel wishes to put on record that it rejects these declarations outright and will proceed on the assumption that they can have no validity as to the rights and duties of any Member State of the International Telecommunication Union.

In any case, the Government of Israel will avail itself of its rights to safeguard its interests should the Governments of Algeria, Jordan, Kuwait and Tunisia in any way violate any of the articles of the International Telecommunications Convention, including any of the Regulations annexed thereto.

REPUBLIC OF LIBERIA

The delegation of the Republic of Liberia hereby reserves the right of its Government to take any action it deems necessary to safeguard its interests should Members or Associate Members in any way fail to comply with the requirements of the World Administrative Radio Conference, Geneva, 1967, or should reservations by other countries jeopardize its telecommunication services.

MALAYSIA

Upon signing the Final Acts of the World Administrative Radio Conference, Geneva, 1967, the delegation of Malaysia declares that it reserves the right of the Government of Malaysia to take any action it deems necessary to safeguard its interests should Members or Associate Members in any way fail to comply with the requirements of the Final Acts of the World Administrative Radio Conference, Geneva, 1967, or should any reservation made by Members or Associate Members jeopardize its telecommunication services.

PAKISTAN

The delegation of Pakistan declares that its Government would do its utmost to abide by the various decisions of the World Administrative Radio Conference, Geneva, 1967. However, Pakistan reserves the right to take all necessary action to safeguard its interests should a Member or Associate Member fail to abide by the decisions of the same Conference or should reservations made by other administrations jeopardize the telecommunication services of Pakistan.

REPUBLIC OF SINGAPORE

In signing the Final Acts of the World Administrative Radio Conference, Geneva, 1967, the delegation of the Republic of Singapore reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any country fail in any way to comply with the requirements of the Final Acts of this Conference or should reservations by any country jeopardize the telecommunication services of the Republic of Singapore.

REPUBLIC OF SOUTH AFRICA

In signing the Final Acts of the World Administrative Radio Conference, Geneva, 1967, the delegation of the Republic of South Africa declares that it represents the legal Government of the Republic of South Africa and does not accept any reservations made by other delegations impinging upon the status of the Government of the Republic of South Africa. Furthermore, the delegation declares that its country reserves the right to take all necessary steps to protect its radio services in cases where any Member or Associate Member of the Union fails to comply with the provisions of the Radio Regulations and Additional Radio Regulations as revised by the present Conference or where the reservations made by Members have a harmful effect on the telecommunication services of the Republic of South Africa.

UNION OF SOVIET SOCIALIST REPUBLICS

In view of the importance of establishing a world-wide system for the transmission of oceanographic data and the fact that the actual allocation of frequencies for oceanography should only be made with reference to such a world-wide system, the delegation of the Union of Soviet Socialist Republics has submitted proposals to the World Administrative Radio Conference, Geneva, 1967, recommending that the Intergovernmental Oceanographic Commission (I.O.C.) and the World Meteorological Organization (W.M.O.) work out an international system of this sort and determine the frequency requirements of oceanography with the help of telecommunication experts.

Taking into consideration that specified frequency bands have been allocated for the transmission of oceanographic data before a plan for the establishment of a world-wide system for the collection of oceanographic data has been worked out and agreed upon by the countries concerned, the Telecommunication Administration of the U.S.S.R. considers that the question of allocating frequencies for the transmission of oceanographic data has been left open.

REPUBLIC OF VIET-NAM

In signing the Final Acts of the World Administrative Radio Conference, Geneva, 1967, the Viet-Nam delegation makes the following reservations on behalf of the Republic of Viet-Nam:

I

The delegation of the Republic of Viet-Nam reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should reservations by any country jeopardize the telecommunication services of the Republic of Viet-Nam.

II

The statements made by certain delegates during the present Conference about the delegation of Viet-Nam are without any legal basis and are considered invalid.

(*The signatures follow*)

(*The signatures following the Final Protocol are the same as those which follow the revision of the Radio Regulations on pages 3 to 28.*)

The PRESIDING OFFICER. Without objection, the protocol will be considered as having passed through its various parliamentary stages up to the point of consideration of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the text of a Partial Revision of the Radio Regulations (Geneva, 1959), with a Final Protocol, dated at Geneva November 3, 1967.

Mr. MANSFIELD. Mr. President, the partial revision of the radio regulations was adopted at the World Administrative Radio Conference to deal with matters relating to the maritime mobile service which was held in Geneva from September 18 to November 3, 1967.

I ask unanimous consent that excerpts from the committee report be printed at this point in the RECORD.

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

BACKGROUND AND PURPOSE

The Partial Revision of the Radio Regulations was adopted at a World Administrative Radio Conference to deal with matters relating to the maritime mobile service which was held in Geneva from September 18 to November 3, 1967. It amends the 1959 Radio Regulations with respect to matters relating to the maritime mobile service, with particular reference to radiotelephony and radiotelegraphy.

The last revision of the Radio Regulations affecting the maritime mobile service was made in 1959. Since that time, of course, there has been a reduction in the number of passenger ships (because of the growth of air travel) and an increase in the number of cargo ships, fishing fleets, and other craft, including private boating. As a consequence, the requirements for radiotelephone and radiotelegraph channels have increased. The pending Partial Revision is designed to rectify this situation by specifying certain frequency bands to be used for radiocommunications and by bringing up to date the operating procedures to be followed with respect to maritime mobile service.

According to the report of the U.S. delegation, one of the most controversial items considered at the conference dealt with oceanography. The Soviet bloc and France were opposed to any accommodation of oceanography at the conference, but they were overruled by substantial votes and the United States was successful in maintaining its position. It should be noted, however, that the Soviet bloc and Cuba filed reservations on the frequencies allocated for oceanography.

The Partial Revision will come into effect on April 1, 1969, for governments which have

deposited their instruments of ratification by that date.

PROTOCOL RELATING TO REFUGEES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Executive K, 90th Congress, second session, the protocol relating to refugees.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the Convention (Ex. K, 90th Cong., second sess.)—the protocol relating to refugees, done at New York on January 31, 1967, which was read the second time, as follows:

PROTOCOL RELATING TO THE STATUS OF REFUGEES

The States Parties to the present Protocol,

Considering that the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 (hereinafter referred to as the Convention) covers only those persons who have become refugees as a result of events occurring before 1 January 1951,

Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January 1951,

Have agreed as follows:

ARTICLE I. GENERAL PROVISION

1. The States Parties to the present Protocol undertake to apply articles 2 to 34 inclusive of the Convention to refugees as hereinafter defined.

2. For the purpose of the present Protocol, the term "refugee" shall except as regards the application of paragraph 3 of this article, mean any person within the definition of article 1 of the Convention as if the words "As a result of events occurring before 1 January 1951 and * * *" and the words "* * * as a result of such events", in article 1A(2) were omitted.

3. The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with article 1B(1)(*a*) of the Convention, shall, unless extended under article 1B(2) thereof, apply also under the present Protocol.

ARTICLE II. COOPERATION OF THE NATIONAL AUTHORITIES WITH THE UNITED NATIONS

1. The States Parties to the present Protocol undertake to cooperate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of the present Protocol.

2. In order to enable the Office of the High Commissioner, or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the States Parties to the present Protocol undertake to provide them with the information and statistical data requested, in the appropriate form, concerning:

(*a*) The condition of refugees;

(*b*) The implementation of the present Protocol;

(*c*) Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

ARTICLE III. INFORMATION ON NATIONAL LEGISLATION

The States Parties to the present Protocol shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of the present Protocol.

ARTICLE IV. SETTLEMENT OF DISPUTES

Any dispute between States Parties to the present Protocol which relates to its interpretation or application and which cannot be settled by other means shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

ARTICLE V. ACCESSION

The present Protocol shall be open for accession on behalf of all States Parties to the Convention and of any other State Member of the United Nations or member of any of the specialized agencies or to which an invitation to accede may have been addressed by the General Assembly of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

ARTICLE VI. FEDERAL CLAUSE

In the case of a Federal or non-unitary State, the following provisions shall apply:

(*a*) With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of States Parties which are not Federal States;

(*b*) With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

(*c*) A Federal State Party to the present Protocol shall, at the request of any other State Party hereto transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol, showing the extent to which effect has been given to that provision by legislative or other action.

ARTICLE VII. RESERVATIONS AND DECLARATIONS

1. At the time of accession, any State may make reservations in respect of article IV of the present Protocol and in respect of the application in accordance with article I of the present Protocol of any provisions of the Convention other than those contained in articles 1, 3, 4, 16(1) and 33 thereof, provided that in the case of a State Party to the Convention reservations made under this article shall not extend to refugees in respect of whom the Convention applies.

2. Reservations made by States Parties to the Convention in accordance with article 42 thereof shall, unless withdrawn, be applicable in relation to their obligations under the present Protocol.

3. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw such reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

4. Declaration made under article 40, paragraphs 1 and 2, of the Convention by a State Party thereto which accedes to the present Protocol shall be deemed to apply in respect of the present Protocol, unless upon accession a notification to the contrary is addressed by the State Party concerned to the Secretary-General of the United Nations. The provisions of article 40, paragraphs 2 and 3, and of article 44, paragraph 3, of the Convention shall be deemed to apply *mutatis mutandis* to the present Protocol.

ARTICLE VIII. ENTRY INTO FORCE

1. The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.

2. For each State acceding to the Protocol after the deposit of the sixth instrument of accession the Protocol shall come into force on the date of deposit by such State of its instrument of accession.

ARTICLE IX. DENUNCIATION

1. Any State Party hereto may denounce this Protocol at any time by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the State Party concerned one year from the date on which it is received by the Secretary-General of the United Nations.

ARTICLE X. NOTIFICATIONS BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

The Secretary-General of the United Nations shall inform the States referred to in article V above of the date of entry into force, accessions, reservations and withdrawals of reservations to and denunciations of the present Protocol, and of declarations and notifications relating hereto.

ARTICLE XI. DEPOSIT IN THE ARCHIVES OF THE SECRETARIAT OF THE UNITED NATIONS

A copy of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, signed by the President of the General Assembly and by the Secretary-General of the United Nations, shall be deposited in the archives of the Secretariat of the United Nations. The Secretary-General will transmit certified copies thereof to all States Members of the United Nations and to the other States referred to in article V above.

In accordance with article XI of the Protocol, we have appended our signatures this thirty-first day of January one thousand nine hundred and sixty-seven.

A. R. PAZHWAK,
President of the General Assembly of the United Nations.

U THANT,
Secretary-General of the United Nations.

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF REFUGEES AND STATELESS PERSONS—CONVENTION RELATING TO THE STATUS OF REFUGEES

PREAMBLE

The HIGH CONTRACTING PARTIES,

CONSIDERING that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

CONSIDERING that the United Nations has, on various occasions, manifested its profound concern for refugees and endeavoured to assure refugees the widest possible exercise of these fundamental rights and freedoms,

CONSIDERING that it is desirable to revise and consolidate previous international agreements relating to the status of refugees and to extend the scope of and the protection accorded by such instruments by means of a new agreement,

CONSIDERING that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a

problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation,

EXPRESSING the wish that all States, recognizing the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States,

NOTING that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and recognizing that the effective co-ordination of measures taken to deal with this problem will depend upon the co-operation of States with the High Commissioner,

HAVE AGREED as follows:

CHAPTER I. GENERAL PROVISIONS

Article 1. Definition of the term "refugee"

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions of non-eligiblity taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;

(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B. (1) For the purposes of this Convention, the words "events occurring before 1 January 1951" in article 1, section A, shall be understood to mean either

(*a*) "events occurring in Europe before 1 January 1951"; or

(*b*) "events occurring in Europe or elsewhere before 1 January 1951";

and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

(2) Any Contracting State which has adopted alternative (*a*) may at any time extend its obligations by adopting alternative (*b*) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily reacquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugess protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(*a*) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(*b*) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(*c*) he has been guilty of acts contrary to the purposes and principles of the United Nations.

Article 2. General Obligations

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

Article 3. Non-discrimination

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article 4. Religion

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children.

Article 5. Rights granted apart from this Convention

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention.

Article 6. The term "in the same circumstances"

For the purpose of this Convention, the term "in the same circumstances" implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfill for the enjoyment of the right in question if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature a refugee is incapable of fulfilling.

Article 7. Exemption from reciprocity

1. Except where this Convention contains more favourable provisions, a Contracting state shall accord to refugees the same treatment as is accorded to aliens generally.

2. After a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.

3. Each Contracting State shall continue to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.

4. The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfill the conditions provided for in paragraphs 2 and 3.

5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

Article 8. Exemption from exceptional measures

With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this article, shall, in appropriate cases, grant exemptions in favour of such refugees.

Article 9. Provisional measures

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.

Article 10. Continuity of residence

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.

2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

Article 11. Refugee seamen

In the case of refugees regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

CHAPTER II. JURIDICAL STATUS

Article 12. Personal status

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.

2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee.

Article 13. Movable and immovable property

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Article 14. Artistic rights and industrial property

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

Article 15. Right of association

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

Article 16. Access to courts

1. A refugee shall have free access to the courts of law on the territory of all Contracting States.

2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.

3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

CHAPTER III. GAINFUL EMPLOYMENT

Article 17. Wage-earning employment

1. The Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.

2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:

(*a*) He has completed three years' residence in the country.

(*b*) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefit of this provision if he has abandoned his spouse.

(*c*) He has one or more children possessing the nationality of the country of residence.

3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

Article 18. Self-employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 19. Liberal professions

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

2. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.

CHAPTER IV. WELFARE

Article 20. Rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.

Article 21. Housing

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 22. Public Education

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

Article 23. Public Relief

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

Article 24. Labour Legislation and Social Security

1. The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(*a*) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining.

(*b*) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfill the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

3. The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. The Contracting States will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and noncontracting States.

CHAPTER V. ADMINISTRATIVE MEASURES

Article 25. Administrative assistance

1. When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities or by an international authority.

2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities.

3. Documents or certifications so delivered shall stand in the stead of the Official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.

4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

5. The provisions of this article shall be without prejudice to articles 27 and 28.

Article 26. Freedom of movement

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

Article 27. Identity papers

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

Article 28. Travel documents

1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to

any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.

2. Travel documents issued to refugees under previous international agreements by parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

Article 29. Fiscal charges

1. The Contracting States shall not impose upon refugees duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.

2. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

Article 30. Transfer of assets

1. A Contracting State shall, in conformity with its laws and regulations, permit refugees to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.

2. A Contracting State shall give sympathetic consideration to the application of refugees for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

Article 31. Refugees unlawfully in the country of refuge

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

Article 32. Expulsion

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

Article 33. Prohibition of expulsion or return ("refoulement")

1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

Article 34. Naturalization

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

CHAPTER VI. EXECUTORY TRANSITORY PROVISIONS

Article 35. Co-operation of the national authorities with the United Nations

1. The Contracting States undertake to cooperate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.

2. In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning:

(*a*) the condition of refugees,

(*b*) the implementation of this Convention, and

(*c*) laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Article 36. Information on national legislation

The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure application of this Convention.

Article 37. Relation to previous Conventions

Without prejudice to article 28, paragraph 2, of this Convention, this Convention replaces, as between parties to it, the Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, 30 June 1928 and 30 July 1935, the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 and the Agreement of 15 October 1946.

CHAPTER VII. FINAL CLAUSES

Article 38. Settlement of disputes

Any dispute between parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

Article 39. Signature, ratification and accession

1. This Convention shall be opened for signature at Geneva on 28 July 1951 and shall thereafter be deposited with the Secretary-General of the United Nations. It shall be open for signature at the European Office of the United Nations from 28 July to 31 August 1951 and shall be re-opened for signature at the Headquarters of the United Nations from 17 September 1951 to 31 December 1952.

2. This convention shall be open for signature on behalf of all States Members of the United Nations, and also on behalf of any other State invited to attend the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons or to which an invitation to sign will have been addressed by the General Assembly. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open from 28 July 1951 for accession by the States referred to in paragraph 2 of this article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 40. Territorial application clause

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

Article 41. Federal clause

In the case of a Federal or non-unitary State, the following provisions shall apply:

(*a*) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States;

(*b*) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of states, provinces or cantons at the earliest possible moment.

(*c*) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action.

Article 42. Reservations

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16(1), 33, 36–46 inclusive.

2. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

Article 43. Entry into force

1. This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

Article 44. Denunciation

1. Any Contracting State may denounce this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the Contracting State concerned one year

from the date upon which it is received by the Secretary-General of the United Nations.

3. Any State which has made a declaration or notification under article 40 may, at any time thereafter, by a notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

Article 45. Revision

1. Any Contracting State may request revision of this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall recommend the steps, if any, to be taken in respect of such request.

Article 46. Notifications by the Secretary-General of the United Nations

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in article 39:

(*a*) Of declarations and notifications in accordance with section B of article 1;

(*b*) Of signatures, ratifications and accessions in accordance with article 39;

(*c*) Of declarations and notifications in accordance with article 40;

(*d*) Of reservations and withdrawals in accordance with article 42;

(*e*) Of the date on which this Convention will come into force in accordance with article 43;

(*f*) Of denunciations and notifications in accordance with article 44;

(*g*) Of requests for revision in accordance with article 45.

IN FAITH WHEREOF the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments,

DONE at Geneva, this twenty-eighth day of July, one thousand nine hundred and fifty-one, in a single copy, of which the English and French texts are equally authentic and which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all Members of the United Nations and to the non-member States referred to in article 39.

SCHEDULE

Paragraph 1

1. The travel document referred to in article 28 of this Convention shall be similar to the specimen annexed hereto.

2. The document shall be made out in at least two languages, one of which shall be English or French.

Paragraph 2

Subject to the regulations obtaining in the country of issue, children may be included in the travel document of a parent or, in exceptional circumstances, of another adult refugee.

Paragraph 3

The fees charged for issue of the document shall not exceed the lowest scale of charges for national passports.

Paragraph 4

Save in special or exceptional cases, the document shall be made valid for the largest possible number of countries.

Paragraph 5

The document shall have a validity of either one or two years, at the discretion of the issuing authority.

Paragraph 6

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document.

2. Diplomatic or consular authorities, specially authorized for the purpose, shall be empowered to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments.

3. The Contracting States shall give sympathetic consideration to renewing or extending the validity of travel documents or issuing new documents to refugees no longer lawfully resident in their territory who are unable to obtain a travel document from the country of their lawful residence.

Paragraph 7

The Contracting States shall recognize the validity of the documents issued in accordance with the provisions of article 28 of this Convention.

Paragraph 8

The competent authorities of the country to which the refugee desires to proceed shall, if they are prepared to admit him and if a visa is required, affix a visa on the document of which he is the holder.

Paragraph 9

1. The Contracting States undertake to issue transit visas to refugees who have obtained visas for a territory of final destination.

2. The issue of such visas may be refused on grounds which would justify refusal of a visa to any alien.

Paragraph 10

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

Paragraph 11

When a refugee has lawfully taken up residence in the territory of another Contracting State, the responsibility for the issue of a new document, under the terms and conditions of article 28, shall be that of the competent authority of that territory, to which the refugee shall be entitled to apply.

Paragraph 12

The authority issuing a new document shall withdraw the old document and shall return it to the country of issue if it is stated in the document that it should be so returned; otherwise it shall withdraw and cancel the document.

Paragraph 13

1. Each Contracting State undertakes that the holder of a travel document issued by it in accordance with article 28 of this Convention shall be readmitted to its territory at any time during the period of its validity.

2. Subject to the provisions of the preceding sub-paragraph, a Contracting State may require the holder of the document to comply with such formalities as may be prescribed in regard to exit from or return to its territory.

3. The Contracting States reserve the right, in exceptional cases, or in cases where the refugee's stay is authorized for a specific period, when issuing the document, to limit the period during which the refugee may return to a period of not less than three months.

Paragraph 14

Subject only to the terms of paragraph 13, the provisions of this Schedule in no way affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in, and departure from, the territories of the Contracting States.

Paragraph 15

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particularly as regards nationality.

Paragraph 16

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not confer on these authorities a right of protection.

ANNEX

Specimen travel document

The document will be in booklet form (approximately 15×10 centimetres).

It is recommended that it be so printed that any erasure or alteration by chemical or other means can be readily detected, and that the words "Convention of 28 July 1951" be printed in continuous repetition on each page, in the language of the issuing country.

(Cover of booklet)

TRAVEL DOCUMENT

(Convention of 28 July 1951)

No. ------

(1)

TRAVEL DOCUMENT

(Convention of 28 July 1951)

This document expires on -------- unless its validity is extended or renewed.

Name ----------

Forename(s) ----------

Accompanied by ----------child (children).

1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality.

2. The holder is authorized to return to ---------- [state here the country whose authorities are issuing the document] on or before ---------- unless some later date is hereafter specified. [The period during which the holder is allowed to return must not be less than three months.]

3. Should the holder take up residence in a country other than that which issued the present document, he must, if he wishes to travel again, apply to the competent authorities of his country of residence for a new document. [The old travel document shall be withdrawn by the authority issuing the new document and returned to the authority which issued it.] [1]

(This document contains — pages, exclusive of cover.)

(2)

Place and date of birth----------

Occupation ----------

Present residence----------

* Maiden name and forename(s) of wife--

----

* Name and forename(s) of husband----

Description

Height ----------

Hair ----------

Colour of eyes----------

Nose ----------

Shape of face----------

Complexion ----------

Special peculiarities----------

Children accompanying holder:

Name: ----------

Forename(s): ----------

Place and date of birth:----------

Sex: ----------

----

* Strike out whichever does not apply

[1] The sentence in brackets to be inserted by Governments which so desire.

(This document contains — pages, exclusive of cover.)

(3)

Photograph of holder and stamp of issuing authority

Finger-prints of holder (if required)

Signature of holder

(This document contains — pages, exclusive of cover.)

(4)

1. This document is valid for the following countries: _____

_____

_____

_____

2. Document or documents on the basis of which the present document is issued: _____

_____

_____

_____

Issued at _____

Date _____

Signature and stamp of authority issuing the document:

Fee paid:

(This document contains — pages, exclusive of cover.)

(5)

Extension or renewal of validity

Fee paid:

From _____

To _____

Done at _____

Date _____

Signature and stamp of authority extending or renewing the validity of the document:

Extension or renewal of validity

Fee paid:

From _____

To _____

Done at _____

Date _____

Signature and stamp of authority extending or renewing the validity of the document:

(This document contains — pages, exclusive of cover.)

(6)

Extension or renewal of validity

Fee paid:

From _____

To _____

Done at _____

Date _____

Signature and stamp of authority extending or renewing the validity of the document:

Extension or renewal of validity

Fee paid:

From _____

To _____

Done at _____

Date _____

Signature and stamp of authority extending or renewing the validity of the document:

(This document contains — pages, exclusive of cover.)

(7–32)

Visas

The name of the holder of the document must be repeated in each visa.

(This document contains — pages, exclusive of cover.)

PROTOCOL RELATING TO THE STATUS OF REFUGEES OF 31 JANUARY 1967

List of parties to the protocol

Algeria	Iceland
Argentina	Israel
Cameroon	Liechtenstein
Central African Republic	Nigeria
Cyprus	Norway
Denmark	Senegal
The Gambia	Sweden
Guinea	Switzerland
Holy See	Yugoslavia
Total, 18.	

CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951

List of parties to the convention

Algeria	Ivory Coast
Argentina	Jamaica
Australia	Kenya
Austria	Liberia
Belgium	Liechtenstein
Brazil	Luxembourg
Burundi	Madagascar
Cameroon	Monaco
Central African Republic	Morocco
Colombia	Netherlands
Congo (Brazzaville)	New Zealand
Congo (Kinshasa)	Niger
Cyprus	Nigeria
Dahomey	Norway
Denmark	Peru
Ecuador	Portugal
Federal Republic of Germany	Senegal
France	Sweden
Gabon	Switzerland
The Gambia	Togo
Ghana	Tunisia
Greece	Turkey
Guinea	United Kingdom of Great Britain and Northern Ireland
Holy See	United Republic of Tanzania
Iceland	Yugoslavia
Ireland	Total, 53.
Israel	
Italy	

The PRESIDING OFFICER. Without objection, the proposal will be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to accession to the Protocol Relating to the Status of Refugees, done at New York on January 31, 1967, with the following reservations:

The United States of America construes Article 29 of the Convention as applying only to refugees who are resident in the United States and reserves the right to tax refugees who are not residents of the United States in accordance with its general rules relating to nonresident aliens."

The United States of America accepts the obligation of paragraph 1(b) of Article 24 of the Convention except insofar as that paragraph may conflict in certain instances with any provision of title II (old age, survivors' and disability insurance) or title XVIII (hospital and medical insurance for the aged) of the Social Security Act. As to any such provision, the United States will accord to refugees lawfully staying in its territory treatment no less favorable than is accorded aliens generally in the same circumstances.

Mr. MANSFIELD. Mr. President, this protocol was signed at New York on January 31, 1967. The pending protocol adopts the 1951 convention's definition of refugees as persons.

It is understood that the protocol would not impinge adversely upon the Federal and State laws of this country.

Mr. President, I ask unanimous consent that excerpts from the committee report be printed at this point in the RECORD.

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

PROVISIONS OF PROTOCOL

This protocol was signed at New York on January 31, 1967. If the United States accedes to the protocol, it is automatically bound to apply articles 2 through 34 of the 1951 Convention Relating to the Status of Refugees to which the United States is not presently a party. One of the basic provisions of that convention (article 33) prohibits the expulsion or return of refugees to territories where their life or freedom would be threatened.

The pending protocol adopts the 1951 convention's definition of refugees as persons who are outside of and are unwilling to return to their respective countries of nationality or habitual residence because of "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion." The protocol also incorporates those provisions of the 1951 convention dealing with the freedom of religion for refugees, the right of free access to courts of law, the right to hold gainful employment, to acquire property, to move freely, and to participate in the benefits of public education, relief, social security, unemployment compensation, and other programs.

It is understood that the protocol would not impinge adversely upon the Federal and State laws of this country. However, there appears to be a conflict between article 29(1) of the convention and U.S. revenue laws dealing with the taxation of nonresident aliens and article 24 of the convention and certain provisions of our social security laws. Accordingly, the two reservations set forth below have been proposed to clarify both of these situations.

The United States of America construes Article 29 of the Convention as applying only to refugees who are resident in the United States and reserves the right to tax refugees who are not residents of the United States in accordance with its general rules relating to nonresident aliens.

The United States of America accepts the obligation of paragraph 1(b) of Article 24 of the Convention except insofar as that paragraph may conflict in certain instances with any provision of title II (old age, survivors' and disability insurance) or title XVIII (hospital and medical insurance for the aged) of the Social Security Act. As to any such provision, the United States will accord to refugees lawfully staying in its territory treatment no less favorable than is accorded aliens generally in the same circumstances.

SETTLEMENT OF DISPUTES

Article IV of the protocol states that any disputes that cannot be settled by other means shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

ENTRY INTO FORCE

The pending protocol went into effect in November of 1967. It will come into force for the United States on the date its instrument of accession is deposited.

Mr. MANSFIELD. Mr. President, I hope that all Senators who are in town will be informed that, beginning at 10:30 tomorrow morning, there will be a series of five votes on these matters.

I ask unanimous consent that it be in order to request the yeas and nays on all five treaties at this time.

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

The yeas and nays were thus ordered on each of the five treaties.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate returned to legislative session.

PARTICIPATION OF LAW OFFICERS AND COUNSEL ON COURTS-MARTIAL

Mr. ERVIN. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1590, H.R. 15971.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 15971) to increase the participation of law officers and counsel on courts-martial, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Armed Services, with amendments, on page 1, at the beginning of line 3, insert "That this Act may be cited as the "Military Justice Act of 1968".; at the beginning of line 5, strike out "That chapter"; at the beginning of line 6, insert "SEC. 2. Chapter"; in line 8, after the word 'amended' strike out "by inserting the words 'or special' after the word 'general'." and insert to read as follows:

"(10) 'Military judge' means an official of a general or special court-martial detailed in accordance with section 826 of this title (article 26).

"(2) Section 806(c) is amended by striking out 'law officer' and inserting in lieu thereof 'military judge'."

On page 2, at the beginning of line 5, strike out "(2)" and insert "(3)"; in line 11, after the word "a" strike out "law officer" and insert "military judge"; in line 13, after the word "a" strike out "law officer" and insert "military judge"; in line 15, after the word "the" strike out "law officer" and insert "military judge"; in line 17, after the word "a" where it appears the second time, strike out "law officer" and insert "military judge"; in line 18, after the word "the" strike out "law officer" and insert "military judge"; at the beginning of line 19, strike out "and the convening authority consents"; in line 22, after the word "a" strike out "law officer" and insert "military judge"; in line 24, after the word "a" strike out "law officer" and insert "military judge, if one has been detailed to the court, and the accused"; on page 3, line 2, after "(B)" insert "so requests"; at the beginning of line 5 strike out "(3)" and insert "(4)"; at the beginning of line 12, strike out "(4)" and insert "(5)"; in line 14, after the word "thereof" strike out "A bad conduct discharge may not be adjudged unless a complete record of the proceedings and testimony has been made and the accused was represented or afforded the opportunity to be represented at the trial by counsel having the qualifications prescribed under section 827(b) of this title (article 27(b))." and insert "A bad-conduct discharge may not be adjudged unless a complete record of the proceedings and testimony has been made, counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) was detailed to represent the accused, and a military judge was detailed to the trial, except in any case in which a military judge could not be detailed to the trial because of physical conditions or military exigencies. In any such case in which a military judge was not detailed to the trial, the convening authority shall make a detailed written statement, to be appended to the record, stating the reason or reasons a military judge could not be detailed."

On page 4, after line 6, insert:

(6) The second and third sentences of section 820 (article 20) are amended to read as follows: "No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if he objects thereto. If objection to trial by summary court-martial is made by an accused, trial may be ordered by special or general court-martial as may be appropriate."

At the beginning of line 14, strike out "(5)" and insert "(7)"; in line 18, after the word "the" strike out "law officer" and insert "military judge"; on page 5, at the beginning of line 1, strike out "(6)" and insert "(8)"; in the line following line 3, after the figure "26" strike out "Law officer" and insert "Military judge"; after the line 3, strike out:

(7) The catchline and subsection (a) of section 826 (article 26) are amended to read as follows:

"§ 826. Art. 26. Law officer of a general or special court-martial

"(a) The authority convening a general court-martial shall, and, subject to regulation of the Secretary concerned, the authority convening a special court-martial may, detail as law officer thereof a commissioned officer who is a member of the bar of a Federal court or of the highest court of a State and who is certified to be qualified for that duty by the Judge Advocate General of the armed force of which he is a member. A commissioned officer who is certified to be qualified for duty as a law officer of a general court-martial is also qualified for duty as a law officer of a single-officer or other special court-martial. A commissioned officer who is certified to be qualified for duty as a law officer of a special court-martial is qualified for duty as a law officer of any kind of special court-martial. However, no person may act as a law officer of a single-officer general court-martial unless he is specially certified to be qualified for that duty. No person is eligible to act as law officer in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case."

(8) Section 826(b) (article 26(b)) is amended by striking out the figures "839" and "39" and inserting the figures "839(b)" and "39(b)", respectively, in place thereof.

And, in lieu thereof, insert:

(9) Section 826 (article 26) is amended to read as follows:

"§ 826. Art. 26. Military judge of a general or special court-martial

"(a) The authority convening a general court-martial shall, and, subject to regulations of the Secretary concerned, the authority convening a special court-martial may, detail a military judge thereto. A military judge shall preside over each open session of the court-martial to which he has been detailed.

"(b) A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court or a member of the bar of the highest court of a State and who is certified to be qualified for duty as a military judge by the Judge Advocate General of the armed force of which such military judge is a member.

"(c) The military judge of a general court-martial shall be designated by the Judge Advocate General, or his designee, of the armed force of which the military judge is a member for detail by the convening authority, and, unless the court-martial was convened by the President or the Secretary concerned, neither the convening authority nor any member of his staff shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to his performance of duty as a military judge. A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned and directly responsible to the Judge Advocate General, or his designee, of the armed force of which the military judge is a member and may perform duties of a judicial or nonjudicial nature other than those relating to his primary duty as a military judge of a general court-martial when such duties are assigned to him by or with the approval of that Judge Advocate General or his designee.

"(d) No person is eligible to act as military judge in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or a counsel in the same case.

"(e) The military judge of a court-martial may not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel, nor may he vote with the members of the court."

At the top of page 8 insert:

(10) Section 827 is amended—

(A) by striking out "law officer" in the second sentence of subsection (a) and inserting in lieu thereof "military judge"; and

(B) by redesignating paragraphs (1) and (2) of subsection (c) as paragraphs (2) and (3), respectively, and by inserting a new paragraph (1) as follows:

"(1) the accused shall be afforded the opportunity to be represented at the trial by counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) unless counsel having such qualifications cannot be obtained on account of physical conditions or military exigencies. If counsel having such qualifications cannot be obtained, the court may be convened and the trial held but the convening authority shall make a detailed written statement, to be appended to the record, stating why counsel with such qualifications could not be obtained;".

At the beginning of line 20, strike out "(9)" and insert "(11)"; in line 24, after the word "than" strike out "single officer general court-martial" and insert "a general court-martial composed of a military judge only,";" on page 9, line 7, after the word "the" where it appears the first time, strike out "law officer" and insert "military judge"; in line 9, after the word "a" strike out "single officer special court-martial" and insert "special court-martial composed of a military judge only,"; at the beginning of line 19, strike out "law officer" and insert "military judge,"; in line 23, after the word "the" strike out "law officer" and insert "military judge"; in the same line after the word "a" strike out "single officer"; in line 24, after the word "court-martial" insert "composed of a military

judge only"; on page 10, line 5, after the word "new" strike out "law officer" and insert "military judge"; in line 9, after the word "new" strike out "law officer" and insert "military judge,"; at the beginning of line 11, strike out "(10)" and insert "(12)"; in line 15, after the word "the" strike out "law officer" and insert "military judge"; after line 20, insert:

(13) Section 837 (article 37) is amended—

(A) by inserting "(a)" at the beginning of the first sentence thereof;

(B) by striking out "law officer" in the first sentence and inserting in lieu thereof "military judge";

(C) by adding at the end thereof the following new sentence: "The foregoing provisions of the subsection shall not apply with respect to (1) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial, or (2) to statements and instructions given in open court by the military judge, president of a special court-martial, or counsel.";

(D) by adding after subsection (a) (as designated by paragraph (1) hereof) a new subsection as follows:

"(b) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced, in grade, or in determining the assignment or transfer of a member of the armed forces or in determining whether a member of the armed forces should be retained on active duty, no person subject to this chapter may, in preparing any such report (1) consider or evaluate the performance of duty of any such member as a member of a court-martial, or (2) give a less favorable rating or evaluation of any member of the armed forces because of the zeal with which such member, as counsel, represented any accused before a court-martial.".

On page 12, at the beginning of line 1, strike out "(11)" and insert "(14)"; in line 3, after the word "words" strike out "law officer" and insert "military judge"; in line 4, after the word "a" where it appears the second time, strike out "law officer" and insert "military judge"; at the beginning of line 6, strike out "(12)" and insert "(15)"; in line 11, after the word "a" strike out "law officer" and insert "military judge"; in the same line, after the word "the" strike out "law officer" and insert "military judge"; in line 19, after the word "the" strike out "law officer" and insert "military judge"; on page 13, line 2, after the word "the" strike out "law officer" and insert "military judge"; in line 11, after the word "present." strike out "After the members of a court marital which includes a law officer and members have finally voted on the findings, the president of the court may request the law officer and the reporter, if any, to appear before the members to put the findings in proper form and these proceedings shall be on the record."; in line 18, after the word "the" where it appears the second time, strike out "law officer" and insert "military judge."; in line 21, after the word "a" strike out "law officer" and insert "military judge"; in line 22, after the word "the" where it appears the second time, strike out "law officer" and insert "military judge"; at the beginning of line 23, strike out "(13)" and insert "(16)"; on page 14, line 2, after the word "The" strike out "law officer" and insert "military judge"; in line 3, after the word "a" strike out "law officer" and insert "military judge"; at the beginning of line 6 strike out "(14)" and insert "(17)"; in the same line, after the figure "841" strike out "(a)"; in the same line, after the figure "41" strike out "(a)"; in line 8, after the word "sentence" insert "of subsection (a)"; in line 9, after the word "The" strike out "law officer" and insert "military judge"; in line 12, after the word "court."." strike out "and"; in line 14, after the word "sentence" insert "of subsection (a)"; in the same line, after the word "words" strike out "law officer" and insert "military judge"; in line 16, strike out "thereof." and insert "thereof; and"; after line 17, insert:

(C) by striking out "law officer" in subsection (b) and inserting in lieu thereof "military judge."

At the beginning of line 19, strike out "(15)" and insert "(18)"; in line 21, after the word "duties" strike out "law officers" and insert "military judges"; on page 15, line 6, after the word "a" strike out "law officer" and insert "military judge"; at the beginning of line 13, strike out "(16)" and insert "(19)"; in line 22, after the word "the" where it appears the second time, strike out "law officer" and insert "military judge"; in line 23, after the word "a" where it appears the second time, strike out "law officer" and insert "military judge"; on page 16, at the beginning of line 6, strike out "(17)" and insert "(20)"; in line 7, after the word "the" where it appears the third time, strike out "law officer" and insert "military judge"; in line 8, after the word "a" strike out "law officer" and insert "military judge"; at the beginning of line 11, strike out "(18)" and insert "(21)"; at the beginning of line 16, strike out "law officer" and insert "military judge"; in line 19, after the word "the" strike out "law officer" and insert "military judge"; in line 21, after the word "a" where it appears the second time, strike out "law officer" and insert "military judge"; in line 24, after the word "the" strike out "law officer" and insert "military judge"; on page 17, line 2, after the word "a" where it appears the second time, strike out "law officer" and insert "military judge"; in line 5, after the word "the" where it appears the third time, strike out "law officer" and insert "military judge"; in line 7, after the word "a" strike out "law officer" and insert "military judge"; in line 9, after the word "words" insert "law officer"; in line 14, after the word "words" strike out "and" and insert "military judge or"; in line 15, after the word "a" where it appears the second time, strike out "law officer" and insert "military judge"; at the beginning of line 22, strike out "single officer court-martial" and insert "court-martial composed of a military judge only."; in line 23, after the amendment just above stated, strike out "An officer who is detailed as a single officer" and insert "The military judge of such a"; on page 18, at the beginning of line 3, strike out "Such single officer" and insert "The military judge of such a"; at the beginning of line 8, strike out "(19)" and insert "(22)"; at the beginning of line 19, strike out "(20)" and insert "(23)"; at the beginning of line 24, strike out "law officer" and insert "military judge"; in line 25, after the word "the" strike out "law officer" and insert "military judge"; on page 19, at the beginning of line 5, strike out "law officer" and insert "military judge"; after line 13, insert:

(24) Section 857 (article 57) is amended by inserting the words "or deferred" after "suspended" in subsections (a) and (b); and by adding at the end thereof a new subsection as follows:

"(d) On application by an accused who is under sentence to confinement that has not been ordered executed, the convening authority or, if the accused is no longer under his jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned, may in his sole discretion defer service of the sentence to confinement. The deferment shall terminate when the sentence is ordered executed. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under his jurisdiction, by the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned."

(25) The table of sections at the beginning of subchapter IX is amended by striking out

"866. 66. Review by board of review."

and inserting in lieu thereof the following:

"866. 66. Review by Court of Military Review.".

(26) Section 865(b) is amended by striking out "board of review" each time it appears therein and inserting in lieu thereof "Court of Military Review".

(27) Section 866 (article 66) is amended—

(A) by striking out the catchline and insreting in lieu thereof the following:

"§ 866. Art. 66. Review by Court of Military Review";

(B) by amending subsection (a) to read as follows:

"(a) Each Judge Advocate General shall establish a Court of Military Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. For the purpose of reviewing court-martial cases, the court may sit in panels or as a whole in accordance with rules prescribed under subsection (f). Appellate military judges who are assigned to a Court of Military Review may be commissioned officers or civilians, each of whom must be a member of a bar of a Federal court or of the highest court of a State. The Judge Advocate General shall designate as chief judge one of the appellate military judges of the Court of Military Review established by him. The chief judge shall determine on which panels of the court the appellate judges assigned to the court will serve and which military judge assigned to the court will act as the senior judge on each panel.";

(C) by striking out "board of review" each time it appears in subsections (b), (c), (d), and (e) and inserting in lieu thereof "Court of Military Review";

(D) by striking out "boards of review" each time it appears in subsection (f) and inserting in lieu thereof "Courts of Military Review"; and

(E) by adding at the end thereof the following new subsections:

"(g) No member of a Court of Military Review shall be required, or on his own initiative be permitted, to prepare, approve, disapprove, review, or submit, with respect to any other member of the same or another Court of Military Review, an effectiveness, fitness or efficiency report, or any other report or document used in whole or in part for the

purpose of determining whether a member of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces should be retained on active duty.

"(h) No member of a Court of Military Review shall be eligible to review the record of any trial if such member served as investigating officer in the case or served as a member of the court-martial before which such trial was conducted, or served as military judge, trial or defense counsel, or reviewing officer of such trial.".

(28) Subsections (b) and (f) of section 867 (article 67) are amended by striking out "board of review" each time it appears and inserting in lieu thereof "Court of Military Review".

(29) Section 868 (article 68) is amended to read as follows:

"§ 868. Art. 68. Branch offices

"The Secretary concerned may direct the Judge Advocate General to establish a branch office with any command. The branch office shall be under an Assistant Judge Advocate General who, with the consent of the Judge Advocate General, may establish a Court of Military Review with one or more panels. That Assistant Judge Advocate General and any Court of Military Review established by him may perform for that command under the general supervision of the Judge Advocate General, the respective duties which the Judge Advocate General and a Court of Military Review established by the Judge Advocate General would otherwise be required to perform as all cases involving sentences not requiring approval by the President."

On page 23, at the beginning of line 4, strike out "(21) (A)" and insert "(30)"; in line 8, after the word "a" strike out "board of review" and insert "Court of Military Review"; after line 13 strike out:

(B) The first sentence of section 873 (article 73) is amended to read as follows: "At any time within two years after approval by the convening authority of a court martial sentence which has been referred to a board of review the accused may petition the Judge Advocate General for a new trial on grounds of newly discovered evidence or fraud on the court."

SEC. 2. (1) Except for subsection (21) of section 1, this Act becomes effective on the first day of the tenth month following the month in which it is enacted.

(2) Subsection (21)(A) of section 1 becomes effective upon the date of enactment of this Act.

(3) Subsection (21)(B) of section 1 shall apply to all court-martial sentences approved by the convening authority on or after, or not more than two years before, the date of its enactment.

After line 4, insert:

(31) Subsections (b), (c), and (d) of section 870 (article 70) are amended by striking out "board of review" each time it appears and inserting in lieu thereof "Court of Military Review".

(32) Section 871 (article 71) is amended—

(A) by striking out "board of review" in subsection (c) and inserting in lieu thereof "Court of Military Review"; and

(B) by inserting "or deferred" in the first sentence of subsection (d) immediately after "suspended".

(33) Section 873 (article 73) is amended to read as follows:

"§ 873. Art. 73. Petition for a new trial

"At any time within two years after approval by the convening authority of a court-martial sentence, the accused may petition the Judge Advocate General for a new trial on the grounds of newly discovered evidence or fraud on the court. If the accused's case is pending before a Court of Military Review or before the Court of Military Appeals, the Judge Advocate General shall refer the petition to the appropriate court for action. Otherwise the Judge Advocate General shall act upon the petition.

(34) Section 936(b) (article 136(b)) is amended by striking out "law officer" and inserting in lieu thereof "military judge".

On page 25, after line 5, insert a new section, as follows:

SEC. 3. (a) Whenever the term law officer is used, with reference to any officer detailed to a court-martial pursuant to section 826(a) (article 26(a)) of title 10, United States Code, in any provision of Federal law (other than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean military judge.

(b) Whenever the term board of review is used, with reference to or in connection with the appellate review of courts-martial cases, in any provision of Federal law (other than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean Court of Military Review.

After line 18, insert a new section, as follows:

SEC. 4. (a) Except for the amendments made by paragraphs (30) and (33) of section 2, this Act shall become effective on the first day of the tenth month following the month in which it is enacted.

(b) The amendment made by paragraph (30) of section 2 shall become effective upon the date of enactment of this Act.

(c) The amendment made by paragraph (33) shall apply in the case of all court-martial sentences approved by the convening authority on or after, or not more than two years before, the date of its enactment.

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 this Act may be cited as the "Military Justice Act of 1968".

SEC. 2. Chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, is amended as follows:

(1) Section 801(10) (article 1(10)) is amended to read as follows:

"(10) 'Military judge' means an official of a general or special court-martial detailed in accordance with section 826 of this title (article 26).".

(2) Section 806(c) is amended by striking out "law officer" and inserting in lieu thereof "military judge".

(3) Section 816 (article 16) is amended to read as follows:

"§ 816. Art. 16. Courts-martial classified

"The three kinds of courts-martial in each of the armed forces are—

"(1) general courts-martial, consisting of—

"(A) a military judge and not less than five members; or

"(B) only a military judge, if before the court is assembled the accused, knowing the identify of the military judge and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves;

"(2) special courts-martial, consisting of—

"(A) not less than three members; or

"(B) a military judge and not less than three members; or

"(C) only a military judge, if one has been detailed to the court, and the accused under the same conditions as those prescribed in clause (1)(B) so requests; and

"(3) summary courts-martial, consisting of one commissioned officer."

(4) Section 818 (article 18) is amended by adding the following sentence at the end thereof: "However, a general court-martial of the kind specified in section 816(1)(B) of this title (article 16(1)(B)) shall not have jurisdiction to try any person for any offense for which the death penalty may be adjudged unless the case has been previously referred to trial as a noncapital case."

(5) Section 819 (article 19) is amended by striking out the last sentence and inserting the following sentence in place thereof: "A bad-conduct discharge may not be adjudged unless a complete record of the proceedings and testimony has been made, counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) was detailed to represent the accused, and a military judge was detailed to the trial, except in any case in which a military judge could not be detailed to the trial because of physical conditions or military exigencies. In any such case in which a military judge was not detailed to the trial, the convening authority shall make a detailed written statement, to be appended to the record, stating the reason or reasons a military judge could not be detailed."

(6) The second and third sentences of section 820 (article 20) are amended to read as follows: "No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if he objects thereto. If objection to trial by summary court-martial is made by an accused, trial may be ordered by special or general court-martial as may be appropriate."

(7) Section 825 (c)(1) (article 25(c)(1)) is amended—

(A) by striking out "before the convening of the court," in the first sentence and inserting "before the conclusion of a session called by the military judge under section 839(a) of this title (article 39(a)) prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused," in place thereof; and

(B) by striking out "convened" in the last sentence and inserting "assembled" in place thereof.

(8) Subchapter V is amended by striking out the following item in the analysis:

"826. 26. Law officer of a general court-martial."

and inserting the following item in place thereof:

"826. 26. Military judge of a general or special court-martial."

(9) Section 826 (article 26) is amended to read as follows:

"§ 826. Art. 26. Military judge of a general or special court-martial

"(a) The authority convening a general court-martial shall, and, subject to regulations of the Secretary concerned, the authority convening a special court-martial may, detail a military judge thereto. A military judge shall preside over each open session of the court-martial to which he has been detailed.

"(b) A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court or a member of the bar of the highest court of a State and who is certified to be qualified for duty as a military judge by the Judge Advocate General of the armed force of which such military judge is a member.

"(c) The military judge of a general court-martial shall be designated by the Judge Advocate General, or his designee, of the armed force of which the military judge is a member for detail by the convening authority, and, unless the court-martial was convened by the President or the Secretary

concerned, neither the convening authority nor any member of his staff shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to his performance of duty as a military judge. A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned and directly responsible to the Judge Advocate General, or his designee, of the armed force of which the military judge is a member and may perform duties of a judicial or non-judicial nature other than those relating to his primary duty as a military judge of a general court-martial when such duties are assigned to him by or with the approval of that Judge Advocate General or his designee.

"(d) No person is eligible to act as military judge in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or a counsel in the same case.

"(e) The military judge of a court-martial may not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel, nor may he vote with the members of the court."

(10) Section 827 is amended—

(A) by striking out "law officer" in the second sentence of subsection (a) and inserting in lieu thereof "military judge"; and

(B) by redesignating paragraphs (1) and (2) of subsection (c) as paragraphs (2) and (3), respectively, and by inserting a new paragraph (1) as follows:

"(1) the accused shall be afforded the opportunity to be represented at the trial by counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) unless counsel having such qualifications cannot be obtained on account of physical conditions or military exigencies. If counsel having such qualifications cannot be obtained, the court may be convened and the trial held but the convening authority shall make a detailed written statement, to be appended to the record, stating why counsel with such qualifications could not be obtained;".

(11) Section 829 (article 29) is amended—

(A) by striking out "accused has been arraigned" in subsection (a) and inserting "court has been assembled for the trial of the accused" in place thereof;

(B) by inserting ", other than a general court-martial composed of a military judge only," after "court-martial" in the first sentence of subsection (b); and by amending the last sentence of subsection (b) to read as follows: "The trial may proceed with the new members present after the recorded evidence previously introduced before the members of the court has been read to the court in the presence of the law officer military judge, the accused, and counsel for both sides.";

(C) by inserting ", other than a special court-martial composed of a military judge only," after "court-martial" in the first sentence of subsection (c); and by amending the last sentence of subsection (c) to read as follows: "The trial shall proceed with the new members present as if no evidence had previously been introduced at the trial, unless a verbatin record of the evidence previously introduced before the members of the court or a stipulation thereof is read to the court in the presence of the military judge, if any, the accused, and counsel for both sides."; and

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

"(d) If the military judge of a court-martial composed of a military judge only is unable to proceed with the trial because of physical disability, as a result of a challenge, or for other good cause, the trial shall proceed, subject to any applicable conditions of section 816 (1)(B) or (2)(C) of this title (article 16 (1)(B) or (2)(C)), after the detail of a new military judge as if no evidence had previously been introduced, unless a verbatim record of the evidence previously introduced or a stipulation thereof is read in court in the presence of the new military judge, the accused, and counsel for both sides."

(12) Section 835 (article 35) is amended by striking out the second sentence and inserting the following in place thereof: "In time of peace no person may, against his objection, be brought to trial, or be required to participate by himself or counsel in a session called by the military judge under section 839(a) of this title (article 39 (a)), in a general court-martial case within a period of five days after the service of charges upon him, or in a special court-martial case within a period of three days after the service of charges upon him."

(13) Section 837 (article 37) is amended—

(A) by inserting "(a)" at the beginning of the first sentence thereof;

(B) by striking out "law officer" in the first sentence and inserting in lieu thereof "military judge";

(C) by adding at the end thereof the following new sentence: "The foregoing provisions of the subsection shall not apply with respect to (1) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial, or (2) to statements and instructions given in open court by the military judge, president of a special court-martial, or counsel.";

(D) by adding after subsection (a) (as designated by paragraph (1) hereof) a new subsection as follows:

"(b) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced, in grade, or in determining the assignment or transfer of a member of the armed forces or in determining whether a member of the armed forces should be retained on active duty, no person subject to this chapter may, in preparing any such report (1) consider or evaluate the performance of duty of any such member as a member of a court-martial, or (2) give a less favorable rating or evaluation of any member of the armed forces because of the zeal with which such member, as counsel, represented any accused before a court-martial.".

(14) Section 838(b) (article 38(b)) is amended by striking out the words "president of the court" in the last sentence and inserting the words "military judge or by the president of a court-martial without a military judge" in place thereof.

(15) Section 839 (article 39) is amended to read as follows:

"§ 839. Art. 39. Sessions

"(a) At any time after the service of charges which have been referred for trial to a court-martial composed of a military judge and members, the military judge may, subject to section 835 of this title (article 35), call the court into session without the presence of the members for the purpose of—

"(1) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

"(2) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members of the court;

"(3) if permitted by regulations of the Secretary concerned, holding the arraignment and receiving the pleas of the accused; and

(4) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 836 of this title (article 36) and which does not require the presence of the members of the court.

These proceedings shall be conducted in the presence of the accused, the defense counsel, and the trial counsel and shall be made a part of the record.

"(b) When the members of a court-martial deliberate or vote, only the members may be present. All other proceedings, including any other consultation of the members of the court with counsel or the military judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and, in cases in which a military judge has been detailed to the court, the military judge."

(16) Section 840 (article 40) is amended to read as follows:

"§ 840. Art. 40. Continuances

"The military judge or a court-martial without a military judge may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just."

(17) Section 841 (article 41) is amended—

(A) by amending the first sentence of subsection (a) to read as follows: "The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court.";

(B) by striking out the word "court" in the second sentence of subsection (a) and inserting the words "military judge, or, if none, the court," in place thereof; and

(C) by striking out "law officer" in subsection (b) and inserting in lieu thereof "military judge".

(18) Section 842(a) (article 42(a)) is amended to read as follows:

"(a) Before performing their respective duties, military judges, members of general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully. The form of the oath, the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which these duties are to be performed or for a particular case, shall be as prescribed in regulations of the Secretary concerned. These regulations may provide that an oath to perform faithfully duties as a military judge, trial counsel, assistant trial counsel, defense counsel, or assistant defense counsel may be taken at any time by any judge advocate, law specialist, or other person certified to be qualified or competent for the duty, and if such an oath is taken it need not again be taken at the time the judge advocate, law specialist, or other person is detailed to that duty."

(19) Section 845 (article 45) is amended—

(A) by striking out the words "arraigned before a court-martial" in subsection (a) and inserting the words "after arraignment" in place thereof; and

(B) by amending subsection (b) to read as follows:

"(b) A plea of guilty by the accused may not be received to any charge or specification alleging an offense for which the death penalty may be adjudged. With respect to any other charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge or by a court-martial without a military judge, a finding of guilty of the charge or specification may, if permitted by regulations of the Secretary concerned, be entered immediately without vote. This finding shall constitute the finding of the court unless the plea of guilty is

withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty."

(20) Section 849(a) (article 49(a)) is amended by inserting after the word "unless" the words "the military judge or court-martial without military judge hearing the case or, if the case is not being heard,".

(21) Section 851 (article 51) is amended—

(A) by amending the first sentence of subsection (a) to read as follows: "Voting by members of a general or special court-martial on the findings and on the sentence, and by members of a court-martial without a military judge upon questions of challenge, shall be by secret written ballot.";

(B) by amending the first three sentences of subsection (b) to read as follows: "The military judge and, except for questions of challenge, the president of a court-martial without a military judge shall rule upon all questions of law and all interlocutory questions arising during the proceedings. Any such ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused, or by the president of a court-martial without a military judge upon any question of law other than a motion for a finding of not guilty, is final and constitutes the ruling of the court. However, the military judge or the president of a court-martial without a military judge may change his ruling at any time during the trial.";

(C) by striking out the words "law officer of a general court-martial and the president of a special court-martial shall, in the presence of the accused and counsel, instruct the court as to the elements of the offense and charge the court" in the first sentence of subsection (c) and inserting the words "military judge or the president of a court-martial without a military judge shall, in the presence of the accused and counsel, instruct the members of the court as to the elements of the offense and charge them" in place thereof; and

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

"(d) Subsections (a), (b), and (c) do not apply to a court-martial composed of a military judge only. The military judge of such a court-martial shall determine all questions of law and fact arising during the proceedings and, if the accused is convicted, adjudge an appropriate sentence. The military judge of such a court-martial shall make a general finding and shall in addition on request find the facts specially. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact appear therein."

(22) Section 852 (article 52) is amended—

(A) by inserting the words "as provided in section 845(b) of this title (article 45(b)) or" after the word "except" in section (a)(2); and

(B) by inserting immediately before the period in the first sentence of subsection (c) the words ", but a determination to reconsider a finding of guilty or to reconsider a sentence, with a view toward decreasing it, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence".

(23) Section 854(a) (article 54(a)) is amended to read as follows:

"(a) Each general court-martial shall keep a separate record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by that of a member if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. In a court-martial consisting of only a military judge the record shall be authenticated by the court reporter under the same conditions which would impose such a duty on a member under this subsection. If the proceedings have resulted in an acquittal of all charges and specifications or, if not affecting a general or flag officer, in a sentence not including discharge and not in excess of that which may otherwise be adjudged by a special court-martial, the record shall contain such matters as may be prescribed by regulations of the President."

(24) Section 857 (article 57) is amended by inserting the words "or deferred" after "suspended" in subsections (a) and (b); and by adding at the end thereof a new subsection as follows:

"(d) On application by an accused who is under sentence to confinement that has not been ordered executed, the convening authority or, if the accused is no longer under his jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned, may in his sole discretion defer service of the sentence to confinement. The deferment shall terminate when the sentence is ordered executed. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under his jurisdiction, by the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned."

(25) The table of sections at the beginning of subchapter IX is amended by striking out

"866. 66. Review by board of review."

and inserting in lieu thereof the following:

"866. 66. Review by Court of Military Review.".

(26) Section 865(b) is amended by striking out "board of review" each time it appears therein and inserting in lieu thereof "Court of Military Review".

(27) Section 866 (article 66) is amended—

(A) by striking out the catchline and inserting in lieu thereof the following:

"§ 866. Art. 66. Review by Court of Military Review";

(B) by amending subsection (a) to read as follows:

"(a) Each Judge Advocate General shall establish a Court of Military Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. For the purpose of reviewing court-martial cases, the court may sit in panels or as a whole in accordance with rules prescribed under subsection (f). Appellate military judges who are assigned to a Court of Military Review may be commissioned officers or civilians, each of whom must be a member of a bar of a Federal court or of the highest court of a State. The Judge Advocate General shall designate as chief judge one of the appellate military judges of the Court of Military Review established by him. The chief judge shall determine on which panels of the court the appellate judges assigned to the court will serve and which military judge assigned to the court will act as the senior judge on each panel.";

(C) by striking out "board of review" each time it appears in subsection (b), (c), (d), and (e) and inserting in lieu thereof "Court of Military Review";

(D) by striking out "boards of review" each time it appears in subsection (f) and inserting in lieu thereof "Courts of Military Review"; and

(E) by adding at the end thereof the following new subsections:

"(g) No member of a Court of Military Review shall be required, or on his own initiative be permitted, to prepare, approve, disapprove, review, or submit, with respect to any other member of the same or another Court of Military Review, an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces should be retained on active duty.

"(h) No member of a Court of Military Review shall be eligible to review the record of any trial if such member served as investigating officer in the case or served as a member of the court-martial before which such trial was conducted, or served as military judge, trial or defense counsel, or reviewing officer of such trial.".

(28) Subsections (b) and (f) of section 867 (article 67) are amended by striking out "board of review" each time it appears and inserting in lieu thereof "Court of Military Review".

(29) Section 868 (article 68) is amended to read as follows:

"§ 868. Art. 68. Branch offices

"The Secretary concerned may direct the Judge Advocate General to establish a branch office with any command. The branch office shall be under an Assistant Judge Advocate General who, with the consent of the Judge Advocate General, may establish a Court of Military Review with one or more panels. That Assistant Judge Advocate General and any Court of Military Review established by him may perform for that command under the general supervision of the Judge Advocate General, the respective duties which the Judge Advocate General and a Court of Military Review established by the Judge Advocate General would otherwise be required to perform as to all cases involving sentences not requiring approval by the President."

(30) Section 869 (article 69) is amended by adding the following new sentence at the end thereof: "Notwithstanding section 876 of this title (article 76), the findings or sentence, or both, in a court-martial case which has been finally reviewed, but has not been reviewed by a Court of Military Review may be vacated or modified, in whole or in part, by the Judge Advocate General on the ground of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused."

(31) Subsections (b), (c), and (d) of section 870 (article 70) are amended by striking out "board of review" each time it appears and inserting in lieu thereof "Court of Military Review".

(32) Section 871 (article 71) is amended—

(A) by striking out "board of review" in subsection (c) and inserting in lieu thereof "Court of Military Review"; and

(B) by inserting "or deferred" in the first sentence of subsection (d) immediately after "suspended".

(33) Section 873 (article 73) is amended to read as follows:

"§ 873. Art. 73. Petition for a new trial

"At any time within two years after approval by the convening authority of a court-martial sentence, the accused may petition the Judge Advocate General for a new trial on the grounds of newly discovered evidence or fraud on the court. If the accused's case is pending before a Court of Military Review or before the Court of Military Appeals, the Judge Advocate General shall refer the petition to the appropriate court for action. Otherwise the Judge Advocate General shall act upon the petition.

(34) Section 936(b) (article 136(b)) is amended by striking out "law officer" and inserting in lieu thereof "military judge".

SEC. 3. (a) Whenever the term law officer is used, with reference to any officer detailed

to a court-martial pursuant to section 826(a) (article 26(a)) of title 10, United States Code, in any provision of Federal law (other than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean military judge.

(b) Whenever the term board of review is used, with reference to or in connection with the appellate review of courts-martial cases, in any provision of Federal law (other than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean Court of Military Review.

SEC. 4. (a) Except for the amendments made by paragraphs (30) and (33) of section 2, this Act shall become effective on the first day of the tenth month following the month in which it is enacted.

(b) The amendment made by paragraph (30) of section 2 shall become effective upon the date of enactment of this Act.

(c) The amendment made by paragraph (33) shall apply in the case of all court-martial sentences approved by the convening authority on or after, or not more than two years before, the date of its enactment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

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

MILITARY JUSTICE ACT OF 1968

Mr. ERVIN. Mr. President, the bill under consideration, H.R. 15971, the proposed Military Justice Act of 1968, represents the first major revision of the Uniform Code of Military Justice since its enactment in 1950. As reported by the Committee on Armed Services, the act will accomplish much-needed procedural and substantive reforms in the court-martial system administered in the armed services. These reforms are the product of 8 years of studies and hearings by the Senate Subcommittee on Constitutional Rights and a special subcommittee of the Senate Armed Services Committee. Passage of the act will represent a fitting culmination of those efforts and similar efforts in the House of Representatives, and will certainly be remembered as a milestone in the struggle for first-class justice for America's fighting men.

As introduced and guided through the House of Representatives by Congressman BENNETT, of Florida, the bill was a completely noncontroversial measure which included only a number of procedural reforms desired by the Department of Defense. The bill, as passed by the House on June 4, 1968, in my view did not contain the minimum reforms necessary to return the military system of criminal justice to the leading position in American law it attained with enactment of the Uniform Code of Military Justice in 1950. Because of the lateness of the session, however, it was apparent that enactment of the bill might be jeopardized by Senate amendments objectionable to the Department of Defense. I, therefore, had several informal conferences with representatives of the Department of Defense with a view toward reaching agreement on incorporating into the legislation several provisions which had been recommended by the Subcommittee on Constitutional Rights and which I considered indispensable, but which were not contained in the House-passed bill. As a result of these conferences, I submitted, and the Armed Services Committee adopted, several strengthening amendments to H.R. 15971. These amendments have been carefully studied and discussed by each of the armed services and the bill, as amended, has been approved by the Department of Defense.

In general, the bill, as reported, makes the following major changes in the Uniform Code of Military Justice:

Creates an independent judiciary for the armed services, composed of military judges who are insulated from control by commanding officers and who will now have increased functions and powers roughly equivalent to those exercised by federal district court judges.

Provides that legally qualified counsel must represent a defendant before any special court-martial empowered to give him a bad conduct discharge; and, in addition, a military judge must preside over the trial unless military conditions make it impossible. In less serious special courts-martial, legally qualified counsel must be made available to represent the accused if reasonably possible.

Permits defendants to waive trial by a jury of officers and be tried by a military judge sitting alone, much as a civilian can waive a jury trial and be tried by the court alone.

Bars trial by summary court-martial—where there is no right to defense counsel, no independent judge, and no jury—if the defendant objects.

Transforms intermediate court-martial review boards into "Courts of Military Review" with independent military judges.

Strengthens bans against command interference with military justice.

Modernizes outmoded and cumbersome military trial procedures to conform more closely with federal court practices.

Authorizes for the first time a military form of release on bail pending appeal.

Extends the time limit for petitioning for a new trial from one to two years, and strengthens other post-conviction remedies available to servicemen.

Because the committee report explains in detail all of the provisions of the bill and the changes made by the committee, I shall refer only to a few of the major committee amendments.

First, the bill redesignated the "law officer" as a "military judge." This change will increase the prestige of the legal officers who preside over courts-martial and will more accurately reflect their new functions and powers under other provisions of the act.

Second, the bill as amended proposes a change in article 16 of the Uniform Code of Military Justice to provide that a general or special court-martial shall consist of only a military judge if the accused, before the court is assembled, so requests in writing and the military judge approves. Before he makes such a request, the accused is entitled to know the identity of the military judge and to have the advice of counsel. This provision differs from the House-passed bill in that the election of the defendant to be tried by the judge alone instead of by a full-member court-martial is not made subject to the consent of the commanding officer who ordered the court-martial as well as the military judge. The House-passed provision, which requires that both officers consent, is modeled after rule 23a of the Federal Rules of Criminal Procedure, which provides that both the court and the Government must consent to waiver by the defendant of trial by jury. However, I believe that there are significant differences between the military community and the civilian community which make such an exact parallel in procedures inadvisable. In Federal civilian criminal trials the jury is selected from a broad base of voters pursuant to a detailed Federal statute designed to insure complete impartiality. There are no such safeguards in the selection of the members of a court-martial. Furthermore, the command structure in the military presents a possibility of undue prejudicial influence over the court by commanding officers that is not present in civilian life. In any case, the military judge, after having heard arguments from both trial counsel and defense counsel concerning the appropriateness of trial by a military judge alone, will be in the best position to protect the interest of both the Government and the accused. Hence, only his approval is required by the bill as amended by the committee.

Third, the bill as amended proposes a change in article 19 to provide that no special court-martial may adjudge a bad-conduct discharge unless legally qualified counsel has been detailed to represent the accused and a military judge has been detailed to the court, if one is available. The exception allowed in the bill to the requirement of a military judge is that if one cannot be obtained because of physical conditions or military exigencies the trial may be held without a military judge but the convening authority must file for the record a detailed written statement indicating why a military judge is not available and why the trial must be held at this time and place notwithstanding such unavailability. Because of the seriousness of a bad-conduct discharge, and the permanent stigma that attaches to the recipient, I strongly believe that a military judge should preside over tribunals empowered to adjudge such discharges, particularly since both the Government and the accused will be represented by legally qualified counsel under another part of this amendment. I intended by this provision that except in the most unusual circumstances, such as combat conditions, a military judge will be detailed in all bad-conduct discharge cases. I recognize that occasions may arise when it will be difficult or impossible to fulfill this requirement in commands that are isolated geographically or because of combat or other conditions. But I believe that the availability of rapid and reliable airplane and helicopter transportation should make such occasions very rare. The requirement that the convening authority must justify in writing the failure to detail a military judge in such cases will allow his decision to be scrutinized on appeal with a view to restricting resort to this exception to cases of genuine unavailability.

Fourth, the committee inserted a new provision to amend article 20 of the Uni-

form Code of Military Justice to assure that a serviceman may not be tried over his objection by a summary court-martial, which consists of one commissioned officer and which affords literally no safeguards to the defendant. This amendment is a compromise between those who favor retention of the summary court as under present law and those, including myself, who would abolish it. This compromise is no expression of confidence in the summary court, which I consider to be an inferior court in concept, procedure and in the quality of justice it dispenses. However, until such time as the court can be totally eliminated from the court-martial structure, the amendment proposes merely to remove the present restriction on the existing right of servicemen to refuse trial by summary court. This will assure that no serviceman may be forced to stand trial in such a court if he prefers to be tried by a special or general court-martial instead.

Finally, the committee inserted a new provision to amend article 27 to provide that an accused before a special court-martial—other than one empowered to award a bad-conduct discharge—must be afforded the opportunity, which he may waive, to be represented by legally qualified counsel, unless such counsel is not available because of physical conditions or military exigencies. I believe that an accused should be represented by legal counsel in a court-martial which may result in a sentence as serious as confinement for 6 months or forfeiture of two-thirds pay for 6 months, and I intended by this amendment that the same considerations applicable to the detailing of a military judge to a special court-martial empowered to adjudge a bad-conduct discharge should apply to the detailing of legally qualified defense counsel to all other special courts-martial.

Mr. President, this measure includes many, but not all, of the proposals I have sponsored for many years to establish more equitable procedures in courts-martial. I think it is an extremely important bill and I strongly urge its passage. Unfortunately, however, it does not affect at all the procedures before administrative discharge boards which are established by the armed services ostensibly for administrative rather than disciplinary purposes, but which have the power to impose punitive discharges for acts or omissions which could be the subject of courts-martial. Although the procedures before such boards are perhaps in greater need of reform than the court-martial structure, in view of the lateness of the session I have not insisted on inclusion of such reforms in the present bill. However, I have been assured by representatives of the Department of Defense that the Department does not offer any objection to the pending bill as amended by the Senate Committee on the Armed Services, and that it may be possible to obtain some desired reforms in respect to administrative discharge boards next year without opposition.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1601), explaining the purposes of the bill.

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

EXPLANATION OF THE AMENDMENTS

Many of the amendments are technical or conforming. Substantive amendments are as follows:

1. The term "law officer" is changed to "military judge" wherever it appears in the bill and wherever it appears elsewhere in the Federal laws.

2. Subsection 2 of section 1 of the bill as passed by the House, which proposes an amendment to article 16 of the Uniform Code of Military Justice (courts-martial classified) to permit the convening of general and special courts-martial consisting of a law officer alone, is amended (sec. 2(3) of the amended bill) by changing the designation to "military judge" and by deleting the requirement that the convening authority consent to the election by the accused to be tried by such a single-officer court.

3. Subsection 4 of section 1 of the House bill, which proposes to amend article 19 of the code (jurisdiction of special courts-martial) to add a requirement that legally qualified counsel be available, upon request, to the accused in any special court-martial empowered to adjudge a bad conduct discharge, is amended (sec. 2(5) of the amended bill) by making it mandatory that legally qualified counsel be detailed to represent the accused in such a trial and by adding a requirement that a military judge be detailed to preside over the trial unless the convening authority certifies in writing that one is not available because of physical conditions or military exigencies.

4. A new provision, section 2(6), is inserted which would amend article 20 of the code (jurisdiction of summary courts-martial) to provide that in all cases a serviceman may refuse trial by summary court-martial and be tried instead by special or general court, as appropriate. Article 20 presently provides that no such right to decline trial by summary court is available to a serviceman who has been offered nonjudicial punishment for the offense and has elected to be court-martialed instead.

5. Subsection 7 of section 1 of the House bill, which proposes an amendment to article 26 of the code (law officers) to provide for the detailing of law officers to special as well as general courts-martial and to set forth the qualifications of law officers, is amended (sec. 2(9), of the amended bill) by changing the designation to "military judge" and by providing for the establishment of an "independent field judiciary" of military judges certified by the judge advocate generals for duty on general courts-martial, who are assigned directly to the judge advocate generals and responsible, for direction and fitness rating, only to them or their designees.

6. A new provision, section 2(10), is inserted which would amend article 27 of the code (detail of trial counsel and defense counsel) to provide that in all special courts-martial (other than those authorized to adjudge a bad conduct discharge) the accused must be offered legally qualified counsel—which he may waive—unless such counsel is certified in writing to be unavailable because of physical conditions or military exigencies.

7. A new provision, subsection 2(13), is inserted which would amend article 37 of the code (unlawful command influence) to strengthen the existing prohibitions against unlawful influence exerted on a court-martial or its members or officials by the convening authority or other commanding officers. The matter proposed to be added to article 37 would provide that the performance of a serviceman as a member of a court-martial could not be evaluated in preparing an effectiveness, fitness, or efficiency report on him, nor could he be given a less favorable rating because of his zeal in acting as defense counsel in a court-martial. A further proposed change in article 37 would specifically exempt general informational lectures on military justice from the prohibitions of the article.

8. Subsection 12(b) of section 1 of the House bill, which proposes an amendment to article 39 of the code (sessions) to provide that the military judge of a special as well as a general court-martial may upon request appear before the members of the court in private to put the findings in proper form, is amended (sec. 2(15)(b) of the amended bill) by deleting that entire provision. Thus, all proceedings, except the deliberations and voting of the members of the court-martial, would be in open court in the presence of the accused, defense counsel, and trial counsel.

9. A new provision, section 2(24), is inserted which would amend article 57 of the code (effective date of sentences) to authorize convening authorities to defer execution of certain sentences to confinement during the appellate review process, thus providing for the first time a procedure similar to release on bail pending appeal in civilian courts.

10. New provisions, sections 2(25) through (28) and sections 2(31) and (32A), are inserted which would amend article 66 of the code (review by board of review) and make conforming amendments to related articles. The changes made by these provisions are for the most part technical and conforming to reflect the change in designation of "boards of review" to "courts of military review." The only substantive changes proposed are in article 66 itself. Subsection (a) of article 66 would be amended to permit the judge advocate generals to establish one court of military review for each service which would sit en banc or in panels, to replace the several boards of review that presently exist in each service. A new subsection (g) would be added to article 66 to prohibit any member of a court of military review from preparing efficiency, fitness, or similar reports on any other member of any court of military review. A final new subsection (h) would be added to prohibit a member of a court of military review from reviewing the record of any trial by court-martial in which he previously participated in any other capacity.

11. A new provision, section 2(29), is inserted which would amend article 68 (branch offices) to authorize the Secretary of a service (instead of the President) to direct the Judge Advocate General to establish a branch office with any command, under the direction of an assistant judge advocate general who in turn could be authorized to establish a court of military review with one or more panels.

12. Subsection 21(B) of section 1 of the House bill, which proposes an amendment to article 73 of the code (petition for a new trial) to extend from 1 to 2 years the time for petitioning for a new trial in certain cases, is amended (sec. 2(33) of the amended bill) to extend the right to petition for a new trial to all accused persons, not just those sentenced to death, dismissal, a punitive discharge, or a year or more in confinement, as under the present article.

PURPOSE OF THE PROPOSAL

The bill is not intended to be an overall revision of the court-martial system. Rather it is an attempt to make a few changes that can be agreed upon by the Congress and the armed services in an attempt to improve some of the procedures and increase the substantive safeguards in courts-martial. In brief, the bill, as reported by the committee, amends the Uniform Code of Military Justice to streamline court-martial procedures in line

with procedures in U.S. district courts, to redesignate the law officer of a court-martial as a "military judge" and give him functions and powers more closely allied to those of Federal district judges, to increase the availability of legally qualified counsel to represent the accused in courts-martial to redesignate appellate boards of review as "courts of military review" and change somewhat their structure, to increase the independence of military judges and members and other officials of courts-martial from unlawful influence by convening authorities and other commanding officers, and to increase the postconviction safeguards and remedies available to the accused.

SECTIONAL ANALYSIS

Section 1, the enacting clause, is amended to provide that the act may be cited as the "Military Justice Act of 1968."

Section 2(1) amends subsection (10) of article 1 of the Uniform Code of Military Justice (definitions) to redesignate the law officer of a court-martial as a "military judge" and to include in the definition of the term an official of a special court-martial as well as a general court-martial. This reflects the amendment by section 2(3) below to article 16 which permits the detailing of a military judge to preside over a special court-martial and to sit as a single-officer court if the accused so elects, and the amendment to article 19 made by section 2 (5) below which requires that a military judge be detailed to preside over a special court-martial empowered to adjudge a bad conduct discharge, if one is available.

This change in designation will increase the prestige of the legal officers who preside over courts-martial and will more accurately reflect their new functions and powers under other provisions of the act.

Section 2(2) is a conforming amendment.

Section 2(3) amends article 16 of the uniform code (courts-martial classified) to provide that a general or special court-martial shall consist of only a military judge if the accused, before the court is assembled, so requests in writing and the military judge approves. Before he makes such a request, the accused is entitled to know the identity of the military judge and to have the advice of counsel. The election is available in the case of a special court-martial only if a military judge has been detailed to the court.

The adoption of such a procedure will result in an appreciable reduction in both the time and manpower normally expended in trials by courts-martial. The vast majority of cases in which an accused pleads guilty would probably be tried by a military judge alone.

The bill as passed by the House made the election of the accused to be tried by such a single-officer court subject to the approval of the military judge and the consent of the convening authority. The committee has amended the provision by deleting the requirement for consent by the convening authority. The report of the Committee on Armed Services of the House of Representatives states that the provision is modeled after rule 23a of the Federal Rules of Criminal Procedure, which provides that both the court and the Government must consent to waiver by the defendant of trial by jury. However, the committee believes that there are differences between the military community and the civilian community which make such an exact parallel in procedures inadvisable. The command structure in the military presents a possibility of undue prejudicial command influence that is not present in civilian life. In any case, the military judge, after having heard arguments from both trial counsel and defense counsel concerning the appropriateness of trial by a military judge alone, will be in the best position to protect the interest of both the Government and the accused.

Article 16 is further amended by providing for a special court-martial consisting of a military judge and not less than three members. Heretofore, legally trained officers have not been assigned to preside over special courts. The special court-martial with a military judge and members is designed primarily for the trial of cases involving factual and legal problems which might be considered too difficult for a legally untrained special court-martial president to handle. In addition, it should be noted that under the amendment to article 19 made by section 2(5) below, a military judge would have to be detailed, if available, to preside over any special court-martial empowered to adjudge a bad conduct discharge.

Section 2(4) amends article 18 (jurisdiction of general courts-martial) to provide that a general court-martial consisting of only a military judge has no jurisdiction in cases in which the death penalty may be adjudged. The provision is intended to avoid the type of choice found objectionable by the U.S. Supreme Court in *United States* v. *Jackson*, 390 U.S. 570 (1968), which invalidated a provision in the Federal Kidnapping Act that only the jury could impose the death penalty, on the theory that this provision impaired free exercise of the right to a jury trial. The section provides that the jurisdiction of a military judge sitting alone is limited to cases rendered noncapital before reference to trial.

Section 2(5) amends article 19 (jurisdiction of special courts-martial) by providing that before a special court-martial may adjudge a bad-conduct discharge the accused must be detailed counsel who is legally qualified in the sense of article 27(b) to represent him at the trial. Under article 19 as it presently appears in the code, the accused is entitled to "counsel" in such cases but such counsel need have no training in or knowledge of the law.

The comparable provision in the House bill permitted the accused to waive representation by legal counsel in such cases. It is felt by the committee that many young servicemen involved in special courts-martial are too immature to appreciate the value of legal counsel in such circumstances or to comprehend the permanent stigma of a punitive discharge. Hence, a committee amendment provides that legal counsel must be detailed to represent the accused in all such cases without the necessity of a request and without a waiver procedure which might result in many unwise waivers. Such representation, of course, will be at no expense to the accused. This amendment does not limit or otherwise affect any right the accused may have to obtain counsel of his own selection under article 38(b). The obligation of the service will be satisfied when legal counsel has been detailed, even though the accused may choose not to cooperate with, or utilize the services of, the detailed counsel.

The committee amendment further provides that a bad-conduct discharge may not be adjudged by a special court-martial unless a military judge was detailed to the trial. The exception to this provision is that if a military judge cannot be obtained because of physical conditions or military exigencies the trial may be held without the military judge, but the convening authority shall file a detailed written statement to be appended to the record indicating why a military judge was not available, and setting forth the reasons why the trial had to be held at that time and place notwithstanding the unavailability of a military judge. The committee believes that, because of the seriousness of a bad-conduct discharge, a military judge should preside over tribunals empowered to adjudge such discharges, particularly since both the Government and the accused will now be represented by legally qualified counsel. The committee intends by this provision that, except in the most unusual circumstances, a military judge will be detailed in all bad-conduct discharge cases. Furthermore, the requirement that the convening authority justify in writing the failure to detail a military judge in such cases will allow his decision to be scrutinized on appeal with a view to restricting resort to this exception to cases of genuine unavailability.

Section 2(6) is a new provision added by committee amendment. It would amend article 20 (jurisdiction of summary courts-martial) to assure that a serviceman could not be tried over his objection by a summary court-martial, which consists of one commissioned officer. Under article 20 as presently worded, a serviceman initially offered trial by summary court-martial for an alleged offense may refuse this and demand trial by special or general court. On the other hand, if he initially is offered article 15 punishment ("nonjudicial" punishment) and elects to be court-martialed instead, he may not refuse trial by summary court-martial if his commander decides to refer the case to such a court. In 1961, the Congress enacted a major amendment to article 15 greatly expanding the nonjudicial-punishment powers of military commanders. One reason for this change was the expectation of the Department of Defense that by making the article 15 disciplinary powers of a commanding officer roughly equivalent to the judicial powers he possesses as the summary court-martial officer, the reliance of commander on that inferior court would decline to a point where it could be abolished. In the years since that amendment became effective, the use of the court has declined dramatically—in the Army and Navy by 50 percent and in the Air Force by over 75 percent. However, it is still used in many thousands of cases. The committee amendment is a compromise between those who favor retention of the summary court as under present law and those who would abolish it. The amendment proposes to remove the present restriction on the existing right of servicemen to refuse trial by summary court, thus assuring that no serviceman may be forced to stand trial against his will in a court where the same man is judge and jury, prosecutor, and defense counsel.

Section 2(7) amends article 25 (members of courts-martial) to provide in subsection (c)(1) that an accused who desires that enlisted members serve on his court-martial shall make such a request before the conclusion of a pretrial session called by the military judge under article 39(a) or, in the absence of such a session, before the court is assembled for the trial of the accused. One of the purposes of the proposed amendment to article 39 (sec. 2(15) below) which would permit the military judge to convene pretrial sessions, is to insure that the trial of the general issues will not be delayed after the court-martial members are in attendance. Under present practice, an accused can postpone his request for enlisted members until the appointed members of the court have gathered and, if enlisted persons are not then on the court, the court would be forced to adjourn until unlisted members are obtained and some of the officer-members relieved. The amendment would remove this cause of frequent delay. The request for enlisted personnel could be made at any time prior to the conclusion of such a session. If no pretrial session is held, the procedure for requesting enlisted persons will be substantially the same as the procedure now used.

Article 25 is further amended by substituting the word "assembled" for the word

"convened" in subsection (c)(1). The term "convened" as used in the present subsection (c)(1) has been considered to be a term of art which has reference to that time in the court-martial proceedings when the members, the military judge, and counsel are sworn. The proposed amendment to article 42 (sec. 6(18) below) contemplates that, if permitted by regulations of the Secretary concerned, the above personnel will be sworn in at some time before their gathering in the courtroom. Accordingly, the term "convened" as used in the above sense might have no application under the amended procedure. Furthermore, the term "convened" is used elsewhere in the code to refer to the appointment of courts-martial and consequently has caused some confusion in this respect. This and other amendments in this bill will obviate this confusion of terms by using the word "assembled" to refer to the gathering as distinguished from the appointment of the court.

Section 7(8) is a technical amendment to conform the analysis in subchapter V to the amendments changing "law officer" to "military judge" and providing for detail of a military judge to a special court-martial.

Section 7(9) amends article 26 (law officers) to change the title designation of "law officer" to "military judge," to indicate that military judges may be detailed to special courts-martial as well as to general courts-martial, and to prescribe the method for designating and detailing military judges of general courts-martial with provision for their assignment and utilization.

The proposed new subsection (a) of article 26 will include a specific provision that the military judge shall preside over each open session of a court-martial to which he is detailed.

Proposed new subsection (b) will require that a military judge be a commissioned officer who is a member of the bar of a Federal court or a member of the bar of the highest court of a State. He will be certified as a military judge by the Judge Advocate General of the armed force of which he is a member.

Proposed new subsection (c) will enact into law the general principles of the "independent field judiciary" system already adopted administratively by some of the armed services, while leaving to the services a desirable degree of flexibility for implementing improvements in detail which may be indicated by additional experience. The intent is to provide for the establishment within each service of an independent judiciary composed of military judges certified for duty on general courts-martial, who are assigned directly to the Judge Advocate General of the service and are responsible only to him or his designees for direction and fitness ratings. Rules for designating and detailing military judges of special courts-martial are left subject to regulations of the Secretary concerned. This will permit the establishment of special lists of junior judge advocates who can be utilized for other duties while serving as military judges of special courts-martial in preparation for later assignment to general courts-martial.

Proposed new subsection (d) disqualifies an officer from acting as a military judge in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or a counsel in the same case.

Proposed new subsection (e) is an amended version of the present subsection (b) of article 26 which would eliminate the procedure whereby the military judge may consult in closed session with the members of the court in order to assist them in putting the findings in proper form. This practice has produced unfortunate results in some instances and has been condemned by the Court of Military Appeals. See *United States v. Manuel*, 16 USCMA 357, 36 CMR 513 (1966). Under the amendment, such consultation would have to be in the presence of the accused, trial counsel, and defense counsel.

Section (2)10) amends article 27 (detail of counsel) by affording an accused before a special court-martial the opportunity to be represented by legally qualified counsel in the sense of article 27(b), unless counsel having such qualifications cannot be obtained because of physical conditions or military exigencies. The accused may waive such representation. If the accused wishes qualified legal counsel and such counsel cannot be made available, the convening authority shall make a detailed written statement to be appended to the record indicating why counsel was not available, and setting forth the reasons why the trial had to be held at that time and place notwithstanding the unavailability of qualified defense counsel. The committee believes that an accused should be represented by legal counsel in a court-martial which may result in a sentence as severe as confinement for 6 months. It is the intent of the committee that the considerations applicable to the detailing of military judges to certain special courts-martial (set forth above in the analysis of sec. 2(5)) shall apply to the detailing of legally qualified defense counsel to special courts-martial. It is understood that this requirement may create a manpower problem, but the committee believes that with sufficient attention and effort the problem can be overcome and resort to the unavailability exception can be kept to a minimum.

It should be kept in mind that the exception in cases of unavailability and the provision for waiver by the accused are not applicable to a court-martial empowered to adjudge a bad-conduct discharge. In such a case, under the proposed amendment to article 19 by section 2(5) above, legally qualified counsel must be detailed to represent the accused without exception and with no provision for waiver by the accused.

Section 2(11) amends article 29 (absent and additional members of courts-martial) to provide that no member of a general or special court-martial may be absent or excused, except for certain reasons which are specified, after the court has been assembled for the trial of the accused. Courts-martial consisting only of a military judge are specifically excepted from the operation of subsections (b) and (c) of article 29 which provide for the detailing of new members to replace absent or excused members of general and special courts.

A new subsection (d) is added to provide for those instances in which a military judge sitting alone as a single-officer general or special court-martial is absent, whether because of physical disability, challenge, or other good cause, and a new military judge is detailed. Just as in the case of absent court members, the trial shall proceed as if no evidence had previously been introduced unless a verbatim record of the evidence previously introduced or a stipulation thereof is read in court in the presence of the new military judge, the accused, and counsel for both sides. The accused, knowing the identity of the newly detailed military judge and after consultation with counsel, must request in writing that the new military judge try his case (see sec. 2(3) above). Otherwise, the charges must be returned to the convening authority for reference to a court-martial which includes members or for other disposition.

This section further amends article 29 by deleting any reference in subsections (b) and (c) to the oaths of the members so as to make it clear that it is not required that new members take their oaths at the trial. The proposed amendment to article 42 (see sec. 2(18) below) provides that the oath may be taken at any time before a member performs his duties. The words "evidence previously introduced before the members of the court" have been inserted in place of the present language so that only that evidence which has been introduced before the members of the court must be read to the court to which the new members have been detailed and so that all evidence, not just "testimony," will be included.

Section 2(12) amends article 35 (service of charges) to provide time for preparation by the defense before the convening of a pretrial session under the proposed amendment to article 39 below.

Section 2(13) amends article 37 (unlawfully influencing action of court) to strengthen the existing prohibitions against unlawful command influence exerted on members or officials of a court-martial by the convening authority or other commanding officers.

The section would redesignate the text of the present article as subsection (a) and would specifically exempt general informational lectures on military justice from the prohibitions of the article, thereby reversing a Court of Military Appeals decision in which such general lectures were found to violate article 37.

The section would also add to article 37 a new subsection (b) providing that the performance of a serviceman as a member of a court-martial may not be evaluated in preparing an effectiveness, fitness, or efficiency report on him or in determining his fitness for promotion, transfer, or retention in the service, nor may he be given a less favorable rating or evaluation because of his zeal in acting as defense counsel in a court-martial.

Section 2 (14) amends article 38 (duties of counsel) by providing that, if the accused who has individual counsel does not desire that detailed counsel act in his behalf as associate counsel, detailed counsel shall be excused by the military judge instead of by the president when the trial is by a court-martial which includes, or consists only of, a military judge. This change is made necessary by the provisions for courts-martial consisting of a military judge only, and also by the provisions which permit the military judge to call the court into pretrial session without the presence of the members. In the absence of the amendment the military judge would not be empowered to excuse counsel at the session.

Section 2 (15) amends article 39 (sessions) to provide that the military judge of a court-martial composed of a military judge and members may call the court into session without the attendance of members for the purpose of disposing of interlocutory motions raising defenses and objections, ruling upon other matters that may legally be ruled upon by the military judge, holding the arraignment and receiving the pleas of the accused if permitted by regulations of the Secretary concerned, and performing other procedural functions which do not require the presence of court members. The effect of the amendment, generally, is to conform military criminal procedure with the rules of criminal procedure applicable in the U.S. district courts and otherwise to give statutory sanction to pretrial and other hearings without the presence of the members concerning those matters which are amenable to disposition on either a tentative or final basis by the military judge. The pretrial disposition of motions raising defenses and objections is in accordance with rule 12 of the Federal Rules of Criminal Procedure. (Note also rule 17.1 of the Federal Rules of Criminal Procedure.) Other procedural and interlocutory matters will be presented for appropriate rulings by the military judge at pretrial sessions at his discretion, although he may not abuse that discretion by violating or impairing in these proceedings any substantial right of the accused. This is in accordance with the principles expressed by

the U.S. Court of Military Appeals in *United States* v. *Mullican*, 7 USCMA 208, 21 CMR 334.

A typical matter which could be disposed of at a pretrial session is the preliminary decision on the admissibility of a contested confession. Under present practice, an objection by the defense to the admissibility of a confession on the ground that it was not voluntary frequently results in a lengthy hearing before the military judge from which the members of the court are excluded, although they must still remain in attendance. By permitting the military judge to rule on this question before the members of the court have assembled, the members are not required to spend considerable time merely waiting for a decision of the military judge. If the military judge sustains the objection, the issue is resolved, and the fact and innuendoes surrounding the making of the confession will not reach the members by inference or otherwise. If the military judge determines to admit the confession, the issue of voluntariness will normally, under civilian and military Federal practice, be relitigated before the full court.

Only one pretrial session would be called in any particular case, although that session could continue for as long as necessary and could be recessed, postponed, continued, or reconvened. A reconvened pretrial session would not constitute a second such session, but rather a continuation of the session first called.

This amendment merely provides a grant of authority to the military judge to hold sessions without the attendance of the members of the court for the purposes designated in the amendment and does not attempt to formulate rules for the conduct of these sessions or for determining whether or not particular matters not raised there at shall be considered as waived. These are questions more appropriately resolved under the authority given to the president in article 36 to make rules governing the procedure before courts-martial. The president now prescribes rules as to motions raising defenses and objections in court-martial trials in chapter XII of the Manual for Courts-Martial, as does the Supreme Court for Federal criminal trials in rule 12 of the Federal Rules of Criminal Procedures.

The section also amends article 39 to conform to the amendment to article 26 by section 2(9) above which eliminates the practice of the military judge conferring with the members on the form of the findings without the presence of the accused and counsel.

Section 2(16) amends article 40 (continuances) to make it clear that when the court includes a military judge he will decide whether or not a continuance will be granted. This has actually been the practice under the code.

Section 2(17) amends subsection (a) of article 41 (challenges) by specifically providing that the military judge of a special court-martial may be challenged for cause. Article 41(a) is further amended to provide that when a court-martial includes a military judge, he, rather than the members, shall determine the relevancy and validity of challenges. The effect of this amendment is to conform procedures before courts-martial to procedures in the U.S. district courts in which the trial judge rules upon a challenge for cause against a juror. As recently as February 5, 1965, in the case of *United States* v. *Cleveland*, 15 USCMA 213, 35 CMR 185, the Court of Military Appeals reaffirmed its recommendation (made in the 1960 annual report to Congress) that legislation be enacted to empower the military judge to rule upon the validity of challenges for cause. Prior expressions of this position may be found in *United States* v. *Talbott*, 12 USCMA 446, 31 CMR 32 (1961); *United States* v. *Dean*, 5 USCMA 44, 17 CMR 41 (1954); and *United States* v. *Adamsik*, 4 USCMA 412, 15 SCMR 412 (1954).

Section 2(18) amends subsection (a) of article 42 (oaths) by omitting the requirement that the oath given to court-martial personnel be taken in the presence of the accused and further by providing that the form of the oath, the time and place of its taking, the manner of recording thereof, and whether the oath shall be taken for all cases or for a particular case, shall be prescribed by regulations of the Secretary concerned. The amendment also contemplates that secretarial regulations may permit the administration of an oath to certified legal personnel on a one-time basis as in the case of legal practitioners before civilian courts.

Section 2(19) amends article 45 (pleas of the accused) to allow, if permitted by regulations of the Secretary concerned and if the offense is not one for which the death penalty may be adjudged, the entry of findings of guilty upon acceptance of a plea of guilty without the necessity of voting on the findings. At common law and under the practice in the U.S. district courts, the court may enter judgment upon a plea of guilty without a formal finding of guilty and the record of judgment entered on such plea constitutes a judicial determination of guilt. The amendment is intended to conform military criminal procedure with that in civilian jurisdictions, and to delete from military practice the merely ritualistic formality of requiring the assembled court to vote on the findings. The section also deletes the reference in subsection (a) to "arraignment before a court-martial" to conform with the changed article 39.

Section 2(20) amends subsection (a) of article 49 (depositions) to provide that, when a case is being heard, the military judge or court-martial without a military judge is the appropriate authority to forbid the taking of a deposition for good cause. The intent and purpose of this change is to vest in the military judge or in the court-martial if it does not include a military judge the authority to rule on this interlocutory matter after trial has begun.

Section 2(21) amends article 51 (voting and rulings) to reflect the amendment to article 41 which provides that, when a court-martial includes a military judge, he is the person who rules upon all challenges for cause, and to include specifically in subsection (c) the duty of the military judge and president of a court-martial without a military judge to instruct the members of the court. This section further amends article 51 to provide that rulings of the military judge of a special, as well as a general, court-martial on all questions of law and all interlocutory questions other than the factual issues of the accused's mental responsibility are final and that rulings of the president of a special court-martial without a military judge on questions of law other than a motion for a finding of not guilty are also final. The military judge or the president of a court-martial without a military judge, however, can change his ruling at any time during the trial. The power given to the military judge by this amendment is in accordance with Federal practice, and the power given to the president of a special court-martial to rule finally on questions of law is implicit in the decision of the U.S. Court of Military Appeals in *United States* v. *Bridges*, 12 USCMA 96, 30 CMR 96.

Article 51 is further amended to provide that a military judge who is sitting alone as a single-officer court-martial shall determine all questions of law and fact arising during the proceedings and, if the accused is convicted, adjudge an appropriate sentence. Under these circumstances, the military judge shall make a general finding and, if requested, find the facts specially. If an opinion is filed it will be sufficient if the finding of fact appears therein.

Section 2(22) amends article 52 (number of votes required) to conform with the amendment to article 45 by inserting in subsection (a)(2) a provision whereby findings of guilty may be entered against a person upon his plea of guilty without the formality of a vote, if permitted by regulations of the Secretary concerned and if the offense is not one for which the death penalty may be adjudged. Article 52 is further amended by adding to subsection (c) a provision whereby the members of the court may determine to reconsider a finding of guilty or, with a view to decreasing it, a sentence upon any vote which indicates that reconsideration is not opposed by the number of votes required for that finding or sentence. This amendment is consistent with justice and fair procedure, for such a vote would indicate that at least one of the members who had voted for the finding or sentence now desires to reconsider the matter. A reconsideration of a finding of guilty of a lesser included offense with a view to arriving at a finding of guilty of a greater offense is actually a reconsideration of a finding of not guilty, and accordingly a majority vote is required before such a reconsideration can be undertaken. The amendment is not intended to have any effect upon the time within which a finding or sentence may be reconsidered, this being part of the rulemaking power of the President under article 36 (see pars. 74d(3) and 76(c) of the Manual for Courts-Martial for rules now in effect).

Section 2(23) amends subsection (a) of article 54 (record of trial) to provide for authentication of a record of trial by general court-martial by the signature of the military judge. Under the present law, the record must be authenticated by the signature of both military judge and the president, or, if they are unavailable for one of the reasons specified in the article, by two members. However, neither the president nor other members are present during the many hearings held out of their presence even under the present practice, and thus actually are unable to certify to the correctness of a transcription of those proceedings. The amendment further provides that if the military judge cannot, for one of the specified reasons, authenticate the record, it shall be authenticated by the signature of the trial counsel or if he is unable to authenticate it because of his death, disability, or absence, by a member. Authentications by a member, if the court has members, in this latter case may be a practical necessity despite the absence of the member from hearings conducted by the military judge. In a general court-martial consisting of only a military judge the record shall be authenticated by the court reporter under the same conditions which would impose such a duty on a member under this subsection.

This amendment further amends article 54 by permitting the president to provide for summarized records of trial in general court-martial cases resulting in acquittal of all charges and specifications or, if they do not affect a general or flag officer, in sentences not involving a discharge and not in excess of a sentence that can otherwise be adjudged by special courts-martial. This amendment corrects an inconsistency which has heretofore existed, since the use of a summarized record of trial is permitted in special court-martial cases if the sentence does not extend to a bad-conduct discharge. The reasons which justify the employment of summarized records of trial in certain special court-martial cases are equally applicable to the class of general court-martial cases affected by this amendment—that is, the time, effort, and expense of preparing a verbatim transcript are not justified. It is recognized, of course, that the general court-martial case will have to be fully reported

in the first instance, and the amendment deals only with preparation of the record after trial.

Section 2(24) amends article 57 (effective date of sentences) to permit the deferment of sentences to confinement during the appellate review process. For the convicted military accused, no practical provision for release during the period of appellate review now exists. Article 57(b) provides that a sentence to confinement begins to run from the date it is adjudged by the court, with the exception that periods during which it is suspended are to be excluded in computing the term of confinement. The Court of Military Appeals has held (*United States* v. *May*, 10 USCMA 358, 27 CMR 415 (1959) that a suspension of a sentence makes the accused a probationer as to the part suspended, and that the suspension may not thereafter be vacated except after a hearing to establish that the accused has violated his probation. Suspension of sentence cannot, therefore, be used effectively as a means of release pending appeal. In consequence, a convicted military prisoner must begin serving his sentence to confinement from the date it is adjudged, even though it ultimately may be reversed on appeal. If it is reversed by the Court of Military Appeals, the prisoner probably will have served the entire sentence by the time a decision is rendered. If reversal comes earlier, at the court of military review level, he will at least have served several months of the sentence before reversal.

This amendment will correct this situation by authorizing a means of release from confinement during appellate review. Under the proposed new subsection (d), article 57, the convening authority or the officer exercising general court-martial jurisdiction over the command could in his discretion defer an individual's service of a sentence to confinement which has not been ordered executed, upon the accused's application. The deferment would be terminated and the sentence would begin to run automatically when the sentence is approved upon review and ordered executed. The discretion exercised would be very broad and would be vested exclusively in the convening authority or the officer exercising general court-martial jurisdiction. Such officers would take into consideration all relevant factors in each case and would grant or deny deferment based upon the best interest of the individual and the service. The officer granting the deferment or, if the individual is no longer under his jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the individual is currently assigned would have discretionary authority to rescind it at any time.

Sections 2(25) and 2(26) are technical amendments to the analysis of subchapter IX and article 65(b), respectively, to reflect the redesignation by the following section of "boards of review" as "courts of military review."

Section 2(27) amends article 66 (boards of review) by redesignating the boards as "courts of military reivew" and by directing each judge advocate general to establish a single court of military review in the place of the "one or more boards of review" provided for in the present article 66(a). The amendment also provides that the court of military review shall be composed of one or more panels and that each panel shall be composed of not less than three appellate military judges. In reviewing court-martial cases, the court of military review may sit as a whole, or in panels, in accordance with uniform rules of procedure prescribed by the judge advocate generals in accordance with article 66(f). Qualifications of the appellate military judges who may be assigned to the court remain the same as the present qualifications for members of boards of review. Under the amendment, the Judge Advocate General designates as chief judge one of the appellate military judges of the court of military review established by him. The chief judge determines on which of the panels of the court the appellate military judges assigned to the court will serve and which appellate military judge assigned to the court will act as the senior judge on each panel. The purpose of the amendment is to provide a single appellate body for the review of court-martial cases within each service, to improve and enhance the stature and independent status of these appellate bodies, and to provide for sound internal administration within these courts of military review.

This section further amends article 66 by adding two new subsections at the end thereof. Subsection (g) prohibits one member of a court of military review from preparing or in any way participating in the submission of a fitness or efficiency report on any other member. This prohibition also extends to any report or document used in determining another member's qualifications for advancement in grade, assignment or transfer, or retention on active duty. Subsection (h) prohibits any member of a court of military review from reviewing the record in any case in which that member served as investigating officer, member of the court-martial, military judge, trial or defense counsel, or reviewing officer.

Section 2(28) is a technical amendment to reflect the change in terminology made by the previous section.

Section 2(29) amends article 68 (branch offices) to provide that the Secretary concerned, instead of the president as provided in the present article, may direct the Judge Advocate General to establish a branch office under an assistant judge advocate general with any command. That assistant judge advocate general, with the consent of the Judge Advocate General, may establish a court of military review with one or more panels. In other respects the provisions of the amendment are similar to the provisions of the present article 68 respecting the assistant judge advocate general and boards of review.

Section 2(30) amends article 69 (review by Judge Advocate General) by adding a new sentence authorizing the Judge Advocate General) to either vacate or modify the findings or sentence, or both, in whole or in part, in any court-martial case which has been finally reviewed, but which has not been reviewed by a court of military review, because of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused. It has been the experience of all of the services in this class of cases, particularly with respect to summary court-martial cases and those special and general court-martial cases not reviewable by a board of review, that some provision should be made for removing the fact of conviction, as well as granting other relief, in appropriate cases. Since the decision to remove the fact of conviction is a judicial determination based on the traditional legal grounds mentioned in the proposed amendment, it is considered appropriate that the Judge Advocate General should be empowered to perform this function as well as to grant lesser forms of relief. This amendment would not limit the power now possessed by the Secretary concerned, acting through boards established under 10 U.S.C. 1552, to correct an error or remove an injustice.

Section 2(31) amends article 70 (appellate counsel) to reflect the new title "court of military review."

Section 2(32) amends article 71 (execution and suspension of sentence) to reflect the new title "court of military review" and to reflect the amendment made by section 2(24) above permitting the deferment of sentences to confinement pending appellate review.

Section 2(33) amends article 73 (petition for new trial) to extend the time within which an accused may petition the Judge Advocate General for a new trial from 1 to 2 years, and to extend the right to petition for a new trial to all cases, not just those involving sentences to death, dismissal, a punitive discharge, or a year or more in confinement, as under the present article 73.

Section 2(34) is a technical amendment to reflect the new title "military judge."

Section 3 is a technical amendment providing that in any other provision of Federal law, or in any regulation, document, or record of the United States, the term "law officer," when used to refer to a court-martial official, shall be deemed to mean "military judge," and the term "board of review," when used to refer to the appellate review of court-martial cases, shall be deemed to mean "court of military review."

Section 4 provides that the amendments made by this act shall become effective on the first day of the 10th month following the month in which it is enacted, except for the amendment made by section 2(30) (review by Judge Advocate General) which shall become effective upon enactment of the act, and the amendment made by section 2(33) (petition for new trial) which shall apply to all court-martial sentences approved not more than 2 years before enactment of the act.

The title of the act is amended to read: "An act to increase the participation of military judges and counsel on courts-martial, and for other purposes."

DEPARTMENTAL RECOMMENDATION

As referred to the committee the bill had the approval of the Department of Defense. Although some of the committee amendments had earlier been opposed by the Department of Defense in its reports on military justice proposals, the committee was informally notified that the Department of Defense approves the bill as reported by the committee.

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 of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15971) was read the third time and passed.

The title was amended, so as to read: "An act to increase the participation of military judges and counsel on courts-martial, and for other purposes."

FEDERAL MAGISTRATE ACT

Mr. TYDINGS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 945.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 945) to abolish the office of United States commissioner, to establish in place thereof within the judicial branch of the Government the office of United States magistrate, and for other purposes which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Federal Magistrates Act".

TITLE I—UNITED STATES MAGISTRATES

SEC. 101. Chapter 43, title 28, United States Code, relating to United States commissioners, is amended to read as follows:

"CHAPTER 43.—UNITED STATES MAGISTRATES

"Sec.
"631. Appointment and tenure.
"632. Character of service.
"633. Determination of number, locations, and salaries of magistrates.
"634. Compensation.
"635. Expenses.
"636. Jurisdiction and powers.
"637. Training.
"638. Dockets and forms; United States Code; seals.
"639. Definitions.

"§ 631. Appointment and tenure

"(a) The judges of each United States district court shall appoint United States magistrates in such numbers and to serve at such locations within the judicial district as the conference may determine under this chapter. Where there is more than one judge of a district court, the appointment, whether an original appointment or a reappointment, shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge. Where an area under the administration of the National Park Service, or the United States Fish and Wildlife Service, or any other Federal agency, extends into two or more judicial districts and it is deemed desirable by the conference that the territorial jurisdiction of a magistrate's appointment include the entirety of such area, the appointment or reappointment shall be made by the concurrence of a majority of all judges of the district courts of the judicial districts involved, and where there is no such concurrence by the concurrence of the chief judges of such district courts.

"(b) No individual may be appointed to serve as a magistrate under this chapter unless:

"(1) He is a member in good standing of the bar of the highest court of the State in which he is to serve, or, in the case of an individual appointed to serve—

"(A) in the District of Columbia, a member in good standing of the bar of the United States district court for the District of Columbia;

"(B) in the Commonwealth of Puerto Rico, a member in good standing of the bar of the Supreme Court of Puerto Rico; or

"(C) in an area under the administration of the National Park Service, the United States Fish and Wildlife Service, or any other Federal agency that extends into two or more States, a member in good standing of the bar of the highest court of one of those States;

except that an individual who does not meet the bar membership requirements of the first sentence of this paragraph may be appointed and serve as a part-time magistrate if the appointing court or courts and the conference find that no qualified individual who is a member of the bar is available to serve at a specific location;

"(2) He is determined by the appointing district court or courts to be competent to perform the duties of the office;

"(3) In the case of an individual appointed to serve in a national park, he resides within the exterior boundaries of that park, or at some place reasonably adjacent thereto;

"(4) He is not related by blood or marriage to a judge of the appointing court or courts at the time of his initial appointment.

"(c) A magistrate may hold no other civil or military office or employment under the United States: *Provided, however*, That, with the approval of the conference, a part-time referee in bankruptcy or a clerk or deputy clerk of a court of the United States may be appointed and serve as a part-time United States magistrate, but the conference shall fix the aggregate amount of compensation to be received for performing the duties of part-time magistrate and part-time referee in bankruptcy, clerk or deputy clerk: And *provided further*, That retired officers and retired enlisted personnel of the Regular and Reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard, members of the Reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard, and members of the Army National Guard of the United States, the Air National Guard of the United States, and the Naval Militia and of the National Guard of a State, territory, or the District of Columbia, except the National Guard disbursing officers who are on a full-time salary basis, may be appointed and serve as United States magistrates.

"(d) No individual may serve under this chapter after having attained the age of seventy years: *Provided, however*, That upon the unanimous vote of all the judges of the appointing court or courts, a magistrate who has attained the age of seventy years may continue to serve and may be reappointed under this chapter.

"(e) The appointment of any individual as a full-time magistrate shall be for a term of eight years, and the appointment of any individuals as a part-time magistrate shall be for a term of four years, except that the term of a full-time or part-time magistrate appointed under subsection (j) shall expire upon—

"(1) the expiration of the absent magistrate's term,

"(2) the reinstatement of the absent magistrate in regular service in office as a magistrate,

"(3) the failure of the absent magistrate to make timely application under subsection (i) of this section for reinstatement in regular service in office as a magistrate after discharge or release from military service.

"(4) the death or resignation of the absent magistrate, or

"(5) the removal from office of the absent magistrate pursuant to subsection (h) of this section,

whichever may first occur.

"(f) Each individual appointed as a magistrate under this section shall take the oath or affirmation prescribed by section 453 of this title before performing the duties of his office.

"(g) Each appointment made by a judge or judges of a district court shall be entered of record in such court, and notice of such appointment shall be given at once by the clerk of that court to the Director.

"(h) Removal of a magistrate during the term for which he is appointed shall be only for incompetency, misconduct, neglect of duty, or physical or mental disability, but a magistrate's office shall be terminated if the conference determines that the services performed by his office are no longer needed. Removal shall be by the judges of the district court for the judicial district in which the magistrate serves; where there is more than one judge of a district court, removal shall not occur unless a majority of all the judges of such court concur in the order of removal; and when there is a tie vote of the judges of the district court on the question of the removal or retention in office of a magistrate, then removal shall be only by a concurrence of a majority of all the judges of the council. In the case of a magistrate appointed under the third sentence of subsection (a) of this section, removal shall not occur unless a majority of all the judges of the appointing district courts concur in the order of removal; and where there is a tie vote on the question of the removal or retention in office of a magistrate, then removal shall be only by a concurrence of a majority of all the judges of the council or councils. Before any order or removal shall be entered, a full specification of the charges shall be furnished to the magistrate, and he shall be accorded by the judge or judges of the removing court, courts, council, or councils an opportunity to be heard on the charges.

"(i)(1) A magistrate who is inducted into the Armed Forces of the United States pursuant to the Military Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.), or is otherwise ordered to active duty with such forces for a period of more than thirty days, and who makes application for a leave of absence to the district court or courts which appointed him, shall be granted a leave of absence without compensation for such period as he is required to serve in such forces. Every application for a leave of absence under this subsection shall include a copy of the official orders requiring the magistrate's military service. The granting of a leave of absence under this subsection shall not operate to extend the term of office of any magistrate.

"(2) A magistrate granted a leave of absence under this subsection who—

"(A) receives a certificate of service under section 9(a) of the Military Selective Service Act of 1967 (50 U.S.C. App. 459(a)), or is released under honorable conditions from the military service,

"(B) makes application for reinstatement to regular service in office as a magistrate within ninety days after he is released from such service or training or from hospitalization continuing after discharge for a period of not more than one year, and

"(C) is determined by the appointing court or courts in the manner specified in subsection (a) of this section to be still qualified to perform the duties of such position, shall be reinstated in regular service in such office.

"(j) Upon the grant by the appropriate district court or courts of a leave of absence to a magistrate entitled to such relief under the terms of subsection (i) of this section, such court or courts may proceed to appoint, in the manner specified in subsection (a) of this section, another magistrate, qualified for appointment and service under subsections (b), (c), and (d) of this section, who shall serve for the period specified in subsection (e) of this section.

"§ 632. Character of service

"(a) Full-time United States magistrates may not engage in the practice of law, and may not engage in any other business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers.

"(b) Part-time United States magistrates shall render such service as judicial officers as is required by law. While so serving they may engage in the practice of law, but may not serve as counsel in any criminal action in any court of the United States, nor act in any capacity that is, under such regulations as the conference may establish, inconsistent with the proper discharge of their office. Within such restrictions, they may engage in any other business, occupation, or employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers.

"§ 633. Determination of number, locations, and salaries of magistrates

"(a) SURVEYS BY THE DIRECTOR.—

"(1) The Director shall, within one year immediately following the date of the enactment of the Federal Magistrates Act, make a careful sulrvey of conditions in judicial districts to determine (A) the number of appointments of full-time magistrates and part-time magistrates required to be made under this chapter to provide for the expeditious and effective administration of justice, (B) the locations at which such officers shall serve, and (C) their respective salaries under

section 634 of this title. Thereafter, the Director shall, from time to time, make such surveys, general or local, as the conference shall deem expedient.

"(2) In the course of any survey, the Director shall take into account local conditions in each judicial district, including the areas and the populations to be served, the transportation and communications facilities available, the amount and distribution of business of the type expected to arise before officers appointed under this chapter (including such matters as may be assigned under section 636(b) of this chapter), and any other material factors. The Director shall give consideration to suggestions from any interested parties, including district judges, United States commissioners or officers appointed under this chapter, United States attorneys, bar associations, and other parties having relevant experience or information.

"(3) The surveys shall be made with a view toward creating and maintaining a system of full-time United States magistrates. However, should the Director find, as a result of any such surveys, areas in which the employment of a full-time magistrate would not be feasible or desirable, he shall recommend the appointment of part-time United States magistrates in such numbers and at such locations as may be required to permit prompt and efficient issuance of process and to permit individuals charged with criminal offenses against the United States to be brought before a judicial officer of the United States promptly after arrest.

"(b) DETERMINATION BY THE CONFERENCE.—Upon the completion of the initial surveys required by subsection (a) of this section, the Director shall report to the district courts, the councils, and the conference his recommendations concerning the number of full-time magistrates and part-time magistrates, their respective locations, and the amount of their respective salaries under section 643 of this title. The district courts shall advise their respective councils, stating their recommendations and the reasons therefor; the councils shall advise the conference, stating their recommendations and the reasons therefor, and shall also report to the conference the recommendations of the district courts. The conference shall determine, in the light of the recommendations of the Director, the district courts, and the councils, the number of full-time United States magistrates and part-time United States magistrates, the locations at which they shall serve, and their respective salaries. Such determinations shall take effect in each judicial district at such time as the district court for such judicial district shall determine, but in no event later than one year after they are promulgated.

"(c) CHANGES IN NUMBER, LOCATIONS, AND SALARIES.—Except as otherwise provided in this chapter, the conference may, from time to time, in the light of the recommendations of the Director, the district courts, and the councils, change the number, locations, and salaries of full-time and part-time magistrates, as the expeditious administration of justice may require. Such determinations shall take effect sixty days after they are promulgated.

"§ 634. Compensation

"(a) Officers appointed under this chapter shall receive as full compensation for their services salaries to be fixed by the conference pursuant to section 633 of this title, at rates not more than $22,500 per annum for full-time United States magistrates, and not more than $11,000 per annum nor less than $100 per annum for part-time United States magistrates. In fixing the amount of salary to be paid to any officer appointed under this chapter, consideration shall be given to the average number and the nature of matters that have arisen during the immediately preceding period of five years, and that may be expected thereafter to arise, over which such officer would have jurisdiction and to such other factors as may be material. Disbursement of salaries shall be made by or pursuant to the order of the Director.

"(b) Except as provided by section 8344, title 5, relating to reductions of the salaries of reemployed annuitants under subchapter III of chapter 83 of such title and unless the office has been terminated as provided in this chapter, the salary of a full-time United States magistrate shall not be reduced, during the term in which he is serving, below the salary fixed for him at the beginning of that term.

"(c) All United States magistrates, effective upon their taking the oath or affirmation of office, and all necessary clerical and secretarial assistants employed in the offices of full-time United States magistrates shall be deemed to be officers and employees in the judicial branch of the United States Government within the meaning of subsection III (relating to civil service retirement) of chapter 83, chapter 87 (relating to Federal employees' group life insurance), and chapter 89 (relating to Federal employees' health benefits program) of title 5. Part-time magistrates shall not be excluded from coverage under these chapters solely for lack of a prearranged regular tour of duty.

"§ 635. Expenses

"(a) Full-time United States magistrates serving under this chapter shall be allowed their actual and necessary expenses incurred in the performance of their duties, including the compensation of necessary clerical and secretarial assistance. Such expenses and compensation shall be determined and paid by the Director under such regulations as the Director shall prescribe with the approval of the conference. The Administrator of General Services shall provide such magistrates with necessary courtrooms, office space, furniture and facilities within United States courthouses or office buildings owned or occupied by departments or agencies of the United States, or should suitable courtroom and office space not be available within any such courthouse or office building, the Administrator of General Services, at the request of the Director, shall procure and pay for suitable courtroom and office space, furniture and facilities for such magistrate in another building, but only if such request has been approved as necessary by the judicial council of the appropriate circuit.

"(b) Under such regulations as the Director shall prescribe with the approval of the conference, the Director shall reimburse part-time magistrates for actual expenses necessarily incurred by them in the performance of their duties under this chapter. Such reimbursement may be made, at rates not exceeding those prescribed by such regulations, for expenses incurred by such part-time magistrates for clerical and secretarial assistance, stationery, telephone and other communications services, travel, and such other expenses as may be determined to be necessary for the proper performance of the duties of such officers: *Provided, however,* That no reimbursement shall be made for all or any portion of the expense incurred by such part-time magistrates for the procurement of office space.

"§ 636. Jurisdiction and powers

"(a) Each United States magistrate serving under this chapter shall have within the territorial jurisdiction prescribed by his appointment—

"(1) all powers and duties conferred or imposed upon United States commissioners by law or by the Rules of Criminal Procedure for the United States District Courts;

"(2) the power to administer oaths and affirmations, impose conditions of release under section 3146 of title 18, and take acknowledgements, affidavits, and depositions; and

"(3) the power to conduct trials under section 3401, title 18, United States Code, in conformity with and subject to the limitations of that section.

"(b) Any district court of the United States, by the concurrence of a majority of all the judges of such district court, may establish rules pursuant to which any full-time United States magistrate, or, where there is no full-time magistrate reasonably available, any part-time magistrate specially designated by the court, may be assigned within the territorial jurisdiction of such court such additional duties as are not inconsistent with the Constitution and laws of the United States. The additional duties authorized by rule may include, but are not restricted to—

"(1) service as a special master in an appropriate civil action, pursuant to the applicable provisions of this title and the Federal Rules of Civil Procedure for the United States district courts;

"(2) assistance to a district judge in the conduct of pretrial or discovery proceedings in civil or criminal actions; and

"(3) preliminary review of applications for post-trial relief made by individuals convicted of criminal offenses, and submission of a report and recommendations to facilitate the decision of the district judge having jurisdiction over the case as to whether there should be a hearing.

"(c) The practice and procedure for the trial of cases before officers serving under this chapter, and for the taking and hearing of appeals to the district courts, shall conform to rules promulgated by the Supreme Court pursuant to section 3402 of title 18, United States Code.

"(d) In a proceeding before a magistrate, any of the following acts or conduct shall constitute a contempt of the district court for the district wherein the magistrate is sitting: (1) disobedience or resistance to any lawful order, process, or writ; (2) misbehavior at a hearing or other proceeding, or so near the place thereof as to obstruct the same; (3) failure to produce, after having been ordered to do so, any pertinent document; (4) refusal to appear after having been subpenaed or, upon appearing, refusal to take the oath or affirmation as a witness, or having taken the oath or affirmation, refusal to be examined according to law; or (5) any other act or conduct which if committed before a judge of the district court would constitute contempt of such court. Upon the commission of any such act or conduct, the magistrate shall forthwith certify the facts to a judge of the district court and may serve or cause to be served upon any person whose behavior is brought into question under this section an order requiring such person to appear before a judge of that court upon a day certain to show cause why he should not be adjudged in contempt by reason of the facts so certified. A judge of the district court shall thereupon, in a summary manner, hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a judge of the court, or commit such person upon the conditions applicable in the case of defiance of the process of the district court or misconduct in the presence of a judge of that court.

"§ 637. Training

"The Federal Judicial Center shall conduct periodic training programs and seminars for both full-time and part-time United States magistrates, including an introductory training program for new magistrates, to be held within one year after initial appointment.

"§ 638. Dockets and forms; United States Code; seals

"(a) The Director shall furnish to United States magistrates adequate docket books and forms prescribed by the Director. The Director shall also furnish to each such officer

a copy of the current edition of the United States Code.

"(b) All property furnished to any such officer shall remain the property of the United States and, upon the termination of his term of office, shall be transmitted to his successor in office or otherwise disposed of as the Director orders.

"(c) The Director shall furnish to each United States magistrate appointed under this chapter an official impression seal in a form prescribed by the conference. Each such officer shall affix his seal to every jurat or certificate of his official acts without fee.

"§ 639. Definitions

"As used in this chapter—

"(1) 'Conference' shall mean the Judicial Conference of the United States;

"(2) 'Council' shall means the Judicial Council of the Circuit;

"(3) 'Director' shall mean the Director of the Administrative Office of the United States Courts;

"(4) 'Full-time magistrate' shall mean a full-time United States magistrate;

"(5) 'Part-time magistrate' shall mean a part-time United States magistrate; and

"(6) 'United States magistrate' and 'magistrate' shall mean both full-time and part-time United States magistrates."

SEC. 102. (a) The item relating to United States commissioners contained in the chapter analysis of part III, title 28, United States Code, is amended to read as follows:

"43. United States magistrates..... 631."

(b) The item relating to United States commissioners contained in the part and chapter analysis immediately following the title caption of title 28, United States Code, is amended to read as follows:

"43. United States magistrates..... 631."

TITLE II—ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SEC. 201. (a) Paragraph (9) of subsection (a) of section 604, title 28, United States Code, is amended by striking out the words "United States Commissioners", and inserting in lieu thereof the words "United States magistrates".

(b) Section 604, title 28, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) The Director, under the supervision and direction of the conference, shall:

"(1) supervise all administrative matters relating to the offices of the United States magistrates;

"(2) gather, compile, and evaluate all statistical and other information required for the performance of his duties and the duties of the conference with respect to such officers:

"(3) lay before Congress annually statistical tables and other information which will accurately reflect the business which has come before the various United States magistrates;

"(4) prepare and distribute a manual, with annual supplements and periodic revisions, for the use of such officers, which shall set forth their powers and duties, describe all categories of proceedings that may arise before them, and contain such other information as may be required to enable them to discharge their powers and duties promptly, effectively, and impartially.

"(e) The Director may promulgate appropriate rules and regulations approved by the conference and not inconsistent with any provision of law, to assist him in the performance of the duties conferred upon him by subsection (d) of this section. Magistrates shall keep such records and make such reports as are specified in such rules and regulations".

TITLE III—AMENDMENTS TO TITLE 18, UNITED STATES CODE

TECHNICAL AMENDMENTS

SEC. 301. (a) Except as otherwise specifically provided by this title, part II, title 18, United States Code (relating to criminal procedure) is amended by:

(1) striking out the words "United States commissioner" wherever they appear therein, and inserting in lieu thereof the words "United States magistrate";

(2) striking out the words "United States commissioners" wherever they appear therein, and inserting in lieu thereof the words "United States magistrates";

(3) striking out the word "commissioner" wherever it appears in relation to a United States Commissioner, and inserting in lieu thereof the word "magistrate";

(4) striking out the word "Commissioners" wherever it appears in relation to United States commissioners, and inserting in lieu thereof the word "magistrates".

(b) Section 202(a) of title 18, United States Code, is amended by striking out words "or a part-time United States Commissioner", and inserting in lieu thereof the words "a part-time United States commissioner, or a part-time United States magistrate".

(c) The chapter caption of chapter 219, part II, title 18, United States Code, is amended to read as follows:

"CHAPTER 219.—TRIAL BY UNITED STATES MAGISTRATES"

TRIAL BY MAGISTRATES

SEC. 302. (a) Section 3401, title 18, United States Code, is amended to read as follows:

"§ 3401. Minor offenses; application of probation laws

"(a) When specially designated to exercise such jurisdiction by the district court or courts he serves, and under such conditions as may be imposed by the terms of the special designation, any United States magistrate shall have jurisdiction to try persons accused of, and sentence persons convicted of, minor offenses committed within that judicial district.

"(b) Any person charged with a minor offense may elect, however, to be tried before a judge of the district court for the district in which the offense was committed. The magistrate shall carefully explain to the defendant that he has a right to trial before a judge of the district court and that he may have a right to trial by jury before such judge, and shall not proceed to try the case unless the defendant, after such explanation, signs a written consent to be tried before the magistrate that specifically waives both a trial before a judge of the district court and any right to trial by jury that he may have.

"(c) A magistrate who exercises trial jurisdiction under this section, and before whom a person is convicted or pleads either guilty or nolo contendere, may, with the approval of a judge of the district court, direct the probation service of the court to conduct a presentence investigation on that person and render a report to the magistrate prior to the imposition of sentence.

"(d) The probation laws shall be applicable to persons tried by a magistrate under this section, and such officer shall have power to grant probation and to revoke or reinstate the probation of any person granted probation by him.

"(e) Proceedings before United States magistrates under this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. For purposes of appeal a copy of the record of such proceedings shall be made available at the expense of the United States to a person who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director of the Administrative Office of the United States Courts.

"(f) As used in this section, the term 'minor offenses' means misdemeanors punishable under the laws of the United States, the penalty for which does not exceed imprisonment for a period of one year, or a fine of not more than $1,000, or both, except that such term does not include any offense punishable under any of the following provisions of law: Section 102 of the Revised Statutes, as amended (2 U.S.C. 192); section 314(a) of the Federal Corrupt Practices Act, 1925 (2 U.S.C. 252(a)); and sections 210, 211, 242, 594, 597, 599, 600, 601, 1304, 1504, 1508, 1509, 2234, 2235, and 2236 of title 18, United States Code."

(b) Section 3402, title 18, United States Code, is amended to read as follows:

"§ 3402. Rules of procedure; practice and appeal

"In all cases of conviction by a United States magistrate an appeal of right shall lie from the judgment of the magistrate to a judge of the district court of the district in which the offense was committed.

"The Supreme Court shall prescribe rules of procedure and practice for the trial of cases before magistrates and for taking and hearing of appeals to the judges of the district courts of the United States."

(c) The item related to section 3401, title 18, United States Code, contained in the chapter analysis of chapter 219, title 18, United States Code, is amended to read as follows:

"3401. Minor offenses; application of probation laws."

PRELIMINARY EXAMINATION

SEC. 303. (a) Section 3060, title 18, United States Code, is amended to read as follows:

"§ 3060. Preliminary examination

"(a) Except as otherwise provided by this section, a preliminary examination shall be held within the time set by the judge or magistrate pursuant to subsection (b) of this section, to determine whether there is probable cause to believe that an offense has been committed and that the arrested person has committed it.

"(b) The date for the preliminary examination shall be fixed by the judge or magistrate at the initial appearance of the arrested person. Except as provided by subsection (c) of this section, or unless the arrested person waives the preliminary examination, such examination shall be held within a reasonable time following initial appearance, but in any event not later than—

"(1) the tenth day following the date of the initial appearance of the arrested person before such officer if the arrested person is held in custody without any provision for release, or is held in custody for failure to meet the conditions of release imposed, or is released from custody only during specified hours of the day; or

"(2) the twentieth day following the date of the initial appearance if the arrested person is released from custody under any condition other than a condition described in paragraph (1) of this subsection.

"(c) With the consent of the arrested person, the date fixed by the judge or magistrate for the preliminary examination may be a date later than that prescribed by subsection (b), or many be continued one or more times to a date subsequent to the date initially fixed therefor. In the absence of such consent of the accused, the date fixed for the preliminary hearing may be a date later than that prescribed by subsection (b), or may be continued to a date subsequent to the date initially fixed therefor, only upon the order of a judge of the appropriate United States district court after a finding that extraordinary circumstances exist, and that the delay of the preliminary hearing is indispensable to the interests of justice.

"(d) Except as provided by subsection (e) of this section, an arrested person who has not been accorded the preliminary examination required by subsection (a) within the period of time fixed by the judge or magistrate in compliance with subsections (b) and (c), shall be discharged from custody or from the requirement of bail or any other condition of release, without prejudice, however, to the institution of further criminal pro-

ceedings against him upon the charge upon which he was arrested.

"(e) No preliminary examination in compliance with subsection (a) of this section shall be required to be accorded an arrested person, nor shall such arrested person be discharged from custody or from the requirement of bail or any other condition of release pursuant to subsection (d), if at any time subsequent to the initial appearance of such person before a judge or magistrate and prior to the date fixed for the preliminary examination pursuant to subsections (b) and (c) an indictment is returned or, in appropriate cases, an information is filed against such person in a court of the United States.

"(f) Proceedings before United States magistrates under this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. A copy of the record of such proceeding shall be made available at the expense of the United States to a person who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director of the Administrative Office of the United States Courts."

(b) The item relating to section 3060 contained in the section analysis of chapter 203, title 18, United States Code, is amended to read as follows:

"3060. Preliminary examination."

TITLE IV—TRANSITIONAL PROVISIONS

APPOINTMENT OF MAGISTRATES

SEC. 401. (a) No individual may serve as a United States commissioner within any judicial district after the date on which a United States magistrate assumes office in such judicial district.

(b) An individual serving as a United States commissioner within any judicial district on the date of enactment of this Act who is a member in good standing of the bar of the highest court of any State may be appointed to the office of United States magistrate for an initial term, and may be reappointed to such office for successive terms, notwithstanding his failure to meet the bar membership qualification imposed by section 631(b)(1) of chapter 43, title 28, United States Code: *Provided, however*, That any appointment or reappointment of such an individual must be by unanimous vote of all the judges of the appointing district court or courts.

APPLICABLE LAW

SEC. 402. (a) All provisions of law relating to the powers, duties, jurisdiction, functions, service, compensation, and facilities of United States commissioners, as such provisions existed on the day preceding the date of enactment of this Act, shall continue in effect in each judicial district until but not on or after (1) the date on which the first United States magistrate assumes office within such judicial district pursuant to section 631 of chapter 43, title 28, United States Code, as amended by this Act, or (2) the third anniversary of the date of enactment of this Act, whichever date is earlier.

(b) On and after the date on which the first United States magistrate assumes office within any judicial district pursuant to section 631 of chapter 43, title 28, United States Code, as amended by this Act, or the third anniversary of the date of enactment of this Act, whichever date is earlier—

(1) the provisions of chapter 43, title 28, United States Code, as amended by this Act, shall be effective within such judicial district except as otherwise specifically provided by section 401(b) of this title; and

(2) within such judicial district every reference to a United States commissioner contained in any previously enacted statute of the United States (other than sections 8331(1)(E), 8332(i), 8701(a)(7), and 8901(1)(G) of title 5), any previously promulgated rule of any court of the United States, or any previously promulgated regulation of any executive department or agency of the United States, shall be deemed to be a reference to a United States magistrate duly appointed under section 631 of chapter 43, title 28, United States Code, as amended by this Act.

(c) The administrative powers and duties of the Director of the Administrative Office of the United States Courts with respect to United States commissioners under the provisions of chapter 41, title 28, United States Code, as such provisions existed on the day preceding the date of enactment of this Act, shall continue in effect until no United States commissioner remains in service.

EFFECTIVE DATE

SEC. 403. Except as otherwise provided by sections 401 and 402 of this title, this Act shall take effect on the date of its enactment.

TITLE V—SEVERABILITY

SEC. 501. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of its application to other persons and circumstances shall not be affected.

Mr. TYDINGS. Mr. President, the purpose of S. 945 is to abolish the office of U.S. commissioner and to reform the first echelon of the Federal judiciary into an effective component of a modern scheme of justice by establishing a system of U.S. magistrates. The bill passed the Senate unanimously on June 29, 1967, and was passed in an amended form by the House of Representatives on September 26, 1968. The House amendments do not alter the basic structure of S. 945. They are meant primarily to clarify the act, avoid inconsistencies between the act and other statutes, and make grammatical changes.

Work on this legislation began in October 1965, with hearings on the U.S. commissioner system by the Senate Subcommittee on Improvements in Judicial Machinery of which I am chairman. These hearings continued in December 1965 and February 1966. The basic information gathered at these three sets of hearings, supplemented by data gathered from the responses of over 400 U.S. commissioners to a subcommittee questionnaire, provided the foundation for the drafting of S. 3475, the Federal Magistrates Act of 1966.

After extensive circulation to interested parties of a draft bill, the Federal Magistrates Act of 1966, S. 3475, was introduced on June 7, 1966, by myself and Senator SCOTT, and was cosponsored by Senators BAYH, BENNETT, BREWSTER, DOUGLAS, ERVIN, KENNEDY of Massachusetts, LONG of Missouri, and Moss. The measure was circulated for comment to every Federal judge, every U.S. attorney, every U.S. commissioner, and to numerous bar associations, law professors, and members of the bar—over 1,500 people in all—and the subcommittee received many helpful responses detailing the thoughts of those consulted.

The subcommittee held hearings on S. 3475 in July and August 1966, and took testimony from a wide range of interested parties. S. 3475, in an amended form that reflected improvements suggested by witnesses at the hearings and those to whom the bill was sent for comment, was introduced as S. 945 in the 90th Congress, and was cosponsored by over 40 Senators. S. 945 has the formal endorsement of the Judicial Conference of the United States and the American Bar Association, and is supported by the Department of Justice and the National Association of U.S. Commissioners.

The hearings on the present operation of the U.S. commissioner system, and the responses to the questionnaire sent to all commissioners, revealed many substantial defects in the existing system, the most notable being the following:

First. Commissioners are paid under a fee system, according to the nature and number of matters they handle. This system is of doubtful wisdom and questionable constitutionality. In *Tumey* v. *Ohio* (273 U.S. 510 (1927)), the Supreme Court held that when a judicial officer has a direct, substantial, pecuniary interest in the outcome of a controversy before him, the procedure violates the due-process clause guarantees of the Constitution. The present method of compensating commissioners probably runs afoul of the Tumey rule.

Second. Present law imposes a ceiling of $10,500 on fees a commissioner may earn in a given year. This means that the busiest commissioners are grossly underpaid for the amount of work they do, since they often reach the statutory ceiling during the first few months of the year. It is, therefore, difficult to attract the best men for the job.

Third. All but a handful of commissioners—those with full-time appointments, who are prohibited from practicing law—must meet the expenses of their office from their own resources. Consequently, the offices of most commissioners are understaffed and poorly accommodated. In fact, the hearings of the Subcommittee on Improvements in Judicial Machinery disclosed that commissioners worked under such poor conditions that one of these judicial officers was forced to hear cases at the tailgate of his station wagon.

Fourth. Almost one-third of the over 700 commissioners are nonlawyers, yet commissioners are frequently called upon to apply some of the most sophisticated rules of constitutional law—rules that the best attorneys and judges are hard pressed to apply correctly.

Fifth. Many commissioners lack an understanding of the true nature of their statutory functions; there is great disparity from district to district on how even fundamental problems are handled, due in great measure to inadequate statutory guidelines and the lack of any effective administrative apparatus within the judiciary that is charged with assisting commissioners in the performance of their duties.

Sixth. Commissioners in many districts grant search-and-arrest warrant applications perfunctorily, thereby depriving both the accused and the legal system of an independent determination of the question of probable cause.

Seventh. Few commissioners have any clear idea of what the contours and purposes of the preliminary hearing are. Much of this confusion is pardonable, since the law with respect to the preliminary hearing is in dire need of clarification.

Eighth. The commissioner's trial jurisdiction is limited to petty offense misdemeanors committed on Federal reservations. This restriction gives rise to several undesirable consequences: First, the U.S. district courts are burdened with a number of minor criminal matters that could easily be handled by a lesser judicial officer such as a commissioner, and which lend an undesirable "police court" atmosphere to the district courts. Second, some offenses committed on Federal enclaves are "downgraded" from more serious misdemeanor or even felony status so that they can be tried as petty offenses before the commissioner rather than before the district court judge. Third, frequently petty offenses committed outside Federal enclaves are simply nol prossed, since they can be tried only in the already overburdened district courts. None of these three consequences of the commissioner's restricted trial jurisdiction serves the ends of justice.

Although the present U.S. commissioner system is in many ways defective, the hearings demonstrated that it was neither practical nor desirable simply to abolish the commissioner system and transfer the functions now performed by that office to the U.S. district court judges, who are already overburdened by their present duties and not geographically situated to service the needs of remote areas of the country. An upgraded system of judicial officers below the level of the district judge can provide significant advantages for the Federal judicial system. Consequently, S. 945 is designed to create an upgraded lower tier judicial office that will be free from the present defects of the U.S. commissioner system, and that will be a truly useful component of our Federal judiciary. By raising the standards of the lowest judicial office by making the position more attractive to highly qualified individuals, and by increasing the scope of the responsibilities that can be discharged by that office, the bill establishes a system capable of increasing the overall efficiency of the Federal judiciary by relieving the district courts of some of their minor burdens, while at the same time providing a higher standard of justice at the point where many individuals first come into contact with the courts.

Specifically, S. 945 establishes the U.S. magistrate system which differs from the commissioner system in the following important way:

First, it changes the title of the office of the front line of Federal justice to U.S. magistrate, and formally classifies U.S. magistrates as either full time or part time.

Second, it requires that all U.S. magistrates be attorneys unless it is impossible to find a qualified attorney to fill a particular position, and establishes other minimum qualifications in order to insure judicial independence and disinterest.

Third, it eliminates the anachronistic fee system of compensation, and replaces it with a system of salaries set on a sliding scale according to anticipated workload.

Fourth, it gives full-time U.S. magistrates a secure 8-year term of office, and part-time U.S. magistrates a secure 4-year term of office; both full-time and part-time magistrates are subject to removal only for cause.

Fifth, it provides that full-time U.S. magistrates are to be supplied with office space, clerical assistants, and all necessary stationery and other materials; and that part-time U.S. magistrates are to receive reimbursement for all necessary expenses incurred in the performance of their official duties.

Sixth, it allows U.S. magistrates to be assigned duties by the U.S. district courts in addition to those normally undertaken by U.S. commissioners today. These additional duties may include, but are not limited to, service as special masters, supervision of pretrial or discovery proceedings, and preliminary consideration of petitions for postconviction relief.

Seventh, it gives the U.S. magistrate an expanded trial jurisdiction over minor criminal offenses when the accused executes a knowledgeable waiver of both his right to trial before a U.S. district court and any right to trial by jury he may have. Under present law, U.S. commissioners have trial jurisdiction over misdemeanors committed on Federal reservations when the offense is punishable by not more than 6 months' imprisonment or a fine of $500, or both. The magistrate's trial jurisdiction, with certain exceptions, will extend to misdemeanors, wherever committed, that are punishable by imprisonment for not more than 1 year, or a fine of not more than $1,000, or both. Appeal of right to the district court is accorded those who elect to be tried before the magistrate.

Eighth, it clarifies existing law with regard to the preliminary hearing by requiring that, absent a grand jury indictment or an appropriate court order, a hearing be held within a reasonable time not to exceed 10 days following initial appearance if the accused is held in custody, or within 20 days following initial appearance if the accused has been released on bail or otherwise.

Mr. President, S. 945 is intended both to update and make more effective a system that has not been altered basically for over a century and to cull from the ever-growing workload of the U.S. district courts matter that is more desirably performed by a lower tier of judicial officers.

The most recent statistics on the business of the district courts show that there is a mounting backlog of both civil and criminal cases. The total volume of both civil and criminal cases in the Federal district courts had increased to an alltime high of 97,245 by the end of fiscal year 1968. During the last fiscal year, as has been the case for the past several years, the most marked increase in civil business came from Federal and State prisoners who filed petitions for postconviction relief. The number of prisoner petitioners jumped by more than 8 percent in fiscal 1968 continuing an upward spiral that has seen Federal prisoner petitions increase by 25 percent and State prisoner petitions climb by one-third in the last 3 fiscal years.

When implemented, the Magistrates Act will materially assist the district courts in disposition of these prisoner petitions. S. 945, by amending section 636 of title 28, United States Code, authorizes the district courts to assign to magistrate responsibility for preliminary review of petitions for postconviction relief, and for the submission of a report and recommendations to facilitate the decision of the district judge having jurisdiction over the case.

By expanding the trial jurisdiction of the first echelon of Federal judicial officers, S. 945 will take from the crowded court dockets many minor criminal matters. As U.S. attorney for the district of Maryland, I know that the district court there is burdened annually with a plethora of cases arising from the migratory bird statutes. These cases now are beyond the jurisdiction of the U.S. commissioner because he now has jurisdiction only over offenses committed on Federal enclaves. S. 945 expands the magistrate's jurisdiction to minor offenses wherever committed and would help clear the dockets of such minor matters as violations of the migratory game laws.

Mr. President, it was clearly evident shortly after the Subcommittee on Improvements in Judicial Machinery began its study of the commissioner system that substantial improvements were necessary. S. 945 makes the needed improvements. This bill has been subjected to 3 years of intensive study and consideration by both Houses. The enactment of these improvements should not be further delayed.

As I have noted, the House amendments do not alter the basic structure of S. 945.

Mr. President, I would like at this time to pay tribute to the distinguished senior Senator from Nebraska [Mr. HRUSKA], ranking minority member of the Subcommittee on Improvements in Judicial Machinery, for the long hours of work that he and his staff put into the development of this legislation, which, as I indicated, was first introduced in 1966 and passed the Senate in 1967. The bill finally was passed by the House of Representatives and is before us at this time.

I would also like to pay tribute to the Senator from North Carolina [Mr. ERVIN] and the Senator from Michigan [Mr. HART], who both spent many long hours working with the Senator from Nebraska [Mr. HRUSKA] and myself on this bill.

I think it is a meaningful reform in the U.S. Federal judiciary. Attempts at reform of the commissioner system have been initiated in the U.S. Senate and the House of Representatives for the past 100 years. These previous attempts have been unsuccessful. I am delighted that the Congress is finally going to act to reform substantially the first echelon of Federal justice.

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

Mr. TYDINGS. I yield.

Mr. HRUSKA. Mr. President, S. 945, which will be known as the Federal Magistrates Act, is a far cry from the original bill which was introduced to deal with this subject. The vast changes and refinements which have been put in the final text now before us are a tribute to the adjustability and adaptability of

those who drafted it. The meritorious amendments and suggestions came from many, many sources to which an appeal for comments was made. They have been compiled in the act which is before us.

The legislative history has been made on the issues involved through the hearings held and the reports of the Senate and House. I shall not go back to review those.

I do want to observe that the changes made in the other body do not go to substance; they, rather, clarify the substance. One amendment allows magistrates to take military leaves of absence. Another amendment makes clear that the act does not apply in territories where there is no district court. There is a modification and clarification of the antinepotism provision. There is an effective effort made, to conform the bill to the Bail Reform Act, and, further, to clarify that the act of a magistrate is an act of the court. Amendments require the presence of a reporter during hearings and otherwise clarify the bill.

I commend the Senator from Maryland [Mr. TYDINGS] for his persistent course of conduct in this legislation. The bill is noteworthy and certainly historymaking. I prophesy for it a very favorable reception both among the judiciary and the people who will have occasion to work with or appear before the magistrates. I join the Senator in urging the Senate to take favorable action at this time.

Mr. TYDINGS. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

REPORTS OF TORTURE IN GREECE

Mr. PELL. Mr. President, over the past months I have become increasingly concerned with one of the more heinous characteristics of the Greek dictatorship. I refer to the brutal behavior of this regime in the treatment of its own citizens. Reports of maltreatment of prisoners and particularly the torture of political prisoners have flowed out of Greece for many months. As with any dictatorship, it is difficult to confirm charges of torture and brutality. The full record will await that inevitable day when the junta has been turned out.

But I do want to call the attention of Senators to a report on the brutality of this regime that has come from an absolutely impeccable source. I refer to the report of the rapporteur of the Political Committee of the Consultative Assembly of the Council of Europe.

My colleagues are familiar with this distinguished body of parliamentarians from 18 European member nations. Located in Strasbourg, France, this organization has debated matters important to the European community since 1949.

On January 31, 1968, the Consultative Assembly approved a resolution calling on the Council to investigate conditions in Greece following the coup of April 20, 1967. The rapporteur of this investigation was the delegate from the Netherlands, Mr. van der Stoel, acting upon the instructions of the Secretary General of the Council of Europe. He submitted a preliminary report on May 8, 1968. This was followed by a detailed examination which he submitted to the Assembly on September 26, 1968. His comments on the torture of prisoners are most revealing, and I ask unanimous consent to have them printed in the RECORD at this point:

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

CASES OF TORTURE

30. In my last report I referred to the numerous allegations which have been made about torture and ill-treatment taking place in Greek prisons and internment camps. In my April report I mentioned that from a very reliable source I learned of two concrete cases of serious ill-treatment during the interrogation of persons arrested. Since then I have met two persons who have been tortured or at least very seriously ill-treated. I checked the allegations made by the persons concerned in every possible way. One of them was even able to show on his body the marks of the ill-treatment to which he had been subjected. I consider both of these witnesses to be completely trustworthy.

31. In this connection it may be recalled that in several cases which came up before military tribunals the accused stated that they have been tortured or ill-treated. In the course of the high treason trial against 21 persons, which took place in Athens last July, the well-known Athenian lawyer, Mr. Protopappas, and the sociologist, Mr. Notaras, declared that they had been tortured and severely ill-treated. They said that they had been subjected, inter alia, to "mock" executions, to electric shocks and to the "falanga" torture process. Their statements were very much on the same lines as those of the two persons whom I have mentioned above.

Mr. PELL. I might point out that torture is specifically referred to in the European Convention on the Protection of Human Rights and Fundamental Freedoms, signed by all members of the Council of Europe in 1950. Article III of that convention states: "No one shall be subjected to inhuman or degrading torture or punishment," and is one of four articles of the convention which cannot be suspended for reasons of national security.

His observations reach the following tragic conclusions:

First. There has been no alleviation of the dictatorship in Greece;

Second. The draft constitution does not comply with democratic principles;

Third. The referendum will be held under the state of siege. It cannot be said that it is organized under conditions of propriety, enabling everyone to conduct a free and democratic campaign;

Fourth. A majority in favor of the draft constitution at the referendum cannot be considered as a vote of confidence for the present Government.

These conclusions we must bear in mind as we debate our future relations, including the matter of military assistance, with Greece, a NATO ally who has ridiculed the objectives for which the Western alliance stands.

Mr. President, I ask unanimous consent to have additional remarks relating to the situation in Greece and a resolution associated therewith printed in the RECORD at this point.

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

FUTURE PROSPECTS

Since my previous report, then, there is very little reason to be more optimistic about the future of Greece. No significant progress has been made on the road which might lead back to democracy. There seems to be a real danger that the regime will not be a provisional or transitional one, as Mr. Pipinelis emphasised would be the case in the course of conversations I had with him in April, in order to show the difference between the Greek dictatorship and that of Spain or Portugal, but a lasting one. The only possibility of preventing a perpetuation of the present regime would be a concerted effort of all democratic forces inside Greece, of all democratic Greeks in exile and, last but not least, of Greece's friends and allies, especially the United States, to convince the present government that it has to make way for a broadly-based government of national unity. Such a government ought to get strong support from Greece's friends in order to help it to stabilise the situation. For instance, the aid suspended in the framework of the association treaty between Greece and the EEC ought to be resumed immediately and, if possible, increased but only after the country's return to democracy, in the framework of OECD, a concerted effort should be made to offer loans to the Greek Government in order to enable it to start a big investment programme and speed up the growth of the Greek economy. In this way, it could be shown that a democratic Greece is not without friends—that on the contrary it has many allies who are willing to give a helping hand.

A few weeks after the occupation of Czechoslovakia by the troops of the USSR and her allies, it seems more than ever necessary to consider the Greek issue in the framework of world politics. Some might be inclined to leave the Greek question aside, now that Soviet imperialism has once again shown its aggressive nature. But we in the Council of Europe cannot at the same time condemn the tragic events in a country which is not a member of the Council of Europe and remain silent about the situation in one of our member States, which is in contradiction with our basic principles. There is undoubtedly a certain temptation to leave the Greek situation as it is because other world problems might be considered as being of a more pressing nature. After the events in Czechoslovakia, there is even a real danger that in the Western world such emphasis is laid on the containment of Communism that there is a tendency to cover up disagreements as they exist between Greece and her allies. The penetration of the Soviet Union in the Eastern Mediterranean, which increases the strategic importance of Greece for NATO, might have the same effect. It would, however, be a terrible mistake to be guided by such arguments. Such a policy will inevitably fail to produce the results hoped for; in the long run it might even produce the opposite results. If the present dictatorship were to persist, tensions would grow in Greek society, which would probably result in a strengthening of Communism in Greece. Greece can only play its part in the containment of Communism if the danger of a polarisation process between Communism on the one hand and dictatorial government, on the other can be prevented and if there is a relationship of mutual confidence between the government and the people. The only way of achieving this aim is to replace the present government, which will be more and more strongly resented as time goes on, by a really representative government of national unity in which all democratic forces of the country would take part and the main task of which would be the organisation of free elections, the drafting of a really democratic

constitution and the return of the country to a normal situation and a democratic regime. This is a real alternative. * * *

COUNCIL OF EUROPE CONSULTATIVE ASSEMBLY REPORT ON THE SITUATION IN GREECE [1]

I. DRAFT RESOLUTION

(Presented by the Political Affairs Committee) [2]

The Assembly,

1. Recalling the provisions of Article 3 of the Statute of the Council of Europe, by virtue of which every member must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms;

2. Recalling that in Resolution 361 the Assembly decided (inter alia) in paragraph 8:

(i) to give close consideration to the Constitution submitted to referendum and to the conditions under which the referendum itself would be held in order to ascertain their democratic character and

(ii) to make a recommendation by the spring of 1969 at the latest and earlier if necessary in relation to the suspension or explusion of Greece from the Council of Europe if the promises of the regime to move towards an acceptable parliamentary democracy had not been respected;

3. Considering that:

(a) the derogation from, and the violation of, human rights and fundamental freedoms in Greece still persists;

(b) many army officers, civil servants, professors and even judges have been dismissed on political grounds;

(c) according to the opinion of juridical experts the draft constitution drawn up by the Greek Government does not conform to democratic principles;

(d) the conditions in the months preceding the referendum on the draft Constitution have made a free and democratic campaign impossible, that according to the declarations of the Greek Government the referendum will be held under martial law decreed on 21 April 1967, and that it cannot therefore be considered as a free expression of the popular will;

(e) the Greek Government has made it clear, inter alia, in the declaration made by the Prime Minister on 16 September, 1968, that it has no intention, in the near future, of applying the articles of the Constitution concerning parliamentary elections and human rights and fundamental freedoms, including the freedom of press, the freedom of association, the freedom of assembly, and the freedom to form political parties;

4. Condemns the continued refusal of the Greek Government to re-establish human rights and fundamental freedoms and to ensure the rapid return to a democratic parliamentary regime;

5. Expresses its solidarity with the Greek people in its present plight and especially with those who are the victims of repressive measures;

6. Considers that respect for the Statute constitutes the very foundation of the Council of Europe's existence and must therefore admit of no exception;

7. Recalls Article 8 of the Statute of the Council of Europe by virtue of which "any member of the Council of Europe which has seriously violated Article 3 of its Statute may be suspended from its right of representation";

8. Calls for:

(a) the immediate return to a democratic and parliamentary system including the right of the Greek people to vote upon a democratic constitution;

(b) the immediate abolition of martial law, the full restoration of human rights and fundamental freedoms and an end to restrictions on political liberties;

(c) the organisation of parliamentary elections within six months under conditions which allow everyone to conduct a free and democratic campaign, including the announcement of the date of such elections in adequate time to enable political parties to prepare for them;

9. Expects all member governments of the Council of Europe to use their influence to secure the realisation of these aims and to show their willingness to give both moral and material support to a government committed to the rapid establishment of a democratic and parliamentary system in Greece * * *.

[1] See Resolution 361 and Order No. 268 of 31 January 1968.

[2] Adopted on 25 September 1968 by the Committee with 18 votes in favour, 1 against and 0 abstentions.

Members of the Committee: MM. *Struye* (Chairman), *Finn Moe, Federspiel* (Vice-Chairman), Akça, Badini Confalonieri, Bettiol (Alternate: *Sibille*), *Björk, Borg Olivier de Puget,* Bringolf, *Czernetz,* Edelman, Erim, Flornoy, Furler (Alternate: *Rutschke*), *Gustafson, Housiaux, Kirk, Kliesing,* Kristjansson, Lusser, *MacEntee,* Margue, *Miller, Mommersteeg, Montini,* Moutet, Nessler, *Schulz, van der Stoel, Toncic.*

N.B. The names of the members who took part in the vote are italicized.

Secretaries of the Committee: MM. Rosenstiel and de Jonge.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 197) to correct certain references in section 4(i) of the act entitled "An act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes," approved May 7, 1968.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9089) for the relief of E. Christian Des Marets, Sr.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 5785) to authorize the disposal of magnesium from the national stockpile.

THE POPULATION BOOM

Mr. TYDINGS. Mr. President, this week, on September 30, the president of the International Bank for Reconstruction and Development, better known as the World Bank, Mr. Robert S. McNamara, delivered an address which I believe should be heeded by all Members of Congress and, indeed, by all chiefs of state in developing nations as well as the developed nations.

He pointed out that regardless of how successful the aid programs or redevelopment bank programs may be, unless the developing nations come to grips with the demographic explosion, there is no possibility of ever reducing the gap between the standard of living in the undeveloped nations and the standard of living in the developed nations.

I ask unanimous consent that the complete text of his address be printed at this point in the RECORD.

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

[From the New York Times, Oct. 1, 1968]

TEXT OF ADDRESS BY ROBERT MCNAMARA, WORLD BANK'S NEW PRESIDENT

(NOTE.—Text of the speech by Robert S. McNamara, president of the International Bank for Reconstruction and Development (World Bank), to the bank's annual meeting today.)

This is my first public speech as president of the World Bank, and I speak to you with some diffidence as a newcomer with only half a year's experience in this post—but perhaps the half year in my whole life in which I have felt myself most challenged by the prospect before me.

I have always regarded the World Bank as something more than a bank, as a development agency, and when I came here six months ago I was not entirely a stranger to the problems of world development. As American Secretary of Defense I had observed, and spoken publicly about, the connection between world poverty and unstable relations among nations; as a citizen of the world I had begun to sense the truth in Pope Paul's dictum that "Development is Peace." Yet I was uneasily aware that as the peoples of the world looked at the sixties—the United Nation's development decade—they felt a deep sense of frustration and failure. The rich countries felt that they had given billions of dollars without achieving much in the way of development; the poor countries felt that too little of the enormous increases in the wealth of the developed world had been diverted to help them rise out of the pit of poverty in which they have been engulfed for centuries past.

NO CLEAR JOINT STRATEGY

How far is this mood of frustration and failure justified by the events of the past decade? I have sought to find out the truth about this, but I confess, though there have been many voices only too anxious to answer my question, each with a panoply of statistics to prove its point, there is no agreed situation report, nor any clear joint strategy for the future.

There have been successes: many millions in aid have been forthcoming from the developed world, and as a result of that aid and of their own increased capacity to manage their affairs, the economic growth of the poorer countries has been stimulated.

Let us make no mistake; aid does work, it is not money wasted, it is a sound investment. Even the ultimate goal of the development decade, an annual rise in national incomes in the poorer countries of 5 per cent by 1970 is likely to be achieved: the average annual growth thus far has been 4.8 per cent.

And yet . . . you know and I know that these cheerful statistics are cosmetics which conceal a far less cheerful picture in many countries. The oil-rich nations of the Middle East have prospered economically; so have some small states in East Asia. But for the nations of Africa and South Asia—nations with a population of over one billion—the average increase in national income is, at most, 3.5 per cent, and much of that is concentrated in the industrial areas while the peasant remains stuck in his immemorial poverty, living on the bare margin of subsistence.

Casting its shadow over all this scene is the mushrooming cloud of the population explosion. If we take this into account, and look at the progress for human beings rather than nations, the growth figures appear even less acceptable.

INCOME GROWTH LAGS

The annual growth of per capita income in Latin America is less than two per cent,

in East Asia only about two per cent, in Africa only one per cent, and in South Asia only about half a per cent. At these rates, a doubling of per capita income in East Asia would take nearly 35 years, in Latin America more than 40 years, in Africa almost 70 years and in South Asia nearly a century and a half. Even in the most progressive of these areas, the amount of improvement would be imperceptible to the average citizen from year to year.

Such a situation cries out for a greater and more urgent effort by the richer countries to assist economic growth in these poorer countries. It is clear they are financially capable of such action. During the development decade so far, they have added to their annual real incomes a sum of about $400 billion, an addition itself far greater than the total annual incomes of the underdeveloped countries of Asia, Africa and Latin America.

But I found, and I need hardly tell you this, that while the requirement for assistance was never higher, the will to provide it was never lower in many, though not all, of the countries which provide the bulk of economic aid.

And the disenchantment of the rich with the future of development aid was fed by performance deficiencies of many of the poorer nations. Blatant mismanagement of economies; diversion of scarce resources to wars of nationalism; perpetuation of discriminatory systems of social behavior and income distribution have been all too common in these countries.

This then was the picture of the development world which I found in my first weeks at the World Bank. A confused but sharply disappointing picture, in which it was difficult to see what had gone wrong in the past (though something clearly had), or what was the right path ahead for us.

In these circumstances, I turned to a suggestion which had been put forward by my predecessor, Mr. George Woods—one of his many bits of wise advice from which we all, and I especially, have benefited. This was that we should establish a commission of men well versed in world affairs, and accustomed to influencing them, who would survey the past aid effort; seek out the lessons it can teach for the future; and then examine that future to see what needs to be done by rich and poor, developed and underdeveloped alike to promote the economic well-being of the great majority of mankind. As you know, Mr. Lester B. Pearson, formerly Prime Minister of Canada, has agreed to lead such a survey, which will now proceed independently of the bank.

The Pearson Commission will be turning our eyes to the long future, marking out guidelines not just for a decade but for a whole generation of development that will carry us to the end of this century. But here are we now, living in 1968, with much that we can and must do today and tomorrow. It is already clear beyond contradiction that during the first four-fifths of the development decade the income gap between the developed and the less-developed countries has increased, is increasing and ought to be diminished. But it is equally clear that the political will to foster development has weakened, is weakening further and needs desperately to be strengthened.

What can the bank do in this situation? I have been determined on one thing: that the bank could and would act; it would not share in the general paralysis which was afflicting aid efforts in so many parts of the world. I do not believe that the bank can go it alone and do the job of development that needs to be done around the world by itself; but I do believe that it can provide leadership in the effort, and can show that it is not resources which are lacking—for the richer countries amongst them have resources in plenty—but what is lacking is the will to employ those resources on the development of the poorer nations.

We in the bank, therefore, set out to survey the next five years, to formulate a "development plan" for each developing nation, and to see what the bank group could invest if there were no constraint of funds, and the only limits on our activities were the capacity of our member countries to use our assistance effectively and to repay our loans on the terms on which they were lent.

As a result of this survey, we have concluded that a very substantial increase in bank group activities is desirable and possible.

It is toward this objective that I shall attempt to guide the bank's activities in the next few years. In doing so I shall need the advice and support of you gentlemen, our governors, expressed through the board of executive directors. Therefore I think it prudent and fitting that I should now present to you an outline of my thinking.

Let me begin by giving you some orders of magnitude: I believe that globally the bank group should during the next five years lend twice as much as during the past five years. This means that betweeen now and 1973 the bank group would lend in total close to as much as it has lent since it began operations 22 years ago.

This is a change of such a degree that I feel it necessary to emphasize that it is not a change of kind. We believe that we can carry out these operations within the high standards of careful evaluation and sound financing that my predecessors have made synonymous with the name of the World Bank.

Our loans will be for projects as soundly based and appraised as ever in our history. However, more and more, in looking for projects to support we shall look for those which contribute most fundamentally to the development of the total national economy, seeking to break strangleholds on development; to find those growth opportunities that stimulate further growth. And our help will be directed to those poor nations which need it most.

This, I believe, to be sound development financing, but it is not riskproof; nor do I believe that the utter avoidance of risks is the path of prudence of wisdom. I recently visited Indonesia where, for good reasons, the bank has never made a loan of any sort in the past. What I found was the sixth largest nation in the world, rich in natural resources, striving in the wake of the most terrible disasters, both economic and political, to set itself straight on the path to development. Without external help it faces certain disaster; by giving help (as we have begun to do through the International Development Association and through the establishment of a permanent mission) we are running some risks. I do not believe you would wish it otherwise.

The parable of the talents is a parable about power—about financial power—it illuminates the great truth that all power is given us to be used, not to be wrapped in a napkin against risk.

But if we are to lend at double the level of the past, can we raise the money? I will not speak now about the soft-loan money which is raised by government contributions—you all know how essential these funds are—but about the money we raise by bond issues in the capital markets of the world. I am confident that the money is there, because I have confidence in the immense capacity of the economies of the developed world; no country need fear bankrupting itself because it plays its full part in development.

There are, of course, certain constraints through balance-of-payments difficulties, but I am fully aware that the balance-of-payments difficulty is a problem of balance among the rich economies and not of balance between those countries as a group and the rest of the world—very little of the money lent in aid stays in the developing countries, almost all of it returns quickly in payment for the goods purchased in the richer countries. It is our job in the World Bank to look at the world money markets as a whole, and see where there are surpluses, where there are reserves that can be tapped. Following this line we have gone to the Middle East, and successfully raised funds there, as well as in the more conventional markets of the world—in particular Germany and America.

As a result, in the first 90 days of this fiscal year the World Bank has raised more funds by borrowing than in the whole of any single year in its history.

I have been stressing that in doubling the bank group's lending activities we are not departing from our high standards of investment policy. But I would not want you to think that our policy is simply "more of the same."

Our five-year prospect calls for considerable changes in the allocation of our resources, both to geographic areas and to economic sectors, to suit the considerably changed circumstances of today and tomorrow.

First as to area: in the past the bank group has tended to concentrate its effort on the South Asian subcontinent. Much has been achieved—the harnessing of the waters of the Indus River system for power and irrigation for instance—and much remains to be achieved. I believe World Bank lending to Asia should rise substantially over the next five years. But it is not to Asia alone that our new effort will be directed. It is to Latin America and Africa as well, where in the past our activities have been less concentrated, and to some countries in great need of our help, such as Indonesia and the U.A.R., where our past activities have been negligible.

In Latin America, I foresee our investment rate more than doubling in the next five years. But it is in Africa, just coming to the threshold of major investment for development, where the greatest expansion of our activities should take place. There, over the next five years, with effective collaboration from the African countries, we should increase our rate of investment threefold.

Further changes will flow from our shift to a greater emphasis on Africa and Latin America. The states of these two continents are smaller than the giants of Asia. There will be many more but smaller projects, demanding much more staff work per million dollars lent than in the past.

RECRUITING DRIVE

The work of the bank will also be increased because in many of the countries in which we will now be investing there is no well-established development plan or planning organization. We shall try, in conjunction with other sources of funds, to help these countries to develop plans and to adopt wise and appropriate policies for development—in some cases by establishing resident missions as we have done in Indonesia—but always remembering that it is their country, their economy, their culture and their aspirations which we seek to assist.

In particular, we will exert special efforts to right one upside-down aspect of bank group operations: the fact that many of our poorest members, despite their greater need, have had the least technical and financial assistance from the bank group. About 10 of these have had no loans or credits at all. This is largely because of their inability to prepare projects for consideration. In these cases we will provide special assistance to improve economic performance and to identify and prepare projects acceptable for bank group financing.

With the doubling of bank group lending and with the increase in the complexity of our operations, there will clearly be need for an increase in the total professional staff

of the bank, as well as for some streamlining of our procedures. We are now engaged in a worldwide recruiting drive to find people with the high standards of expertise and dedication that have always been the attributes of its staff. I am anxious that this should really be an international bank, in fact as well as in name, and I intend to ensure that we move steadily in the direction of the widest possible distribution in the nationalities of our staff.

Not only should our lending double in volume and shift geographically, but we can foresee, as well, dramatic changes among sectors of investment. Great increases will occur in the sectors of education and agriculture.

EDUCATION OUTLAYS

Education is a relatively new field for the bank on which my predecessor, George Woods, with his wise sense of priorities, began to place increased emphasis. In recent years the bank has been seeking, uneasily but with a growing sense of urgency, to find its optimum role in this field.

We are aware of the immense numbers of illiterates in the developing world: about 30 per cent in Latin America, 60 per cent in Asia, 80 per cent in tropical Africa. We know, too, that education is relevant to all dimensions of development: it makes a more effective worker, a more creative manager, a better farmer, a more efficient administrator, a human being closer to self-fulfillment.

The need is clear, but it has been less clear how the bank's resources can be brought to bear on this labyrinthine problem. Now, after some years of collaboration with UNESCO, we believe we see a way ahead for increasing bank investment which we hope will call forth further investment by the government of the developing country itself.

Our aims here will be to provide assistance where it will contribute most to economic development. This will mean emphasis on educational planning—the starting point for the whole process of educational improvement. It will mean assistance, particularly in teacher training, at all levels, from primary to university. It will mean expansion of our support for a variety of their educational activities, including the training of managers, entrepreneurs and of course of agriculturalists.

It is important to emphasize that education, normally one of the largest employers in any country, is one of the few industries which has not undergone a technological revolution. We must help to move it out of the handicraft stage. With the terrible and growing shortage of qualified teachers all over the developing world we must seek ways to make good teachers more productive. This will involve investment in text books, in audio-visual materials, and above all in the use of modern communications techniques (radio, film and television) for teaching purposes.

To carry out this program we would hope over the next five years to increase our lending for education development at least threefold.

But the sector of greatest expansion in our five year program is agriculture, which has for so long been the stepchild of development. Here again there has never been any doubt about its importance. About two-thirds of the people of the developing world live on the soil, yet these countries have to import annually $4-billion of food from the industrialized nations. Even then their diet is so inadequate, in many cases, that they cannot do an effective day's work and, more ominous still, there is growing scientific evidence that the dietary deficiencies of the parents are passed as mental deficiencies to the children.

The need has stared us in the face for decades past. But how to help?

In the past, investment in agricultural improvement produced but a modest yield; the traditional seeds and plants did better with irrigation and fertilizer but the increase in yield was not dramatic. Now, as you know, as the result of research in the past 20 years, a breakthrough has taken place in the production of new strains of wheat and rice and other plants which can improve yields by three to five times. What is more, these new strains are particularly sensitive to the input of water and fertilizer; badly managed they will produce little more than the traditional plants, but with correct management they will give the peasant an unprecedented crop.

Here is an opportunity where irrigation, fertilizer and peasant education can produce miracles in the sight of the beholder. The farmer himself in one short season can see the beneficial results of that scientific agriculture which has seemed so often in the past to be a will o' the wisp tempting him to innovation without benefit.

Our task now is to enable the peasant to make the most of this opportunity and we, with the continuing assistance of F.A.O. [Food and Agriculture Organization] intend to do so at once and in good measure. Irrigation schemes, fertilizer plants, agricultural research and extension, the production of pesticides, agricultural machinery, storage facilities—with all of these we will press ahead in the immediate future. Indeed in the coming year we plan to process more than twice the value of agricultural loans as in the last, and our agricultural dollar loan volume over the next five years should quadruple.

There is an element of risk in all this, of course. The seeds were issued before all the tests had been completed; the resistance of the crops to local diseases or pets cannot yet be assured; the splendid harvest in India and Pakistan this year cannot all be attributed to the new seeds. But I have no doubt, though setbacks may lie ahead, that there has been an agricultural revolution as significant as any development since the industrial revolution. It is one that gives us a breathing spell in the race between man and his resources.

POPULATION GROWTH

This leads me to yet another area where the bank needs to take new initiatives—the control of population growth. This is a thorny subject which it would be very much more convenient to leave alone. But I cannot, because the World Bank is concerned above all with economic development, and the rapid growth of population is one of the greatest barriers to the economic growth and social well-being of our member states.

This is the aspect of the population problem with which I shall deal, because it is this aspect which most closely concerns the World Bank, and makes it impossible for any of us to brush the subject aside, however strong our inclinations to do so may be.

I do not need before this audience to deal with the terrifying statistics of population growth as a whole, which show that, although world population totaled only one-quarter billion in the first century A.D. and required 1,650 years to add another quarter billion, it added one billion in the next 200 years; a second billion in the following century and a third billion in the next 30 years. It is now expected to add three more billion by the end of the century. By then, at present rates, it will be increasing one billion each eight years. Nor do I need to deal with the personal tragedies and dangers to health of unwanted births, though these were suddenly illuminated for me by an item in a newspaper last month which recorded that in the two largest cities of one European country live births were outnumbered by illegal abortions which imperiled the life of each unhappy mother.

POPULATION IMPACT

As a development planner, I wish to deal only with the hard facts of population impact on economic growth. Recent studies show the crippling effect of a high rate of population increase on economic growth in any developing country. For example, take two typical developing countries with similar standards of living, each with a birth rate of 40 per thousand (this is the actual rate in India and Mexico) and estimate what would happen if the birth rate in one of those countries, in a period of 25 years, were to be halved to 20 per thousand, a rate still well above that in most developed countries. The country which lowered its population growth would raise its standard of living 40 per cent above the other country in a single generation.

In terms of the gap between rich countries and poor, these studies show that more than anything else it is the population explosion which, by holding back the advancement of the poor, is blowing apart the rich and the poor and widening the already dangerous gap between them.

Furthermore these economic studies show that this drag of excessive population growth is quite independent of the density of population. This is something that needs emphasizing in view of the fact that many policy makers in the developing countries attach only minor importance to reducing population growth. It is a false claim that some countries need more population to fill their land or accelerate their economic growth. There are no vacant lands equipped with roads, schools, houses, and the tools of agricultural or industrial employment. Therefore, the people who are to fill those lands, before they can live at even the current low standard of living, must first eat up a portion of the present scarce supply of capital—it is the burden which defeats a nation's efforts to raise its standard of living by increasing its population.

No one can doubt then that very serious problems of population growth face most of the developing nations today; what are the chances of their being dealt with by natural causes? The answer lies in understanding the nature of the population explosion. It is not caused by any increase in the birth rate, but by a dramatic drop in the death rate due mainly to medical advances. It is this death control which has created the present emergency, and I do not believe that anyone would wish to reintroduce pestilence—or any other of the four horsemen of the apocalypse—as a "natural" solution to the population problem.

We are therefore faced with the question of what action we at the bank, as a development agency, should take to lift this burden from the backs of many of our members. I propose the following three courses:

First, to let the developing nations know the extent to which rapid population growth slows down their potential development, and that, in consequence, the optimum employment of the world's scarce development funds requires attention to this problem.

Second: to seek opportunities to finance facilities required by our member countries to carry out family planning programs.

Third: to join with others in programs of research to determine the most effective methods of family planning and of national administration of population control programs.

With these three proposals for immediate action, I hope we may contribute to the success of the U.N. system which is already working in this field, and to the well-being of the developing nations.

Gentlemen, I have spoken long enough. Let me conclude by saying that in the next few days, while we examine the innumerable and daunting problems which face you who exercise control over so much of the world's financial and economic power, I hope that none of us will yield to despair as we see how much there is to do, how little time in which to do it.

There is no cause for despair. There is every reason for hope. In the past few generations the world has created a productive machine which could abolish poverty from the face of the earth. As we lift up our eyes from contemplating our troubles, who can fail to see the immense prospects that lie ahead for all mankind, if we have but the wit and the will to use our capacity fully.

I am not despondent about the difficulties that lie ahead because I have faith in our ability to overcome them. That is why I have proposed a program of greatly increased activity by the World Bank group, so that by taking a lead in development assistance we may encourage all those, rich and poor alike, who have begun to lose heart and slacken their pace.

If we in the bank are able to double our effort, this could be the signal for others to rally again to the struggle, determined to use our overwhelming strength for the betterment of all mankind, and the fulfillment of the human spirit.

INCREASE IN NUMBER AND SALARIES OF CERTAIN JUDGES

Mr. TYDINGS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2439.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2439) to increase the number and salaries of judges of the District of Columbia court of general sessions and the juvenile court of the District of Columbia, the salaries of the District of Columbia court of appeals and the District of Columbia Tax Court, and for other purposes, which was to strike out all after the enacting clause, and insert:

That (a) section 11–902(a) of the District of Columbia Code is amended by striking out "twenty" and inserting in lieu thereof "twenty-two".

(b) Section 11–902(d) of the District of Columbia Code is amended by striking out "$24,000" and inserting in lieu thereof "$28,000", and by striking out "$23,500" and inserting in lieu thereof "$27,500".

SEC. 2. Section 11–702(d) of the District of Columbia Code is amended by striking out "$25,000" and inserting in lieu thereof "$29,000", and by striking out "$24,500" and inserting in lieu thereof "$28,500".

SEC. 3. The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out "$23,500" and inserting in lieu thereof "$27,500".

SEC. 4. The amendments made by this Act shall take effect as of October 1, 1968.

And amend the title so as to read: "An act to increase the number and salaries of judges of the District of Columbia Court of General Sessions, the salaries of the District of Columbia Court of Appeals, and the District of Columbia Tax Court, and for other purposes."

Mr. TYDINGS. Mr. President, I ask unanimous consent that a table showing the differences between the Senate and House version of S. 2439 be printed at this point in the RECORD.

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

S. 2439. JUDICIAL SALARIES AND ADDITIONAL JUDGES FOR DISTRICT OF COLUMBIA COURTS

[Differences between Senate and House versions of the bill]

THE SENATE BILL	THE HOUSE AMENDMENT
1. Adds 5 additional associate judges to the D.C. Court of General Sessions, raising the judicial strength of the court from 20 to 25 associate judges and 1 chief judge.	1. Adds 2 associate judges, raising the court's strength from 20 to 22 associate judges and 1 chief judge.
2. Adds 2 associate judges to the Juvenile Court, D.C., increasing that court from 2 to 4 associate judges and 1 chief judge.	2. No comparable provision.
3. Provides a $4,000 increase in the annual salary of judges of the D.C. Court of Appeals, the D.C. Court of General Sessions, the Juvenile Court, D.C., and the D.C. Tax Court. D.C. Court of Appeals: Chief Judge: $25,000 to $29,000. Associate Judges: $24,500 to $28,500. D.C. Court of General Sessions, Juvenile Court, and D.C. Tax Court: Chief Judges: $24,000 to $28,000. Associate Judges: $23,500 to $27,500.	3. Same provision.
4. Provides authority to employ one Attorney-Advisor for each judge on the Court of General Sessions.	4. No comparable provision.

Mr. TYDINGS. Mr. President, S. 2439 as originally passed by the Senate provided for five additional judges to the District of Columbia court of general sessions, raising the judicial strength of the court from 20 to 25 associate judges and one chief judge. However, the House amendment reduced the five additional judges to two associate judges, raising the court's strength from 20 to 22 associate judges and one chief judge.

The amendment of the House is acceptable. I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to.

Mr. TYDINGS. Mr. President, there is a similar House bill on the calendar, No. 1431 (H.R. 15678). I ask unanimous consent that the House bill be indefinitely postponed.

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

THE ELECTION AND FOREIGN POLICY

Mr. GORE. Mr. President, Ralph Waldo Emerson protested in his time that "Things are in the saddle and ride mankind." In midcentury America it is images that fill the saddle, not "things" but the appearance of things, not ideas but the sound of ideas, not structures but their facades, not men but the faces which they show to the world. Dependent as they are on public esteem, politicians are peculiarly susceptible to the pressures of this age of images. And nothing calls forth that susceptibility like the imminence of an election.

An election ought to be a time of serious discussion, a time when ideas are brought forth and debated, not for their sound but for their meaning, not for their marketability but for their merit. In this of all election years ideas are wanted, because the Nation is in trouble, its policies having not only failed but been consistently misrepresented. In the wake of deception and failure there has arisen a hunger for authenticity more intense than at any previous time of crisis one can recall. The more fierce the famine, this hunger for authenticity is most acute among the young, so much so that even disdain—if it is honest disdain—is accepted as idealism. But disdain, I feel sure, is not what Americans really want, least of all the young. As I have gone from campus to campus a total rejection of sham by the youth of today is unmistakable. Truth is what they want—truth at every level—from high ideals to plain talk about things we know but never say out loud.

That is exactly what we are not getting in the current, uninspired election campaign. What we are getting is a certain amount of silliness; to wit, Mr. Agnew's reference to Mr. HUMPHREY as "squishy soft" and Mr. HUMPHREY's reference to Mr. Nixon as a "wobbler," a good deal of patronizing unctuousness—almost any of Mr. Nixon's speeches will serve as an example—a great deal of bland evasion—again, the honors go to Mr. Nixon—and some venal demagoguery on which Mr. Wallace has cornered the market. For Vice President HUMPHREY, at least it can be said that, despite his inconsistencies on Vietnam and his volubility on everything, he proposes, as his proponents do not, to act vigorously against the nuclear arms race and against the poverty and racial injustice at home which are the real sources of the current agitation over "law and order."

The American people deserve something better than they are getting in this election campaign. It is not really something new but a return to our own best traditions that the people hunger for. Woodrow Wilson showed that a leader could speak to the American people in the language of universal values. Franklin Roosevelt tapped the deep currents of humanitarianism in the American character. Adlai Stevenson showed that "talking sense" could be politically in-

spiring and John F. Kennedy showed that it could be politically rewarding. Values and sense, these are what the people want, and these are what they deserve.

For my own part, I propose today to offer some plain talk about American foreign policy. I do not pretend to have courage or virtue that my fellow politicians lack. If I am able to speak plainly, it may be in part because I am one among those two-thirds of the Senate whom the Founding Fathers, in their wisdom, placed outside of the electoral process in each election year. With these credentials I turn now to some of the outstanding issues of our foreign policy, hoping, if not to answer questions, at least to ask the right ones, if not to bring forth new ideas, at least to call things by their right name.

VIETNAM

Thus far in the campaign the range of the Vietnam discussion has run from total evasion of the issue at the one extreme to obfuscation at the other. Mr. Nixon, who applauded just about every mistake that the Johnson administration made, objecting only that they were not made sooner and on a grander scale, now, in mock chauvinism, declines to comment, piously—and conveniently—refusing to obstruct the Paris negotiations, which in fact are already hopelessly obstructed.

The nearest that either major party candidate has come to this central foreign policy issue of our times is guarded references to partial bombing of North Vietnam, at most a tactic.

It is not my purpose, however, to belabor the irrelevancies, of which the candidates are taking care. It is rather my purpose to raise the questions which are pertinent, questions of policy which the American people are entitled to have clarified by the presidential candidates themselves.

There is first of all the question of our war aims. What are we fighting for? What are our peace terms other than that the "other side" stop "doing what it is doing?" On the one hand, it is contended that we do not seek a "victory," on the other, that we will not "impose" a coalition government on the South Vietnamese people. This amounts to an assertion that we propose neither to exclude the National Liberation Front from the Government of South Vietnam, as "victory" would imply, nor include it, as a coalition would do.

I find this puzzling, and I am not enlightened by the disingenuous assertion that, although the National Liberation Front is unacceptable as an organized political force, its members might be permitted to participate "as individuals" in South Vietnamese politics. What this amounts to is that we do not propose to have the Saigon generals imprison all their opponents or strip them of their rights of citizenship. That is not a compromise; it is an amnesty to follow upon surrender. Since it is inconceivable that an undefeated Vietcong is going to turn in its arms, disband and commit its members, "as individuals," to the tender mercies of Mr. Thieu and Mr. Ky, such an objective can only be obtained by winning the military victory that has eluded us throughout the years of our involvement in Vietnam.

If the National Liberation Front is not to be excluded from the Government of South Vietnam, then presumably it is to be included. That means a coalition government, or at least a significant role by some other term for the National Liberation Front in a transitional government pending arrangements for self-determination, since it is unrealistic—to understate the matter—to expect the Vietcong to turn in their arms and wait for the Saigon generals to invite them into the government or conduct an impartial election.

How do our presidential candidates feel about this? All three, I expect, are opposed to the participation of the National Liberation Front in the government of South Vietnam. If so, could they not say why and also say, clearly and explicitly, what other possible compromise they might advocate and how they would propose to achieve it? Or, if my assumption is wrong and either of them does favor or would favor the participation of the National Liberation Front in the South Vietnamese Government, it would be extremely helpful to the voters if he would say so.

There are, after all, only three possible outcomes to any war: victory, compromise, or defeat. So far as can be deduced from their public statements, both the present administration and the candidates to succeed it oppose all three of these possibilities in any feasible form. Can the voters be blamed if they feel confused? Can the young be blamed for alienation?

Assuming that we should, somehow, clarify our war aims, the question arises as to what would happen if we and our South Vietnamese proteges could not agree on acceptable terms of peace. Most of the very little which has been said on this matter so far only adds to the confusion. It is said, for example, that, of course, the South Vietnamese must participate in any substantive peace negotiations, that it is not for us to impose peace terms on the South Vietnamese, that South Vietnam, after all, is a sovereign nation which must determine its own destiny.

In truth we have already had something to do with determining South Vietnam's destiny. As of early 1965, just before the sending of American combat troops, South Vietnam's "destiny" was about to be taken over by indigenous forces unfriendly to the United States, the Vietcong. We altered that by our massive intervention and for the past 4 years our presence and it alone has kept the Saigon government in power, since its own army, larger than ours, is either unable or unwilling to do so.

In the light of actual circumstances, the real question is not whether the United States would "infringe" upon the Saigon government's "sovereignty" by negotiating a peace, but whether the "sovereignty" of the Saigon government extends to the right to keep an American army of half a million men fighting until their objectives are achieved. The question is more nearly one of our sovereignty than of theirs.

What if we did reach agreement with the North Vietnamese on terms that the Saigon government refused to accept? Would we continue the war? Or would we tell our proteges to take it or leave it and, if they chose to leave it, go ahead and make our own peace?

Would we, for example, failing of an agreement between the Saigon government and the Vietcong, agree with North Vietnam on a "mutual withdrawal" of troops from South Vietnam—our 500,000 and their 75,000—leaving the South Vietnamese factions to fight it out?

We would not have to impose anything on the South Vietnamese. They would retain their "sovereign" right to continue the war if they wished. And we would retain our sovereign right to make peace.

And what are our real aims? Are they realistic, are they attainable? If attained, would they be in the long-term best interest of the United States? More importantly, are they right?

A basic moral question to which millions of Americans, particularly the young and the idealistic, wish an answer is whether it was the right decision, the right policy, the right course of action for the most powerful nation on earth to seek to work its political will in and upon a small and backward people by the use of massive combat force?

What is, or what should be, our real aim in the Vietnam war? Is our ultimate goal to assist the Vietnamese people in the unification of their ancient culture? Should this be our goal? Or, was it, is it, and should it be our goal to sever this small country into two nations, something we agreed not to do in the Geneva accords in 1954, and to insist upon creating in South Vietnam something in our own image called a Democratic Republic and governed by officials subject to our approval, however indirect. Would such a conclusion be "victory," or is this the kind of "negotiated settlement" we seek? These are some of the questions that seem pertinent to our hopes for peace in Vietnam. They are pertinent, too, to our own understanding of ourselves, of our motives, perhaps of our destiny as a people. These questions are not being answered by the presidential candidates. They are not even being asked.

THE LESSON OF CZECHOSLOVAKIA

From Czechoslovakia as from Vietnam there is something to be learned, but only if we are honest with ourselves about events and our relationship to them. Experience, it has been said, is a good teacher. But this is true only if we see things as they are rather than as we would like them to be. Otherwise, experience can be an unreliable teacher. An accurately recounted experience can be highly instructive; a misconstrued experience holds nothing for the future but misdirection.

Thus far, the presidential candidates have had little to say about Czechoslovakia and perhaps that is just as well considering our country's preoccupation with Vietnam and domestic violence and

protest. The Secretary of State, however, not being a candidate, has found ample occasion to discuss Czechoslovakia and, as one noncandidate to another, I am moved to engage him in dialog.

In a speech in New Haven on September 12 Mr. Rusk averred, with respect to American inaction in the wake of the Soviet occupation of Czechoslovakia:

> The United States has not entered into any spheres-of-influence agreements or understandings with anyone anywhere in the world.

Answering a question that no one has asked, the statement manages to be both true and misleading. It is true, so far as any of us knows, in denying that any secret agreement conceding Soviet dominance in Eastern Europe was concluded at Yalta or anywhere else. It is, I believe, misleading in its implication that no such agreement or understanding exists. It is quite obvious that, without ever having signed an agreement or issued a manifesto, we do recognize Eastern Europe as a Soviet sphere, just as the Russians acknowledge Latin America to be our sphere of influence.

Indeed, Secretary Rusk himself recognizes it. In his New Haven speech, after denying that the United States was a party to any agreement on spheres of influence, the Secretary went on to point out what we all know:

> The Soviet Union has in fact, with the Red Army, established and maintained by force in Eastern Europe a sphere—not of influence, but of dominance.

And in order to avoid almost certain nuclear war with the Soviet Union, the Secretary went on:

> We recognize the reality of the Soviet military position and the existence of the Warsaw Pact.

Perhaps the Secretary's point is that it is not a "sphere of influence" but a "sphere of dominance" which we recognize. Perhaps it is simply that he prefers not to call this particular thing by its right name.

But why not? I fully agree that spheres-of-influence politics is morally indefensible but I fail to see any redeeming virtue in denying that we engage in it when in fact we do. What indeed is the Monroe Doctrine but the assertion of U.S. hegemony in the Western Hemisphere? And whom do we deceive when we deny such things? The answer patently, is ourselves, and no one else.

The denial to ourselves of unpleasant knowledge can be comforting but its cost is high. It is comfort purchased at the cost of insight, the sense of virtue purchased at the cost of opportunity—the opportunity to profit from an experience by understanding it, to gain wisdom for the future from calling present realities by their right names.

Acknowledging that we do indeed play spheres-of-influence politics, that we recognize Eastern Europe as a Soviet sphere while vigorously defending our own areas of predominance, what is there to be learned from the tragedy of Czechoslovakia and from our own inability to help that brave and resourceful people?

For one thing the Russian experience in Czechoslovakia suggests some guidelines for realistic and civilized behavior in our own spheres of influence, notably Latin America. At a time when Vietnam has given the United States an almost unchallenged worldwide reputation for the overbearing use of force, the Russians, after a long period of what some have described as "good behavior," are against giving us a run for it, and they are paying a high price for their brutality. To their apparent astonishment, the Russians found no quislings available to put a respectable face on their aggression, and also found that even Communist parties—such as those in Yugoslavia, Rumania, France, and Italy—condemned the invasion, openly admired the Czechslovakians for their bravery and patriotism, and almost as openly despised the Russians for their hamhanded brutality.

What has that to do with us? Lest we react with too much righteous indignation at the thought that we might do anything comparable to the Russian invasion of Czechoslovakia, it might adjust our perspective to recall the manner in which the Arbenz Government of Guatemala was overturned—the abortive Bay of Pigs episode in 1961—and the intervention with our troops on the side of a military junta against a constitutional government seeking to restore itself in the Dominican Republic in 1965.

It is a fair bet that there will be more revolutions in Latin America in years to come and the United States would do well to consider what its response will be. We can send the marines as in the old days or we can profit from the Russian experience by recognizing that the nationalism of small countries has become a force to be reckoned with, more formidable in its ability to command popular allegiances than either the world ideologies or the enormous prestige and physical strength of the great powers. We can recognize, as the distinguished majority leader pointed out in his recent report on Czechoslovakia:

> In this age of nationalism . . . only suppression will keep a semblance of order, and in this day and age, the suppression of widespread discontent, particularly by an outside power, carries a very high price. It is paid not only in the immense cost of massive military operations, but more important, it is paid in the adverse impact which this use of force exerts on the whole range of a nation's relations. . . ."

There are important inferences to be drawn from the Czechoslovak tragedy about Russia and its relations with Eastern Europe put, conceding as we do that Eastern Europe is a de facto Soviet sphere of influence there is not much we can do with those inferences. We can, and should, put off any removal of American troops from Europe for the time being. We can and should avoid giving promises of support to people whom we cannot support—as President Johnson has wisely refrained from doing. We can remove impediments to trade and travel between ourselves and Eastern European countries. But those are about all the things we can do, and they are not much.

The really useful lessons for us arising out of Czechoslovakia apply to our treatment of the small nations who live in our shadow, and those are lessons which can only be learned if we are honest about the distasteful similarities as well as the differences between ourselves and the Russians in the treatment of our respective spheres of influence.

There is another, more fundamental question raised by the Soviet invasion of Czechoslovakia, and that is whether we are all doomed forever to play the brutal game of power politics and great-power spheres of influence. Is it permanent and inevitable, a law of history as it were, that great powers will claim the right to impose "friendly" regimes on their weaker neighbors? This may be necessary, I concede, in a nuclear age. But, if so, is it true of the United States alone?

But perhaps there is a better way to organize international relations. I hope so. Perhaps there is still merit and hope in the different concepts of security which underlay the Covenant of the League of Nations and the United Nations Charter, seeking, as Woodrow Wilson put it, "not a balance of power, but a community of power, not organized rivalries, but an organized common peace."

Of such matters the presidential candidates of 1968 have had little to say. And perhaps, in the current world atmosphere, there is little that profitably can be said about building an international security community. There is, however, something to be said, and a great deal to be done, toward limiting national rivalries through the more limited but nonetheless fateful medium of arms control.

LIMITING THE ARMS RACE

Of all the inferences drawn from the Russian invasion of Czechoslovakia, none is more misconceived and potentially destructive than the contention that we ought to delay ratification of the nuclear nonproliferation treaty, as if such inaction would constitute a suitable rebuke to the Soviet Union. Suitable indeed. One might as well reproach an incendiary by dismantling the fire department. Nonetheless, Mr. Nixon, who ought to know better, declared in a speech in Seattle on September 24 that—

> At a time when the Soviet Union has its troops in Czechoslovakia, when it has crushed out the little flicker of freedom that was there, the United States should not enter into an agreement with the Soviet Union and put the seal of approval on what they have done.

The truth is, I strongly suspect, that no responsible person in public life really regards ratification of the nonproliferation treaty as somehow inappropriate in the wake of the Czechoslovakian invasion, for the excellent reason that the two have hardly anything to do with each other. Our interest in preventing the spread of nuclear weapons is surely no less.

The treaty, after all, is not a gift to the Russians but a very significant act of self-restraint on the part of the nonnuclear signatories, who would bind themselves not to acquire nuclear weapons, and a lesser restraint on the nuclear powers, including the Soviet Union, who would be restrained from handing out nuclear weapons to their small-power

proteges. As to the United States, the treaty would prohibit nothing that we have not already prohibited to ourselves by our own laws, the transfer, that is, of nuclear weapons to other States.

In an earlier statement than the one quoted, Mr. Nixon with perhaps inadvertent candor put his finger on the real connection between the nonproliferation treaty and Czechoslovakia by asserting that ratification now "would leave the impression that we approve the action of the Soviets" in Czechoslovakia. The point, pardon me, seems to be that ratification would create the "impression" of American approval of the Soviet action in Czechoslovakia even though that impression would not in fact be warranted.

Is there nothing that political leaders can do or should do to allay popular apprehensions about the nonproliferation treaty—except to both abet and exploit them?

My own feeling is that the American people understand very well the critical importance of this treaty and are intelligent enough to perceive the irrelevance of Russian aggression in Czechoslovakia to the need for limiting the spread of nuclear weapons. Surely, in any case, it is a political leader's duty to try to educate public sentiment when he believes it to be laggard or amiss.

Ratification of this treaty should not be delayed on account of the election. Delay may be fatal to this treaty, which has to do with nothing less than the prospect for human survival.

In his campaign speeches Mr. Nixon has been quoting Franklin Roosevelt's characterization of the Presidency as preeminently "a place of moral leadership." What, then, is a presidential campaign if not an opportunity to demonstrate the capacity for moral leadership? And in the year 1968 what issue provides a better opportunity to demonstrate that capacity than the nuclear nonproliferation treaty?

No less important than restricting the spread of nuclear weapons is the cessation or slowing down of the nuclear arms race. Only a few disagree with this objective; it is the steps which might lead to it that arouse controversy, so much so that the objective has gone quite by the board. The arms race goes on, with no end in sight short of that terrible catastrophe which, if it comes, will put an end not only to nuclear weapons but to their owners as well.

Many times in the past we have reached armaments thresholds at which we and the Russians to our great mutual advantage might have put a halt to new armaments and their burgeoning costs. On every such occasion mutual mistrust has caused the two great powers to plunge onward. Now once again, we have reached a threshold at which there is a fairly stable balance of mutual deterrents between the two superpowers. Arms control measures are as feasible as they have ever been and more feasible than they are likely to be again for a very long time unless we call a halt now.

The immediate issue is the Sentinel, the so-called thin antiballistic missile with which the administration, most unwisely, is pushing ahead. The explanation, as offered by Secretary of Defense Clifford, is that "when and if we negotiate, safety and success demand that we negotiate from strength."

I do not think that either "safety" or "success" is likely to eventuate from deploying the Sentinel system. The trouble of course is that the Russians, who say they are ready to negotiate now on measures to restrict the development of costly antiballistic missile systems, may change their minds if we plunge beyond the present threshold, because they too, oddly enough, may think it desirable to "negotiate from strength."

The plain fact is that, whatever prospect there is for safety and success through arms control, depends upon the maintenance of a rough balance between the two great powers. Only on the basis of such a balance can we hope to progress with the same kind of patient, careful negotiations which resulted in the test ban treaty of 1963 and the nonproliferation treaty of this year.

"Negotiating from strength" is and always has been a formula for failure. When one party "negotiates from strength," the other, perforce, negotiates from weakness, and that is something which no nation will do if it can possibly avoid it. And the Russians can avoid it—at least in the same costly and shortsighted way that we can. If we deploy a "thin" anti-ballistic-missile system, they almost certainly will deploy one too, perhaps just a bit "thicker" than ours so as to be able to negotiate from strength; whereupon we, wishing to regain the advantage, will thicken our system up just a bit more. And so it will go until we reach a new threshold of equilibrium, where, if we are very lucky and things in the meantime have not gotten out of hand, we will again have the opportunity to negotiate—not, however, from a "position of strength" but from a position of mental and financial bankruptcy.

Not only does the Sentinel threaten the further progress of arms control; it threatens the nonproliferation treaty itself. Article 6 of that treaty pledges the signatories to proceed in good faith with measures of arms control and disarmament. That article was included by the United States and the Soviet Union as an inducement for the nonnuclear powers to agree to the self-denial of nuclear weapons. If, in addition to stalling on ratification of the treaty, the United States now also stalls on the pledge contained in article 6, it is possible that such nations as West Germany, Japan, India and Israel may decide that they cannot risk the self-denial of the nonproliferation treaty but must create for themselves instead a nuclear "position of strength."

The major problems posed by the nonproliferation treaty and by proposals for restricting the development of new weapons systems are political rather than substantive. From the viewpoint of logic and self-interest the need seems hardly contestable, and I suspect that it is just as apparent to Soviet policymakers as it is to our own. But there are formidable political difficulties, springing from the profound mutual mistrust which impels both powers to seek that elusive "position of strength," and from the domestic complications which popular mistrust creates for American political leaders, who, unlike their Soviet counterparts, require strong popular backing in order to act.

The domestic question is one of persuasion and education and, in a more fundamental sense, of the democratic politician's concept of his own responsibilities. It applies, obviously, not only to Presidents and presidential candidates but to every Member and candidate for Congress. We can, in the present instance, join Mr. Nixon in opposition to early ratification of the nonproliferation treaty, because, as he puts it, ratification now "would leave the impression" of our approval of Soviet action in Czechoslovakia. Or we can remind our constituents and ourselves in the process that, as Edmund Burke put it, "Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."

In politics, as in personal relationships, our best friends are not those who tell us only what we want to hear but those who dare to tell us what we may not want to hear at all but very much need to hear.

A lack, indeed a fear, of candor not only adversely affects our efforts to end the agony of Vietnam but also hinders our attempt to draw appropriate conclusions from the Soviet invasion of Czechoslovakia, and to impose rational limits on the nuclear arms race. Indeed, it is not too much to say that our foreign policy has been been gravely weakened by an extravagant and unhealthy preoccupation with the way things look and sound as distinguished from the way they are.

Image making is one of the inherent hazards of a political system in which the ability of public men to govern depends upon their ability to inspire public confidence. But when inspiration gives way to manipulation, when ideas give way to gimmicks and judgment to mental agility, then the very integrity of the democratic process is called into question. In the end, the image making becomes a joke on the image makers, because most people, it turns out, are not really satisfied with hearing what they think they want to hear. Beyond personal hopes and prejudices people hunger for ideas—ideas about life and its meaning, ideas about man and society, ideas that ring true because they are spoken in truth, not for their sound but for their meaning.

The Nation hungers for authenticity. Neither Vietnam nor the bomb nor the student rebellion nor the black revolution is what is ultimately wrong with this country. More menacing and more perplexing than any of these issues is our seeming inability, so manifest in this election campaign, to discuss them with courage and candor. The performance of the candidates thus far has created a massive American unhappiness with their choices for President in 1968. Each

candidate, however, is capable of better. And there is yet time.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS, 1969

Mr. GORE. Mr. President, I move that the Senate proceed to the consideration of Calendar 1583, H.R. 19908, making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 19908) making appropriations for Foreign Assistance and Related Agencies for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GORE. Mr. President, I move that the Senate adjourn until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 53 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Friday, October 4, 1968, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 3, 1968:

IN THE NAVY

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy subject to the qualifications therefor as provided by law:

Daniel R. Aldridge
Charles S. Rivers
Kenneth A. Schweers

The following-named (Naval Reserve Officer) to be a permanent lieutenant commander and a temporary commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Walter E. Farin

The following-named (Naval Reserve Officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Lowell J. Brown
Axel F. Campbell
Raymond Iglecia-Fernandez
Thomas M. Schenk

The following-named (Naval Reserve Officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Jay H. Apfelbaum
Ralph E. Bailey
Edward L. Blackman
Stanley A. Bloustine
Harry R. Boffman, Jr.
Lawrence P. Bogle III
Edward M. Braun
Jack W. Brindley
Charles G. Briseno
George S. Buckner, Jr.
Barry B. Campbell
Robert D. Capell
William A. Carr
Conwell B. Carter
Joe E. Coker
Leslie L. Coley
Diane L. Colgan
William F. Cook, Jr.
William E. Cooley, Jr.
Peter D. Gibbons
John R. Gillette
Samuel P. Gingrich
Bert R. Goldburg
Robert F. Granatir
Hamilton R. Hayes
William A. Hays, Jr.
Donald A. Hazlett
William J. Hoskins
William M. Houk
Noel S. Howard
Paul E. Johnson
Curtis A. Juhala
Roger A. Kleve
Robert J. Knuff
Harold M. Koenig
Daniel M. Koenigsberg
Frederick D. Leist
Robert A. Love III
William M. Lyman
Thomas P. Lynch
Gary S. Lytle
James L. Manion
Robert D. McArtor
Hugh B. McCormick
Donald M. McMillan
Michael R. McMillan
Fred R. T. Nelson
Robert Niccolini
Thomas C. Nicholson
Kenneth R. Noel
Gary L. Pease
Bruce D. Rasmussen
George R. Richardson, Jr.
Nathaniel R. Robertson
Myer H. Rosenthal
Gary H. Safley
Frank G. Satko
Roger D. Shetterly
Jerrold R. Smith
John J. Smith III
David M. Snyder
Bryan D. Spader
James M. Stearns
Paul G. Steinkuller
Richard B. Stice
Arthur K. Strasburger
Wayne Stubblefield
Herbert C. Thomas, Jr.
Franklin R. Ward
Clyde M. Weaver
Matthew White

Alexander L. Kesselman (Naval Reserve officer) to be a lieutenant commander in the Medical Corps of the Navy, for temporary service, subject to the qualifications therefor as provided by law.

Roger A. Webster (civilian college graduate) to be a permanent lieutenant in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefore as provided by law:

Verlin W. Balsiger, Jr.
Charles D. Gillespie

The following-named (Naval Reserve officers) to be permanent lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Lewis E. Gant
David J. Howe
Michael F. O'Halloran

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

James M. Bleeke
Norman L. Davis
Richard A. Hawse
Michael L. Milford
Robert C. Moe
"J" Frank Pinkner

James P. Foley (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

Lloyd R. Martin (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to qualification therefor as provided by law.

The following-named temporary chief warrant officers W-2 to be designated in a temporary status as permanent chief warrant officers, W-2, subject to the qualifications therefor as provided by law:

Linwood A. Daggett
Bernard C. Frank
John W. Banks
Maurice W. Battey
Lawrence M. Cunningham
James N. Greer
Richard E. Johnston
Robert G. Lewis
William F. Linsley
John E. Madden
Carl E. McGee
Jerry W. McNutt
Kenneth R. Miller
Louis E. Mingo
Jack B. Nunley
Floyd W. Oneal
Robert H. Richmond
Clarence L. Smith
Royal T. Hogg, Jr.
Andrew A. Kannegieser
Donald R. Keith
Charles R. Luther
Ronald L. Miller
Sidney T. Spencer
Chester H. Bailey
Peter F. Fawcett
Joseph B. Haaf
James E. Harper
Frank J. Mehrtens
Owen E. Moore
Richard L. Owens
Joel Porter
Vincent E. Blank
Robert G. Davis
Jackie L. Dennis
Dale T. Hall
Donald B. Pascoe
Richard G. Powers
Francis L. Scales
James C. Smitheman
Robert T. Wilson
Eugene L. Allbert
Michael A. Chernegie
Robert E. Duchesneau
Jerry A. Hamilton
Michael W. Jantz
Charles M. Lindsey
Deward W. Polk
Richard M. Shook
William T. Tabb, Jr.
Hayden R. Wisdom
James L. Adams
Robert C. Bailey
A. Thomas Baity
Robert F. Boorom
Richard H. Hogan, Jr.
Richard L. Jones
Jean R. Lafleur
Richard W. Lawton
William E. Maupin, Jr.
John J. McCarthy, Jr.
Timothy R. McMaster
Frank T. Meuchel
Paul G. Neal
Keith O. Nyman
William R. Overman
Fred L. Rouse
Burton H. Sickler
Leonard R. Tourigny
Lyman E. Parkhurst
Andrew G. Szlaga
Burroughs A. Waltrip, Jr.
Roy W. Black
Richard D. Bland
Jack Bramblett
Kenneth C. Bryden
William F. Cartwright
Ronald J. Cornett
Larry K. Hardin
William C. Keaton
Peter Krawchuk
Francis J. Larock, Jr.
Richard W. Lowe
Jesse J. Maiden
Charles L. Malmborg
Harry A. Marenbach
Larry K. T. Mathis
Robert D. Miller
Walter E. Miller
Robert D. Mulligan
Eugenio N. Nepomuceno
Alfred W. O'Brian
Harold Owen
Earl E. Perkins, Jr.
Bobby R. Rabren
James A. Roberts
Paul D. Ruffin, Jr.
Edward M. Riley, Jr.
Neal G. Roos
Joseph C. Shields
William H. Speed, Jr.
Douglas Sprey
Jack J. Stewart
Frederick C. Stone
Donald F. Tellman
Richard E. Weiland
Donald M. Wray
James W. Barber
James R. Edmond
Michael J. Gelsomino
Albert M. Bliss
Carl E. Hudson
Eugene F. Goode
Robert S. Northrop
Burl R. Pegden
Thomas C. Rearer
William H. Skipworth
Floyd H. Smith
Stanley L. Stosel
Lloyd D. Tinnon
Robert J. Adams
George R. Board
Robert W. Booth
Robert S. Carlson
James F. Devries
Gerald D. Ensminger
Richard C. Jorgenson
Michael B. Lowe
William E. Mundy
Robert L. Ohm
Allen V. Polhemus
Bobby W. Proffitt
Coy D. Ritchie, Jr.
Edward L. Welsh
Robert F. Beabout
Richard J. Dix
George L. Hodges, Jr.
William G. Horton
Theodore J. Mara
Robert D. Middlebrooks
James E. Morgan
David L. Hubert
Joseph E. McCarthy
Lawrence N. Wiltzius, Jr.
Donald N. Dexter
Lesley Gardner
Everett D. Pinkerton
Robert A. Harville
Howard E. Martin III
John J. Parker
Ronald E. Englebretson
David Greenberger
Robert H. Hagenbruch
Kenneth E. McCowan
James C. Owens, Jr.
Tannis R. Watson
David C. Babington
Clyde E. Baker
Angelo Chavez
Edward L. Davis
Clinton H. Duke, Jr.
Sheldon J. Goodman
Raymond J. Grinnell, Jr.
Hugh F. Holden
Herbert J. Kressel
James M. McGee
Richard G. Minter
Herbert F. Velsor
Eugene A. Wells
Roger D. J. Bratsch
Ruben Escajeda
Dan D. Finch
Nathan B. Flanagan
Charles E. Garrett
Lindsay M. Gillespie
Robert D. Henderson
James J. Joines
Jack C. Lenz
John B. Lipinski
Jimmie A. Mora
Phillip G. Morris
William J. Mueller
George C. Rogers, Jr.
Harold C. Shumpert
Joseph E. Sullivan
William L. Warren

William L. Dentler (U.S. Navy retired), to be reappointed from the temporary disability retired list as lieutenant commander, Medical Service Corps, USN, subject to qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the

Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Edward S. Amis
John R. Anderson
James A. Anthony, Jr.
Allan C. Bisbee
Robert E. Bondurant
James D. Bowie
William M. Burrows, Jr.
Bruce L. Daniels
James G. Fleming
Thomas W. Glynn
John H. Hodgers
Douglas L. Horton
Darel J. Hulsing
Hugh B. Hunt
Robert N. Jones
Thomas Lohner
Jack F. Mason
Norman D. Pryor
John A. Routenberg
Scott L. Sibert
Robert H. Smart
Richard D. Tenney
Thomas G. Tuxill
John J. Walsh, Jr.
Theodore G. Williams

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the line, subject to qualification therefor as provided by law:

Abbott, John
Abromitis, William, Jr.
Adams, Richard C.
Adkins, Joe D.
Alderman, Edward L.
Aldrich, Robert G.
Alt, Walter L.
Alvis, John H.
Anderson, Richard W.
Anderson, Robert J.
Armstrong, Frank D., Jr.
Armstrong, Colin L.
Arnold, Henry D.
Ashford, Robert L.
Atkins, "A" "J" Martin
Bailey, George G.
Bajus, John C.
Balch, Allen H.
Barr, Max D.
Barrow, John C.
Barton, George E.
Bates, Richard W.
Baumann, Hugh B.
Beaman, Percy S.
Becker, Jerry T.
Beckwith, Reynolds
Bellinger, Richard M.
Bezore, Eugene
Bilderback, Oral J.
Bird, Comer H., Jr.
Birdwell, Carl, Jr.
Boger, Clarence E.
Boh, Roger M., Jr.
Bolan, Charles D.
Bowers, William W.
Boyd, Richard C.
Brady, Robert L., Jr.
Brown, Edward J.
Brownell, Stuart M.
Brown, Woolson S.
Brozena, John M.
Brunson, James S.
Buechler, Robert G.
Burke, James A.
Burrows, Kenneth A.
Bush, Philip R.
Butler, James D.
Butler, Dempsey, Jr.
Campbell, Ivan R.
Cardillo, Robert J.
Carruth, David C.
Carter, John T., Jr.
Carter, Charles C.
Cartwright, Billie J.
Carver, Edward S.
Case, Richard E.
Castle, Ernest C.
Castruccio, Nicholas A.
Chalbeck, John A.
Chambers, Horace B., Jr.
Cheek, Glen R.
Chessman, Samuel R.
Chew, Robert S., Jr.
Chuilli, Ernest J.
Clark, Glenwood, Jr.
Claytor, Richard A.
Cobb, Warrington C.
Cockrell, Jack R.
Collins, Robert M.
Conolly, Robert C., II
Cook, Murray C.
Cornell, Kenneth E.
Crabtree, Alan B.
Crumpton, John R., Jr.
Cuddy, Thomas W.
Cullen, James H.
Cullison, Chester D.
Daniel, William A.
Davidson, John D.
Davis, John M.
Davis, George H.
Day, Edward R., Jr.
Degler, Forrest R., Jr.
Dejarnette, Hugh M.
Denham, John G.
Denny, Lewis E.
Derrick, Arthur C.
Dietrich, Edward O.
Dixon, John C., Jr.
Donlon, John M.
Donnelly, William N.
Dotson, William C.
Draim, John E.
Draz, David I.
Duncan, Robert D.
Eareckson, Frederick L., Jr.
Earley, Walter M., Jr.
Edmundson, James E.
Egan, Henry W.
Eidson, George V.
Ellis, Edmund H.
Emerson, David F.
Engel, Paul H.
Enney, Kenneth E.
Ennis, Robert
Estelmann, Hermann J.
Ettinger, Harry E., Jr.
Eustace, Robert J.
Evans, Delmar H., Jr.
Everngam, John L., Jr.
Faulkner, Doc G., Jr.
Featherston, Frank H.
Ferguson, Robert E.
Finke, Eugene I.
Fitzgerald, Jean
Fleiner, Fred J.
Foster, Wynn F.
Foster, James R.
Fowke, Benjamin B.
Franke, Fred A. W., Jr.
Fritzke, Herman E., Jr.
Gallagher, John J.
Gardner, James S.
Geary, Mervyn O.
Ghormley, Ralph M.
Gildow, William E.
Gilmore, Frank C.
Gracey, Jack L.
Grady, Morris R.
Graham, Warren C., Jr.
Grause, Jerome E.
Grayson, Roy R.
Griffith, Harold F.
Guthe, Douglas B.
Guthrie, William S.
Haecherl, Frank S.
Hahn, Thomas F.
Hall, Donald P.
Hamlin, David R.
Harding, Norton D., Jr.
Harlow, Robert J.
Harris, Wade H.
Hayes, James W., Jr.
Hays, Ronald J.
Hill, Edward C.
Himelick, Ronald V.
Hodge, Alan G.
Holdren, Leland A.
Holmes, Robert E.
Hopkins, Thomas M.
Horn, Kenneth A.
Howell, Raymond S., Jr.
Hughes, David L.
Ince, Eugene S., Jr.
Janiec, Roy T.
Jenkins, Harry T., Jr.
Jenks, Shepherd M.
Jenks, Albert L., Jr.
Jensen, John L., Jr.
Jewett, Frederick F., II
Jones, Gerald R.
Jussel, Alfred R.
Kanak, Robert A.
Kanakanui, William A., Jr.
Keller, Jack E.
Keller, Robert G.
Kennedy, Robert W.
Key, Harry N., Jr.
Kidd, John W.
Kilcline, Thomas J.
King, John W., Jr.
King, Robert R., Jr.
Kirklighter, James F., Jr.
Klapka, Edward J.
Klemm, Vernon P.
Klinefelter, John W.
Knock, Franklin C.
Kolda, Frank C.
Koval, Francis P.
Kremidas, William S.
Krimmel, John E.
Krueger, Otto E.
Lamoreaux, Lewis S.
Larson, Norman O.
Law, Jason P.
Lebert, William A.
Lebiedz, Edward F.
Lee, George H.
Lesperance, Albert P.
Linder, James B.
Lisanby, James W.
Lockwood, Warren H.
Loheed, Hubert B.
Longo, Charles R.
Loomis, Thomas A.
Mandeville, Robert C., Jr.
Marsh, Marvin D.
Marshall, John E.
Marsolais, Lawrence D.
Martin, Samuel A.
Martin, James W.
Martin, Robert J.
Martin, William L., III
Martin, Charles E.
Marzluff, Joseph O.
Mathews, John M.
Mattson, Kenneth B.
McCaig, James A.
McCallum, Elmer A., Jr.
McCann, Carl J.
McConeghy, John K., Jr.
McCreight, Major I., III
McCue, William W.
McDonald, Jack H.
McDonald, Robert P.
McFarland, Ralph I.
McFarland, Milton C.
McGinnis, Thomas P.
Mead, Merle P.
Meanix, William H., Jr.
Miles, Lee C.
Miller, David B.
Miller, Edmund A.
Milner, William G.
Mitchell, William T., Jr.
Mixon, Cameron O., Jr.
Mohlenhoff, William
Monroe, Robert R.
Moore, Robert S.
Morgan, Joseph R.
Morin, James B.
Morris, James H.
Munday, Donald F.
Myrick, James E.
Neely, Guy M., Jr.
Nellis, Donald P.
Nelson, Frederick L.
Newgard, Douglas L.
Nickerson, Richard H.
Noel, Lionel M.
Norris, William J.
Nowers, William E.
Nugent, Thomas H., Jr.
Oconnell, William R.
Otth, Edward J., Jr.
Page, Louis C., Jr.
Palazzolo, Anthony L.
Paulis, Joseph J., Jr.
Peck, Paul A.
Peksa, Charles F.
Porcari, Thomas J.
Porter, Kenneth A.
Post, Harry J.
Poteet, Alonzo M., Jr.
Prisley, John P.
Provost, Robert D.
Pstrak, Theodore W.
Pyle, Robert E.
Ralston, Wesley L.
Read, William L.
Reichert, Herbert E.
Reid, Charles E., Jr.
Reiher, Eugene J.
Resch, Earl F.
Rigsbee, John T.
Roberts, James W.
Robertson, Keith H.
Roemer, Robert F.
Rogers, William H.
Rogers, Edward B., Jr.
Romatowski, Louis A., Jr.
Romley, Richard M.
Ross, Claude M.
Ross, Donald S.
Russell, Paul E.
Saar, Charles W.
Sallada, William F.
Sandon, Kenneth M.
Scappini, Mimo L.
Schaufelberger, Albert A., Jr.
Schorz, Ernest H.
Schwoeffermann, Robert E.
Shepherd, Burton H.
Shute, John W.
Skinner, William A.
Smith, Meredith A.
Smith, Harold F., Jr.
Smith, Gerald F.
Smith, Homer L.
Snopkowski, Edward L.
Somers, Robert W.
Sourbeer, Emory R., Jr.
Southworth, Harrison B.
Stokes, Robert E. L., Jr.
Stringfellow, Reid
Stuyvesant, William R.
Sundberg, John P.
Swanson, Charles O.
Synhorst, Gerald E.
Taylor, Boone C.
Tegfeldt, Carl G.
Thiele, Karl R.
Thompson, Robert M.
Thomson, Richard G.
Tissot, Ernest, E., Jr.
Townes, John W., Jr.
Townsend, Marland W., Jr.
Trahan, Paul K.
Tripp, Paul R.
Vallely, James R.
Vanlunen, Lloyd M.
Vecchione, Felix S.
Vermilya, Jay "J"
Walker, John R.
Walker, Charles M.
Ward, James F., II
Webber, James H.
Webster, Dean E.
Weeks, Robert E.
Wentworth, Thomas F., Jr.
Wenzel, Harold F.
White, Joseph P.
Whyte, James D.
Williams, James E.
Wilson, James H.
Wilson, Ralph E., Jr.
Wissler, John G.
Wold, John C.
Wood, Robert C.
Woodard, David A.
Wurlitzer, Robert E.
Young, Randall W.
Zinsler. Frank G.

The following-named officers of the U.S. Navy for temporary promotion to the grade of commander in the Medical Corps of the U.S. Navy, subject to qualification therefor as provided by law:

Akers, Richard E.
Akin, Richard W.
Amsler, Fred R., Jr.
Anastasi, Gasjar W.
Aubrey, Royal G.
Austin, David A.
Austin, Raymond F., Jr
Bailey, Albert G.
Bailey, Robert J.
Balding, Thomas L.
Bassham, Harold L.
Bates, Thomas R.
Bellinger, Sidney B., Jr
Benoit, Richard P.
Bertuch, Albert W.
Biehl, Robert F.
Bistrong, Herbert W.
Black, Paul L.
Block, Robert C.
Boorstin, James B.
Bowlds, Joseph H.
Brierre, Joseph T., Jr.
Brodhead, Charles L., Jr.
Brough, James W.
Budd, Frank W., Jr.
Burkett, Patrick R.
Cantrell, Robert W.
Caratti, John F.
Cardoso, Norman
Carson, Thomas E.
Case, Jerry L.
Cassells, Joseph S.
Castell, Donald O.
Cavender, William F.
Cefalo, Robert C.
Chenault, Oran W., Jr.
Choquette, Armand J., Jr.
Christensen, Harvey E.
Cochran, Robert C.
Coleman, James D.
Conrad, Robert N.
Copman, Louis
Cowherd, Donald W.
Cramer, Adelbert D.
Curry, Norvelle
Davis, David B., II
Davis, Gerald L.
Davis, Reginald M.
Delisser, Robert B. M.
Diamond, Evans
Dickson, Larry G.
Draper, Wilmot S.
Early, Calvin B.
Eddington, William R.
Engelke, Harold A., Jr.
Erde, Allan
Essex, Francis X.
Fackler, Martin L., Jr.
Faust, Kenneth J.
Faust, Robert B.
Fenning, John B.
Flagg, Richard S.
Flynn, Patrick W.
Fout, Larry R.
Frankhouser, George V., Jr.
Gareis, Frank J.
Gibson, Donald C.
Giles, John H.
Gorman, Edward R.
Griffin, Charles N., Jr.
Grossi, Thomas A.
Hagan, Arthur D.
Hanauer, Franklin A.
Harkins, Hugh H.
Harris, Boyd L.
Hauzenblass, John W.
Hayen, Donald O.
Hebert, Peter W.
Heller, Warren
Henderson, John A., III
Herman, Clifford M.
Hiehle, John F.
Hix, William R.
Howery, Stephen E.
Hunsaker, Darrell H.
Huntsinger, Larry A.
James, David R., Sr.
Johnson, David W.
Johnson, Richard F.
Jones, Daniel M.
Jorgensen, Morton C., Jr.
Joyce, Thomas H., III
Julian, Sydney R., Jr.
Karnei, Robert F., Jr.
Kesler, Kelvin F.
Kinney, Robert J.
Kinzie, Daniel H., IV
Kostiuk, Eugene S.
Lewis, Frederick D.
Lopez, Domingo A.
Lord, James M.
Lowsma, Henry B.
Luehrs, James G.
Lynch, John I., Jr.
Lynch, William F., Jr.
Magenheimer, Richard J.
Manring, Daniel A.
Markham, Thomas N.
McClain, Garvin H.
McDermott, William M., Jr.
McGuigan, Patrick M., Jr.
McLean, Walter L.
McMahon, David J.
Meaders, Robert H.
Middlekauff, Robert K.
Monell, William C.
Morris, Arthur S., Jr.
Morrison, Francis S.
Murphy, Eugene L.
Noble, Richard F.
Norton, John W.
O'Loughlin, John M.
O'Reilly, Richard R.
Pedersen, Carl M.

Petway, Malcolm L.
Pine, Robert H.
Plavcan, William G.
Pulglase, Van N., Jr.
Pope, Herbert L.
Price, Albert C.
Pursch, Joseph A.
Raffaelly, Nicholas R.
Ragsdale, Julian L.
Ramlo, John H.
Randels, Paul H.
Reed, Jerome M.
Rivers, Leslie D.
Robitaille, George A.
Roe, Robert D.
Roling, Gerald T.
Romine, John S.
Routledge, James A.
Roy, Donald E.
Rundlett, Fred A.
Rutland, Eugene D., Jr.
Ryan, Richard M.
Sablan, Ralph G.
Schneider, Paul J.
Schwartz, Ronald A.
Scott, Augustus B.
Seal, Robert B.
Senn, James P.
Sennett, Charlie O., Jr.
Shea, David W., Jr.
Shultz, Richard R.
Shute, Howard E.
Simmons, William W.
Sisler, Maynard L.
Skinner, Morris F., Jr.
Smith, Franklin A.
Smith, James W.
Smith, John P.
Smith, Raphael F.
Smith, William W.
Sobotka, Fred E.
Solomon, Alexandre
Spaur, William H.
Steimel, Herbert A.
Strickland, George T., Jr.
Swensson, Norman L.
Thomas, David F.
Thomas, Joseph J., Jr.
Tolmie, John D.
Tope, Stephen L., Jr.
Urbanc, Andrew N.
Urschel, William P.
Usselman, James A.
Vandewyngaerde, George A.
VanHove, Eugene D.
VanValkenburgh, Wood G.
Volcjak, Charles B.
Voshell, Thomas H., Jr.
Wachter, Francis W.
Wall, Norman R.
Warmolts, John R.
Weber, David M.
Weglarz, Stanley S.
Whatley, Theodore R.
Wiener, Leslie
Wilkes, Harman D.
Williams, Wilfred L.
Witt, Frederick J.
Wolfe, Wayne H.
Woodall, Martin A.
Zimble, James A.
Birdwell, Thomas R.
Boone, Jeptha T.
Brannon, William L., Jr.
Brettschneider, Lawrence
Carlson, John D.
Cummins, Larry E.
Davis, David R., II
Dully, Frank E., Jr.
Gee, Williams
Gibbs, Benjamin F., Jr.
Giddings, Jack E.
Kellett, Cyril F., Jr.
Kelly, Robert J.
Meador, James C., Jr.
Morgan, James D.
Ohslund, Ronald K.
Pasquale, Dominick N., Jr.
Philip, Gordon W.
Power, Curtis G., Jr.
Quinn, James J.
Schillaci, Richard F.
Sphar, Raymond L., Jr.
Stanton, Kevin C.
Swierzewski, Stanley J., Jr.
Tyler, Paul E.
Vorosmarti, James, Jr.
Yon, Joseph L., Jr.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Abbott, Harold
Adams, Anthony S.
Adams, Richard J.
Adams, Steve
Albright, Howard A.
Anders, Elwood
Andersen, Milford E.
Armstrong, Earl, Jr.
Arnold, Merton W.
Arntz, Ranald J.
Ashley, Johnie R., Jr.
Baggett, Charles W.
Bailey, Jack
Baller, Elmer W.
Bartolo, Paciano F.
Barton, Willie E.
Bass, Gayle W.
Beaudrot, Marion L., Jr.
Bedell, Lawrence L.
Belt, Grady L., Jr.
Billingsley, Arthur D.
Boehme, Robert F.
Boone, Martin M.
Bousquet, Charles E.
Bowers, Frank J.
Bowman, Charles E.
Brogan, Clifford
Brooks, Harry A., Jr.
Brown, Harry A.
Brown, Sumner C.
Bruchman, Robert F.
Brunson, Robin L.
Bryant, Kenneth D.
Byrns, Joseph L.
Buffin, Leroy E.
Bunch, George W.
Busteed, Stanley K.
Byrd, William J.
Campbell, Ronnie M.
Campfield, Allan D.
Carroll, James R.
Carter, Maxie H.
Chambers, Richard L.
Chambers, William W.
Chapman, Paul T.
Clark, Vander, Jr.
Clearman, Wallace R.
Cobb, Forest J.
Cole, Henry C.
Collins, George M.
Collins, Harold E., Jr.
Collins, Leslie M.
Comptom, Robert W.
Conniff, Robert J.
Cook, Alvin G., Jr.
Cook, Henry B.
Cooney, Thomas J.
Coons, Billy G.
Cotton, Frederick D.
Cox, Millard A., Jr.
Creamer, George U.
Cullins, James A.
Cummings, Robert W.
Davis, Arthur B.
Dial, Robert D.
Dickson, Bobby J.
Dirkx, Peter C.
Donahue, William C.
Donald, Robert W.
Doran, Leroy J.
Drake, Franklin
Drew, Norman E.
Dudgeon, James W.
Eargle, Jack L.
Ellis, Robert E.
Erickson, Richard O.
Escajeda, Jose G.
Estep, Robert J.
Estes, Wilson R., Jr.
Evans, Gerald C.
Fairhurst, Richard J.
Farnham, William D.
Faxon, Ralph W.
Felgar, George A.
Fox, Franklin O.
Fox, Joseph
Franks, James P.
Fuller, Dale E.
Galloway, Jere F.
Galloway, Julian A.
Gearhart, Tremaine K.
Gifford, George E.
Gillespie, Jack H.
Golie, Edward S.
Grages, Dale E.
Graham, Homer B., Jr.
Graville, William N.
Greene, James C.
Greenfeldt, Nathan L.
Grisham, Paul O.
Gross, Gary B.
Grossglass, David L.
Hale, George B., Jr.
Hall, Robert R.
Hansen, Gerald P.
Hansen, Richard N.
Harger, Howard D.
Harrison, Gene C.
Hartman, Richard D.
Havens, Eugene A.
Heathscott, John P.
Hedge, Thomas E., II
Hethcox, John E.
Hicks, Robert D.
Hill, Charles K.
Hilleman, Gerland E.
Hoggard, John W. Jr.
Hollett, James M.
Holzapfel, Robert W.
Howell, James R.
Howell, Stephen H.
Huebner, Paul V.
Hughey, Roger D.
Hull, Robert V.
Hunnicutt, Charles E.
Jacobson, Richard L.
Jensen, Marvin A.
Jones, Leroy E.
Jones, Robert J.
Jones, Sidney T.
Jones, William D.
Jordan, Eugene
Joyce, John J.
Junkins, Earl D.
Kahl, William D.
Keller, Dudley P.
Kelley, Kenneth L.
Kiker, Willis R.
Kincheloe, James W.
Kirk, Arthur L.
Krause, Eugene P.
Krejci, Fred, Jr.
Lambson, Daniel E.
Land, Theadore R.
Languell, Fred L.
Lantz, Bruce A.
Lapp, James W.
Lassich, Ernesto
Laudenbach, Donald H.
Layman, Richard C.
Lemay, Eugene E.
Lemieux, Francis J.
Lewis, Robert A.
Long, David F.
Lowe, Bobby W.
Lyon, Edward T.
Magera, Anton C., Jr.
Malone, John C.
Martin, Frederick K.
Martin, Norman C.
Martinez, Jose M., Jr.
Martinson, Raymond F.
Massey, Robert
McCool, John J.
McCrimmon, Norman T.
McGrath, James M.
McIntyre, Charles R.
McJunkin, Theodore
McKenzie, William Dale D.
McNabb, Lloyd J.
Melody, Robert A.
Memolo, Joseph S.
Micele, Charles K.
Middlebrook, Robert K.
Millis, Joseph D.
Moffett, Carl L.
Morrow, George P.
Mott, Ralph T.
Muffley, Ned E.
Mullican, Robert W.
Myers, Gustavus A., II
Namtvedt, Roland F.
Neesley, Raymond L.
Nicholson, Douglas F.
Nolan, Hartwell E., Jr.
O'Brien, Robert H.
Payton, Kenneth F.
Phanuef, David R.
Perkins, Thomas M.
Perry, Clyde M.
Pickering, Richard H.
Pike, Earl C.
Poole, Robert D.
Pritchard, Paul E.
Pryor, Edwin R., III
Purtzer, Don L.
Quinn, Henry B.
Ragsdale, John O.
Reaume, Norman S.
Redwine, Bobby K.
Remmers, Edward H.
Richardson, Forney N., Jr.
Robbins, Robert C.
Robertshaw, Donald G.
Roderick, Clinton O.
Rogers, Floyd E.
Russ, Norman E.
Saul, Joseph W.
Schmidt, Joseph H.
Sears, Everett E.
Seckel, Joseph C.
Segal, Victor D.
Sharp, Erwin A.
Sharp, William J.
Shaw, John E.
Shaw, Ralph H.
Shaw, Tommy
Sikes, Rufus R.
Sisk, Charles E.
Skambraks, Herman L.
Smallman, David H.
Smelker, Gaylord W.
Smith, Alan A.
Smith, Clarence E.
Smith, Harold D.
Smith, Jerry L.
Smith, Richard L. W.
Sneidar, Sylvester
Stemmer, Joseph S., Jr.
Stevens, Jack L.
Stewart, Eugene A.
Stockton, Idus L.
Stoner, Keith D.
Summers, James E., Jr
Talaasen, Barthol E.
Tamburello, Donald A.
Texeira, Antone, Jr.
Thomas, George B.
Thorley, James E.
Titus, Jerry L.
Topping, William R., Jr.
Trego, Eugene I.
Trickett, James R.
Underwood, James P.
Valentine, Wendell R.
Vandenberg, Lyle D.
Vanpelt, Richard, Jr.
Vernon, William H.
Villandre, Paul P.
Vogt, James A.
Waits, Wood D.
Walker, Floyd A.
Walters, Earl A.
Ward, Jerry D.
Waters, James L., Jr.
Wheeler, Neil L.
Widener, Ray L.
Williams, George L.
Williamson, Forest D.
Williamson, Robert R., Jr.
Wilson, Larry N.
Wilson, Wayne K.
Wood, Grover E.
Wylie, John O.
Yaeger, William L.
Zumwalt, James D.

CIVIL ENGINEER CORPS

Crowe, Jerry D.
Mickelson, James E.
Ortenstone, Ronald E.

MEDICAL SERVICE CORPS

Arnold, Leroy E.
Baker, Goerge F.
Barbee, Benjamine D., Jr.
Barnhill, Russell W.
Bell, Gerald M.
Belter, Lyle E.
Blanton, James R.
Bobola, Edward
Bradford, Dale E.
Bruhn, John E.
Butler, Raymond A.
Carpenter, Gordon L.
Charland, Normand L.
Closson, David E.
Coleman, Robert C.
Cooper, Furman K.
Cote, Robert R.
Crumbley, Thomas N.
Cunningham, Orlin E.
Curran, Raymond M.
David, Dennis D.
Davis, Donald M.
Davis, Donald R.
Dodson, Jerrold H.
Franklin, Douglass W.
Goodhartt, William R.
Graham, James H.
Gutshall, Richard B., Jr.
Hamas, Michael, Jr.
Hammons, Johnnie D., Jr.
Hansel, George J.
Hayes, Charles H.
Hays, Elwin J.
Hazelton, Terrial L.
Hickey, Myron J.
Hill, Charles R.
Hmel, Leonard J.
Hostetler, Melvin G.
Hurder, Richard J.
Jeffs, Robert A. A.
Julius, Leonard J.
King, Glen M.
Loos, Ernest J.
Ludwig, William C.
Maas, John A.
Maassen, Leland R.
Mann, Charles F., Jr.
Markley, Edward G.
Mathewson, Gordon W
McGrath, William P.
Medlock, Thomas P.
Milliken, Paul R.
Mincer, Arvin A.
Moore, Leonard L.
Moore, Patrick H.
Nacrelli, Walter A.
Newman, Reginald E.
Owens, Kenneth L.
Potter, Duane E.
Price, Darrell L.
Rausch, Jack L.
Raymond, Lawrence F.
Reysen, Richard H.
Riley, Michael T.
Robertson, Robert H., Jr.
Robinson, Ralph E.
Sander, Dale F.
Schlegel, Elvin L., Jr.
Schroll, John E.
Sherwood, Walter O.
Sides, Alfred L.
Smith, James L.
Smith, James P., Jr.
Smith, Robert E.
Snow, Kenneth S., Jr.
Spencer, Robert F.
Sperry, Douglas R.
Stewart, Gene N.
Taylor, Lloyd C., Jr.
Thorson, Donald D.
Thrall, Allen M.
Waln, William E.
Wolff, Lavern V.
Wooll, Earl R.

James D. Norvell, U.S. Navy, for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of lieutenant (junior grade) and temporary grade of lieutenant.

The following-named line officers of the Navy for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of lieutenant (junior grade):

Gary L. Krebs
Kenneth W. Meeks
Thomas J. Regan, Jr.
John P. Scott III

James O. Jackson, U.S. Navy, for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of ensign.

Lieutenant "T" "J" Rundle, Medical Corps, U.S Navy for temporary promotion to the grade of lieutenant commander in the Medical Corps, subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Beery, James R.
Bunker, Mark A.
Busch, John R.
Carpenter, Nicholas M.
Clark, Donald B.
Coleman, Randy "J"
Dilley, James E.
Duskin, George H.
Folsom, Benjamin F., Jr.
Gay, John P.
Hayes, Michael J.
Hazazer, Daniel P.
Kempenaar, Virgil R.
Kirkwood, Kenneth M.
Kruszona, Raymond R.
Lawrence, William R.
Lindahl, William R.
Moser, Ronald B.
Mowbray, James F.
Nelson, Barron C.
Pearsall, Richard E.
Sanford, Richard M.
Sehlin, Donald B.
Sloane, Richard T.
Springer, Robert W.
Stevenson, John W.
Taylor, Daniel A.
Taylor, Milton L.
Thompson, Donald J.
Trotter, Earl C.
Umstead, Marvin F., Jr.
Vinroot, Charles A.
Wagner, Tod W.
Walker, James B.
Weaver, Thomas S.
Weber, Francis J.
Weisbrod, David S.
Williams, Richard A.
Wojcik, Raymond T.
Wollett, Donald H.

SUPPLY CORPS

Conti, Carmen D.
Dagrosa, Richard L.
Kelley, John R., Jr.
Solatka, Robert J.
Thompson, Robert F.
Voigt, Richard D.

CIVIL ENGINEER CORPS

McTomney, William P.
Mellon, Paul E.
Morris, Henry M.

MEDICAL SERVICE CORPS

Hall, David A.

The following-named women officers of the U.S. Navy for permanent promotion to the grade of captain in the line, subject to qualification therefor as provided by law:

Biadasz, Frances E.
Ducey, Anne L.

The following-named women officers of the U.S. Navy for permanent promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Arenth, Rosemary D.
Barteau, Celia L.
Donnelly, Mary E.
Gravatt, Margaret J.
Hamilton, Frances
Koestline, Sarah E.
Lloyd, Rebecca A.
Marshall, Alice C.
Mogge, Marjorie H.
Sheldon, Bessie B.
Thompson, Allyn R.
Walsh, Rosemarie C.

The following-named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Anderson, Jimmy D.
Aven, Joseph M.
Beeman, Elizabeth A.
Chrisman, Williard G.
Cooper, Elizabeth J.
Cordrey, Robert E.
Cranor, David A.
Destcroix, Lawrence E., Jr.
Gazarek, Michael J.
Gibson, Elwood L.
Harris, Robert W.
Hayes, Michael T.
Ihle, David M.
Juhl, Clarence H.
Lassen, Clyde E.
Mullert, Michael A.
Nelson, Jerome G. S.
Reader, Robert J.
Rogers, Geoffrey S.
Rossley, William F.
Rowley, Charles W.
Smith, William C.
St. Jean, Russell J.
Thompson, Joseph C.
Wendt, William A.
Wright, John D., Jr.
Zardeskas, Ralph A.

SUPPLY CORPS

Kennedy, Hunter L.
MacDonald, Alan R.
Rock, William J.
Schweitz, James J.
Smith, Roger J.
Squire, Stanley R.
Trulli, Bruce M.
Zimmerman, James H.

CIVIL ENGINEER CORPS

Jensen, Allen H.
Taylor, Ernest J.

MEDICAL SERVICE CORPS

Thome, Carl D.

IN THE MARINE CORPS

The following named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Albers, Kenneth H.
Anderson, James L.
Asmus, Ronald H.
Baier, Charles G.
Bailey, James E.
Bickley, Kenneth C.
Bisplinghoff, Gary W.
Black, Ira E.
Bressette, Bernard L.
Brooks, Calvin C., Jr.
Brown, Calvin D.
Burton, James J.
Butler, William R.
Canale, Patsy A.
Cook, Donald C.
Curry, John W.
Feid, Donald A.
Fitzgerald, Joseph R.
Francis, Danny W.
Franklin, Edgar, Jr.
Franklin, Eugene T.
Grayson, William R.
Grimes, Edward C.
Harris, David L.
Heidmous, James G.
Henderson, Ralph M.
Howe, Ernie W.
James, Donald W.
Johns, Bobby L.
Johnson, Ernest E.
Knudson, Michael C.
Koch, Ernestine A.
Lackey, Charles E.
Loftus, Redmond J., Jr.
Loveless, Claude H., Jr.
Lynch, Patrick J.
Miller, George A.
Milner, James R.
Mitchell, Thomas E., Jr.
Moody, William R.
Newsom, Edwin R.
Polderdyke, Eugene L.
Ritchie, Howard M., Jr.
Ritter, Robert D.
Rodden, Gerald L.
Sanchez, Efrain F.
Scott, Ray H.
Shultz, John R., Jr.
Simpson, Danny L.
Skudalski, John S.
Smith, Paul E.
Stewart, Garland J.
Sykes, Otis C., Jr.
Tevebaugh, Leonard J.
Trautman, George
Troutner, William T.
Velarde, John F.
Veteto, Lee E.
Waddill, Durward C.
Walker, William J.
Ward, Lawerance
Weeks, Loyd T.
Williams, Francis O.
Williams, Leroy
Windham, Robert L.
Wine, Larry L.
Wolf, Donald E.
Wright, Billy E.
Wrigley, Joseph F., Jr.
Zullo, Ralph P.

The following named (Navy enlisted scientific education program) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Bell, Charles R., Jr.
Boyle, Charles J.
Brameyer, Jan D., Jr.
Duberstein, David C.
Gesner, James H.
Girdwood, Joseph H. M.
Hanks, Jerry G.
Holbert, George W.
Jenkins, Dennis J.
Kosits, Rudolph J.
Lucas, William J.
Miller, Thomas S.
O'Malley, Martin E.
Scoggan, Philip L.
Shoemaker, Roy M.
Simmons, Michael K.
Thomas, William G.
Whipple, John N.
Yazel, Kenneth H.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of lieutenant colonel, subject to qualification therefor as provided by law:

Thomas R. Abernathy
Sammy T. Adams
Thomas H. Allen, Jr.
Andrew E. Andersen, Jr.
Ernest J. Andersen
John B. Arquiette
William C. Ashby, Jr.
Robert H. Axton
Thomas J. Ayers
Frank J. Badamo
Clarence M. Baker
Richard A. Bancroft
John B. Bany, Jr.
Warren H. Barker
Willis W. Barton, Jr.
Carl L. Battistone
Don D. Beal
Glen T. Beauchamp
George N. Bell
Roy L. Belli
Kenneth H. Berthoud, Jr.
Anthony L. Blair
John H. Blair
Allan H. Bloom
Daniel Z. Boyd
Frank M. Boyd
Thomas E. Bradley
Guy L. Brown
Richard L. Brownell
Charles D. Bujan
Philip F. Buran
Thomas K. Burk, Jr.
Larry R. Butler
James D. Calder
John W. Campbell
James H. Carothers, Jr.
Robert E. Carruthers
William G. Carson, Jr.
Logan Cassedy
Curtis E. Caudill
Louis J. Cavallo
Don R. Christensen
Robert A. Christy
Fred E. Clark, Jr.
Bernard E. Clark
James E. Clark
John Clatworthy
John M. Cockey
James H. Coffin
William A. Cohn
Clayton L. Comfort
Joseph A. Como
John C. Conlin
Marcus H. Cook
Richard M. Cooke
Wallace M. Couch
Richard G. Courtney
Thomas J. Coyle
Winchell M. Craig, Jr.
John M. Cummings
Will C. Cuppy, Jr.
John J. Daley, Jr.
Daniel C. Daly
Darrell C. Danielson
Robert R. Darron
Darrell U. Davidson
Harold R. Davis
Carl F. Dawson
Forest G. Dawson
Richard G. Deem
Godfrey S. Delcuze
Clyde S. De Long, Jr.
Charles F. Dininger, Jr.
William H. Disher
Charles E. Dorffeld
John A. Dowd
John W. Dresely
Charles R. Dunbaugh
Billy R. Duncan
John A. Durham, Jr.
Thomas A. Dutton
Merritt S. Edmunds
Raymond W. Edwards
William R. Eleazer
Arthur J. Eagan
William E. Farris
Gerit L. Fenenga
Patrick J. Fennell, Jr.
Robert J. Eitel
Malcolm V. Fites
Daniel J. Ford
James R. Forman
Arthur D. Friedman
Raymond S. Fry
Joseph P. Gagliardo, Jr.
Thomas P. Ganey
Donald J. Garrett
Elmer T. Garrett, Jr.
Gus J. George
John P. Gillen
Salvador Giovingo
John J. Giubilato
Harold G. Glasgow
Richard W. Goodale
Michael J. Gott
David E. Gragan
Thomas E. Graney
James C. Gray III
John W. Greene
Roger W. Greer
Robert P. Guay
Charles F. Hammel
James J. Harp
James B. Harris
Donald L. Harvey
Francis W. Haskins
Thomas M. Hearn
Paul M. Helsher
Walter J. Henderson
Robert J. Henley
Clark G. Henry
Harry W. Hite
Ralph P. Holt
Ivan F. Horne
Carl C. Hossli
Stanley S. Houston
Darrell L. Howarth
John Hubner
Walter P. Hutchins
Robert N. Hutchinson
John K. Hyatt, Jr.
Milton E. Irons
Herschel L. Johnson, Jr.
Mannon A. Johnson, Jr.
Robert W. Jones
Martin D. Julian
Edward W. Kain
David S. Karukin
James P. Kehoe
Albert W. Keller
David A. Kelly
John F. Kelly
Richard H. Kirkpatrick
Robert D. Klein
Charles W. Knapp
Charles R. Kneale
Howard M. Koppenhaver
Milton C. Kramer
John P. Kraynak
Arthur W. Lavigne
Rodney O. Lawrence
Donald Q. Layne
Richard J. Lee, Jr.
William G. Leftwich, Jr.
Chester A. Liddle, Jr.
Marvin H. Lugger
Aubrey L. Lumpkin
Bertram A. Maas
Herman A. MacDonald, Jr.
Byron E. Madden
Leroy A. Madera
Joseph A. Mallery, Jr.
Albert H. Manhard, Jr.
Bennie H. Mann, Jr.
John W. Mann
Preston P. Marques, Jr.
Robert W. Martin, Jr.
John R. Matheson
Donald J. McAdams
Warren M. McConnell
James G. McCormick
Jack D. McCreight
Daniel V. McDonald
Richard C. McDonald
Robert McLellan
James J. McMonagle
James W. Medis
John H. Miller
William S. Miller, Jr.
Lewis L. Mills
Frank H. Mitchell, Jr.
Donald C. Morgan
Thomas E. Morrow
John R. Muhlig, Jr.
James D. Munson
Donald L. Murphy
Michael P. Murray
Michael J. Needham
Ronald E. Nelson
Merrill S. Newbill
William J. Nielsen
Thomas F. Nugent
James K. O'Rourke
Lowell W. Parish
Gerald S. Pate
Richard Perez
Aydlette H. Perry, Jr.
Victor A. Perry
Bob K. Peterson
Richard C. Pfeifle
Bert R. Pitcher, Jr.
Charles F. Pitchford
Robert A. Plamondon
John E. Poindexter
George A. Porter
Robert G. Prebihalo
Richard E. Pryor
Walter S. Pullar, Jr.
Paul H. Rafi
Richard E. Rainbolt
Thomas E. Raines
John M. Rapp
J. C. Rappe
Robert W. Rasdal
Percy D. Ratcliff
Arvid W. Realsen
Edmund J. Regan, Jr.
Edward D. Resnik
Donald N. Rexroad
Otto W. Ritter
Ronald I. Rivard
Morris G. Robbins
Richard T. Roberts
Duncan J. Robertson
James C. Robinson
Edward J. Rochford, Jr.
John M. Roe, Jr.
Ilow M. Roque
Cledwyn P. Rowlands
Alfred W. Ruete, Jr.

Harry M. Runkle
Wesley M. Rush
James Ryan, Jr.
Harry L. Sagar
Frederick P. Salzman, Jr.
Ernest R. Savoy
Edward W. Schultze
David F. Seiler
Raymond A. Shaffer
Robert R. Sheahan
Morris S. Shimanoff
James E. Shuttleworth
Jack A. Simmons
Donald R. Simpson
Thomas H. Simpson
William A. Simpson
John E. Sinclair
Gerald J. Slack
Robert K. Slack
Daniel B. Smigay
William E. Smilanich, Jr.
Bernard S. Smith, Jr.
Craig S. Smith
Haywood R. Smith
John H. Smith
Joseph N. Smith
Joseph T. Smith
Kenneth E. Smith
Kenneth L. Smith
Robert E. Solliday
Ralph B. Spencer
David A. Spurlock
Paul A. Stamour
John R. Stanley
Merlin V. Statzer
Fred W. Stclair
Ray A. Stephens
Billy F. Stewart
John Strahan
Richard A. Sulik
William J. Sullivan
James T. Swinney
John L. Thatcher
Joseph H. Thompson
Robert B. Thompson
Robert H. Thompson
Billy D. Thornbury
William M. Thurber
Winn M. Thurman
Herbert R. Tiede
Paul J. Tighe
Robert C. Tilly
Edward H. Toms
Charles Treble
Bruce A. Truesdale
Roland L. Turner
David S. Twinning
William A. Tyksinski
Kenneth D. Vanek
Frederick N. Vansant
Wallace E. Vickery
David H. Wagner
James H. Walker
Joe G. Walker, Jr.
Robert P. Walling
Frank R. Warren
Leroy E. Watson
Robert P. Whalen
Jean P. White
Clair E. Willcox
Robert G. Williams
Lawrence J. Willis
Charles W. Wilson
Billy E. Wilson
Russell E. Wiltsie
Willard J. Woodring, Jr.
Dale E. Young
Earnest G. Young
George P. Yourishin
Frank Zimolzak

The following-named officer of the Marine Corps for permanent appointment to the grade of major, subject to qualification therefor as provided by law:

George W. Cox, Jr.

The following-named officer of the Marine Corps for permanent appointment to the grade of first lieutenant, subject to qualification therefor as provided by law:

Walker M. Lazar.

HOUSE OF REPRESENTATIVES—*Thursday, October 3, 1968*

The House met at 12 o'clock noon.

Rabbi Emeritus Israel Goldstein, Congregation B'Nai Jeshurun, New York City, N.Y., offered the following prayer:

Lord of creation, who hast ordained the laws of nature, hast set the stars in their courses, and hast endowed man with the capacity to discern between right and wrong, and to set laws for the government of relations between man and man.

May these Legislative Halls radiate wise guidance to our Nation beset with problems at home and abroad. May there come forth out of Zion restored in our day and from Jerusalem golden with the glow of three world religions, the Torah, the law of justice, brotherhood, and peace.

May blessed America match its might with its spirit, its wealth with its wisdom, and its diversity of races and creeds with its unity of purpose, now and evermore, and may peace cover the earth as the waters that cover the sea. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 13099. An act to authorize the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes;

H.R. 13160. An act for the relief of William W. Hiebert;

H.R. 14079. An act for the relief of Lt. (junior grade) Herbert F. Swanson, and others;

H.R. 14098. An act to amend the act entitled "An act to provide for the annual inspection of all motor vehicles in the District of Columbia", approved February 18, 1938, as amended;

H.R. 17273. An act to amend the act of September 21, 1959 (Public Law 86-339), relating to the Reservation of the Agua Caliente Band of Mission Indians;

H.R. 17684. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, in New Mexico; and

H.R. 18885. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Seminole Tribe of Oklahoma in dockets numbered 150 and 248 of the Indian Claims Commission, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7417. An act to prescribe administrative procedures for the District of Columbia government; and

H.R. 9089. An act for the relief of E. Christian Des Marets, Sr.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 944) entitled "An act relating to the establishment of parking facilities in the District of Columbia," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TYDINGS, Mr. SPONG, and Mr. DOMINICK to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 913. An act to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes;

S. 1069. An act for the relief of Dr. Chung Chick Nahm;

S. 1652. An act for the relief of Anastasia D. Mpatziani;

S. 2499. An act to extend the act of September 7, 1957, relating to aircraft loan guarantees; and

S. 2897. An act for the relief of James T. O'Brien.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2553. An act to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation; and

S. 3615. An act to authorize the Secretary of the Army to convey to the Port of Cascade Locks, Oreg., a certain interest in lands in the State of Oregon for municipal purposes.

The message also announced that the Vice President, pursuant to Public Law 84-689, appointed Mr. PELL and Mr. PERCY as alternate delegates to the North Atlantic Treaty Organization Parliamentary Conference to be held in Brussels, Belgium, November 11 to 16, 1968.

RABBI EMERITUS ISRAEL GOLDSTEIN

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. RYAN], who made the arrangements for Rabbi Goldstein to deliver the invocation and who has the privilege of representing the district in which Congregation B'nai Jeshurun is located, be permitted to insert his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. TENZER]?

There was no objection.

Mr. RYAN. Mr. Speaker, the House of Representatives has been singularly honored today by the presence of Dr. Israel Goldstein, rabbi emeritus of Congregation B'nai Jeshurun of New York City—and I might add of the 20th Congressional District—who offered the invocation. We are honored not only because of the eminent position of leadership which Dr. Goldstein holds in world Jewry but because he was willing to bring his message to us, sharing his thoughts and asking for divine guidance for us, on the day following Yom Kippur, the Day of Atonement, the most sacred day in the Jewish year.

Dr. Goldstein is observing his 50th year in the rabbinate, another reason to rejoice in his presence. No stranger to the House, 8 years ago on February 1, 1960, before he retired from Congregation B'nai Jeshurun, he offered the prayer in the House. That historic occasion marked the 100th anniversary of the first prayer delivered in the House of Representatives by a rabbi. In 1860 Dr. Morris J. Raphall, also of Congregation B'nai Jeshurun, offered the original prayer.

One hundred years ago Rabbi Raphall's prayer was delivered at a time of grave national crisis when the Nation was on the threshold of the Civil War. Today, this Nation faces a crisis unmatched since that time. If Congress had heeded the prayer of Dr. Goldstein 8 years ago, the convulsive conflicts and deep divisions of this hour might well have been avoided. Dr. Goldstein then urged "cleansing our own habitations from the germs of hatred and prejudice" and asked that we have "the will to pursue peace relentlessly."

Dr. Goldstein's eloquent words have again summoned our Nation to the same goals so that "peace cover[s] the earth as the waters that cover the sea." Let