By Mr. WOLD:

H. Res. 482. Resolution expressing the sense of the House of Representatives with respect to the establishment of at least one standard metropolitan statistical area in each State; to the Committee on Government Operations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

239. By the SPEAKER: a Memorial of the House of Representatives of the State of Illinois, relative to withdrawing its petition to the Congress of the United States to call a Constitutional Convention; to the Committee on the Judiciary.

240. Also, a memorial of the Governor of the State of Ohio, relative to the Ohio-West Virginia interstate air pollution control compacts; to the Committee on the Judiciary.

241. Also, a memorial of the Legislature of the State of Alabama, relative to veterans' benefits; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By. Mr. BIAGGI:

H.R. 12827. A bill for the relief of Giuseppe, Giuseppa, and Mario Iacona; to the Committee on the Judiciary.

By Mr. SMITH of California:

H.R. 12828. A bill for the relief of Catherine Reinhart; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

175. By the SPEAKER: Petition of Vincente Gatica Startti, Huntsville, Tex., relative to impeachment proceedings; to the Committee on the Judiciary.

176. Also, petition of Henry Stoner, York, Pa., relative to procedures of the House of Representatives; to the Committee on the Judiciary.

177. Also, petition of the City Council, Belvedere, Calif., relative to taxation of State and local government securities; to the Committee on Ways and Means.

SENATE—*Monday, July 14, 1969*

The Senate met at 12 o'clock noon and was called to order by the Vice President.

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

Almighty God, before whose presence the generations rise and pass away, our fathers in their pilgrimage trusted in Thee and found that of Thy faithfulness there is no end. Still to us their children be the "cloud by day and the pillar of fire by night" to guide us lest we lose our way. Put Thy royal law of love within us that our affections may be set upon things above, so that amid our solemn duties and awesome responsibilities we may have Thy guiding light and know Thy peace and joy. Grant to all who serve Thee in this place the assurance of Thy pervading presence, and to the people of this Nation the faith that Thy divine providence overrules our human weakness. So fit us for Thy service and use us for Thy kingdom's sake. Not of our worthiness but of Thy mercy, hear our prayer. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, July 11, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

THE DRUG PROBLEM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-138)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

Within the last decade, the abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans.

A national awareness of the gravity of the situation is needed; a new urgency and concerted national policy are needed at the Federal level to begin to cope with this growing menace to the general welfare of the United States.

Between the years of 1960 and 1967, juvenile arrests involving the use of drugs rose by almost 800 percent; half of those now being arrested for the illicit use of narcotics are under 21 years of age. New York City alone has records of some 40,000 heroin addicts, and the number rises between 7,000 and 9,000 a year. These official statistics are only the tip of an iceberg whose dimensions we can only surmise.

The number of narcotics addicts across the United States is now estimated to be in the hundreds of thousands. Another estimate is that several million American college students have at least experimented with marihuana, hashish, LSD, amphetamines, or barbiturates. It is doubtful that an American parent can send a son or daughter to college today without exposing the young man or woman to drug abuse. Parents must also be concerned about the availability and use of such drugs in our high schools and junior high schools.

The habit of the narcotics addict is not only a danger to himself, but a threat to the community where he lives. Narcotics have been cited as a primary cause of the enormous increase in street crimes over the last decade.

As the addict's tolerance for drugs increases, his demand for drugs rises, and the cost of his habit grows. It can easily reach hundreds of dollars a day. Since an underworld "fence" will give him only a fraction of the value of goods he steals, an addict can be forced to commit two or three burglaries a day to maintain his habit. Street robberies, prostitution, even the enticing of others into addiction to drugs—an addict will reduce himself to any offense, any degradation in order to acquire the drugs he craves.

However far the addict himself may fall, his offenses against himself and society do not compare with the inhumanity of those who make a living exploiting the weakness and desperation of their fellow men. Society has few judgments too severe, few penalties too harsh for the men who make their livelihood in the narcotics traffic.

It has been a common oversimplification to consider narcotics addiction, or drug abuse, to be a law enforcement problem alone. Effective control of illicit drugs requires the cooperation of many agencies of the Federal and local and State governments; it is beyond the province of any one of them alone. At the Federal level, the burden of the national effort must be carried by the Departments of Justice, Health, Education, and Welfare, and the Treasury. I am proposing ten specific steps as this Administration's initial counter-moves against this growing national problem.

I. FEDERAL LEGISLATION

To more effectively meet the narcotic and dangerous drug problems at the Federal level, the Attorney General is forwarding to the Congress a comprehensive legislative proposal to control these drugs. This measure will place in a single statute, a revised and modern plan for control. Current laws in this field are inadequate and outdated.

I consider the legislative proposal a fair, rational and necessary approach to the total drug problem. It will tighten the regulatory controls and protect the public against illicit diversion of many of these drugs from legitimate channels. It will insure greater accountability and better recordkeeping. It will give law enforcement stronger and better tools that are sorely needed so that those charged with enforcing these laws can do so more effectively. Further, this proposal creates a more flexible mechanism which will allow quicker control of new dangerous drugs before their misuse and abuse reach epidemic proportions. I urge the Congress to take favorable action on this bill.

In mid-May the Supreme Court struck down segments of the marihuana laws and called into question some of the basic foundations for the other existing drug statutes. I have also asked the Attorney General to submit an interim measure to correct the constitutional deficiencies of the Marihuana Tax Act as

pointed out in the Supreme Court's recent decision. I urge Congress to act swiftly and favorably on the proposal to close the gap now existing in the Federal law and thereby give the Congress time to carefully examine the comprehensive drug control proposal.

II. STATE LEGISLATION

The Department of Justice is developing a model State Narcotics and Dangerous Drugs Act. This model law will be made available to the fifty State governments. This legislation is designed to improve State laws in dealing with this serious problem and to complement the comprehensive drug legislation being proposed to Congress at the national level. Together these proposals will provide an interlocking trellis of laws which will enable government at all levels to more effectively control the problem.

III. INTERNATIONAL COOPERATION

Most of the illicit narcotics and high-potency marihuana consumed in the United States is produced abroad and clandestinely imported. I have directed the Secretary of State and the Attorney General to explore new avenues of cooperation with foreign governments to stop the projection of this contraband at its source. The United States will cooperate with foreign governments working to eradicate the production of illicit drugs within their own frontiers. I have further authorized these Cabinet officers to formulate plans that will lead to meetings at the law enforcement level between the United States and foreign countries now involved in the drug traffic either as originators or avenues of transit.

IV. SUPPRESSION OF ILLEGAL IMPORTATION

Our efforts to eliminate these drugs at their point of origin will be coupled with new efforts to intercept them at their point of illegal entry into the United States. The Department of the Treasury, through the Bureau of Customs, is charged with enforcing the nation's smuggling laws. I have directed the Secretary of the Treasury to initiate a major new effort to guard the nation's borders and ports against the growing volume of narcotics from abroad. There is a recognized need for more men and facilities in the Bureau of Customs to carry out this directive. At my request, the Secretary of the Treasury has submitted a substantial program for increased manpower and facilities in the Bureau of Customs for this purpose which is under intensive review.

In the early days of this Administration, I requested that the Attorney General form an inter-departmental Task Force to conduct a comprehensive study of the problem of unlawful trafficking in narcotics and dangerous drugs. One purpose of the Task Force has been to examine the existing programs of law enforcement agencies concerned with the problem in an effort to improve their coordination and efficiency. I now want to report that this Task Force has completed its study and has a recommended plan of action, for immediate and long-term implementation, designed to substantially reduce the illicit trafficking in narcotics, marihuana and dangerous drugs across United States borders. To implement the recommended plan, I have directed the Attorney General to organize and place into immediate operation an "action task force" to undertake a frontal attack on the problem. There are high profits in the illicit market for those who smuggle narcotics and drugs into the United States; we intend to raise the risks and cost of engaging in this wretched traffic.

V. SUPPRESSION OF NATIONAL TRAFFICKING

Successful prosecution of an increased national effort against illicit drug trafficking will require not only new resources and men, but also a redeployment of existing personnel within the Department of Justice.

I have directed the Attorney General to create, within the Bureau of Narcotics and Dangerous Drugs, a number of special investigative units. These special forces will have the capacity to move quickly into any area in which intelligence indicates major criminal enterprises are engaged in the narcotics traffic. To carry out this directive, there will be a need for additional manpower within the Bureau of Narcotics and Dangerous Drugs. The budgetary request for FY 1970 now pending before the Congress will initiate this program. Additional funds will be requested in FY 1971 to fully deploy the necessary special investigative units.

VI. EDUCATION

Proper evaluation and solution of the drug problem in this country has been severely handicapped by a dearth of scientific information on the subject—and the prevalance of ignorance and misinformation. Different "experts" deliver solemn judgments which are poles apart. As a result of these conflicting judgments, Americans seem to have divided themselves on the issue, along generational lines.

There are reasons for this lack of knowledge. First, widespread drug use is a comparatively recent phenomenon in the United States. Second, it frequently involves chemical formulations which are novel, or age-old drugs little used in this country until very recently. The volume of definitive medical data remains small—and what exists has not been broadly disseminated. This vacuum of knowledge—as was predictable—has been filled by rumors and rash judgments, often formed with a minimal experience with a particular drug, sometimes formed with no experience or knowledge at all.

The possible danger to the health or well-being of even a casual user of drugs is too serious to allow ignorance to prevail or for this information gap to remain open. The American people need to know what dangers and what risks are inherent in the use of the various kinds of drugs readily available in illegal markets today. I have therefore directed the Secretary of Health, Education, and Welfare, assisted by the Attorney General through the Bureau of Narcotics and Dangerous Drugs, to gather all authoritative information on the subject and to compile a balanced and objective educational program to bring the facts to every American—especially our young people

With this information in hand, the overwhelming majority of students and young people can be trusted to make a prudent judgment as to their personal course of conduct.

VII. RESEARCH

In addition to gathering existing data, it is essential that we acquire new knowledge in the field. We must know more about both the short- and long-range effects of the use of drugs being taken in such quantities by so many of our people. We need more study as well to find the key to releasing men from the bonds of dependency forged by any continued drug abuse.

The National Institute of Mental Health has primary responsibility in this area, and I am further directing the Secretary of Health, Education, and Welfare to expand existing efforts to acquire new knowledge and a broader understanding of this entire area.

VIII. REHABILITATION

Considering the risks involved, including those of arrest and prosecution, the casual experimenter with drugs of any kind must be considered, at the very least, rash and foolish. But the psychologically dependent regular users and the physically addicted are genuinely sick people. While this sickness cannot excuse the crimes they commit, it does help to explain them. Society has an obligation both to itself and to these people to help them break the chains of their dependency.

Currently, a number of Federal, State, and private programs of rehabilitation are being operated. These programs utilize, separately and together, psychiatry, psychology, and "substitute drug" therapy. At this time, however, we are without adequate data to evaluate their full benefit. We need more experience with them and more knowledge. Therefore, I am directing the Secretary of Health, Education, and Welfare to provide every assistance to those pioneering in the field, and to sponsor and conduct research on the Federal level. This Department will act as a clearinghouse for the collection and dissemination of drug abuse data and experience in the area of rehabilitation.

I have further instructed the Attorney General to insure that all Federal prisoners who have been identified as dependent upon drugs be afforded the most up-to-date treatment available.

IX. TRAINING PROGRAM

The enforcement of narcotics laws requires considerable expertise, and hence considerable training. The Bureau of Narcotics and Dangerous Drugs provides the bulk of this training in the Federal government. Its programs are extended to include not only its own personnel, but State and local police officers, forensic chemists, foreign nationals, college deans, campus security officers, and members of industry engaged in the legal distribution of drugs.

Last year special training in the field of narcotics and dangerous drug enforcement was provided for 2700 State and local law enforcement officials. In fiscal

year 1969 we expanded the program an estimated 300 percent in order to train some 11,000 persons. During the current fiscal year we plan to redouble again that effort—to provide training to 22,000 State and local officers. The training of these experts must keep pace with the rise in the abuse of drugs, if we are ever to control it.

X. LOCAL LAW ENFORCEMENT CONFERENCES

The Attorney General intends to begin a series of conferences with law enforcement executives from the various States and concerned Federal officials. The purposes of these conferences will be several: first, to obtain firsthand information, more accurate data, on the scope of the drug problem at that level; second, to discuss the specific areas where Federal assistance and aid can best be most useful; third, to exchange ideas and evaluate mutual policies. The end result we hope will be more coordinated effort that will bring us visible progress for the first time in an alarming decade.

These then are the first ten steps in the national effort against narcotic marihuana and other dangerous drug abuse. Many steps are already underway. Many will depend upon the support of the Congress. I am asking, with this message, that you act swiftly and favorably on the legislative proposals that will soon be forthcoming, along with the budgetary requests required if our efforts are to be successful. I am confident that Congress shares with me the grave concern over this critical problem, and that Congress will do all that is necessary to mount and continue a new and effective federal program aimed at eradicating this rising sickness in our land.

THE WHITE HOUSE, *July 14, 1969.*

RICHARD NIXON.

REFERRAL OF PRESIDENT'S MESSAGE ON DRUGS TO THE COMMITTEE ON FINANCE AND THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. PROXMIRE subsequently said: Mr. President, I ask unanimous consent that the President's message on drugs be referred to the Committee on Finance and the Committee on Labor and Public Welfare.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Vice President laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Commerce.

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

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

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 VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

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

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 289.

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

LT. COL. SAMUEL J. COLE, USA (RETIRED)

The bill (S. 267) for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired), was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Lieutenant Colonel Samuel J. Cole, United States Army (retired), is hereby relieved of all liability for repayment to the United States of the sum of $10,322.59, representing the amount of overpayments of retired pay received by the said Lieutenant Colonel Samuel J. Cole, for the period from August 15, 1947, through September 30, 1964, as a result of administrative error in the computation of his creditable service for pay purposes less the amount due under the Act of April 14, 1966 (80 Stat. 120). In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Lieutenant Colonel Samuel J. Cole, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

(b) No part of the amount appropriated in this section 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 ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-298) explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to relieve the claimant of all liability for repayment to the United States of the sum of $10,322.59, representing the amount of overpayments of retired pay received by the said Lt. Col. Samuel J. Cole (retired), for the period from August 15, 1947, through September 30, 1964, as a result of administrative error in the computation of his creditable service for pay purposes. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this act.

STATEMENT

This bill (S. 267) in the 91st Congress is similar to S. 2147 in the 89th Congress and S. 1206 in the 90th Congress. Both previous bills were passed by the Senate but the House took no action. The Department of the Air Force has no objection to the enactment of this legislation. The facts of the case, as contained in Senate Report No. 1843 of the 89th Congress on the similar bill, S. 2147, and as quoted verbatim in Senate Report No. 1305 of the 90th Congress on the similar bill, S. 1206, are as follows:

"Lt. Col. Samuel J. Cole was born on May 2, 1891. He served on active duty in the U.S. Army from August 15, 1917, to May 15, 1920, when he was retired from the Regular Army as a first lieutenant by reason of disability from wounds received in battle. He returned to active duty on January 15, 1942, and while on active duty received promotions in the Army of the United States to captain on February 1, 1942, to major on August 26, 1942, and to lieutenant colonel on July 1, 1946. Because of demobilization Lieutenant Colonel Cole reverted to his retired status of a first lieutenant effective October 15, 1946. On the day preceding reversion to retired status he was entitled under the Pay Readjustment Act of 1942 (56 Stat. 359 (1942)), to the pay, while on active duty, of a lieutenant colonel of the fifth pay period, with longevity pay for over 27 years' commissioned service. In his retired status, however, he received 75 percent of the active duty pay of a first lieutenant, second pay period, with longevity pay for over 27 years' commissioned service. Subsequently, under the provisions of section 203(a) of title II of the act of June 29, 1948 (62 Stat. 1085 (1948)), he was advanced to the grade of major, the highest grade served satisfactorily for not less than 6 months in time of war, and began receiving 75 percent of the pay of a major, with over 6 and less than 9 years' service. This section specifically excluded credit for retired service in computing retired pay. Following enactment of the Career Compensation Act of 1949 (63 Stat. 802 (1949)), he elected under the "saved pay" provisions of section 411 to continue receiving retired pay based on law in effect before October 1, 1949.

"On June 27, 1957, Lieutenant Colonel Cole commenced an action in the Court of Claims to recover the difference between the retired pay he had received for the period commencing June 1, 1951, a date selected because of the 6-year statute of limitations for an action in the Court of Claims, and 75 percent of the active duty pay of a lieutenant colonel as computed by one of two methods set forth in his complaint. This action was based on the provisions, among others, of the last paragraph of section 15 of the Pay Readjustment Act of 1942, supra. This paragraph authorized retired pay of 75 percent of active duty pay at time of retirement for an officer with service before November 12, 1918, thereafter retired, unless entitled to retired pay

of a higher grade. On July 29, 1957, Lieutenant Colonel Cole filed a similar claim with the General Accounting Office for the period within the 10-year statute of limitations applicable to claims filed there. Guided by the decisions in *Gordon* v. *United States* (134 Ct. Cl. 840 (1956)), and *Frizzell* v. *United States* (123 Ct. Cl. 337 (1952)), involving substantially similar claims, the General Accounting Office certified payment to Lieutenant Colonel Cole on May 1, 1959, of $26,199.88. This computation was based on credit for 75 percent of the active duty pay of a lieutenant colonel, fifth pay period, with longevity credit for 27 years' service, for the period July 29, 1947, to August 14, 1947, and credit for 75 percent of the active duty pay of a lieutenant colonel, sixth pay period, with longevity credit of 30 years, for the period August 15, 1947, to October 31, 1958. The Army Finance Center adjusted Lieutenant Colonel Cole's retired pay, effective November 1, 1958, to 75 percent of that of a lieutenant colonel, sixth pay period, with longevity credit for over 30 years' service without questioning at that time the basis for payment in the sixth pay period (lieutenant colonel with 30 years' creditable service) as certified by the General Accounting Office instead of payment in the fifth pay period (lieutenant colonel without 30 years' creditable service). Relying on decisions of the Comptroller General (13 Comp. Gen. 29 (1933); 22 Comp. Gen. 175 (1942), and computations approved in the *Frizzell* case, supra, the Army Finance Center notified Lieutenant Colonel Cole in a letter dated October 9, 1964, that his service in an inactive retired status was not creditable to advance him from one pay period to another even though it was allowable for longevity credit. The act of March 2, 1903 (32 Stat. 932 (1903)), authorized an officer retired for wounds received in battle to count service on the retired list solely for longevity pay purposes. The Army Finance Center reduced his retired pay, effective October 1, 1964, to that of the fifth pay period with longevity credit of over 30 years, and informed him that he was indebted to the United States for $4,313.87 for retired pay for the period November 1, 1958, through September 30, 1964, representing the difference between pay in the sixth pay period and the fifth pay period. The General Accounting Office informed Lieutenant Colonel Cole, in a letter dated December 22, 1964, Z–1844460, that the settlement made by that office on May 1, 1959, was inadvertently computed on the basis of active duty pay in the sixth pay period for the period from August 15, 1947, through October 31, 1958, resulting in an overpayment of $7,252.73. In a decision dated April 1, 1965, B–132487, the Comptroller General reviewed the entire matter and confirmed overpayments totaling $11,566.60. The Finance Center has collected $1,484 from Lieutenant Colonel Cole's retired pay during the period November 1, 1964, through March 1966. He is currently liquidating his debt at the rate of $100 per month. The Department of the Army requested from Lieutenant Colonel Cole a statement of his present financial status, but he, through his attorney, stated he did not desire to provide any information.

"The overpayments received by Lieutenant Colonel Cole resulted from administrative error by two Government agencies. The payments were received in good faith and were undetected for more than 5 years. Public Law 89–395, approved by the President on April 14, 1966, waives the 10-year statute of limitations contained in the act of October 9, 1940 (54 Stat. 1061, 31 U.S.C. 71a (1964)), and allows certain retired officers, including Lieutenant Colonel Cole, to file claims with the General Accounting Office for increased retired pay. Lieutenant Colonel Cole is entitled to claim $1,244.01 under the new legislation. In view of this consideration, the Department of the Army has no objection to the bill if amended by striking '$11,566.60' from line 5 and inserting '$10,322.59', and by striking the period from line 10, and inserting ', less the amount due under Public Law 89–395'.

"The cost of this bill, if enacted as introduced, will be $11,566.60. If enacted with the amendment as suggested in this report, the cost will be $10,322.59."

The committee has in the past approved relieving bills of this nature where the error was on the part of the Government, the claimant acted in good faith, and hardship would result in repayment.

In agreement with the views of the Army, the committee recommends favorable enactment of the bill as amended.

In agreement with the previous action in the 89th Congress, the committee recommends the bill favorably.

In agreement with the previous action in both the 89th and 90th Congresses, the committee recommends the bill favorably.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The bill (S. 2462) to amend the joint resolution establishing the American Revolution Bicentennial Commission was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint Resolution To Establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended by the Act of December 12, 1967 (81 Stat. 567), is further amended—

(1) by striking out "July 4, 1969" in section 3(d), and inserting in lieu thereof "July 4, 1970"; and

(2) by striking out fiscal year "1969" in section 7(a), and inserting in lieu thereof "fiscal year 1970".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–299), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to amend the original resolution establishing the American Revolution Bicentennial Commission so as to extend the first reporting date of the Commission from July 4, 1969, to July 4, 1970, and to extend the authorization for appropriations from fiscal year 1969 to fiscal year 1970.

STATEMENT

The American Revolution Bicentennial Commission was approved by the Congress on July 4, 1966. The Commission, itself, was not officially named by the President until approximately a year later. The Commission's first meeting was held in February 1967, at which time it was discovered that there was no provision for funds for staff support. Thereafter, the Commission sought an amendment providing for Federal appropriations, which took approximately 18 months to clear the Congress. The Bicentennial Commission had its second meeting in October 1968, at which time it appointed an executive director. Due to personnel delays, the staff, including the executive director, were not officially appointed to the Commission until January of this year. There are presently two professionals, the executive director, one assistant, and two secretaries that comprise the entire staff of the Commission. The Bureau of the Budget has allocated four staff positions, all of which are filled.

The Commission's public members, who were appointed under President Johnson, had decided during their October meeting that they should submit their pro forma resignations to the new President, whomever that might be, in order that the incoming President may work with his own Commission in bicentennial matters. As of this date the White House has not, as yet, announced any changes in the public members of the Commission.

For these reasons, the Commission was not able to meet its original reporting date of July 4, 1969, and this bill, therefore, would amend the joint resolution creating the Commission so as to extend the reporting date 1 year to July 4, 1970, and to extend the authorization for the appropriations for the expenses of the Commission from fiscal year 1969 to fiscal year 1970.

Despite its limited formal activities, the Commission membership has been able to reach some tentative conclusions concerning the nature of the bicentennial celebration. These are:

In contrast to previous commemorations (i.e., the 1876 Centennial Exposition, the 1965 Civil War Centennial), the bicentennial celebration should be *national* in scope.

The focal year for the celebration should be 1976 and the key date should be July 4 of that year.

The commemoration should attempt to communicate the *ideas* of the Revolution and demonstrate their continued validity in the development of the Nation and the world in which we live.

In addition, the Commission has taken certain administrative and procedural actions. These include:

Appointment of an executive director, Richard W. Barrett, and a small clerical staff.

Establishment of temporary headquarters and initiation of negotiations for a permanent headquarters in a reconstructed building on Lafayette Square.

Endorsement of the U.S. Olympic Committee's bid to secure the 1976 Olympic Games for Denver (winter) and Los Angeles (summer).

Preliminary efforts toward developing a thermatic statement for the national celebration.

Review of a position paper prepared by the Exhibitions Staff of the Department of Commerce with respect to the conditions surrounding an international exposition in 1976.

Organization of an executive committee and supporting subcommittees to enable the Commission to deal more effectively with its responsibilities.

The outline of an overall plan for the bicentennial. When completed, the plan will detail those segments of the society that should be involved in the celebration, appropriate penetration points, and a set of roles for each segment.

The construction and implementation of a systematic contact program to reach those elements of the society that either (*a*) appear relevant to the celebration, or (*b*) have indicated a desire to participate.

Preparation of an information pamphlet on the Commission and its plans for 1976.

Design of a master calendar for 1976 and a time line of major national and international events, celebrations, holidays, and commemorations occurring between 1970 and 1976.

The committee is of the opinion that this bill has a meritorious purpose and, accordingly, recommends favorable consideration of S. 2462 without amendment.

NATIONAL ADVISORY WEEK

The joint resolution (S.J. Res. 85) to provide for the designation of the peri-

od from August 26, 1969, through September 1, 1969, as "National Archery Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 85

Whereas in recent years archery as a competitive sport and recreation activity has grown in popularity and recognition; and

Whereas the increased stature of archery is evident in the fact that in 1972 this sport will become a gold medal event at the summer Olympic games; and

Whereas the extent of the widespread interest in archery is indicated by its establishment as a major intercollegiate sport throughout the United States; and

Whereas the National Field Archery Association, with some forty thousand members and more than two thousand affiliated clubs in each of the fifty States, has become the leader in promoting the advancement of competitive archery in this country; and

Whereas this organization is engaged in many outstanding civic projects, such as wildlife conservation activities and a youth scholarship program, and

Whereas this association is sponsoring a National Archery Week program of ceremonies and activities during the last week of August in this year; and

Whereas the year 1969 marks the thirtieth anniversary of the founding of the National Field Archery Association; and

Whereas the world archery championship events will be held in the United States during the summer of 1969; and

Whereas, in view of these facts, it is fitting and proper that the Congress should give official recognition in this year to the development of archery as a major sport and to the national interest in the program to be conducted by the National Field Archery Association: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the seven-day period beginning August 26, 1969, and ending September 1, 1969, as "National Archery Week", and inviting the Governors and mayors of State and local governments of the United States to issue similar proclamations.

DR. DIEGO AGUILAR ARANDA

The bill (S. 571) for the relief of Dr. Diego Aguilar Aranda was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Diego Aguilar Aranda shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 12, 1957.

JAMES F. WEGENER

The bill (H.R. 1828) to confer U.S. citizenship posthumously upon James F. Wegener was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–303), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon James F. Wegener.

DUG FOO WONG

The bill (S. 2019) for the relief of Dug Foo Wong was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Dug Foo Wong shall be held and considered to be the natural-born alien son of Mr. and Mrs. Chun P. Chin, citizens of the United States: *Provided,* That the parents, brothers, or sisters of the said Dug Foo Wong shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

WU HIP

The bill (S. 1963) for the relief of Wu Hip was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c), relating to the number of petitions which may be approved in behalf of orphans, shall be inapplicable in the case of petition filed in behalf of Wu Hip by Mr. and Mrs. Ralph A. Kelley, citizens of the United States.

DR. YAVUZ AYKENT

The bill (S. 1798) for the relief of Dr. Yavuz Aykent was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Yavuz Aykent shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 26, 1957, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

ANDREW CHU YANG

The bill (S. 1645) for the relief of Andrew Chu Yang was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Andrew Chu Yang may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Shiang Ping Yang, citizens of the United States, pursuant to section 204 of such Act: *Provided,* That no brothers or sisters of the said Andrew Chu Yang shall hereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

DR. YILMAZ BILSEL

The bill (S. 1527) for the relief of Dr. Yilmaz Bilsel was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Yilmaz Bilsel shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 24, 1958, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–307), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. ZILIHA BILSEL

The bill (S. 1526) for the relief of Dr. Ziliha Bilsel was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Zeliha Bilsel shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 27, 1957, and the periods of time she has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–308), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

RUEBEN ROSEN

The bill (H.R. 2890) for the relief of Rueben Rosen was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No.

91–309), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Rueben Rosen. The bill does not provide for a quota deduction, inasmuch as the beneficiary is entitled to immediate relative status.

FRANCESCA ADRIANA MILLONZI

The bill (H.R. 2536) for the relief of Francesca Adriana Millonzi was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–310), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the minor child adopted by citizens of the United States.

FRANKLIN JACINTO ANTONIO

The bill (H.R. 2224) for the relief of Franklin Jacinto Antonio was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–311), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the child adopted by citizens of the United States.

PFC. JOSEPH ANTHONY SNITKO

The bill (H.R. 1948) to confer U.S. citizenship posthumously upon Pfc. Joseph Anthony Snitko was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–312), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon Pfc. Joseph Anthony Snitko.

ALEKSANDAR ZAMBELI

The bill (H.R. 3166) for the relief of Aleksandar Zambeli was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–313), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable Aleksandar Zambeli to file a petition for naturalization notwithstanding the provisions of section 313 of the Immigration and Nationality Act relating to one who was formerly a member of a proscribed organization.

RYSZARD STANISLAW OBACZ

The bill (H.R. 3167) for the relief of Ryszard Stanislaw Obacz was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–314), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable Ryszard Stanislaw Obacz to file a petition for naturalization notwithstanding the provisions of section 313 of the Immigration and Nationality Act relating to one who was formerly a member of a proscribed organization.

YOLANDA FULGENCIO HUNTER

The bill (H.R. 3172) for the relief of Yolanda Fulgencio Hunter was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–315), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by a U.S. citizen.

MARIA DA CONCEICAO EVARISTO

The bill (H.R. 3376) for the relief of Maria da Conceicao Evaristo was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–316), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who is illiterate in behalf of Maria da Conceicao Evaristo. The bill provides for the posting of a bond as surety that the beneficiary will not become a public charge.

L. CPL. PETER M. NEE

The bill (H.R. 10060) for the relief of L. Cpl. Peter M. Nee (2465662) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–317), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon Lance Cpl. Peter M. Nee.

NIKOLAS GEORGE POLIZOS

The Senate proceeded to consider the bill (S. 1110) for the relief of Nikolas George Polizos, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 6, after "June 16," strike out "1957, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraph (1) through (8) of section 203(a) of the Immigration and Nationality Act.", and insert "1957."; so as to make the bill read:

S. 1110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Nickolas George Polizos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 16, 1957.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–318), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from Ohio (Mr. YOUNG) may proceed for not to exceed 30 minutes at the conclusion of the remarks of the distinguished junior Senator from Vermont (Mr. PROUTY).

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

THE DEATH OF HERBERT HOOVER, JR.

Mr. MANSFIELD. Mr. President, it was with sorrow and regret that I noted in the newspaper last week the passing of Herbert Hoover, Jr.

Mr. Hoover served as an Under Secretary of State during the Eisenhower administration. I found him to be a very kind, a very gentle, and a very understanding man. I had many contacts with him, and my relations with him were exceedingly good. He was never one to flash his own light. He was a man of extreme modesty and performed his duties with efficiency and with dedication.

I express my deep regret on the Nation's loss of this outstanding American and extend to his wife my condolences.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. Mr. President, I do not know how I missed the news with respect to Herbert Hoover, Jr. I came to know him quite well and had high esteem and great affection for him. He contributed much to the country and was indeed one of our solid citizens.

Together with others, I share the message of condolence to the family.

THE SAFEGUARD ABM SYSTEM—THE NEED FOR A CLOSED SESSION

Mr. SYMINGTON. Mr. President, for reasons that have never been clear, and even though the House has not yet started on its Army and Navy authorization hearings, it was apparently considered necessary to rush through the authorization and markup for the deployment of this Safeguard ABM system without any check at the Kwajalein Testing Range by the Senate as to whether the system was ready for deployment; and statements made on this floor in the debate last Friday demonstrated conclusively how unfortunate was all this haste from the standpoint of our future security and well-being.

One never buys a house or a car without first looking, and that is especially true if some people one respects assert that the house or car in question is not right for purchase; and it was with that in mind that I had planned to visit the Kwajalein Atoll week before last. Kwajalein is where one can obtain by far the most solid information as to the degree of completion and testing of four of the five major components of the Safeguard system; and also much information with respect to the status of the fifth.

When we were told, however, that the markup of the overall Defense authorization, including Safeguard, could not be held up for even a few days, it became necessary for me to cancel this Kwajalein trip; but I did send a staff assistant. He has now returned, and his classified report on the results of his trip, checked against some of the sweeping and at times inaccurate assertions made in the debate last Friday, once again nails down the absurdity of the Senate proceeding to approve what all agree is the most complicated system conceived to date by man without adequate investigation.

One could well ask, why are some in the Senate so casual about spending billions of dollars of other people's money without giving the matter even a semblance of the attention they would give to a personal transaction.

For these reasons, plus one other, I would hope that we would postpone approval of this deployment until we had more facts. The other is my belief that a good many statements made in debate last Friday by those opposing the Cooper-Hart amendment were either inaccurate in implication or inaccurate in fact.

This proposed ABM system is a difficult matter to discuss in open session; but that does not mean, prior to decision, we should refrain from doing everything possible to obtain the facts.

Accordingly, Mr. President, in effort to that end, I am requesting the leadership that after the morning hour on Thursday, July 17, the Senate go into closed session.

THE PROPOSED EXTENSION OF THE SURTAX

Mr. CURTIS. Mr. President, it is my firm belief that the tax bill which extends the surtax and repeals the investment credit should be passed and passed very quickly.

There is no reason why the taxpayers of the country should be misled. The bill is a necessity. The issue should be settled now so that our economy can make its appropriate adjustment. To delay this bill with weeks of speeches would produce nothing but an unsettling effect on our economy.

I do not like taxes. I do not like high taxes. I am supporting this bill because it is necessary. I firmly believe that the best political course is always that course which is honest and sound and improves the fiscal position of our Government. The American people are intelligent and it is a mistake to underrate them.

There should be another bill dealing with tax reform. We need to direct our attention to tax reform constantly. The object of tax reform is to promote justice and fairness as between all individuals and all segments of our economy. Those provisions of our tax law needing reform have been in the tax program for one or two or three score of years. None of them are of recent making. They pose difficult problems. Some of them are controversial. Adequate hearings and a skillful approach will bring about needed reforms. Oratory that jeopardizes our fiscal position and fires the flames of inflation are not in the public interest.

A vote for the bill which was sent to us by the House of Representatives is a vote for a course of action that will make tax reform a reality. It is a vote for fiscal responsibility. To oppose or delay this bill will bring neither reform nor fiscal responsibility.

Mr. MANSFIELD. Mr. President, I have listened with interest to what the distinguished Senator from Nebraska has just said. I would point out to him that the course which he advocates could well bring about unconsidered, ill considered, and poorly considered tax reforms if we take up the surtax extension at this time.

The fact that we have agreed to an extension of the withholding levels in no way undermines the efficacy of the situation as it exists. If another extension is needed it will be forthcoming. If we were to bring out the surtax measure at this time, however, without the assurance of a tax reform bill following some time in the immediate future, in my opinion it would mean that the surtax bill, as such, would itself be jeopardized. It would be amended by tax reforms on the floor of the Senate to such an extent, I would think, that it would become what has been called, slightingly, in previous times, a Christmas tree bill.

I am interested in the passage of a surtax bill somewhat on the order of the bill reported by the House committee and passed by the House of Representatives. But I would call the attention of the Senate to the fact that the distinguished chairman of the Ways and Means Committee, Mr. MILLS, did promise that there would be a tax reform bill reported by his committee about the first part of next month. During the debate on the surtax the President sent a letter to Chairman MILLS advocating tax reform.

Furthermore, I would point out that the distinguished chairman of the Committee on Finance has indicated that beginning on a date certain he would be prepared to hear proponents in this body on various matters of tax reform.

It would be my hope that on the basis of these hearings there would be reported a surtax bill in just about the same form as the bill passed by the House of Represenatives, where the vote was 210 to 205, as I recall, and that the reforms in which all of us are interested to some degree would be placed on a tax reform bill which would be reported shortly after the surtax bill. In that way, I think a procedure would be provided that would assure the Senate, fairly and reasonably, that the surtax bill would be considered and passed, hopefully, without any added tax reforms. Those in this Chamber who, in my opinion, if the surtax bill came out by itself, would try to add tax reforms to it, could be told we have the bill on which hearings have been held justifying it, and it is on the second bill that these major reforms could be attached.

In my opinion, this procedure which has been outlined is in the interest of the economy and in the interest of the administration because in this way hopefully we can keep major tax reforms from being placed on the surtax bill and keep them for reforms in the later bill which will be reported.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that we may proceed for 2 additional minutes.

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

Mr. CURTIS. Do I understand that the distinguished majority leader, then, favors a bill extending the surtax and dealing with investment credit which will be considered separately when it is considered on the floor of the Senate?

Mr. MANSFIELD. Yes, indeed.

Mr. CURTIS. Does the distinguished majority leader have any reservations or feeling that the able chairman of the Committee on Ways and Means of the

House of Representatives will be unable to reach his announced objective in sending us a tax reform bill?

Mr. MANSFIELD. I would hope not. I would hope that the chairman of the Committee on Finance and the membership, both Republican and Democrat, would put their shoulders to the wheel to do what they can to bring out a major tax reform bill—the country is crying for one—and to begin the initiation of such a procedure next week or later this week when hearings on tax reform will start. It would then be my hope that when the tax reform bill from the House arrives in the Senate, tax reforms agreed to in the committee could be put on the bill as it is prepared for Senate consideration. A commitment has been made by the chairman of the Committee on Ways and Means that such a bill will be sent over some time around the first of August.

Mr. CURTIS. I commend the distinguished majority leader. I understand he believes that the surtax bill should be voted upon as a separate measure by the Senate and not merged with the tax reform bill.

Mr. MANSFIELD. Yes, indeed. I would hope that when the surtax bill is taken up and disposed of, the next order of business, or one shortly thereafter, would be the tax reform bill.

Mr. METCALF. Mr. President, I concur completely with my colleague from Montana. Extension of the surtax and the bill that came from the House should be considered separately and apart from Federal tax reform, but there should be some assurance in Congress this year, that there will be some tax reform before we pass a 10 percent, or a 5 percent surtax, thereby compounding and magnifying the inequities in our present tax system.

Mr. President, I served on the Ways and Means Committee of the House and I know of my own knowledge that the very distinguished chairman of that committee is dedicated to tax reform. However, I believe that we should follow the procedure outlined by the policy committee and go forward with extensions of the surtax, maybe from time to time, and then pass a tax reform bill and extensions of the surtax at the same time.

It was with a great deal of misgiving that I read in the newspaper yesterday that the distinguished Senator from Louisiana (Mr. LONG), chairman of the Finance Committee, who is now in the Chamber, stated that no one had come forward with a tax proposal.

I introduced S. 500, and it was referred to the Finance Committee. I realize that such legislation must first clear the House, but I introduced it because I wanted it before the Finance Committee. I thought that, as the policy committee had made a statement that the bills would be considered together, I would not have to do anything further to get the Senator from Louisiana to give me a hearing and have consideration of this legislation.

After reading the statement yesterday in the newspaper, I find that in order not to default in this situation, I will have to introduce a bill to the surtax amendment. I regretfully do this because I feel that the bills should be brought up separately and apart, that my amendment for tax reform should be considered with other amendments for tax reform; but, nevertheless, in order to protect my interests, I have had to introduce this bill today.

Mr. President, S. 500 is cosponsored by 26 Senators. It is an important and vital part of tax reform. I testified before the Ways and Means Committee on it. The administration has sent down a similar proposal on this legislation. I do not intend to default. I do not intend, if this bill is going to be brought up as part of the surtax, to be considered in default. Thus, today, I am introducing an amendment to the surtax bill.

Mr. LONG. Mr. President, will the Senator from Montana yield?

Mr. METCALF. If I have any time remaining, I am glad to yield to the Senator from Louisiana.

The PRESIDING OFFICER. How much additional time does the Senator from Montana request?

Mr. METCALF. One minute.

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

Mr. LONG. Mr. President, if the Senator from Montana would be so kind as to remain in the Chamber until such time as I have been able to gain recognition, I think I can satisfy him about this matter. If not, why I would be glad to discuss it with him now.

Mr. METCALF. Of course. I shall be delighted to remain here.

DR. BENJAMIN SPOCK

Mr. YOUNG of Ohio. Mr. President, liberty-loving Americans have every reason to rejoice. The First U.S. Court of Appeals reversed the verdict and judgment of guilty rendered in the court of U.S. District Judge Francis J. W. Ford, and this higher court in a landmark decision unanimously acquitted Dr. Benjamin Spock, who had previously been convicted by a hand-picked, all-male jury. Then on top of that, the cards had been stacked against him in that the trial was assigned to U.S. District Judge Francis J. W. Ford. I suspect this was arranged by the assignment commissioner at the behest of the district attorney. Judge Francis J. W. Ford, 86 years of age, was, I understand, nominated by President Herbert Hoover to be U.S. district judge.

Mr. President, at the same time I express my delight over the fact that Dr. Benjamin Spock has been judged not guilty. I denounce the merciless severity of the actions throughout the trial of Judge Ford.

Mr. President, I know something personally about the facts. I spent a day in Boston, testifying as a character witness on behalf of Dr. Spock and Judge Ford tried to give me a hard time as a witness. He did give me a hard time, but I did not crawl under the witness chair.

What I observed, brought to mind what I have read in English history of the judicial misconduct of Justice George Jeffreys in the latter part of the 17th century. As Chief Justice in the reign of King James II at the Winchester "assizes" in his so-called Star Chamber sessions, history narrates that he condemned hundreds of defendants to death in alleged trials which were a mockery of justice.

It happens that Dr. Benjamin Spock is my good friend. I have known him over the years. He was a most highly respected resident of the community where I live. I knew Dr. Spock personally during the years when he lived in Cleveland Heights. I knew that he had served as a lieutenant commander in the U.S. Navy in World War II. I knew him as a member of the American Legion. I knew him as one of the most famous and highly respected pediatricians in our entire country. I was happy to testify before Judge Ford and this so-called blue ribbon jury of 12 stern-faced men that Dr. Spock was and is a man of the highest moral character; that his reputation in the community where he and I lived is excellent; that he is a peaceable, law-abiding, and peace-loving citizen.

Mr. President, in the past I served for some years as chief criminal prosecuting attorney of Cuyahoga County. I believe that certain punishment, like a shadow, should follow the commission of crime. I knew that Dr. Benjamin Spock had not committed any crime; had not conspired to commit any crime; that he was a man of such noble character he could not possibly engage in any conspiracy to commit a crime. As a prosecuting attorney and as a trial lawyer, I have met up with and had the misfortune to appear before tyrannical judges, but Federal Judge Ford in his actions, words, and attitude which I had observed, and the hard time he tried to give me as a witness in his court, takes a rating in my considered judgment as a tyrannical judge determined he would supplement the prosecution of the district attorney that the jury find the defendant guilty. In a landmark decision, the judges of the First U.S. Circuit Court of Appeals not only determined and judged that Dr. Benjamin Spock was not guilty but also determined that Trial Judge Ford went far beyond the routine conspiracy instruction to a jury and arbitrarily called for special findings by the all-male jury panel which were highly prejudicial to Dr. Spock.

Mr. President, it makes me happy to observe that sanity has returned; that this good man has been vindicated and acquitted; that the judges of the First Circuit Court of Appeals have spoken out loud and clear; that the very first amendment of the Constitution of the United States is as meaningful today as it was in 1791. It should be remembered by all of us that when the Constitution as drafted was first announced, there was an uproar from every liberty loving patriot, who had fought and won the war for independence. The conservatives of that time were compelled to accept those first 10 amendments which we affectionately term the Bill of Rights, else the Constitution as drafted would not have been ratified by the Thirteen Original States.

This landmark decision reaffirms and

breathes renewed breath of life into the first amendment to our Constitution, which provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

PRIVATE INDUSTRY AND NUTRITION

Mr. McGOVERN. Mr. President, the Select Committee on Nutrition and Human Needs, of which I am chairman, has been devoting itself these past 6 months to documenting the extent of hunger and malnutrition among the poorest of our citizens across this country. Our field hearings—held in Florida, Washington, D.C., California, and East St. Louis—as well as our hearings here in the Capitol, have investigated in detail the unhappy relationship between the conditions of hunger and the ineffectiveness of our federally funded food assistance programs such as food stamps, commodity distribution, school lunch, school breakfast, and supplemental food plans. We have found these programs failing because of inadequate funding and haphazard or deliberately restrictive administration. These findings have aroused a sense of outrage among the American people that the administration and congressional committees have responded to by recommending increased funding and administrative reforms in these programs. As I have said before, I do not believe that these efforts had gone far enough, and I shall continue to fight for more money and more reforms; but I commend the administration, and my colleagues in both Houses, for their recognition of hunger and malnutrition as a national disgrace that must be wiped out.

An area of inquiry of great importance, fully equal in importance to the inquiry into the operation of our Government programs, is the so-called private sector. To date, our select committee has given only minimal attention to the private sector. Looking a little into the future when the commodity distribution program will be completely replaced by food stamps—or food stamps replaced by some sort of minimum income program—we can see that all of our citizens will be purchasing their food from the private marketplace. The quality of that food, its nutritional value, is, therefore, a matter of legitimate concern.

It has been said often, Mr. President, that our people have never been so well off, never so well fed. Of all our technological feats, our agricultural feats have been the greatest of all. Our farmers and agricultural businesses produce more and more food every year. It is for this reason that the plight of millions of our poor who do not have enough to eat has so struck the Nation's conscience. It is a paradox that is difficult to understand, it is a situation that is clearly unacceptable and clearly preventable.

It appears, Mr. President, that we may have yet another paradox to deal with, one that affects not just our poor citizens but also our vast middle class and even the richest among us. There is some evidence that, despite our abundant production, our technological marvels of food processing and our magnificent marketing systems, our population as a whole may be falling prey to disturbing dietary deficiencies. The national nutrition survey, while examining census tracts with average income levels in the lowest quartile, has included families cutting across all income levels. The dietary deficiencies it has found, while afflicting the poor most frequently, have also struck at the well off. The evidence being gathered by the national survey is supported by an analysis of a 1965 survey recently released by the Department of Agriculture.

The Agriculture Department, comparing its 1965 survey with a similar survey conducted in 1955, concluded that in some specific nutrients—iron, vitamin A, ascorbic acid—the dietary status of the Nation as a whole appeared to have deteriorated.

This conclusion, incredible as it may sound, calling into question all our assumptions about the technological progress we seem to have accomplished, requires some critical examination. I believe that it calls for a serious inquiry into the general nutritional quality of foodstuffs now being marketed, the performance and nutritional standards of our industry, the performance of our Government agencies charged with monitoring industry and maintaining nutritional standards, as well as the role of the scientific and medical community in setting and maintaining these standards.

We live in a nation constantly changing, never faster and never with more difficulty than it is today. We are more mobile and more mechanized than ever before. The habits of a generation ago are almost anachronisms today. This is as true of eating habits as of any habits. This generation has been called the Coca-Cola and hot dog generation. To those two food items, we could add innumerable other soft drinks and luncheon meats, countless cookies and crackers, an endless variety of TV dinners and other foods ready to pop into the pot or the oven and serve in minutes or seconds. Some analysts of our eating habits foresee the day when breakfast and lunch, as we know them today, will practically disappear, the only family meal remaining will be dinner, Nutritionists foresee the time when orthodox nutrition education—a little of this, and of that, and of this—will be as obsolete as home-baked bread. Certainly, any competition between traditional nutrition education and the effects of mass media advertising of convenience foods will be a no-contest affair.

There are really two sides to the question of foods currently being marketed—quality and safety. More and more, I hear people questioning the nutritional quality of the items they purchase in the supermarket. They wonder how much beef is in the can of stew and what grade of beef. They wonder how much vitamin C is in the can of concentrated orange juice that they choose from the refrigerated compartment. They wonder how much lamb is in a jar of mixed vegetable and lamb baby food and how much real fruit there is in a jar of mixed strained pears and pineapple. They wonder how much vitamin C is left in the mashed potatoes that come with the turkey TV dinner. They count the cherries in the picture on the cover of a cherry pie, then count the cherries in the pie itself and find far fewer than the picture would lead one to believe was there. They buy all-beef frankfurters or all-beef bologna and are stunned when they learn that the all-beef item consists of more than 30-percent fat, 60-percent water, and only 10-percent beef.

They carefully select a nondairy coffee creamer to cut down on cholesterol then learn the creamer contains highly saturated fat coconut oil.

Sometimes, directly tied to the question of deteriorating quality is the question of safety. More and more companies are computerizing production. The job of the computer is to regulate cost so that the company's profit margin is maintained. As the cost of ingredients vary, the composition of the product varies. As the composition varies, it is sometimes necessary to include some additives or other constituents to maintain the product's texture and flavor. Some of these additives and constituents may be as common and seemingly harmless as salt, sugar, monosodium glutamate, or starch. They have been used by humans for years with no apparent ill result. They are on the GRAS—generally regarded as safe—list of the FDA. But for years, people have known how much they were using because they were adding these things themselves in their own homes. Now they are being added for them in a myriad of processed foods. They do not know how much is being added to how many items. They have no way of knowing exactly how much they are consuming in a total way. And there has been no systematic research on the possible effects of those changes.

Two agencies of the Federal Government—the Food and Drug Administration and the Department of Agriculture—are primarily responsible for monitoring our food supply. Unfortunately, their responsibilities, while many and varied, do not specifically include the maintenance of quality and nutritional levels. Both are more concerned with the safety—the potential harmfulness—of marketed foods than with their nutritional value. The rule of thumb that the FDA is now applying to drugs—that they must do positive good, not just be harmless—is not yet being applied to our foods. I believe, given the indications that we now have of dangers to health from malnutrition, that the time has come to be as concerned about the positive nutritional values of our foods as well as their potential ill effects. The Department of Agriculture has, for years, assisted our farmers and agribusinesses in producing more and more food. Yet, the Department has taken much less interest in what happens to that food from farmer to processor to consumer. Its food standard setting procedure has accommodated industry practice more than nutritional needs. The recent hearings

on hot dogs are a clear indication of that. The Department admitted that its recommendation on the fat, and indirectly the protein, content of hot dogs was based primarily on the prevailing practice of the industry. It also admitted that it had not consulted with any recognized nutritional authorities, in Government or out, as to what would be the ideal standard from a nutritional point of view. The standard for hamburger was set so long ago—the fat limit in hamburger, by the way, is 30 percent—and in such an apparently informal way, that nobody in the Department is quite sure how it came about or on what grounds that limit was chosen. It is highly likely that neither nutritional nor consumer representatives were consulted.

The problem of outdated, perhaps irrevelant standards, is most acute, however, with the Food and Drug Administration. Most of our important standards for fortification were the product of a national need to maximize nutrition in the population during World War II. The standards for the fortification of bread, for instance, was set during that period and is unchanged today. The fact that it has remained unchanged immediately calls into question its relevance. Bread is no longer as widely consumed or in as much quantity. It is being cut out of diets by a weight-conscious population or replaced by a variety of other baked items, few, if any of which are fortified. Even if the consumption of bread was not unchanged, the kind of fortification in it would still be outdated. The National Research Council's Food and Nutrition Board has published minimum requirements for a number of nutrients which were undiscussed during the period of World War II. These new nutrients have yet been translated by the FDA into standards for foods now being marketed. FDA knows that many of its standards are badly outdated from a nutritional point of view. It knows that it should review all standards that have been set since the postwar period. Yet it has not done so because of manpower shortage. It is just this kind of manpower shortage that turns problems—in this case, nutrition problems—into crises and, occasionally, into disasters.

Perhaps the major change that has taken place in the food industry in the last generation has been in marketing. An emphasis on product differentiation and attention-getting packaging has produced a bewildering array of items on the supermarket shelves. I am reminded of a story I was told recently by a fellow who visited a plant of a major cold cereal manufacturer. "It is a paper factory," he said as he explained that 90 percent of the plant space was devoted to producing fancy packages and 10 percent to the cereal. The vast array of items on the grocery shelf makes it increasingly difficult for the average housewife to know whether she is purchasing a balanced diet for her family. Unfortunately, she is helped very little by reading the labels on most packages. Many products, so-called "standardized" products, do not list their ingredients. Nonstandardized products do list their ingredients, but not on a percentage basis. The law requires that they be listed in descending order of quantity in the product, but I doubt if 1 percent of the Nation's customers are aware of that fact. No products are required to list the amount of protein or fat or essential vitamins and minerals, making it impossible for a consumer to compute the relative nutritional cost of comparable products—impossible, that is, unless he or she is buying animal feed or pet food. These products carry the most complete list of ingredients imaginable, the amount of protein, fat, and carbohydrate, every conceivable vitamin and mineral. It has been said that people pay more attention to what they feed their animals than what they feed themselves and their children. Certainly, for the housewife buying food for her family and food for the family dog, there is little choice. She can tell what she is getting for Fido just by reading the back of the box. The only way she could really tell what she is geting for the family is by writing to the manufacturer or by taking the food to the nearest laboratory for a composite analysis.

Another curious aspect, Mr. President, of our nutritional situation is the fact that many of our largest food corporations, encouraged by the Government, are using their technological expertise to develop and market new nutritious low-cost foods for the so-called less developed countries. I spoke earlier in the year of one of these products—CSM—but there are others I did not mention: Nutritious as well as refreshing soft drinks; nutritious as well as filling pancake mixtures; nutritious as well as appetizing crackers and cookies. The question that immediately comes to mind, of course, is why we cannot do for ourselves what we are doing for others. I understand that the Office of Economic Opportunity is conducting a pilot program patterned after our overseas program. I hope the select committee will have an opportunity to investigate that program to see what its potential might be for attacking our domestic nutritional problems. I personally believe that the potential is considerable. I believe these companies have a wealth of experience that can be applied to our problems here at home, and I am sure that, if they are given the encouragement and the freedom they need, they will jump at the opportunity to move ahead here.

These are some of the subjects, Mr. President, which the select committee will begin to inquire into during its initial hearings beginning on July 15 and extending through this month. Some of the areas we will be inquiring into are food fortification, development of new foods, foods for children, Government food regulations, our overseas experience in the food-for-peace program and nutrition education. Our first witness, on the 15th, will be consumer advocate Ralph Nader. We will also hear witnesses from a variety of Government agencies—FDA, USDA, AID—experts from the medical and nutritional communities, leaders from some of our major food corporations, and individual private citizens with special competence in these areas. We cannot expect, in these initial hearings, to do more than begin to scratch the surface of this extremely complex but challenging area. But I do hope that even this initial inquiry will be both informative and productive, will raise extremely important questions, and begin to point toward possible remedies.

TAX LEGISLATION

Mr. LONG. Mr. President, discussions in the Democratic policy committee, like discussions in the Republican policy meetings, are generally regarded as confidential. They are not usually matters of public record. I see no point in making a matter of public record what was confidential at the time it was discussed.

The rule we have pursued for many years in the Finance Committee is that one should be privileged to state his own view, what he said, and how he voted, in executive session, but he would not have the right to say how other Senators had voted, unless those Senators decided that should be the case.

I think perhaps some of the confusion in the press about our procedure on the revenue bill and the extension of the surtax results from the fact that the press was not privy to conversations among Senators which were more or less of an executive nature or confidential at the time those conversations occurred.

Let me state what my point of view is as to the procedure on the tax bill. As far as I am concerned, so other Senators may be informed, I am making it a matter of record as to what the procedure is to be. As stated in the letter of the majority leader, it was the view of the policy committee that when the surtax bill was before the Senate, it would be appropriate to consider measures relating to tax reform. The majority leader's letter to me makes that clear. In the discussions with the policy committee, I personally made it clear to Senators that, in the judgment of the Senator from Louisiana, it would be impossible for us to bring before the Senate over a period of 30 or 90 days all of the tax reform proposals that the Finance Committee possibly could generate. If one is talking about a comprehensive, overall reform of the tax structure, to consider every businessman's situation and to try to bring his tax situation in line with everyone else would require a great deal of time. In former years, such reforms have taken as much as 1 year of study in the executive department and then 2 years of study in the legislative branch.

My thought was that it would be satisfactory to have meaningful tax reform in connection with the revenue bill before the Senate. That bill has some urgency about it. One might not buy President Nixon's argument that the bill is necessary to stabilize the economy, to prevent runaway prices in face of the rapid degree of inflation presently existing, to protect the value of the dollar as a monetary item throughout the world, to balance the budget, or for any such purpose at all. But if one buys even a part of President Nixon's argument for the extension of the surtax—and he is contending the same thing President

Johnson contended before he left office—then there is something urgent about the matter, because there is a termination date with respect to it. The Senate extended the withholding rates under the surtax for 31 days, on the recommendation of the House of Representatives.

It was the view of the policy committee that the Senate Committee on Finance should have 90 days, if it wanted that time, to consider the matter and to bring before the Senate a bill which we hoped would be enacted before that period of time expired.

I want to make it clear that the view of the Senator from Louisiana, every step of the way, has been that we would be willing to consider and vote on any amendment any Senator chose to propose, whether we liked his amendment or not. It is already within the power of every Senator to have his amendment considered and voted upon on the floor, if not in the committee.

Our view was that it would not be possible to consider all the suggestions that might be generated within the field of tax reform as a part of the surtax extension, even though, if a Senator wanted to offer his amendment, it would be considered.

So the Senator from Louisiana made a statement on July 8, 1969, which appears in the CONGRESSIONAL RECORD beginning on page 18562, indicating how he proposed to proceed in the committee. Basically, it was that we would hope public witnesses would, as expeditiously as possible, testify on the House-passed bill. Thereafter, we would invite Senators to testify before the committee with regard to their suggestions for amendments, hoping to get consideration of the bill to a conclusion and to have the bill acted on within the expiration date of July 31.

I then explained my position in a speech I made on the floor. If a Senator wanted his amendment considered by the committee, he should have it printed so we could look at it. I suggested the Senator should have it printed by the 18th of this month, by next Friday, so it could be part of the committee's consideration.

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

Mr. LONG. Mr. President, I ask unanimous consent that I be permitted to continue for such time as I may require.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. I object. Could the Senator make it a definite time? Ten minutes?

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

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

Mr. LONG. So, Mr. President, the Senator from Louisiana felt that if we were to bring this matter to some sort of conclusion, we should not be conducting hearings on loose concepts and ideas; we should be talking about concrete legislative proposals. The suggestion of the junior Senator from Montana (Mr. METCALF) is exactly the kind of thing I was talking about. We would urge the Senator to submit his amendment. Then we will schedule a time to hear the Senator and we will be glad to hear him on his amendment.

Mr. METCALF. I have done that.

Mr. LONG. Yes. Please understand that the chairman of the committee cannot bind the committee, nor can he bind the Democratic Policy Committee, nor can he bind the Senate, with regard to the rights of Senators. If a Senator does not wish to submit his amendment, if he wants to just wait and offer it, as a complete surprise to us, on the floor of the Senate, that is his privilege. No rule can bar him from doing that. He can offer it and insist that it be voted on. I am sure that the Senator from Montana, as one who has served on both the House Committee on Ways and Means and the Senate Committee on Finance, knows that if he wants support for his amendment, he has a better chance to persuade the members of the committee if he gives them a chance to see what he proposes and question him about it.

Mr. METCALF. If the Senator will yield, that was my purpose in submitting the amendment. I have a bill, S. 500, before the committee today, but I have modified S. 500 so that it complies in all respects as an amendment to the surtax.

Mr. LONG. Yes. I thank the Senator.

Mr. President, as far as I am concerned, the Senator need not have modified his amendment, if he had just come before us and said, "Here it is—S. 500." Whether it is offered as a Senate bill or as an amendment to the House bill, it is all right with me. But we would like to have a Senator testify for something that is in print, that we can look at. We would like to know whether he proposes to offer it, so we can incorporate it into our committee print, and also assure ourselves that it does what the Senator says it will do, and we can proceed on that basis.

Mr. President, we have been able to do some things that the House of Representatives was unable to do, because of the difference in our procedure. For one thing, the House was not able to offer to public witnesses the opportunity to testify on the investment tax credit. The House did study tax reform, and after a while they brought forward a bill, and it included the repeal of the investment tax credit. Our staff, and also witnesses before the committee, have uncovered a number of inequities that clearly exist in the House bill. Those should be corrected, and we want to do that, if we can, to the best of our ability.

In addition, we have heard from public witnesses testifying on the provisions of the House bill. Tomorrow we will conclude that phase of the hearings. We have turned no one down, and I shall submit for the RECORD a list of the witnesses. (See exhibit A.) I believe everyone will agree that each one of those witnesses had a right to be heard and should have been heard. Fortunately, we did not have a great avalanche of witnesses, because most people are familiar with the fact that when the Committee on Finance is burdened with more testimony than it can hear, it asks witnesses to consolidate their testimony. We request that everyone in the paper manufacturing business should consolidate behind a spokesman for their industry, or everyone in the steel industry should consolidate behind a spokesman; and that type of thing has been done. Witnesses are familiar with those procedures, and they do that even without our request, and identify themselves behind one spokesman, rather than insisting on our hearing a proliferation of witnesses to explain the same point.

As I have stated, tomorrow we shall conclude the list of public witnesses on the House bill, and, starting on next Monday, we propose to hear Senators testify on their suggestions. We will then proceed, having heard them, to hold executive sessions and vote to report a bill with such amendments as the committee thinks appropriate.

I think, in fairness, that Senators will find that they are going to have more than one opportunity to vote on tax reform proposals. We will have many revenue bills. It is true that we have had very few up to now, but the Committee on Finance has found it desirable to respect the constitutional provision that revenue bills must originate in the House of Representatives. On many occasions, we have been requested by the House committee not to proceed with hearings until they had reached decisions, on the theory that some of their people would think it presumptuous for us to assume that the House was going to pass a certain bill, and therefore might proceed to vote against it just because the Members of the House of Representatives felt their prerogatives were being ignored and cast aside.

So I ask unanimous consent that an excerpt from the RECORD of July 8 on this subject (exhibit B), my unrevised colloquy in the committee with the Senator from Illinois (Mr. DIRKSEN) (exhibit C) and the statement of July 12 which I made subsequent to that (exhibit D) be printed in the RECORD. All of these matters are consistent, and explain, as I see it, the point that we have been proceeding to consider anyone's tax suggestions, and are now ready to hear whatever suggestions Senators want to make. After having done that, we will try to report a bill. After the Senate acts on that bill, we expect to have other tax reform proposals, whether the House sends them or does not send them, and whether they amount to something someone might call reform in one case, or a desirable tax reduction in another.

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

EXHIBIT A

SENATE COMMITTEE ON FINANCE

PUBLIC HEARINGS ON H.R. 12290, EXTENSION OF THE SURTAX, REPEAL OF THE INVESTMENT CREDIT, AND OTHER MATTERS

Tuesday, July 8, 1969

Witness

The Honorable David M. Kennedy, Secretary of the Treasury, accompanied by The Honorable Robert P. Mayo, Director of the Bureau of the Budget.

Wednesday, July 9, 1969

Witness List

1. William Graham Claytor, President, Southern Railroad.

2. Paul D. Seghers, President, Institute on U.S. Taxation of Foreign Income, Inc.

3. Thomas J. Ryan, Chairman of Tax Committee, National Constructors Association, accompanied by Gerald S. Ostrowski.

4. J. R. Gulan, Legislative Director, National Federation of Independent Business.

5. Brice O'Brien, General Counsel, National Coal Association.

6. Marvin L. McLain, Legislative Director, American Farm Bureau Federation.

7. Angus McDonald, Director of Research, National Farmers Union.

Friday, July 11, 1969

Witness List

The Honorable Charles A. Vanik, Representative from Ohio.

The Honorable Bob Eckhardt, Representative from Texas.

Eugene A. Gulledge, President, National Association of Home Builders.

Thomas M. Goodfellow, President, Association of American Railroads, accompanied by AAR Tax Counsel Frank McDermott.

Frank Barnett, Chairman of the Board, Union Pacific Railroad.

Andrew J. Biemiller, Director, Department of Legislation, AFL–CIO.

Charles I. Derr, Senior Vice President, Machinery and Allied Products Institute.

Peter Nevitt, Senior Vice President of GATX-Armco-Boothe, and Boothe Computer Corporation.

Roscoe L. Egger, Jr., Member, Taxation Committee of the Chamber of Commerce of the United States, accompanied by Rother R. Statham, Taxation and Finance Manager, and Dr. Carl Madden, Chief Economist.

Monday, July 14, 1969

Witness List

The Honorable George McGovern, Senator from South Dakota.

The Honorable Henry S. Reuss, Representative from Wisconsin.

W. P. Gullander, President, National Association of Manufacturers.

Joseph V. Ferguson, Air Products and Chemicals, Inc., accompanied by Leon C. Holt, Jr., Vice President and General Counsel, and Neal Powell.

Edwin A. Locke, Jr., President, American Paper Institute.

Albert Lannon, Washington Representative, International Longshoremen's and Warehousemen's Union.

Tuesday, July 15, 1969

The Honorable John Sparkman, Senator from Alabama.

Don Magdanz, Executive Secretary, National Livestock Feeders Association, accompanied by G. L. Hadley, President.

The Reverend William T. Hogan, Professor of Economics, Fordham University.

Herbert B. Cohn, American Electric Power Service Corporation, and Edison Electric Institute.

Harry A. Poth, Jr., Minnesota Power and Light Company.

John M. Randolph, Chairman of the Board, Randolph Computer Corporation in behalf of Computer Lessors Association, Inc.

John W. Scott, Master, National Grange.

John Huffaker, Chairman, Committee on Transition Rules Upon Repeal of Investment Credit of the Philadelphia Bar Association.

E. A. Trigg, President, Alcan Aluminum Corporation.

George W. James, Vice President of Economics and Finance, Air Transport Association.

J. W. Henderson, Jr., Chairman, Railway Progress Institute.

Richard Owen, Baker Industries.

EXHIBIT B

TAX LEGISLATION

Mr. LONG. Mr. President, with regard to the proposed extension of the surtax and the issue of tax reform, I ask unanimous consent that statement which I made at the opening session of the Committee on Finance be printed at this point in the RECORD.

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

"TAX REFORM AND THE SURTAX

"This is the first of a two-part hearing with respect to H.R. 12290, a bill passed by the House of Representatives to extend the income tax surcharge and to repeal the 7 percent investment tax credit. The bill also continues for another one-year period the present 10 percent excise tax on telephone service and the 7 percent tax on passenger automobiles. In addition, it provides a special low income allowance which relieves millions of poverty-level wage-earners from the tax rolls. Finally, it allows air and water pollution control devices to be amortized over a 5-year period.

"During this first portion, the Committee will receive testimony from the Secretary of the Treasury and the Director of the Bureau of the Budget with respect to the need for the legislation. We will also hear public witnesses with respect to the provisions in the House bill. If the Secretary concludes his testimony today, we will begin hearing public witnesses tomorrow.

"In the second phase of the hearing, the Committee will take testimony with respect to tax reform.

"There will be no tax hearing on Thursday, July 10, because of a prior commitment to the Subcommittee on Veterans' Affairs which will be inquiring into several matters relating to the Veterans' statutes.

"Before recognizing the Secretary of the Treasury, let me make an announcement with respect to the Committee's schedule for considering tax reform.

"TAX REFORM HEARINGS

"In our Committee on Finance it has been the practice to hold hearings on specific bills and amendments that Senators are interested in. This procedure differs from that followed by the Committee on Ways and Means where hearings often precede the introduction of a bill.

"In keeping with this practice of the Committee, I plan to announce to the Senate that our tax reform hearings are going to be just as broad and comprehensive as the Senators want them to be. All we ask is that the Senators draft and indicate to us all of the tax reform proposals they desire to offer to H.R. 12290 so that we can conduct hearings on them before we take the bill up in executive session.

"I know most Senators will agree with me that we should not take taxpayers by surprise and take up amendments which may affect them without giving them an opportunity to state their side of the question. That's what the hearings process is all about.

"Similarly, a Senator should be entitled to state to the Senate that his tax reform suggestions have been through the hearing process in the Committee on Finance and thus prevent that procedural argument from being used as a device to build up opposition to his amendment. He should be entitled to get a vote on the merits of his tax reform suggestions.

"IDENTIFICATION OF TAX REFORM PROPOSALS

"So to be fair to them and to the Senators who want to propose tax reform amendments to the surtax bill, I urge that Senators who have introduced bills in the Senate identify to the Committee on Finance those which they intend to call up as amendments during Senate consideration of H.R. 12290.

"If Senators have tax reform suggestions in mind that they intend to propose but which have not yet been introduced, I urge that they introduce them and identify them as matters they would like to have considered during discussion of H.R. 12290.

"If Senators will cooperate with the Committee on Finance in this way, we can publish all these tax reform suggestions in a Committee print and make them the basis for the tax reform phase of our hearings.

"No Senator will be deprived of the right to a hearing on his tax reform ideas. But in order to advance these hearings in an orderly manner, it is necessary that we know within a specified time exactly what the Senators want to propose in the way of tax reform.

"Therefore, I urge Senators to let us know by Friday of next week—July 18, 1969—what they plan to offer in the way of tax reform. Then we can schedule our tax reform hearings to begin promptly the following week—the week of the 21st.

"I believe this procedure recognizes the right of every Senator to offer whatever tax reform amendment his conscience dictates, and at the same time, enables the Committee on Finance to carry out its responsibility to the Senate.

"SENATE DEMOCRATIC POLICY COMMITTEE POSITION

"I might add that in my opinion this procedure also fully conforms to the announcement made on June 25 by the distinguished Majority Leader that the Democratic Policy Committee had voted unanimously:

" 'That any proposals to extend the income tax surcharge be considered simultaneously with recommendations on meaningful tax reform.' and

" 'That the present income tax withholding rates be continued after June 30, 1969 for a period of one quarter to permit full consideration and disposition of the reform and extension of the surtax.'

"The Majority Leader elaborated on the Policy Committee resolution in a letter to me dated July 1. In his letter he emphasized that the debate on the Floor prior to passage of the 31-day extension of the surtax withholding rates 'clearly specifies that additional extensions will be forthcoming if necessary to afford the ordinary processing of intended tax reform through the Senate Finance Committee.'

"It is my purpose today to implement the Majority Leader's announcements by again urging that Senators identify their tax reform proposals to us by July 18 so that the Committee on Finance can proceed with the ordinary processing of intended tax reform."

Mr. LONG. Mr. President, I also ask unanimous consent that the letter of the majority leader addressed to the chairman of the committee, dated July 1, 1969, be incorporated in the RECORD at this point.

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

"U.S. SENATE,
"OFFICE OF THE MAJORITY LEADER,
"Washington, D.C., July 1, 1969.

"Hon. RUSSELL B. LONG,
"U.S. Senate,
"Washington, D.C.

"DEAR RUSSELL: At the meeting of the Democratic Policy Committee on Tuesday, June 24, 1969, the following resolution was unanimously adopted:

" 'Whereas, the Senate Majority Policy Committee, having met and considered the matter of the extension of the income tax surcharge, hereby resolves:

" 'That meaningful tax reforms should be adopted as a means of achieving an equitable national income tax policy, and further resolves,

" 'That any proposal to extend the income tax surcharge be considered simultaneously with recommendations on meaningful tax reform and further resolves,

" 'That the present income tax withholding rates be continued after June 30, 1969 for a period of one quarter to permit full con-

sideration and disposition of the reform and extension of the surtax.'

"It was my intention of course to inform the full Democratic membership of the Policy Committee's recommendation before incorporating that action into any deliberations on the Senate floor. You will recall, however, that during the Senate's consideration of the temporary extension of the tax withholding rates last Wednesday, I publicly announced the Policy Committee's unanimous position that meaningful tax reform should be considered simultaneously with any fixed extension of the surcharge.

"The announcement was required at that time simply because Senate action was needed. The House had planned originally to consider the surcharge question on Wednesday. It was unable to do so, in fact the House leadership announced a postponement of two weeks. That event required the Senate's Finance Committee to proceed immediately with an interim 31-day withholding rate extension to preserve the status quo until House disposition of the surcharge. The short extension of the tax withholding rates was necessary to permit House action; it was undertaken at the request of the House leadership. So it was because of this impending action that I felt it was imperative to publicize the Policy Committee's position. In going on record at that time, I was hoping to assure against any misinterpretations of any subsequent extensions of the withholding tax rates to permit additional time for Senate action. The debate on the floor prior to passage of the 31-day extension of *withholding rates* clearly specifies that additional extensions will be forthcoming if necessary to afford the orderly processing of intended tax reform through the Senate Finance Committee.

"I should mention that during its deliberations on this question, the Policy Committee was well apprised of the inequities of the tax structure and the growing public awareness of this fact. To vote simply to extend the surtax would have compounded these inequities. Coupling the reform of the tax structure with any extension of the surtax thus appeared eminently fair. Indeed, for the taxpayer, it should come as a welcomed message.

"So it was for these reasons that the Committee felt that no permanent extension of the surcharge should be voted, unless and until tax reform is passed. And it should be added that Senator Russell Long, Chairman of the Finance Committee, participated fully in these deliberations and in the unanimous vote of the Policy Committee.

"I hope you will be understanding of these events that prohibited a more orderly communication of this action. I hope also you will consider favorably the position adopted on this proposal.

"Sincerely,

"MIKE MANSFIELD."

Mr. LONG. Mr. President, it is the intention of the Committee on Finance to move as rapidly as we can, in good legislative procedure, with the surtax extension and the other amendments voted by the House.

It is also our intention to consider amendments proposed by Senators in the nature of tax reform, be they those to reduce someone's tax or those which raise someone's tax. Many Senators have ideas on this subject which they would like to have considered.

It is our hope that Senators who have amendments to be considered will have them drafted by July 18 and that they and other witnesses will be prepared to testify starting on July 21 with regard to them.

The Secretary of the Treasury testified on the bill this morning. He will be back before the committee this afternoon. It is expected that he and the Director of the Budget will conclude their testimony today. It is our hope to consider the testimony of public witnesses starting tomorrow.

I hope Senators will realize that it is important that amendments to this important legislation be considered by the committee, so it can vote those suggestions up or down, improve them if we can, before they are offered on the floor. I think most Senators will agree that it is appropriate that the committee have an opportunity to study their suggestions before they are offered on the floor to a big revenue bill.

Therefore, we hope to commence hearing those matters the week beginning Monday, July 21, and perhaps concluding on Friday; proceed immediately into executive session; and report the bill the first week of August. If that can be done, perhaps the bill will be voted on before the Senate takes its recess in August. If we cannot do it, we will have to ask for another extension of the surtax withholding rate.

When we asked that the bill be voted extending for 31 days the withholding tax rates, we did so at the request of the House. That was not a proposal initiated in the Senate. It was because of a problem confronting the House Members that we asked for the 31-day extension of the withholding tax rates. We will perhaps find it necessary to ask for an extension in our own right, and we think the House will be considerate of us, just as we were considerate of the House when they asked us for a 31-day extension. We hope we will not have to do it, but it may be necessary.

If the Senator from Illinois (Mr. DIRKSEN) wishes me to clarify the record further, I will be glad to try to do so.

Mr. DIRKSEN. Mr. President, I explored this matter with the Secretary of the Treasury and the distinguished chairman of the Senate Finance Committee in open committee session this morning. I tried to point out that if we waited until the 18th of July to get in all the tax reform proposals, we would then have to set hearings, hear Senators first, and then Government witnesses, and then outside witnesses. Then, after a time, we get around to the marking up of the bill. After the markup the staff has to prepare the report. Then the bill goes to the Senate Calendar. Always, right ahead of us, is the 13th of August date, because that is when the late recess begins. That is immutable and cannot be changed. So if no bill is passed, then nothing more can be done until after Labor Day. Meanwhile, we have to go to conference. We cannot go to conference unless a bill has been passed in some form or other. So it goes to the third house. The custom is for the third house to wrestle with it for a long, long time.

So one can well apprehend that, unless these delays are not met, we are not going to get a tax bill until late in the year. Obviously, the inflationary fever is going to be eating away at the economy. I would not like to undertake that kind of responsibility if there is a way to somehow accelerate this matter and get quicker action on it.

Obviously, if possible, we could bring in a bill relating to low-income people, the so-called top credit, and the surtax bill—those three items—put them in a package and let the other reform items come in a later package. I know there is an indisposition to go along with that idea. On the other hand, haste is essential, because it is vital that we find a cure and a solution for inflation.

Mr. LONG. Mr. President, I think I should state that it was the view of the Democratic Policy Committee that tax reform should accompany this tax bill. I certainly agreed with that procedure. I did not feel that I was according anyone any right that was not his anyway, because we have no closed rule in the Senate. Any Senator can offer any amendment he wants to on a revenue bill. He can offer any amendment he wants to on a revenue bill, except a constitutional amendment, and remain entirely within the rules.

Senators who have their favorite amendments will offer them in any event. We cannot deny them that right. That being the case, it seemed to me we might as well go ahead and agree that we would be willing to hold a hearing on amendments Senators might offer.

Perhaps we can work out some way to expedite this matter. As far as I am concerned, I am willing to help. At the moment, I would like to continue doing what we are doing. But I must say the House somehow resents the Senate's undertaking to initiate big revenue measures.

The VICE PRESIDENT. Under the previous agreement, all time having expired, the question is on the motion to concur in the House amendment.

Mr. LONG. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. LONG. Mr. President, as I said, at the moment I am satisfied we are doing what we should be doing. We are moving as rapidly as we can. We have heard the Secretary of the Treasury. We hope to conclude his testimony and that of the Director of the Budget. Tomorrow we expect to hear public witnesses. Starting on July 21, we expect to hear Senators and other witnesses testify on their pet proposals or such amendments as they may want to propose, which they feel will make for equitable tax reform, whether on the up side or on the down side, as may suit Members of this body.

Perhaps we might be able to prevail on the Senate to follow the approach suggested by the Senator from Illinois, but that is not before us at this time. In the meantime, we will go ahead as we are.

EXHIBIT C

EXCERPT FROM THE HEARING ON H.R. 12290 BEFORE THE COMMITTEE ON FINANCE, U.S. SENATE, TUESDAY, JULY 8, 1969

Senator DIRKSEN. Mr. Chairman, I would like to have you listen very carefully, because the timetable begins to not only intrigue me but it begins to concern me some. The old preacher in Ecclesiastics said there was a time for every purpose and a season for everything.

Now I note, Mr. Chairman, in your statement this morning that you expressed the hope that those who had tax reform proposals should submit them by the 18th of July, so they could become part of the committee print, and then it would be your purpose to hold the hearings on the committee print, so that all Senators and I presume all others who might be interested would have a free and open chance to testify. Is that substantially what you have in mind?

The CHAIRMAN. Yes.

Senator DIRKSEN. Now of course it is difficult to say how many witnesses there will be and how long it will take, but when the witnesses have completed their testimony, it then becomes necessary to sort of finalize everything and put it in form for the committee, and then prepare for a markup of the bill. That is the usual custom. Now that may take a little time, because comment has a way of getting chewed up here in legislative laws.

What I am thinking about, Mr. Chairman, is that the official late summer recess, which the leadership agreed on in January, will begin at the end of business on August 13. There will be that period from August 13 to September 3 which the Senate will not be in session, so that regardless of what committees may do, they can sit if they like and they can take testimony, but there will be no Senate action of any kind until the day after Labor Day. That will be the third of September.

Mr. Secretary, that is taking us pretty deep into the year 1969, and I am thinking in terms of urgency here. I fully appreciate the problem which confronts the Chairman of

the committee, and I know also that he has to be properly responsive to the hopes and the desires of the Policy Committee on his side of the aisle, so I just wanted to get a reading here as to when we are likely to get a tax bill, and how deep this is going to go into this fiscal year. We are in a new fiscal year now.

The CHAIRMAN. I think the question was directed as much to the Chairman as it was to the witness.

Senator DIRKSEN. It was.

The CHAIRMAN. So I will try to answer it. It seems to me that we should keep in mind, and I personally favor it, that this is a reform bill as well as a revenue bill to begin with. There are two kinds of reform. One is giving some tax relief to someone whom we think is paying too much taxes. Now the Administration sent its own tax reform package in on the relief side recommending relief to low-income taxpayers. It also had a form that some of us thought was justified in the current circumstances to repeal the investment tax credit. Now that is a reform in terms of making someone pay more taxes. So those would be probably the two big items. Whether we embellish them or modify them dollarwise I think they are likely to be two of the biggest items in the reform package anyway.

Now this committee and this Senate does not operate under a closed rule as does the House. Any Senator can offer his proposals. The Senator from Indiana, for example, has informed us that he is going to offer his version of what the Social Security laws ought to be as an amendment to this bill and we had better be ready to vote on it because he is going to insist on a vote and we have no power to prevent a Senator from offering his amendments, so we agreed that we would vote on tax reform in connection with this bill and he was simply conceding the right that every Senator has to offer his proposal.

Senator Harris over there has a proposal for a minimum income tax on favored taxpayers. He thinks they ought to pay something. It has been drafted. He has a proposal he proposes to offer. We may change it around a bit between now and then but I suspect we will vote on it. Notwithstanding that, it will be my hope that we could report this bill before the first of August from this committee. Maybe we cannot, and if we cannot, then we will just report it as soon as we can, by the first week in October, and hope to pass it with a week of debate, but if it is possible I would hope we can report this bill by the first of August or some time within the first week in August.

Senator DIRKSEN. Mr. Chairman, I would utter the hope that it might be reported before that time, and considered by the Senate before that time. But when you have a committee bill obviously the sky is the limit as to the number of amendments and proposals that will be offered, and so we will be confronted with the old story that we are coming forth with a Christmas tree, all the good things are on it, and of course, that is going to take time. You cannot dispose of those just overnight or in a summary fashion either in the committee or on the Senate floor, but August 13 is our deadline that has been fixed, and it is rather immutable and we either get in under the wire or we go over until after the third of September.

Now then, you still have another problem. There are not only two Houses around here, there are three. The Conference Committee is the third House. Obviously there are differences, and then it must go to conference, and I know from past experience that it has required time to work a bill out of the Conference Committee and get it back to the House and Senate floors for final approval.

So, Mr. Secretary, we will be later and later here. Meanwhile the inflationary fever continues to strike its fitful flames into the economy.

Secretary KENNEDY. I think it is urgent, Senator, and we must move. As the Chairman indicated, he would move aggressively on this as we must move.

Senator DIRKSEN. I felt that the timetable ought to be explored a little, and if anybody else wants to put in on this discussion he may do so. But we owe it to the country, we owe it to business and industry and we owe it to the committee to at least charter our course a little and see about where we expect this, and all of this is of no avail unless it gets on the books, and book law and forceful law.

Secretary KENNEDY. There is great uncertainty in the public mind.

Senator DIRKSEN. I would gather so.

The CHAIRMAN. I will be happy to discuss the procedure with the Minority Leader of the Senate, the Senator from Illinois. He certainly has a heavy responsibility and I realize the problem.

Now as far as this Chairman is concerned, he will seek to cooperate in trying to move as rapidly as we can.

Senator DIRKSEN. May I say the Chairman always has cooperated.

The CHAIRMAN. I am satisfied that we are doing what we ought to be doing today, and maybe we might want to change our proposed schedule, and I will be glad to consider any suggestions that someone might offer. It was my hope, however in the statement that I made, that it would help us to expedite procedure because we were hopeful to avoid coming and testifying to something that they just take off the tops of their heads. We would like to see something in writing that they would like to see done in terms of an actual amendment drafted, not someone just testifying vaguely on his general theory of taxation and things of that sort. The whole purpose here was to try to expedite these proceedings, so I would hope that we can report this bill this month, and if we cannot do it, then I would hope that we would move as rapidly as we can.

Now at the same time that is something that the committee will have to decide. The Chairman cannot do it for the committee. It is a matter for every Senator to think about and see what we can do.

If we cannot report prior to the end of August, prior to the end of July, then certainly we will have to ask for another thirty days at a minimum, but I would imagine the House would cooperate in passing another extender if need be to continue the withholding rates until such time as we can act on this bill.

Recognizing how the House insists on its prerogatives to initiate revenue bills, and recognizing also that some people object to a Christmas tree bill—not that I do particularly—I always thought a Christmas tree bill is a bill that would pick up amendments, this would not be that definition, this would be a big bill picking up amendments, so it would be something that it is a big enough horse to carry almost any rider I would think, and if the Senators wanted to they could offer anything except a Constitutional amendment on this bill.

EXHIBIT D

SENATE CONSIDERATION OF THE SURTAX

The Honorable Russell B. Long, Chairman of the Senate Committee on Finance, today made the following statement with respect to the Senate consideration of H.R. 12290, the bill to extend the ten percent surtax and to repeal the seven percent investment tax credit:

"There has been enough misunderstanding of the position of the Senate Committee on Finance and its members with regard to the extension of the surtax that I believe an explanatory statement is in order. Here is my position:

"First, the Senate Finance Committee should correct such inequities as witnesses before the Committee and members of the Committee staff have uncovered to assure tax uniformity and fairness in the repeal of the tax credit.

"Second, the bill should be passed as promptly as possible consistent with sound and constructive legislative procedure. This means that the bill should be passed before the end of July if possible and no later than the August recess in any event. The hearing schedule of the Committee has been set with this goal in mind.

"Third, the efforts to achieve tax reform should not be so sweeping or comprehensive as to obscure the need to balance the budget and stabilize the economy. In other words, the bill should not be so mired down in endless controversy that it fails to pass before the August recess. As of today I can report that no Senator has come forward with any tax reform proposal which he insists be considered as part of this surtax bill.

"This is not to say that the bill should not have a considerable amount of tax reform in it. The bill in fact already contains several meaningful tax reforms. This does suggest that the idea of a full and comprehensive overhaul of the Internal Revenue Code should await the many months of study that such a task requires if it is to be done in a thorough and thoughtful fashion.

"In years when the Executive Branch is controlled by one party and the Legislative Branch is controlled by another, it is more important than ever that members on both sides of the aisle should be responsible in providing the President with the revenue he needs to sustain the government and the support he needs to defend the nation.

"The struggle to control inflation and rising interest costs is not something that the President can do by himself."

Several Senators addressed the Chair.

Mr. LONG. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank the Senator from Louisiana for this very helpful explanation of what, to me, was a very confusing situation. He will recall that a few days ago, on the floor of the Senate, I informed the distinguished chairman of the Committee on Finance that I would offer an amendment, taking him up on his offer, to reduce the oil depletion allowance.

In the meantime, my staff and I have been in touch with the staff of the Committee on Finance; they told us when we could testify, and when they wanted the amendment introduced.

Therefore, I was shocked to see it reported in a newspaper that no Senator had stated that he favored any specific amendment to the surtax bill along the lines of tax reform, because I thought I had made my position sufficiently clear.

I have offered my amendment today on the floor, and it will be printed, and therefore I hope it will be considered by the committee in due course.

Mr. LONG. The Senator will be heard. If the Senator will read the two statements which I hand him together, he will see what the proposed procedure was.

I was well aware of the fact that Senators were going to offer these amendments, but I was hoping to restrict the hearings so that we would not be asking people to come before the committee and testify merely on their general views on

taxation. That could go on forever. It was my hope that Senators would have their amendments drafted and offered.

The depletion amendment the Senator proposes could be drafted very simply. He could provide to strike out where it says "27½ percent" in the Internal Revenue Code and insert "0" or "15 percent" or "8 percent"—anything that appealed to him. But we would like to have a specific legislative proposal, as the Senator would do if he were calling the amendment up on the Senate floor.

If we all knew what Senators want to offer, it occurs to me we would be able to move expeditiously and efficiently than if we simply invited everyone to express his general views on taxation.

Last year, I went before the platform committee at the Democratic National Convention, and said, "Some people pay too much and some too little; we ought to have a minimum tax on the fellow who makes a lot of money, but pays virtually no tax. In such cases, we ought to tax on a different basis."

My proposal has not been drafted, but it is being worked on, and in due course it will be drafted. Senator HARRIS read that proposal in the Democratic platform, and he said, "Something ought to be done about this; here is a platform commitment. We ought to do something about it."

He is working on a draft also, but neither of us can yet qualify as a Senator who has put his amendment in as a proposed amendment to the surtax extension bill. We have not done it.

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

Mr. LONG. I yield.

Mr. MILLER. Mr. President, first of all, I am comforted by the realization that the leadership intends to bring out the surcharge bill in a relatively short time.

Mr. MANSFIELD. Oh, no; the Senator is mistaken. I said it would be considered separately.

Mr. MILLER. Well, separately. Although I am not sure now what the word "separately" means, if it could be that there will be amendments tacked on to it in the Senate Finance Committee. In any event, if it is brought out separately, that should be in a relatively short period of time.

I do not subscribe to the thought expressed by some Senators that all we need to do is continue the withholding, and that will tone down inflation even if there is delay in passing the bill; because, in addition to the need to keep money out of the economy through the withholding, we have inflation psychology, and there are some people in this country who are betting that the surcharge will not be continued.

The only way to lay that speculation to rest is to take action on it.

I must say to the Senator from Louisiana that I am a little bit concerned about the extent to which amendments are going to be considered in connection with the surcharge measure. The junior Senator from Montana has now filed an amendment relating to tax loss writeoffs from farming operations.

I have a bill which I have introduced. That bill is in the same general area as the one of the Senator from Montana (Mr. METCALF). However, I am not so sure that either one of these will be the approach. There is another approach presented, and that is the limited tax preference approach which some think to be the best one. However, that is not even before our committee. That measure is before the Ways and Means Committee.

I am not sure that the Finance Committee, much less the Senate, could reach a sound conclusion about either the Metcalf bill or the Miller bill until we had the limited tax preferences proposal before us so that we could study all three and determine which is the way to go.

Similarly, with respect to the amendment the Senator from Wisconsin indicates he will submit, I have an amendment which I would like to have considered in the general area of oil and gas. However, here again we are running into the limited tax preference approach, which is not before the committee. I can understand that it will be before the committee when we have a major tax reform package come from the Committee on Ways and Means. However, as of now we do not have it.

I am concerned about how far we can go in really intelligently pursuing each of the amendments, important as they may be in connection with the surtax measure, if we are going to act appropriately, since the Senator from Louisiana properly says we should have a complete picture on anything we will operate on in the Finance Committee.

It seems to me that, unless we wait for the amendments of the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. PROXMIRE) and my own amendment to be considered in connection with a House-passed tax reform package, I do not think we can give the consideration to these that is due them.

Finally, a lot of concern is expressed on that side of the aisle about the need for tax reform and the need for assurances that there will be a tax reform package in addition to the surcharge measure.

I suggest that the policy committee on that side of the aisle is in control of the situation. We want to join with many on the other side of the aisle on much of this, but we do not have control of the Senate. The other side has control of the Senate.

If the other side wants to assure people that there will be a tax reform package, they can give that assurance. I think most of them have already done that.

I cannot understand the fuss over whether we will have a tax reform package. That has been made eminently clear. It has been made clear on the Democratic side of the House too, and by the administration too.

I know the chairman of the committee, the Senator from Louisiana, has given that assurance. I think we are beating a dead horse when we talk about tax reform in addition to the surtax measure.

Mr. LONG. Mr. President, the Senator has testified himself. Any other Senator may do so. I have announced how I expect to conduct the hearings. That is what I have done. If someone wants to vote for an amendment, he will not be able to vote for it if we do not get a bill before the Senate. And if one wants to vote for a measure, we should first set some ground rules by which we will conduct the hearings. If we do not conclude the hearings, we will not have a bill.

Mr. MUSKIE. Mr. President, partially in response to the observation of the Senator and partially for my information, I want to read a proposal in pursuance of the responsibility with which the Senator is cognizant and ask the Senator from Louisiana for his comment.

The language reads:

> Whereas, the Senate Majority Policy Committee, having met and considered the matter of the extension of the income tax surcharge, hereby resolves:
>
> That meaningful tax reforms should be adopted as a means of achieving an equitable national income tax policy, and further resolves,
>
> That any proposal to extend the income tax surcharge be considered simultaneously with recommendations on meaningful tax reform and further resolves,
>
> That the present income tax withholding rates be continued after June 30, 1969 for a period of one quarter to permit full consideration and disposition of the reform and extension of the surtax.

I ask the Senator from Louisiana whether the plans he has presented to the Senate are consistent with the program in the resolution, "That any proposal to extend the income tax surcharge be considered simultaneously with recommendation on meaningful tax reform and further resolves."

The Senator from Montana, the distinguished majority leader, has indicated this morning that in his judgment that language would be implemented if we took into consideration the tax surcharge extension and the reform as separate pieces of legislation, provided they are on the calendar at the same time, subject to action by the Senate within a reasonably close time.

I ask the Senator from Louisiana whether his objective, as he has described it, is consistent with that language of the resolution adopted by the Democratic policy committee.

Mr. LONG. Mr. President, does the Senator mean am I being consistent or is the majority leader being inconsistent? I am trying to get this thing straight in my mind.

Mr. MUSKIE. As I understand it, the majority leader this morning stated the objective in different terms than I had previously understood. However, as I reviewed the language of the policy committee resolution, it did not eliminate the possibility of separate pieces of legislation to deal with the two objectives. So, I assume that the majority leader had in mind pursuing the objectives stated in the resolution, but doing it through the medium of two pieces of legislation simultaneously before the Senate. That is, as I understand it, the majority leader's position.

I ask the Senator from Louisiana whether what he intends to do in both of these fields could be considered the

simultaneous consideration of meaningful tax reform and the surcharge.

Mr. LONG. Mr. President, as the chairman of the committee, I have been proceeding on the assumption that we were going to bring a bill to the Senate and that the committee was going to make its suggestions as to the amendments it felt should be added to the bill. Thereafter, any Senator who was not satisfied with the committee bill could proceed to offer any amendment he wanted to offer to the bill.

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

Mr. LONG. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 3 minutes.

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

Mr. LONG. Mr. President, I was aware of the fact that the House was going to subsequently send us some recommendations which would not have been suggested by anyone in the Senate.

That is why I do not want to agree to a suggestion that we have a complete overhaul of the Internal Revenue Code as a so-called reform amendment. I thought that the Senate should vote on suggestions that Senators might want to make, and then vote on other suggestions that night be made thereafter.

It has been my feeling that tax reform is a continuing process. Most people think they pay too much in taxes while somebody else is getting away with something and is paying too little.

Generally speaking, the average person thinks that tax reform means that he is going to get a tax cut and that somebody else, who he thinks is not paying enough, will pay more. Most Americans today think that they ought to have a tax reduction.

Mr. MUSKIE. I understand that Senators individually can initiate amendments to the tax law. I understand also that the House Committee on Ways and Means is considering tax reform and presumably will report a bill dealing with that subject, in the accepted meaning of the phrase, before this session is over.

Mr. LONG. Yes.

Mr. MUSKIE. I understand also that the tax committees of Congress can really address themselves to what anyone looking at the agenda would describe as meaningful tax reform.

What is troubling people in this country is that our income tax policy is no longer an equitable national income tax policy. If it is not, then the correction of that policy ought to involve something more than the consideration of hit-or-miss amendments offered by individual Senators or individual Members of the House. The consideration of the equity of our national income tax policy ought to originate in the committees, and out of that consideration ought to come, not necessarily every reform that could be conceived of by the mind of man, but a substantial modification of our national income tax policy, which will move it from what it now is to something that is more equitable in the minds of the income tax payers.

Now this, I am sure, is the concept that the policy committee had in mind when it adopted this resolution. So I think, as a member of the policy committee, that I had in mind that, at the right time, at some point within the first quarter of this fiscal year, we would have before us in the Senate simultaneously an extension of the surcharge and a meaningful reform proposal, which is the product of this kind of consideration.

All I am asking, because I am confused by what has been said and written over the weekend, is whether or not the distinguished chairman of the Committee on Finance has in mind moving in that direction, has in mind putting before the Senate in two pieces of legislation, possibly—but at one time—the extension of the surcharge and a meaningful tax reform proposal.

Mr. LONG. I do not have in mind putting anything before the Senate except what the committee reports.

Mr. MUSKIE. I understand that chairmen of committees have objectives in mind. I do not think the chairman of any committee I have been associated with has allowed the committee just to ramble down the road, hit or miss.

Mr. LONG. Meet one. Meet this one. So far as I am concerned, I am convinced that I cannot speak for those Democrats, unless they authorize me to, just as I cannot speak for the Republicans.

Mr. MUSKIE. But the Senator intends to influence them and try to influence them.

Mr. LONG. I have learned what little influence I have, too.

May I say to the Senator that if he will read my colloquy in the committee with the distinguished minority leader, who was not representing the policy committee, and the colloquy on the floor with the minority leader on the same subject, both of which I made part of the RECORD, he will see what my reaction was. It was that we must move this bill and must move it as expeditiously as we can.

I am aware of what the Democratic policy committee wants to do; and I say let us conduct hearings and hear those who want to testify for their amendments, so that we will have the amendments before us. If the Senator has an amendment to offer, I would suggest that he have it printed in time and offer it before the committee. Of course, he can also offer it on the floor.

Mr. MUSKIE. I do not have within my staff resources, my office resources, or my personal resources what it takes to write a meaningful tax reform bill which will achieve a more equitable national income tax policy. Yes, I have ideas in mind. I will submit them. The Senator is in a position to disagree with the policy committee. I am not challenging his right to do so. I am simply trying to understand, out of the confusion generated by this weekend's news stories and out of the colloquies on the Senate floor this morning, whether or not the Senator supports the resolution of the policy committee with respect to presenting to the Senate simultaneously proposals for meaningful tax reform as well as extension of the surcharge. I simply want to know where we are headed.

Mr. LONG. I think I supported that resolution when I tried to schedule these hearings and to get Senators to bring in their suggestions. If the Senator is aware of what I said at the policy committee meeting—and I was invited to be its guest, and I am glad that I was invited to be its guest. If the committee is going to tell us what to do, it should invite someone from the Finance Committee to be there. When they asked me my thoughts about the matter, the Senator will recall that my reaction was that this bill should be voted on.

As I stated for the record, one of the biggest reforms of all is the repeal of the investment tax credit. Under existing circumstances, I do not think it can be justified, and I advocated that it be repealed as a part of this bill. That is a $3-billion item, and it is added to a big tax bill. It is not my amendment, but I was one of those who spoke out and said that before the Democratic study group in the House, even before Chairman MILLS was known to be in favor of it. I thought that should be done.

So here it is. We will consider refinements and improvements and things that should be done in connection with that, and then we will consider, so far as I am concerned, anybody else's amendment. The Senator from Montana (Mr. METCALF) introduced his amendment, and it will be considered. We will vote on it. And if he is not satisfied, he can offer it on the floor.

The Senator from Wisconsin (Mr. PROXMIRE) wants to do something about the oil depletion allowance. I do not agree with him, and I have made speeches to that effect. He has a right to have it voted on, and we will vote on it in the committee.

May I say to the Senator that his resources are limited, and so are ours. We have only six professionals on the committee staff, thanks to people like the Senator who voted for us to have six. We had only one before that time. Insofar as we can, we will give the Senator some help, and the legislative counsel are available to the Senator, just as they are available to me. The Senator from Maine has equal access to the legislative counsel. They can help him draft whatever suggestions he wants to make.

So far as finding suggestions for tax reform are concerned, I would think that if the Senator went back to the old Treasury recommendations he would find hundreds of them—where the Treasury suggested somebody should pay more taxes and somebody else should pay less. In most cases on the down side, it is easy to buy, but on the up side it is difficult to buy. If too many tax reform amendments are included which would increase somebody's taxes, you usually cannot pass the bill, even though there is something popular in the bill seeking to give somebody a tax reduction.

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

Mr. MUSKIE. I ask unanimous consent that I may be allowed to continue for 30 seconds.

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

Mr. MUSKIE. May I say to the distinguished chairman that I think what

he has said this morning is still subject to the difference of view that is represented by the Senator from Iowa and myself with respect to the Senator's objectives.

I hope that what the Senator has said is consistent with the policy committee resolution, not because I think it should bind him. I think the Senator is aware that the policy committee takes the position that it has no right and has no intention of usurping the jurisdiction of legislative committees. I express the hope that what we have ahead of us is consistent with the Democratic policy committee resolution.

Mr. LONG. I think I am being consistent with it, in everything I have said.

I suspect that one statement I made in opening the hearings could be misconstrued—perhaps in two instances. On one occasion, I made the statement that "these hearings would be just as broad as Senators wanted them to be." That was construed by some persons in the press to mean that I was going to delay this bill indefinitely in the committee. That was not correct. At the time I made the statement, I had just read a printed statement, which I put in the RECORD, saying that I was inviting Senators to have their amendments printed, and be prepared to testify—that they should have them printed by the 18th and be prepared to testify starting on July 21, which is next Monday. My invitation to Senators was to limit our hearing to the amendments they want to offer, and thus keep the hearing from getting mired down in ceaseless discussion of general tax policy.

But we would like to have a printed amendment. In that way we will have a more limited hearing.

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

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

Mr. LONG. Mr. President, I ask unanimous consent that we may proceed for 2 additional minutes.

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

Mr. LONG. I yield to my senior colleague from Louisiana.

Mr. ELLENDER. Did I understand my colleague to state that aside from the public witnesses, the only other witnesses to be heard would be Senators?

Mr. LONG. That is how I would hope to proceed. I would hope we could bring the hearings to a conclusion.

Mr. ELLENDER. I hope so also, because if every Senator introduced one of these meaningful tax reforms we would be here until Christmas. I hope the Senator takes up the bill before him. Let us get rid of it and later on take time to look at the matter thoroughly. Then there could be outside witnesses to help accomplish that.

Mr. LONG. That is what I had in mind. We have had public witnesses on the House bill. If 10 people desired to testify over here in opposition to every amendment proposed by a Senator, and we took the time to hear all of those public witnesses, we would never get the bill to the floor of the Senate. We would prefer to have amendments submitted in writing. Then I would prefer that we limit ourselves to hearing Senators testify in favor of their own amendments. That way we can finish the hearings before August. I think we are on sound ground in asking Senators to have amendments printed before they come in to testify.

It may mean that somebody does not get a chance to testify against a particular amendment but that is the way it was done in the other body on the investment credit repeal.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I wish to join the chairman of the committee in expressing the hope that we can expedite consideration of the surtax bill. I can state, and the record will prove, that I have been just as determined as any other Senator to have consideration by this Congress and our committee of meaningful tax reforms.

I think that to do otherwise Senators on both sides of the aisle would be negligent in their responsibility and would fail in their duty to the American taxpayer. We must give consideration to meaningful tax recommendations to correct certain inequities in our law.

I am as determined as anyone else to correct some of these inequities. I think it would be a mistake, however, to withhold our action on the surtax bill until after we have been able to complete hearings and report a meaningful tax reform proposal. There is already too much uncertainty in the financial community as to whether Congress will or will not extend the surcharge, and there is uncertainty as to whether or not Congress will repeal the investment credit. I think the continued uncertainty will create more confusion and more problems in our economic system. For that reason it is important that we dispose of this matter as soon as possible. In urging prompt action on the surtax bill, I join with the distinguished majority leader and others who suggest that the Senate needs to be assured that we will have an opportunity to vote on meaningful tax reforms.

I wish to point out one of the problems with which we are confronted in handling tax reform problems without adequate hearings, and I do not mean filibustered hearings—I mean proper hearings. When one speaks of minimum taxes on everyone he is, in effect, proposing to repeal a part of the present tax-exempt status of State and municipal bonds. When that is seriously proposed—and it is possible our committee will be confronted with that suggestion—we are going to have requests from nearly every Governor of every State and nearly every mayor of every city. They will want to present their views because their borrowing rates on State and municipal bonds will be affected. They have a right to be heard. The Finance Committee could not turn down a request for a hearing from the Governor of a State.

I cite this one example to illustrate that we could not possibly complete the hearings and have the tax reform bill reported in time to get action before Congress recesses in August. I think it would be most unfortunate to defer action on the question of extending the surtax or repealing the investment credit until after Labor Day.

I think there is a way we can proceed. The chairmen and the ranking members of the Committee on Ways and Means and the Senate Finance Committee can give assurance that committee hearings will be held promptly. We would then be ready to report the tax reform bill promptly after the House passes the bill, which is expected around the first of August. In this way we can get a tax reform bill. We can proceed now to vote on the surcharge extension knowing for certain we will have a chance to vote on the various reform proposals.

I say this as one who has rather fixed ideas as to some of these needed reforms. I see the Senator from Wisconsin (Mr. PROXMIRE) is in the Chamber. We both feel we should revise the law with reference to oil depletions. That matter will be debated, and we will do our best to get a vote on it at the most strategic time.

If we were to take certain of the so-called lesser controversial reform measures and put them on the surtax bill I would be afraid that we would never get any real tax reform measure. For that reason I would rather separate them in their entirety than to put some of them in each proposal. I do not think we could possibly include them in one bill and complete action by September. It would be a tragic mistake to make a decision to delay all action until fall.

Why delay this decision on the question of extending the surtax or repealing the investment credit. Let us vote now.

I think there is a way these two proposals can be separated and both sides still achieve the objective they seek. But whatever we do let us tell the taxpayer back home the rules under which he is to be taxed.

Mr. PERCY. Mr. President, I would like to say at this time that the distinguished Senator who is the chairman of the Committee on Finance, Senator LONG of Louisiana, acted in what I consider to be the finest tradition of the Senate.

We worked very hard to reduce expenses last year. No lawmaker likes to increase taxes or sustain them, but we are facing a serious economic threat in our Nation today. It is a threat that not only bankers and businessmen are aware of, but a threat which every American family is aware of. It is the threat that inflation will grow worse in the months ahead if the surtax is not extended. I do not know of any better way to protect American families from inflation and to preserve the integrity of our whole fiscal policy, than for us to match our revenue with our expenses and continue and extend the surtax by law—now. I would like to commend the distinguished Senator from Louisiana, the chairman of the Finance Committee, for his statesmanlike attitude on this question. Those of us who worked hard to carry out a responsible fiscal policy under a Democratic administration, deeply appreciate those Senators on the other side of the aisle who now share this same attitude under a Republican administration.

We all want tax reform. We all want a more equitable tax system. However, it cannot be done overnight.

We know that if we hesitate now on the extension of this necessary tax, we will lose the momentum we are beginning to gain to hold down inflation. It could be that if we wait 30, 60, or 90 days, it will set us off once again into an inflationary spiral. Once we start the momentum downward on otherwise spiraling costs, we must keep the pressure on, to fight the worst economic enemy we have in America today—inflation.

We must do first things first. Work on tax reform, which certainly the Senator from Delaware (Mr. WILLIAMS) knows better than I, must go forward. The administration is dedicated to finding a way to making a more equitable tax system for this country. I am certain we will all have the opportunity to vote on a reform tax bill in the very near future.

Knowing the majority leader as I do, I feel confident that he will do everything within his power to help the administration develop a fiscally sound economic policy.

I thank the distinguished majority leader for yielding.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be allowed to proceed for 15 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. HART. Mr. President, will the Senator from Montana yield to me briefly?

Mr. MANSFIELD. I yield.

Mr. HART. To use the phrase the Senator from Illinois just used, it has been "a very long night."

It has been a very long night. Some of us have been here for many years, anticipating the delivery of a basic tax reform bill out of the appropriate committee from the day we arrived.

I am not sure what the majority leader, the Senator from Louisiana and the Senator from Maine resolved. I got in late, and it was not clarified in my own mind. Perhaps that would not be true if I had been here throughout the discussion. But one point must be made which may not have been made; namely, that those who feel the importance of the extension of the surtax at this time because of the economics involved, must understand that there will be many of us who will be persuaded there are principles involved which are noneconomic but equally critical, and they are labeled "fairness." If there is not presented to us a proposal to extend the surtax on a fair tax base, then many of us will not be with you.

I am not sure that if we omit this opportunity to attach real tax reform to the extension of the surtax. We may be another 11 years listening to explanations that it is "complicated," and, "be patient," and, "it will be along some day."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana that he be allowed to proceed for 15 minutes? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, first, let me say to my good friend, the distinguished Senator from Illinois, that I am not at all certain he was commending the right Senator when he referred to me.

Second, I invite the attention of the distinguished chairman of the Committee on Finance to a statement he made, incorrectly referring to the fact that the policy committee was "telling the Finance Committee" what to do in recommending to the Senate tax reform.

The policy committee had no intention whatsoever of so doing. The policy committee did not do that. As a matter of courtesy, it invited the distinguished Senator to the policy meeting, not once but twice, so that the members could have the benefit of his advice. I believe that is good policy. It will be pursued in the future. Nothing will be done under the table. No committee chairman—and, for that matter, no Senator—will be told what to do by the policy committee. The policy committee, however, maintains its prerogatives, as the leadership's advisory group on the timing and scheduling of legislation reported to the Senate Calendar. That is its responsibility. So far as other committees are concerned, it is subordinate to them in making initial recommendations on the merits of legislation assigned to the standing committees under the rules of the Senate.

When the policy committee invites the chairman, or requests the chairman, to attend, it does so not only as a courtesy but also to seek the advice of those who have a greater experience about a particular subject under discussion.

Now, Mr. President, the distinguished Senator from Maine read the resolution unanimously adopted by the Democratic policy committee on Tuesday, June 24, 1969.

For the purpose of keeping my remarks in sequence, I should like to repeat it at this time, so that its intention will be made clear, and its meaning will be understood without doubt.

That is contained in a letter which went to every Democratic Senator, and which it is my intention to read in full at this time:

Whereas, the Senate Majority Policy Committee, having met and considered the matter of the the extension of the income tax surcharge, hereby resolves:

That meaningful tax reforms should be adopted as a means of achieving an equitable national income tax policy, and further resolves,

That any proposal to extend the income tax surcharge be considered simultaneously—

I repeat that word "simultaneously"—

with recommendations on meaningful tax reform and further resolves,

That the present income tax withholding rates be continued after June 30, 1969 for a period of one quarter to permit full consideration and disposition of the reform and extension of the surtax.

Over the weekend, I was called by the press to give my reaction to the statement issued by the distinguished Senator from Louisiana (Mr. LONG), chairman of the Committee on Finance. In general, I approved of what he had said, but I did indicate that it would be no more than a hope that the measure would be reported by the beginning of the recess and that the Senate would act on it by that time.

I also declined to support the statement of the Senator from Louisiana that a comprehensive tax overhaul would require "many months of study," because I had in mind the dictum laid down unanimously by the policy committee and the agreement, that we would consider first, a surtax extension bill, and second, a tax reform bill. In other words, they would both be on the calendar at the same time.

In response to further questions by the reporter, I made the following statement:

First, that Senate hearings on the surtax itself, which includes repeal of the 7-percent investment credit and a few other reforms, would continue during the coming week.

Second, beginning on July 21, using the surtax bill as a vehicle so as not to challenge the House authority to initiate tax legislation, the Senate committee would begin its reform hearings.

That was predicated on the statement referred to by the Senator from Louisiana, which he made on Tuesday last, that all Senators would be invited, around July 18, to present their reform proposals to the Finance Committee.

Third, at the same time the House Ways and Means Committee would be holding hearings and working on a tax reform measure promised by Representative WILBUR D. MILLS, the committee chairman. This pledge by Mr. MILLS to Members of the other body had been instrumental in obtaining House approval of the surtax extension by a 210 to 205 vote on June 30.

Fourth, I stated that I thought Senator LONG's committee would be expected, in a week or two, to send a surtax extension bill to the floor. In that event, the policy committee had unanimously recommended, with my full approval, that it should be held until a tax reform bill followed it. And I stated that I would not call up the surtax measure for action by the Senate as a whole until a tax reform bill was placed on the Senate Calendar. This will require not only passage by the House of a tax reform bill, but follow-up approval by the Senate Finance Committee.

I stated also that I had good reasons—at least, I thought I had good reasons—for insisting that both a surtax extension and a tax reform bill be placed on the Senate Calendar. Without the prospect of early action on a reform measure, I explained that there would be intense pressure to turn the relatively simple surtax bill into a Christmas tree bill, and that it was my intention that each of these measures be considered in sequence, but separately.

So much for that.

To make my position a little clearer, I had a memorandum drawn up this morning, which will be repetitive in part of what I have already said, but which I think should be made a part of the RECORD at this time.

Mr. President, if I am running out of time, I ask unanimous consent to have 5 additional minutes.

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

Mr. MANSFIELD. Mr. President, on June 24, 1969, the majority policy committee unanimously adopted a resolution calling for the simultaneous consideration of an extension of the surtax and meaningful tax reform. Senator RUSSELL LONG participated in the policy commit-

tee deliberations and joined in the unanimous vote.

The policy committee also resolved unanimously that the 1968–69 withholding tax rates should be continued at least until September 30, 1969, to permit the consideration of the surtax extension and tax reform and at the same time continue the economic slowdown the surtax is designed to effect.

This determination was based on the following considerations:

First, a deep awareness that the present tax structure is inequitable—the very rich pay relatively little—the middle and lower income groups pay disproportionately high taxes. Tax reform to remove these inequities was considered of the utmost urgency. Extending the surtax without removing the inequities would in effect compound these inequities.

Second, the only impact the extension of the surtax has on spiraling inflation is the slowdown effected by removing an added 10 percent of revenue from the private sector. In this regard it was felt that an extension of the 1968–69 withholding rates with the proviso that the surtax extension will be retroactive to July 1, 1969, has the same effect on the economy as immediate passage. Continuation of the withholding rates until ultimate passage is fully intended by the leadership.

Third, the growing mood in the Senate against a simple extension of the surtax. The House action earlier this month signified that rejection of a simple extension of the surtax is not improbable. The surtax bill will undoubtedly be used in the Senate as a vehicle for adding numerous tax amendments—not all of which will remove present inequities. If the surtax is called up prior to reform legislation reaching the Senate Calendar, then the Senate will not gain the wisdom of the recommendations of the Senate Finance Committee.

Fourth, the fact that there is no chance to consider and dispose of a tax bill containing an extension of the surtax with the attendant amendments prior to July 31 or for that matter prior to August 13—the last day before the summer recess. The present military authorization will use up most if not all of that period.

Fifth, the House Ways and Means Committee is presently considering a tax reform package. It has been promised for House action prior to August 13. In view of the inability to schedule any tax bill with the debate it will entail, extensive hearings on reform in the Senate Finance Committee at this time would give the Senate the benefit of its recommendations when the surtax is called up.

Sixth, having both the 10-percent surtax extension and tax reform on the Senate Calendar when the surtax is called up, will provide for a more orderly debate on the bill. Waiting for the House reform bill to reach the Senate Calendar prior to calling up the surtax merely gives the Senate Finance Committee a chance to consider the reform bill prior to its being offered on the Senate floor as an amendment to the surtax.

We would prefer to have a recommendation of its Finance Committee on Senate reforms prior to voting on them on the Senate floor. Thus, in view of previous scheduling commitments, that will take the rest of this month at least, it will not be possible to bring the surtax extension up prior to July 31. In the interim, I believe that the continuation of the surtax withholding rates will provide every anti-inflationary economic effect intended. Importantly, the Senate will be able to proceed on both tax measures in an orderly and efficient legislative fashion.

Mr. President, the text of the letter amplifying the resolution was modified, and the corrected text is as follows:

U.S. SENATE,
DEMOCRATIC POLICY COMMITTEE,
June 30, 1969.

At the meeting of the Democratic Policy Committee on Tuesday, June 24, 1969, the following resolution was unanimously adopted:

"Whereas, the Senate Majority Policy Committee, having met and considered the matter of the extension of the income tax surcharge, hereby resolves:

"That meaningful tax reforms should be adopted as a means of achieving an equitable national income tax policy, and further resolves,

"That any proposal to extend the income tax surcharge be considered simultaneously with recommendations on meaningful tax reform and further resolves,

"That the present income tax withholding rates be continued after June 30, 1969 for a period of one quarter to permit full consideration and disposition of the reform and extension of the surtax."

It was my intention of course to inform the full Democratic membership of the Policy Committee's recommendation before incorporating that action into any deliberations on the Senate floor. You will recall, however, that during the Senate's consideration of the temporary extension of the tax withholding rates last Wednesday, I publicly announced the Policy Committee's unanimous position that meaningful tax reform should be considered simultaneously with any fixed extension of the surcharge.

The announcement was required at that time simply because Senate action was needed. The House had planned originally to consider the surtax question on Wednesday. It was unable to do so; in fact the House leadership announced a postponement of two weeks. That event required the Senate's Finance Committee to proceed immediately with an interim 31-day withholding rate extension to preserve the status quo until House disposition of the surcharge. The short extension of the tax withholding rates was necessary to permit House action; it was undertaken at the request of the House leadership. So it was because of this impending action that I felt it was imperative to publicize the Policy Committee's position. In going on record at that time, I was hoping to assure against any misinterpretations of any subsequent extensions of the withholding tax rates to permit additional time for Senate action. The debate on the floor prior to passage of the 31-day extension of withholding rates clearly specifies that additional extensions will be forthcoming if necessary to afford the orderly processing of intended tax reform through the Senate Finance Committee.

I should mention that during its deliberations on this question, the Policy Committee was well apprised of the inequities of the tax structure and the growing public awareness of this fact. To vote simply to extend the surtax would have compounded these inequities. Coupling the reform of the tax structure with any extension of the surtax thus appeared eminently fair. Indeed, for the taxpayer, it should come as a welcomed message.

So it was for these reasons that the Committee felt that no permanent extension of the surcharge should be voted, unless and until tax reform is passed out of Committee. And it should be added that Senator Russell Long, Chairman of the Finance Committee, participated fully in these deliberations and in the unanimous vote of the Policy Committee.

I hope you will be understanding of these events that prohibited a more orderly communication of this action. I hope also you will consider favorably the position adopted on this proposal.

Sincerely,

MIKE MANSFIELD.

Mr. President, I hope this now explains the questions that have arisen not only over the past weekend but over the past several weeks. The Democratic policy committee has made its recommendation unanimously. Insofar as it is possible, the majority leader will adhere to that recommendation, because he feels the only way to bring about good legislation, in an orderly manner, is on the basis of the recommendations laid down by the policy committee.

As I said, it is the intention of the majority leader to call up the surtax bill first, and that will be followed—right after or very, very shortly, thereafter, I would hope—by a tax reform bill.

In that way, I feel that we strengthen consideration of the surtax, because if it were to come out here on its own, it is my very strong belief that it would be weighted down, as I have already stated, with Christmas tree ornaments—and not all of them would be considered as true reform items—and that the end result could be no surtax bill and no reform bill at all.

So, with that explanation, I rest the case. I hope my colleagues understand what the position of the Democratic policy committee and the majority leader is. I yield to the distinguished senior Senator from Delaware, the ranking minority member on the Finance Committee.

Mr. WILLIAMS of Delaware. Mr. President, I have listened with interest to the views of the majority leader, and I realize he is speaking for the policy committee of the Democratic Party.

However, I think it only proper to point out that we are dealing with a revenue-producing proposal, which is not necessarily a Democratic decision alone; it is a decision to be made by the U.S. Senate as a whole, including the Republican Members of Congress, the minority.

I say that as one who last year, as the majority leader knows, cosponsored this tax bill as a bipartisan measure with the then Senator from Florida, and I was hoping, and hope still, that we can reach bipartisan agreement again this year, whereby the views of both parties will be considered, the minority as well as those of the majority. There are those of us who feel very strongly that before any decision should be made as to procedure, we should at least have the opportunity of expressing our own views.

I certainly agree with the majority leader that major tax reform proposals are in order, and I can assure him that

I am just as determined as he is that they be put before us. I should like to see a tax reform bill reported, if at all possible, before the August recess. I would join the chairman if he wished in a promise that our committee would promptly act on the reform bill which is coming over from the House in early August.

But, as I pointed out earlier, when we speak of reforms, we must remember that we are going to have a lot of Governors and mayors wanting to testify, including the Governor of my State and I am sure the Governor of Montana also, on any proposal to change the present tax-exempt status of State and municipal bonds. Our committee will have to extend them that courtesy. But we cannot afford to wait until September or October before acting on the surcharge.

But I wish to emphasize again that it is very important to the economy of this country, that we make the decision at the earliest possible date as to whether or not we are going to extend the surcharge and if so at what rate, and also whether we are going to repeal the investment tax credit and if so the effective date and on what terms.

I was hoping, and I still hope, that the Senate can arrive at a decision to vote on this at an early date and then proceed in an orderly manner where both the majority and the minority views can be brought into accord, where we can report a bill out and then consider it. If we do not have an opportunity to consider the second bill embracing major reforms until after we come back after Labor Day it will not make too much difference.

But I think it would be a strategic mistake if the decision on the surcharge were postponed until after this is realized.

I say again, I hope that before the Democratic policy committee reaches an irrevocable decision they will consider the views of some of us on this side of the aisle who have the same interests at heart as do they on that side.

Mr. MANSFIELD. Mr. President, I appreciate the remarks just made by the distinguished Senator from Delaware. I know of his great work in the Committee on Finance in the field of taxation, and of the many contributions which he has made to bettering the economic situation of this Nation, and its financial condition.

If I conveyed the impression that I was speaking for the Senate as a whole, or for Republicans, I should like to correct that right now, because I was speaking only for the Democratic policy committee and, I believe, a majority of the Members on this side of the aisle. Even that, for me, is covering a great deal of territory, because I have enough trouble speaking just for myself, most of the time.

Mr. WILLIAMS of Delaware. I was not criticizing the majority leader; I am sure he understands that.

Mr. MANSFIELD. I understand.

Mr. WILLIAMS of Delaware. What I wanted to ask was that before they make an irrevocable decision I hoped the members of the Democratic policy committee, or representatives of it, would please sit down with some of us on this side of the aisle who have an equal interest in these problems and see if we cannot work out, by mutual agreement, a time table which will satisfy all of us.

That is all I am asking, that we get a chance at least to express our views as to why we think prompt action is so important, before the final decision is made. I realize that as a Republican I am not going to attain membership on the Democratic policy committee. I do not expect that. But I do think there should be a liaison between the two parties comparable to what we had, as the majority leader knows, last year at the time this surtax was passed under a Democratic administration. I took the position then that prompt action was needed. I am taking the same position now.

All I am saying is that maybe we can achieve the objectives of an early vote on the tax bill and still let Members be assured without any question but that they will have a chance to vote on tax reform at an early date.

That is important. I am just as desirous of enacting some reforms in our tax laws as is the majority leader or anyone on his side of the aisle, and I think we are closer today to getting meaningful tax reforms than ever before; I do not want to miss this opportunity by taking hasty or harum-skarum action.

Mr. MANSFIELD. I assure the distinguished Senator that his views will be made known to the Democratic policy committee.

Mr. LONG. Mr. President, as a point of clarification of the legislative discussion about the tax reform problem, I should like to make it clear that some of the confusion arises from the fact that there is no meeting of the minds among Senators as to just exactly what tax reform is. Some Senators think tax reform means one thing, and other Senators think it means something else.

It has been my experience on revenue bills that if a Senator has his way, if he offers his amendments and the Senate agrees with what he proposes, when the bill passes, he thinks it is a good bill; and if he wants to call it a reform bill, he thinks it is a very good reform bill.

If, on the other hand, he is not successful in persuading the Senate to see the matter his way, and his amendments are voted down, he usually concludes that it is a very bad bill, and that the Senate was unwise and failed to legislate in the public interest.

That is just par for the course. When one talks of reform, the first thing that occurs to me, if the committee is supposed to initiate the reform, is to go back and look at all the old amendments I have proposed, to go back and get all those Long amendments I have offered down through the years, and bring them back before the committee and see if the committee will not reconsider the votes by which it rejected some of my particular amendments which I thought were very good ones.

I would hate to burden the committee with voting on all of my suggestions. I know what the result would be in some instances even before bringing the matter up. I hope that there will be consideration of some measures that have some chance of being agreed upon. Even so, there is a great variety of opinion with regard to what some Senators look on as tax reform.

The only way we would know whether a measure is sound and would be in the public interest or tax reform would be to have a Senator present the matter in draft form.

That being the case, my thought was in the beginning, and is now, that we should vote on such tax reform suggestions as Senators insist on having considered when the surtax bill comes before us. Next, we would proceed to consider the House suggestions when the House sends us their tax reform bill.

Meanwhile, of course, the Nixon administration, like the Johnson administration and the Kennedy administration before it, should be studying revenue proposals and initiating its own tax reform proposals.

When Mr. Cohen, who replaced Stanley Surrey as Assistant Secretary of the Treasury, first called at my office, I asked him what he thought about Mr. Surrey's tax reform proposals. Mr. Cohen's reaction was that he would like to study them.

I wanted to know if he was prepared to endorse them. His reaction was that he would want to study Surrey's suggestions and other suggestions and then recommend what the Nixon administration thought would be a good tax reform package on behalf of the Nixon administration.

The point I have in mind is that I would not arrogate to myself the right to know what the Senate was going to regard as a proper tax reform package at this point or what the Senate Committee on Finance would regard as an appropriate reform package.

As far as I am concerned, I find that the best way to proceed in this situation is to be flexible about the matter, consider everyone's suggestion, do as we have been doing in the past and vote for those things that people think are right and vote against those things with which people disagree.

ORDER FOR RECOGNITION OF SENATOR FANNIN

Mr. DIRKSEN. Mr. President, after the special orders for the distinguished Senator from Vermont (Mr. PROUTY) and the distinguished Senator from Ohio (Mr. YOUNG), I ask unanimous consent that the distinguished Senator from Arizona (Mr. FANNIN) be permitted to proceed for 15 minutes.

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

NEW ENGLAND ASSEMBLY ON THE USES OF THE SEAS

Mr. PELL. Mr. President, from May 22 to 25 of this year, the New England Assembly on the Uses of the Seas met at the famed Woods Hole Oceanographic Institution in Massachusetts. The breadth and intensity of the assembly's work is readily apparent from its final report—which is a succinct, well-articulated, and properly balanced statement of this country's national goals and objectives in the field of oceanology. At the

conclusion of my remarks, I ask unanimous consent that this report be inserted in the RECORD.

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

(See exhibit 1.)

Mr. PELL. Mr. President, in seeking to place this country's interests in their proper perspective, the assembly's report notes at the outset:

Although the seas have been used by nations and peoples for centuries as a source of food, revenue, security, commerce, communication, and recreation, the planning of future activities in the oceans is particularly difficult because it involves national sensitivities and private interests. The historical-legal international framework is inadequate to accommodate many technologically feasible, scientifically interesting, or economically profitable ventures.

Only to the extent that there is public articulation of concerns that transcend narrow private or national interest can man direct his future ocean activities in accord with his enlightened self-interests.

In clarifying these points further, the report states:

The ambiguous status of the sea-bed beyond the limits of national jurisdiction (and even of those limits) places work in this field in the international political arena, where a large number of issues must be resolved.

Additional clarification of some of these issues points up the inherent dangers of the present situation:

There is presently no mechanism for registering claims on the sea-bed beyond the limits of the national jurisdiction. Rights for resource recovery from the deep sea-bed can now only be established by the technical ability to start operations and the military ability to defend it against intruders.

This section of the assembly's report then concludes with the rather disturbing comment that—

The United States has not yet clarified its position on several of these critically important international issues.

Mr. President, as the leading nation in the field of applied marine technology we, of all the nations of the world, should be the first to recognize the fact that man has earnestly begun a systematic probe of the world ocean, the earth's last frontier. As science and technology conquer greater and greater segments of the marine environment, major political issues—as the report of the New England Assembly makes clear—will loom larger and larger on the international horizon; and man will have to decide to what political ends his scentific and technological achievements shall carry him.

With respect to how President Nixon's administration views the political issues of the ocean space question, Vice President Agnew stated last month at the fifth annual conference of the Marine Technology Society that one of the areas selected by the administration for immediate attention was "Leadership in defining a legal regime for the deep ocean floor." However, later on in the same speech, the Vice President clearly emphasized the need for more scientific and technical information by noting:

Knowledge—more knowledge—remains the overriding factor in our conquest of this planet's last frontier. We must press forward in both science and technology.

While few would doubt the need for greater knowledge of the marine environment, I think it is quite clear that even fewer would doubt the crying need for an internationally agreed-to legal and political framework which would permit orderly scientific investigation and research. Without such an internationally agreed framework the scientific community, as well as the business community, will become increasingly frustrated in their efforts to explore and exploit the ocean space environment. In large measure this is the message of the New England Assembly's final report on the Uses of the Seas, and I certainly commend this report to the administration and particularly to Vice President AGNEW in his capacity as Chairman of the Marine Sciences Council.

Mr. President, in offering these observations with a view to the future development of ocean space, I think it is important to make the point that knowledge cannot be substituted for the will to develop this frontier region in an orderly and peaceful manner, one which will take account of the responsibilities, the needs, the aspirations, and the limitations of all the nations of the world. Accordingly, as we ponder the vast potential of this last frontier, we would do well to remind ourselves that, unless our will is commensurate with our knowledge, international cooperation, and understanding in this field of endeavor shall continue to be burdened with suspicion and mistrust.

Such suspicion and mistrust are sure to be fostered if the international community permits individual nations to extend unilaterally their jurisdiction offshore. And yet, within our own country, there are those who, to further their own private interests and privileged status, are demanding that the United States take this kind of unilateral action.

Moreover, some of the developing countries—and most noticeably those of Southeast Asia and Africa—have begun to issue a rash of offshore exploration licenses which, of course, act to establish de facto jurisdiction, unless such action is contested by the other members of the international community.

So, far, the U.S. Government has not registered a protest with any of the countries which have issued these licenses, even though such action clearly violates both the letter and the spirit of the 1958 Geneva Convention on the Continental Shelf. Acceptance of these claims by the United States naturally tends to encourage other nations to follow suit, and this is precisely the wish of those in our own Nation who advocate similar unilateral action. If they cannot persuade the administration to accept their position, they hope to create a de facto acceptance of it internationally. The fact that the Department of State has not lodged protests with those states which have acted unilaterally to extend their jurisdiction offshore is, I think, an ominous sign; and I would remind the Department of State, as well as the Department of Defense, that, if unilateral claims to the seabed are permitted to stand, there is nothing in international law to forbid the extension of that jurisdiction to the superjacent waters.

I do not wish to belabor this point, but it seems rather strange to me that the United States has gone to such lengths to protest the 200-mile exclusive fisheries claims on the part of several Latin American countries as being in violation of the Geneva Convention on the High Seas, and yet, when similar extensive claims are made to the seabed in violation of the Continental Shelf Convention, the United States remains silent. The only common denominator for such ambivalent responses is that private, as versus national interests, are being served in both instances. However, I think all of us should be aware that important political objectives are being shunted aside and the case for international law is being dangerously weakened.

Mr. President, the Subcommittee on Ocean Space of the Foreign Relations Committee has tentatively scheduled hearings to begin July 24; and as chairman of that subcommittee, I intend to go into all of these issues. Of primary importance during these hearings will be the subcommittee's attempt to expose the fallacy that political options in the international arena can be kept open when other nations are freely exercising theirs. Accordingly, I would once again remind the administration that the longer it delays in facing up to the difficult political issues involved in the ocean space issue, the more options will be closed to us. If President Nixon's administration is intent upon providing leadership in terms of fashioning a new international legal and political framework for the ocean space environment, it cannot afford to delay any longer.

EXHIBIT 1

PREFACE TO REPORT OF NEW ENGLAND ASSEMBLY ON USES OF THE SEAS

On May 22–25, 1969, 81 persons from the worlds of science and engineering, business, law, government, communications and other pursuits met at the Woods Hole Oceanographic Institution at a Regional Assembly on the Uses of the Seas sponsored by the American Assembly.

For three days the Assembly participants, in small discussion groups, considered various aspects of the United States involvement in the science and engineering of marine resources, the law of the sea, the developments in the United Nations and the recommendations of the Commission on Marine Science, Engineering and Resources.

On Thursday evening Dr. John P. Craven, Chief Scientist, Strategic Systems Project Office, Department of the Navy, addressed the Assembly on *"Res Nullius De Facto* and the Implications for Science and Technology." On Friday evening, Dr. Arthur E. Maxwell, Director of Research, Woods Hole Oceanographic Institution, addressed the Assembly on the Joint Oceanographic Institutions Deep Earth Sampling (JOIDES) Program.

At the final plenary session participants reviewed and approved the statement which follows on these pages. Opinions contained herein are those of participants in their individual capacities.

PAUL M. FYE,
Director, Woods Hole Oceanographic Institution.

CARROLL L. WILSON,
Chairman, New England Assembly on Uses of the Seas.

FINAL REPORT OF THE NEW ENGLAND ASSEMBLY ON USES OF THE SEAS

At the close of their discussions the participants in the New England Assembly on

Uses of the Seas, at the Woods Hole Oceanographic Institution, Woods Hole, Massachusetts, on May 22–25, 1969, reviewed as a group the following statement. The statement represents general agreement; however no one was asked to sign it, and it should not be assumed that every participant subscribes to every recommendation.

CHANGING INTEREST AND EXPECTATIONS

New developments in technology which are rapidly opening up possibilities for increased exploration and exploitation of the seas, the sea-bed, and the resources of the oceans have created an urgent need for public attention to the policies which should govern future activities in the marine environment. Issues ranging from concern over rights of passage and exploration to international redistribution of the resources now require widespread discussion and debate.

Man is looking to the oceans to help solve some of the problems which he is and will be facing in the not too distant future. Two areas of critical importance are food for a growing population and fuel for expanding industrial development. Ocean resources can be tapped and used more effectively but both the short- and long-term consequences of these efforts will depend on the resolution of a number of complex technical, political, and social policy issues.

Although the seas have been used by nations and peoples for centuries as a source of food, revenue, security, commerce, communication, and recreation, the planning of future activities in the oceans is particularly difficult because it involves national sensitivities and private interests. The historical-legal international framework is inadequate to accommodate many technologically feasible, scientifically interesting, or economically profitable ventures.

Only to the extent that there is public articulation of concerns that transcend narrow private or national interests can man direct his future ocean activities in accord with his enlightened self-interests.

RESOURCES AND CONFLICTS—A LOOK AHEAD

The ocean offers exciting new opportunities. In addition to providing fossil fuels and fish, the oceans will become an increasingly important source of numerous mineral resources, fresh water, sand and gravel, dissolved chemicals, and nutrients. Knowledge of the ocean environment may make possible new activities in transportation, commerce, communications, defense, and environmental prediction and modification.

At this time, however, there is not enough knowledge to predict the true potentials or implications of ocean exploitation without more scientific research and technological development. Since this work will be costly and involve diverse and conflicting interests, a Federal program will be required which will contribute to the harmonious development of a total national program. This fact coupled with the ambiguous status of the sea-bed beyond the limits of national jurisdiction (and even of those limits) places work in this field in the international political arena, where a large number of issues must be resolved.

With respect to future resource exploitation, there are at least three considerations which should be paramount in policy discussions. One is that the exploitation be managed so that the resources are not depleted wastefully and that practices are consistent with the renewable or non-renewable nature of the resources. Another is that one use should not interfere unduly with other uses. The final consideration is the control of pollution, with particular emphasis on those potential pollutants which might cause irreversible damage to the marine environment. By their very nature many of these activities will required local, state, Federal, and international controls.

A basis for public discussion of many of these issues is the report recently prepared by the Commission on Marine Science, Engineering and Resources. This group, chaired by Dr. J. A. Stratton, made a number of explicit recommendations after considering national action in the framework of seven panels: basic science; environmental monitoring and management and development of the coastal zone; manpower, education, and training; industry and private investment; marine engineering and technology; marine resources; and international issues.

INTERNATIONAL CONSIDERATIONS

The potential for economic return from the exploitation of the sea-bed, the inability of countries lacking technology or access to the oceans to take part in such activities, and widespread concern as to the economic and environmental implications of increased exploitation of the sea-bed beyond national control have led to discussions at the United Nations by many states, developed and developing, as to how future exploration and exploitation should be conducted. Nations seeking international economic assistance have come to view such exploitation as a possible source of aid. These factors have led to proposals to internationalize the ownership and regulation of the sea-bed beyond the limits of national jurisdiction, and to use some of the proceeds from such exploitation to aid the developing countries.

Another concern of great importance is that of present and future military uses of the sea-bed outside the limits of national jurisdiction. It is imperative to prevent an arms race in this new domain. The problem is particularly complicated by the traditional role of navies and the necessity of ensuring national security. The distinction between peaceful, non-peaceful, and military uses of the sea-bed is not clear but should be resolved to facilitate international agreements.

The exploration of the ocean requires extensive cooperation among coastal nations. The ability to obtain a meaningful and comprehensive understanding of fish migration, marine ecology, ocean-atmosphere interactions, and other areas of scientific and ultimately social interest require access by researchers to waters over the continental shelf and to the shelf itself, and the free dissemination of knowledge gained from such studies. Future work in these fields will require a large degree of mutual trust and agreement among nations as well as increased scientific capabilities in many coastal states.

There is presently no mechanism for registering claims on the sea-bed beyond the limits of national jurisdiction. Rights for resource recovery from the deep sea-bed can now only be established by the technical ability to start operations and the military ability to defend it against intruders. Concern over this has been a motivating force in efforts to establish some form of international regime for the ocean floor or some administrative device for registering operations, establishing operating procedures to insure resource conservation and prevent pollution, and use some of the profits for all the benefit of all mankind.

The United Nations has been active for the past few years in studying ways in which these various international problems might be approached. A permanent Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction was recently established; problems of pollution are being studied; a study of appropriate international machinery is being conducted; the International Decade of Ocean Exploration will be conducted within the United Nations framework; and the Intergovernmental Oceanographic Commission has intensified its activities in the sceintific field.

The United States has not not yet clarified its positions on several of these critically important international issues.

U.S. POLICY AND PROGRAMS PROPOSALS BY THE ASSEMBLY

Intensive discussion of the range of issues made urgent by the impact of accelerating technological change and the realization that the oceans are an area of primary national interest has led the members of the Assembly to formulate proposals in relation to the policies and programs of the United States on Uses of the Seas. These proposals are as follows:

1. The Report and Recommendations of the Commission on Marine Science, Engineering and Resources should be the subject of wide discussion in many public forums and should result in an action program by the Executive Branch and the Congress.

2. A new Federal agency, together with a national advisory body, is needed to provide a national focus of responsibility and authority and to exercise national leadership in ocean science, engineering, education, and resource development. It must necessarily bring together a sufficiently inclusive combination of new and existing activities to permit it to exercise the functions necessary to build increasing national competence in the oceans. One acceptable form is the National Oceanic and Atmospheric Agency recommended by the Commission.

3. There should be a single committee in each house of the Congress or a joint committee of both Houses to match or anticipate the comprehensive functions of the new agency.

4. A rising level of funding of the general magnitude recommended by the Commission is needed to support an expanding program of ocean activities to insure United States leadership in ocean affairs. It is important to state explicitly the goals for proposed programs so that priorities of oceanic effort can be set.

5. The concept of the International Decade of Ocean Exploration illustrates the kind of initiative which may lead to a wide-range program of cooperative activities among developed and developing countries. Specific United States program proposals should be developed and funded.

6. Future support and funding should preserve and strengthen the role of the universities, and Federal, state, and other laboratories in relation to basic and applied research and in education of the high level manpower needed for the exploration and exploitation of the oceans and the management of the environment.

7. In order to protect and enhance the marine environment much more action is needed along the following lines:

(a) Conducting research and development better to understand the effects and to permit control of pollution.

(b) Establishing appropriate legal restraints and rules of liability.

(c) Strengthening national capabilities to understand, monitor and regulate pollution, and establishing criteria and guidelines for pollution control by Federal, state, and local authorities.

(d) Placing special emphasis on the coastal zone because of its acute focus for multiple ocean use—recreation, fishing, disposal, transport, etc.

(e) Encouraging regional arrangements for pollution control of coastal waters.

(f) Creating new institutional mechanisms to represent the public interest more effectively in resource use conflicts such as those which threaten to degrade the environment.

(g) Strengthening existing international arrangements and creating new mechanisms for combating those pollution problems which can only be dealt with in an international framework.

(h) Encouraging active programs of pollution prevention and control by users.

8. The states and regional areas should provide leadership and incentives to encourage resource development, and should exercise leadership in the management of the

many activities in the coastal zone and estuaries. The Federal Government should help the states develop the required capabilities.

9. The United States should take the initiative to negotiate an explicit definition of the geographical limit of coastal state jurisdiction over the natural resources of the ocean floor. Rapidly developing technology requires that the definition contained on the 1958 Convention be clarified, and undue delay in arriving at a more precise geographical definition will make the task more difficult.

10. There will be need for a body or bodies enjoying wide international support and participation by many nations to exercise in relation to the seabed beyond clearly defined limits of national jurisdiction such functions as the following:

Registration of claims.

Arbitration of disputes.

Promulgation of standards on conservation, pollution and uses.

Inspection of operations.

Collection of fees and royalties.

The United States should take the initiative to propose the form and functions of such a body or bodies and to begin the necessarily protracted negotiations involved in their creation.

11. The catastrophic consequences of overfishing and other forms of interference with fishing stocks are so clear that the United States should devote increased efforts to the development and operation of more effective fishieries agreements in various regions of the world and should support much more ecological, biological and economic research on important species to develop the information on which intelligent action can be based.

12. The United States should aid developing countries in generating national capabilities for dealing with oceanic affairs. It is in the best interests of the United States to support and take a leading part in international cooperative programs of scientific exploration and to encourage full sharing of the results obtained by all nations. Carrying out a decade of Exploration and strengthening the International Oceanographic Commission represents an immediate opportunity. Funding of such programs should be in addition to the support of other ocean activities.

13. Although new international procedures to insure freedom for marine research are needed, an immediate possibility is to develop bilateral or multilateral arrangements under which oceanographic exploration may continue to be carried on subject to the "consent clause" which permits each nation to determine the conditions governing permission to explore certain coastal zones.

14. There is increased need for a reconsideration of international procedures by which areas of the oceans are pre-empted by the world's military services.

15. As a step towards dealing with the changing potential for military uses of the sea-bed, and in order to promote the maintenance of strategic stability, the United States proposal to the Eighteen Nation Disarmament Conference banning placement of weapons of mass destruction on the ocean floor should be supported. In addition, all active weapon system installations on the ocean floor (not including detection and surveillance means) should be prohibited beyond fixed distance from coastal shores.

16. There is an urgent need for formulating and carrying out programs such as the following in order to remedy the precarious position of the United States maritime industry, including fishing, shipping, and ship bulding, which received inadequate emphasis in the Marne Science Commission Report:

(a) Supporting and enabling technology must be developed at a substantially accelerated pace through increased levels of effort in pertinent oceanographic research, naval architecture, marine engineering, and harbor systems development.

(b) Systematic improvements should be made in the economics of these industries, and their economic environment rationalized in accordance with a clear understanding and definition of the United States national interests in this vital field.

17. The ocean floor beyond the limits of national jurisdiction should be exploited in the interest of all mankind, while taking into account such considerations as the need for protection of investment. This is consistent with present United States position in the United Nations.

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MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes, and it was signed by the Vice President.

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED HOUSING AND URBAN DEVELOPMENT AMENDMENTS OF 1969

A letter from the Under Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend and extend laws relating to housing and urban development, and for other purposes (with accompanying papers); to the Committee on Banking and Currency.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the evaluation of two proposed methods for enhancing competition in weapons systems procurement, Department of Defense, dated July 14, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program under title IB of the Economic Opportunity Act of 1964, Carroll, Chariton, Lafayette, Ray, and Saline Counties, Mo., Department of Labor, dated July 11, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED AMENDMENT OF THE EXPEDITING ACT

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to amend the Expediting Act, 32 Stat. 823, as amended, 15 U.S.C. 28 and 29, 49 U.S.C. 44 and 45 (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON SCHOOLBUS SAFETY

A letter from the Secretary of Health, Education, and Welfare, transmitting a report on schoolbus safety conducted by the Maryland State Department of Education, dated May 29, 1969 (with an accompanying paper); to the Committee on Labor and Public Welfare.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

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

H.R. 7215. An act to provide for the striking of medals in commemoration of the 50th anniversary of the U.S. Diplomatic Courier Service (Rept. No. 91-319).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. McCLELLAN, from the Committee on the Judiciary;

Bethel B. Larey, of Arkansas, to be U.S. attorney for the western district of Arkansas.

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Nicholas Costanzo, of New York, to be superintendent of the U.S. Assay Office at New York, N.Y.

By Mr. BYRD of West Virginia (for Mr. RANDOLPH), from the Committee on Public Works:

David W. Oberlin, of Minnesota, to be Administrator of the St. Lawrence Seaway Development Corporation; and

Jacob L. Bernheim, of Wisconsin, Foster S. Brown, of New York, William W. Knight, Jr., of Ohio, Miles F. McKee, of Michigan, and Joseph N. Thomas, of Indiana, to be members of the Advisory Board of the St. Lawrence Seaway Development Corporation.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Mr. BYRD of West Virginia. Mr. President, as in executive session, on behalf of my distinguished colleague from West Virginia, Senator RANDOLPH, I ask unanimous consent that the nomination of Mr. David W. Oberlin, to be Administrator of the St. Lawrence Seaway Development Corporation, and the nomination of five other individuals to be members of the Advisory Board, all of which were referred to the Committee on Public Works, be re-referred to the Committee on Commerce.

I understand that this matter has been cleared with the minority members as well as the other majority members of that committee.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Senator RANDOLPH'S statement on this matter be printed at this point in the RECORD.

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

STATEMENT OF SENATOR RANDOLPH

For some time I have been of the opinion that legislative matters relating to this corporation properly come within the jurisdiction of the Commerce Committee. That Committee, as you know, is directly concerned with matters relating to foreign and domestic commerce and, of course, the Seaway Authority is an important link in this country's foreign and domestic trade. Also, the Commerce Committee recently established a special subcommittee to study transportation on the Great Lakes-St. Lawrence Seaway which will be directly involved with the activities of the Seaway Corporation.

For the information of the members of the Senate, the St. Lawrence Seaway Development Corporation is a wholly owned Government corporation which was authorized and directed by the act of May 13, 1954 (33 U.S.C. 981), to construct, operate, and maintain deep-water navigation works in the International Rapids section of the Saint Lawrence River together with the necessary dredging in the Thousand Island section. The Act also directed the Corporation to coordinate its construction and maintenance activities with the Saint Lawrence Seaway Authority of Canada. Management of the Corporation is vested in an administrator and a deputy administrator appointed by the President by and with the advice of the Senate. In addition, the Act established an Advisory Board to review the general policies of the Corporation, including its policies in connection with design and construction of facilities and the establishment of rules of measurement for vessels and cargoes, and rates of charges or tolls, and is required to advise the Administrator with respect to these matters. The Board is composed of five members also appointed by the President, by and with the advice of the Senate.

In the past, legislation relating to the St. Lawrence Seaway has been handled by three Senate Committees: Commerce, Foreign Affairs, and Public Works. The Committee on Public Works first considered Seaway legislation in July of 1957, when a bill to designate the "Wiley-Dondero Lock" was referred to the Committee for consideration. Subsequent Seaway legislation has also been referred to the Public Works Committee. However, for the reasons previously stated, I recommend that the pending nominations and future legislation affecting the St. Lawrence Seaway Development Corporation again be referred to the Committee on Commerce for appropriate attention.

[1] Discussion Leader.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. SPARKMAN:

S. 2603. A bill to amend the Internal Revenue Code of 1954 to permit ministers to be treated as self-employed individuals for pension plan purposes; to the Committee on Finance.

S. 2604. A bill for the relief of Aaron Bailey; and

S. 2605. A bill for the relief of Cecil A. Donaldson and Liselotte Donaldson; to the Committee on the Judiciary.

S. 2606. A bill to amend title 5, United States Code, so as to authorize the crediting of certain National Guard technician service for civil service retirement purposes, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EAGLETON:

S. 2607. A bill for the relief of Henry D. Espy, James A. Espy, Naomi A. Espy, Jean E. Logan, executor of the estate of Rosella E. Rhoades, and Theodore R. Espy; to the Committee on the Judiciary.

By Mr. YARBOROUGH (for himself, Mr. HUGHES, Mr. BURDICK, Mr. CRANSTON, Mr. EAGLETON, Mr. HART, Mr. KENNEDY, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, and Mr. WILLIAMS of New Jersey):

S. 2608. A bill to provide for the comprehensive control of narcotic addiction and drug abuse, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BAYH:

S. 2609. A bill to increase the participation of small business concerns in the construction industry by providing for a Federal guarantee of certain construction bonds and authorizing the acceptance of certifications of competency in lieu of bonding in connection with certain Federal projects, and for other purposes; and

S. 2610. A bill to amend section 3 of the Housing and Urban Development Act of 1968; to the Committee on Banking and Currency.

S. 2611. A bill to amend the act of August 24, 1935 (commonly referred to as the "Miller Act") to exempt construction contracts not exceeding $20,000 in amount from the bonding requirements of such act, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. BAYH when he introduced the bills appear later in the RECORD under the appropriate heading.)

By Mr. DIRKSEN:

S. 2612. A bill to amend the act of February 11, 1903, commonly known as the Expediting Act, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. DIRKSEN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. YOUNG of North Dakota (for himself and Mr. JACKSON):

S. 2613. A bill to authorize the Secretary of the Interior to acquire certain property adjacent to the Ford's Theatre in the District of Columbia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. NELSON:

S. 2614. A bill for the relief of Miguel Arteaga;

S. 2615. A bill for the relief of Louis Arteaga-Haro; and

S. 2616. A bill for the relief of Raul Artiaga-Haro; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 2617. A bill for the relief of Mrs. Iris O. Hicks; to the Committee on the Judiciary.

By Mr. HANSEN:

S. 2618. A bill for the relief of John Michael Leyes; to the Committee on the Judiciary.

By Mr. JACKSON (by request):

S. 2619. A bill to amend section 5723(b) of title 5, United States Code, relating to length of service required by teachers in Bureau of Indian Affairs schools when travel and transportation expenses are paid to first post of duty; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SPARKMAN (for himself, Mr. BENNETT, and Mr. TOWER):

S. 2620. A bill to amend and extend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the bill appear later in the RECORD under the appropriate hearing.)

By Mr. PROXMIRE:

S. 2621. A bill for the relief of Nourolhoda Ronaghi; to the Committee on the Judiciary.

By Mr. MOSS (for himself, Mr. BENNETT, Mr. BIBLE, Mr. CHURCH, Mr. CRANSTON, Mr. JORDAN of Idaho, Mr. MCGOVERN and Mr. YARBOROUGH):

S. 2622. A bill to amend the Small Reclamation Projects Act of 1956, as amended; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Moss when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CRANSTON:

S. 2623. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to appoint certain persons in the nursing service in the Department of Medicine and Surgery of the Veterans' Administration, and to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. CRANSTON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HRUSKA (for himself and Mr. TYDINGS):

S. 2624. A bill to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. NELSON:

S.J. Res. 137. A joint resolution to provide for the appointment of a commission to study and investigate the hazards to the public health and to the environment which may exist as a result of chemical and biological warfare field testing conducted at any testing site used by the U.S. Government; to the Committee on Armed Services.

(The remarks of Mr. NELSON when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 2608—INTRODUCTION OF COMPREHENSIVE NARCOTIC ADDICTION AND DRUG ABUSE CARE AND CONTROL ACT OF 1969

Mr. YARBOROUGH. Mr. President, narcotic addiction and drug abuse are no longer confined to any isolated sector of our population. The rich and the poor, the urban and suburban, the young and the middle aged, of both sexes, are involved.

We live in a drug-taking society, where a host of different drugs are used for a variety of purposes: To restore health, reduce pain, induce calm, increase energy, create euphoria, induce sleep or alertness. Many substances are today available to swallow, drink, or inhale in order to alter mood or state of consciousness.

Unfortunately, a good number of substances which have a legitimate use are also subject to abuse; and there is a long list of drugs and chemicals with no known medical use but with potent capacity to alter behavior.

We face a complex and difficult dilemma for which there is no simple overall solution. Health, legal, moral, and social factors all intervene in a way that defies pat answers.

Especially disturbing is the fact that sizable numbers of our youth are choosing the drug trip as an alternative to authentic life experience.

The danger is signaled in the mounting statistics on the use of drugs in recent years.

Whereas for many years the number of narcotic addicts was stable at around 60,000, it is widely estimated today that more than 100,000 Americans are addicted to narcotic drugs. Further, the problem, long a major blight of our urban ghettos, is spreading to the suburbs.

The use of hallucinogenic drugs is rapidly increasing. A conservative estimate of persons, both juvenile and adult, who have used marihuana one or more times is at least 5 million, and may be many millions more. Between 20 and 40 percent of our college students are estimated to have experimented with this drug and perhaps 5 percent with the more powerful LSD. It is estimated that as many as 10 percent of young people who have tried marihuana can be considered chronic users who devote large portions of their time to obtaining and using the drug.

Dr. Stanley Yolles, Director of the National Institute of Mental Health, estimates that between 200,000 and 400,000 persons abuse amphetamines and barbiturates as well as other sedatives and tranquilizers.

Because of the complexity of the problem, it is essential that our most thoughtful judgment and wisdom be brought to bear on the selection of programs to which we commit our support.

During recent months, the Health Subcommittee, of which I am chairman, has heard testimony from many of our Nation's outstanding experts on drug dependence and abuse, and we have given intensive study to the factors to be considered in developing an effective pattern for a national program of drug abuse control.

Because of the grave seriousness of this problem, which I more fully realized during hearings in Washington, San Antonio, and Fort Worth, I established the Subcommittee on Alcoholism and Narcotics, which is chaired by Senator HUGHES of Iowa.

It is imperative that we accelerate our efforts simultaneously in the development of treatment and rehabilitation facilities, research, education, and infor-

mation programs, and the training of specialized personnel.

We are well aware of the need for coordinated activities among the several governmental agencies with responsibilities in the drug area. At the same time, we must recognize that there must be a clear indication by the Congress that those agencies most expert in any particular aspect of the problem be strengthened, rather than have wasteful duplication and squandering of scarce resources.

It is important that the major responsibility for health and scientific aspects of a drug prevention and control program be placed within the agency whose jurisdiction most properly embraces them. Research, education, training, prevention, and treatment efforts properly should be assigned to the agency charged with administration of matters of health, education, and social welfare.

The Department of Health, Education, and Welfare is thus clearly the appropriate agency to be charged with responsibilities for the conduct of research, education, and treatment activities. The Department of Justice, on the other hand, should properly be charged with responsibilities for law enforcement and control.

Health concerns are clearly not within the jurisdiction of the Attorney General, and every care should be taken to assure that they remain within the jurisdiction of the Department long since designated by the Congress as responsible for these activities.

In view of the urgency and significance of the narcotic addiction and drug abuse problem, I am today introducing a bill entitled the "Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act of 1969."

This bill for the first time provides for a comprehensive and coordinated attack on the narcotic addiction and drug abuse problem. Its scope is necessarily broad.

The bill includes authorities for, first, a great expansion in research to improve our knowledge about the causes and cure of the problem; second, increased training to relieve the serious shortage of manpower to work in this critical area; third, a program of incentive grants to enable communities to launch critically needed and long-delayed treatment and rehabilitation programs for drug-dependent persons; fourth, a major prevention and education effort designed to reach a wide audience, particularly those youngsters who are most prone to use drugs; fifth, a new approach to the problem of control of substances liable to abuse, which clearly places responsibility for the health and scientific aspects on the Secretary of Health, Education, and Welfare; and sixth, the establishment of an Advisory Committee on Narcotics and Dangerous Drugs to advise the Secretary regarding the designation of drugs considered to be liable to abuse.

For the above purposes, a total of $380 million is authorized over a 5-year period. In just one city alone, the city of San Antonio, Father Dermot Brosnan of the Patrician Movement has made the conservative estimate that the addiction problem is costing $87 million a year, or $435 million over 5 years. Nationwide, it is costing billions of dollars.

There is also a very important provision which removes marihuana from the Internal Revenue Code and adds it to the definitions of depressant or stimulant drugs in the Food, Drug, and Cosmetic Act, making it subject to the penalties and controls imposed on such substances rather than those provided for narcotic drugs in the Internal Revenue Code.

Mr. President, I ask unanimous consent that text of this bill and a section-by-section analysis be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 2608) to provide for the comprehensive control of narcotic addiction and drug abuse, and for other purposes, introduced by Mr. YARBOROUGH (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2608

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act of 1969".

DECLARATION OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) Narcotic addiction and drug abuse are major health and social problems afflicting a significant proportion of the public, and much more needs to be done by public and private agencies to develop effective prevention and control.

(2) Narcotic addiction and drug abuse treatment and control programs should whenever possible: (A) be community based, (B) provide a comprehensive range of services, including emergency treatment, under proper medical auspices on a coordinated basis, and (C) be integrated with and involve the active participation of a wide range of public and non-governmental agencies.

(3) There is an urgent need to educate young people and the public in general on the abuse of drugs and that insufficient manpower currently are available to undertake such educational programs.

(4) There is a serious shortage of professional and other personnel trained to work more effectively in relation to the prevention and treatment of narcotic addiction and drug abuse.

(5) Current knowledge regarding the causes, prevention, and treatment of narcotic addiction and drug abuse are inadequate.

(b) In order to preserve and protect the health and welfare of the American people in meeting these needs, it is the purpose of this Act to authorize the Secretary of Health, Education, and Welfare to establish a program of grants and contracts for the construction, staffing, operation, and maintenance of facilities for the prevention and treatment of narcotic addiction and drug abuse, for the development of narcotic addiction and drug abuse education programs, for the training of professional and other personnel, for the conduct of appropriate study, research, and experimentation, and for the creation of appropriate demonstration projects relating to narcotic addiction and drug abuse.

TITLE I—CONSTRUCTION, STAFFING, AND OPERATION OF TREATMENT FACILITIES

SEC. 101. (a) Section 251(a) of the Community Mental Health Centers Act is amended by striking out "of compensation of professional and technical personnel for the initial operation" and inserting in lieu thereof "of operation, staffing, and maintenance."

(b) Section 251(b) of the Community Mental Health Centers Act is amended by striking out "in excess of 66⅔ per centum" and inserting in lieu thereof "in excess of 90 per centum".

(c) Section 251(c) of the Community Mental Health Centers Act is deleted and the following is inserted in lieu thereof:

"(c) Grants under subsection (a) for the costs of operation, staffing, and maintenance of a facility may be made only for the first eight years that such facility is in operation and the amount of any such grant shall not exceed 90 per centum of such costs for the first two years of the grant and 75 per centum of such costs for each of the next six years."

(d) Section 261(a) of the Community Mental Health Centers Act is amended to read as follow:

"(a) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1970; $20,000,000 for the fiscal year ending June 30, 1971; $40,000,000 for the fiscal year ending June 30, 1972, $50,000,000 for the fiscal year ending June 30, 1973; and $75,000,000 for the fiscal year ending June 30, 1974; for construction, operating, staffing, and maintenance grants under parts C or D. Sums so appropriated for any fiscal year shall remain available for obligation until the close of the next fiscal year."

(e) Section 261(b) of the Community Mental Health Centers Act is amended to read as follows:

"(b) There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and each of the next eleven fiscal years such sums as may be necessary to continue to make grants for staffing with respect to any project under part C or D for which a staffing, operation, and maintenance grant was made from appropriations under subsection (a) of this section for the fiscal years ending June 30, 1970, through 1975.

"(c) For purposes of parts C and D, the term 'staffing' means salaries, fringe benefits, and travel allowances for professional, technical, and support personnel needed to provide services to administer, evaluate, operate, and maintain the facilities and program of a treatment center.

"(d) For purposes of parts C and D, the term 'operation and maintenance' means upkeep and repairs, supplies, utilities, rent, equipment cleaning, food and drugs, and similar items of cost incurred by a treatment facility."

TITLE II—TRAINING AND EVALUATION, AND DRUG ABUSE EDUCATION

SEC. 201. (a) Section 252 of the Community Mental Health Centers Act is amended to read as follows:

"TRAINING AND EVALUATION

"SEC. 252. (a) For the purpose of assisting in overcoming the critical shortage of scientific and professional personnel trained to deal with drug abuse and addiction, the Secretary is authorized to make grants to States and political subdivisions thereof and to public or nonprofit private agencies and organizations, and to enter into contracts with other private agencies and organizations, for—

"(1) the development of specialized training programs or materials relating to the provision of health services for the prevention and treatment of drug abuse;

"(2) the development of inservice or short-term refresher courses with respect to the provision of such services;

"(3) training personnel to operate, supervise, and administer such services;

"(4) the conduct of a program of research and study relating to (A) personnel practices and current and projected personnel needs in the field of drug abuse (including prevention, control, treatment, and rehabilitation), (B) the availability and adequacy of the educational and training resources of individuals in, or preparing to enter, such field, and (C) the availability and adequacy of specialized training for persons such as physicians and other health professionals who have occasion to deal with drug addicts, including the extent to which such persons make the best use of their professional qualifications when dealing with such persons; and

"(5) the conduct of surveys and field trials to evaluate the adequacy of the programs for the prevention and treatment of narcotic addiction within the several States with a view to determining ways and means of improving, extending, and expanding such programs.

"(b) Training grants under this section may be made only upon recommendation of the National Advisory Mental Health Council. Such grants may be paid in advance or by way of reimbursement as may be determined by the Secretary, and shall be made on such conditions as the Secretary finds necessary.

"(c) As used in this section, the term 'professional persons' shall include but not be limited to persons in the fields of medicine, psychiatry, nursing, social work, psychology, education, and vocational rehabilitation.

"(d) There are hereby authorized to be appropriated for carrying out the provisions of this section $2,000,000 for the fiscal year ending June 30, 1970; $3,000,000 for the fiscal year ending June 30, 1971; $5,000,000 for the fiscal year ending June 30, 1972; $6,000,000 for the fiscal year ending June 30, 1973; and $6,000,000 for the fiscal year ending June 30, 1974."

SEC. 202. The Community Mental Health Centers Act is amended by redesignating sections 253 and 254 as sections 255 and 256 respective, and by inserting after section 252 the following new sections:

"FELLOWSHIP GRANTS

"SEC. 253. (a) The Secretary is authorized to make fellowship grants (including such stipends and allowances (including travel and subsistence expenses) as the Secretary may deem necessary) to professional personnel for training in relation to drug addiction and other drug-abuse-related problems Each applicant for a fellowship shall present a plan for his training which includes appropriate information regarding the participation of the institutions or agencies who will be providing the training.

"(b) Training grants under this section may be made only upon recommendation of the National Advisory Mental Health Council. Such grants may be paid in advance or by way of reimbursement as may be determined by the Secretary, and shall be made on such conditions as the Secretary finds necessary.

"(c) As used in this section, the term 'professional persons' shall include, but not be limited to persons in the fields of medicine, psychiatry, nursing, social work, psychology, education, and vocational rehabilitation.

"(d) The term 'fellowship' shall include such stipends and allowances (including travel and subsistence expenses) as the Secretary may deem necessary.

"(e) Training and fellowship awards under this title shall be made at such levels as may be required to facilitate the recruitment of the necessary professional manpower to this high priority area.

"(f) There are hereby authorized to be appropriated for carrying out the purpose of this section $400,000 for the fiscal year ending June 30, 1970; $600,000 for the fiscal year ending June 30, 1971; and $1,000,000 for each of the next three fiscal years.

"DRUG ABUSE EDUCATION

"SEC. 254. (a) The Secretary is authorized to make grants to States and political subdivisions thereof and to public or nonprofit private agencies and organizations, and to enter into contracts with other private agencies and organizations, for—

"(1) the collection, preparation, and dissemination of educational materials dealing with the use and abuse of drugs and the prevention of drug abuse, and

"(2) the development and evaluation of programs of drug abuse educations directed at the general public, school-age children, and special high-risk groups.

"(b) The Secretary, acting through the National Institute of Mental Health, shall (1) serve as a focal point for the collection and dissemination of information related to drug abuse; (2) collect, prepare, and disseminate materials (including films and other educational devices) dealing with the abuse of drugs and the prevention of drug abuse; (3) provide for the preparation, production, and conduct of programs of public education (including those using films and other educational devices); (4) train professional and other persons to organize and participate in programs of public education in relation to drug abuse; (5) coordinate activities carried on by such departments, agencies, and instrumentalities of the Federal Government as he shall designate with respect to health education aspects of drug abuse; (6) provide technical assistance to State and local health and educational agencies with respect to the establishment and implementation of programs and procedures for public education on drug abuse; and (7) undertake other activities essential to a national program for drug abuse education.

"(c) The Secretary, acting through the National Institute of Mental Health, is authorized to develop and conduct workshops, institutes, and other activities for the training of professional and other personnel to work in the area of drug abuse education.

"(d) All grants made under this section can be made only upon recommendation of the National Advisory Mental Health Council.

"(e) There are hereby authorized to be appropriated for carrying out the purposes of this section $2,000,000 for the fiscal year ending June 30, 1970; $4,000,000 for the fiscal year ending June 30, 1971; $6,000,000 for the fiscal year ending June 30, 1972; and $8,000,000 for each of the next two fiscal years."

TITLE III—AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT FOR RESEARCH AND STUDIES RELATING TO DRUG USE, ABUSE, AND ADDICTION

SEC. 301. (a) Section 302(a) of the Public Health Service Act (42 U.S.C. 242(a)) is amended—

(1) by inserting "depressant or stimulant drugs and" before "narcotics" in the first sentence;

(2) by striking out "the use and misuse of narcotic drugs," in the first sentence and inserting in lieu thereof "(1) the use and misuse of depressant or stimulant drugs and naroctic drugs, and (2)"; and

(3) by striking out "at his discretion" in the second sentence.

(b) Section 302 of the Public Health Service Act is further amended by adding a new subsection (c) at the end thereof to read as follows:

"(c) The Secretary is authorized to establish a program of grants to be administered by the National Institute of Mental Health to—

"(1) support and conduct programs of research into all phases of drug use and abuse, including the origins, causes, incidence, and prevention of drug use and abuse, the abuse potential of drugs, and the therapeutic and rehabilitation agents and techniques;

"(2) make grants to State or local agencies and other public or nonprofit agencies and institutions, and to enter into contracts with any other agencies or institutions, for the conduct of investigations, experiments, demonstrations, studies, and research projects with respect to the development of improved methods of diagnosing drug addiction and abuse and of care, treatment, and rehabilitation of drug addicts and drug abusers;

"(3) make grants to State agencies responsible for administration of State institutions for care, or care and treatment, of drug addicts or abusers for developing and establishing improved methods of operation and administration of such institutions;

"(4) conduct surveys evaluating the adequacy of programs for the prevention and treatment of drug abuse and for necessary planning studies;

"(5) develop field trials and demonstration programs for the prevention and treatment of drug abuse;

"(6) establish a National Registry of Narcotic Addicts to facilitate research in drug addiction; and

"(7) make project grants to State or local agencies and other public or nonprofit agencies or institutions for the establishment, construction, staffing, operation, and maintenance of regional centers for research in drug abuse and related problems, one of which centers shall be established as a National Addiction and Drug Abuse Research Center as part of the National Institute of Mental Health, and shall be located in close proximity to the central research facilities of such Institute so as to avoid duplication of basic science laboratories and to allow for exchange of scientific information in collaboration between researchers in these closely related areas.

Any information contained in the National Registry of Narcotic Addicts, established under paragraph (6), shall be used only for statistical and research purposes and no name or identifying characteristics of any person who is listed in the Registry shall be divulged without the approval of the Secretary and the consent of the person concerned except to personnel who operate the Registry. The Secretary may authorize persons engaged in research under this subsection on the use and effect of drugs to protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, civil, criminal, administrative, legislative, or other proceeding to identify such individuals.

"(d) The following amounts are hereby authorized to be appropriated:

"(1) For carrying out the purposes of section 302(c)(1) through (6), $3,000,000 for the fiscal year ending June 30, 1971; $10,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; and $10,000,000 for the fiscal year ending June 30, 1974.

"(2) For carrying out the purposes of section 302(c)(7), $3,000,000 for the fiscal year ending June 30, 1970; $10,000,000 for the fiscal year ending June 30, 1971; $25,000,000 for the fiscal year ending June 30, 1972; $20,000,000 for the fiscal year ending June 30, 1973; $20,000,000 for the fiscal year ending June 30, 1974; and $15,000,000 for the establishment of the National Addiction and Drug Abuse Research Center, to remain available until expended."

TITLE IV—CONTROL OF DANGEROUS SUBSTANCES

SEC. 401. (a) The Congress finds and declares that the importation, manufacture, distribution, possession, and use of narcotic drugs and depressant and stimultant drugs for nonmedical and nonscientific purposes have a substantial and detrimental effect on the health and general welfare of the Amer-

ican people, that the medical and scientific use of such drugs are important elements of the practice of medicine and of scientific research, and that adequate provision must be made to insure the availability of controlled drugs for such legitimate purposes.

(b) The Congress further finds that there is a need for a single comprehensive code which makes the necessary distinctions among narcotic drugs and depressant and stimulant drugs with respect to the degree of control required and between their medical and scientific use as against their abuse for nonmedical and nonscientific purposes. It is therefore the purpose of this title to provide for the establishment of such a code, by utilizing the medical and scientific expertise of the Secretary of Health, Education, and Welfare, and the particular competence and expertise of persons versed in the fields of mental health and pharmacology.

SEC. 402. (a) In order to aid the States and communities, the medical and scientific professions, law enforcement authorities and other concerned groups and individuals in coping with the problems of drug abuse, while at the same time encouraging ready access to certain substances for scientific, therapeutic, industrial, or other legitimate purposes, the Secretary shall—

(1) carry out the studies and investigations pertaining to narcotics and depressant and stimulant drugs as directed by section 302(a) of the Public Health Service Act;

(2) determine which substances should be subject to control because of their ability to produce physical or psychological dependence which could lead to abuse;

(3) place these substances in such classes and categories as he shall find necessary, ranked according to the extent of their ability to produce physical or psychological dependence and their relative capabilities for abuse;

(4) promulgate a list of all such substances classified or categorized as directed by paragraph (3); and

(5) amend such list from time to time by adding, deleting, or changing the classification or categorization of a substance as he shall find necessary in the light of new scientific knowledge.

(b) No substance may be included on such list unless it is a narcotic drug (as defined in section 4731 of the Internal Revenue Code) or is a depressant or stimulant drug determined under section 201 of the Federal Food, Drug, and Cosmetic Act and not exempted under section 511(f) of that Act.

(c) The initial list promulgated by the Secretary shall not take effect until after such list has been published in the Federal Register, and not less than thirty days shall have passed thereafter. If within such thirty-day period any person adversely affected by such listing shall require opportunity for a hearing, the Secretary shall provide for such hearing, in conformity with the procedures prescribed in section 701 of the Federal Food, Drug, and Cosmetic Act, with judicial review available in conformity with such section. After such list shall have become final, any change in the category of any substance may be carried out by the Secretary only after similar notice, opportunity for a hearing, and opportunity for judicial review in conformity with such section 701.

SEC. 403. Before making any of the determinations required by section 402, the Secretary shall consider the advice of the Advisory Committee on Narcotics and Dangerous Drugs, established by section 503 of this Act, and shall consult with the Attorney General.

CONTROL OF ILLEGAL TRANSACTIONS IN MARIHUANA

SEC. 404. (a) Section 201(v)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(v)(3)) is amended (1) by striking out "and any other" and inserting in lieu thereof, "marihuana, and any"; and (2) by striking out ", and marihuana as defined in section 4761, of the Internal Revenue Code of 1954 (26 U.S.C. 4731, 4761)" and inserting in lieu thereof "of the Internal Revenue Code of 1954".

(b) Section 201 of such Act is amended by adding at the end thereof the following new paragraph:

"(y) The term 'marihuana' means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant; its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination."

REGISTRATION OF RESEARCH ESTABLISHMENTS

SEC. 405. Title V of the Public Health Service Act is amended by adding at the end thereof the following new section:

"REGISTRATION OF RESEARCH ESTABLISHMENTS

"SEC. 513. (a) No person may conduct any research project with any narcotic drug (as defined in section 4731 of the Internal Revenue Code of 1954) or with marihuana (as defined in section 201(y) of the Federal Food, Drug, and Cosmetic Act) unless such research is conducted by an establishment currently registered by the Secretary under this section. Registration under this section shall be for one-year periods, and shall be renewable for like periods.

"(b)(1) No establishment may be registered under this section except pursuant to application which shall set forth—

"(A) the name of the applicant;

"(B) his principal place of business;

"(C) the number or other identification of any applicable Federal, State, or local license or registration, relating to narcotic drugs or marihuana, currently held by the applicant including the number or other identification of any such Federal license or registration previously held by the applicant;

"(D) procedures for accountability for drugs used in research projects of the applicant and the methods to be used and the safeguards to be instituted against diversion of the drugs used in such projects to nonmedical or nonscientific uses; and

"(E) any other information required by the Secretary by regulations.

The Secretary may not register an establishment under this section unless he determines that the applicant has established adequate procedures to provide for accountability for drugs used in research projects of the applicant and adequate methods to safeguard against diversions of such drugs to nonmedical or nonscientific uses, in accordance with regulations issued by the Secretary, with the concurrence of the Attorney General. Such regulations shall permit the conduct of double-blind studies.

"(2) Each applicant registered under this section shall, before any drugs are administered to human beings under a research project of the applicant, submit to the Secretary, in such form and containing such information as the Secretary may require, a research protocol, describing the research to be conducted, listing the investigators (each of whom must be registered under section 4722 or 4753 of the Internal Revenue Code, as applicable) and their qualifications to engage in such research, and otherwise conforming to the requirements of section 505(i) of the Federal Food, Drug, and Cosmetic Act. No such research protocol may provide for the dispensing or administration of drugs to human beings except by persons licensed to dispense or administer such drugs under applicable State laws.

"(c)(1) The Secretary may revoke or suspend the registration of any establishment granted under this section if he finds (A) that the application for such registration contains any untrue statement of material fact, (B) that research projects in such establishment are not being conducted in accordance with approved procedures or methods relating to accountability for drugs or safeguards against diversion of drugs used in such project to nonmedical or nonscientific uses, or (C) research projects involving the dispensing or administration of drugs to human being are being conducted by persons not licensed under applicable State law to dispense or administer drugs.

"(2) Regulations of the Secretary shall provide for notice and opportunity for a hearing before revocation or suspension of registration under this section, except that, upon a finding of imminent hazard to the public health, such registration may be suspended or revoked prior to such hearing, but opportunity for a hearing shall be granted immediately in such cases."

AMENDMENTS RELATING TO DRUG RESEARCH IN REGULATED ESTABLISHMENTS

SEC. 406. (a) Section 4704(b) of the Internal Revenue Code of 1954 is amended by striking out the period at the end thereof and inserting in lieu thereof "; or", and by inserting immediately below paragraph (2) the following new paragraph:

"(3) RESEARCH.—To the dispensing or administration of narcotic drugs in the course of a research project conducted by an establishment currently registered under section 513 of the Public Health Service Act, if records of the drugs so dispensed or administered are kept as required by this subpart."

(b) Section 4705(c) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"(5) RESEARCH.—To the dispensing or administration of narcotic drugs to any person in the course of a research project conducted by an establishment currently registered issued under section 513 of the Public Health Service Act. Such registrant shall keep a record of all such drugs dispensed or administered, showing the amount dispensed or administered, the date, and the name and address of the person to whom such drugs are dispensed or administered, except such as may be dispensed or administered to a patient upon whom a physician, dentist, veterinary surgeon, or other practitioner shall personally attend; and such record shall be kept for a period of two years from the date of dispensing or administering such drugs, subject to inspection, as provided in section 4773."

(c) Section 4721(5) of the Internal Revenue Code of 1954 is amended by striking out "research, instruction, or analysis" and inserting in lieu thereof "instruction or analysis, or for the purpose of research by an establishment currently registered under section 513 of the Public Health Service Act,".

(d) Section 4742(b) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"(6) RESEARCH PROJECTS.—To a transfer of marihuana to or by a person in the conduct of a research project conducted by an establishment currently registered under section 513 of the Public Health Service Act. Such registrant shall keep a record of all such marihuana used in such project, showing the amount used and the name and address of the person using such marihuana, and such record shall be kept for a period of two years from the date of such use, and be subject to inspection as provided in section 4773."

(e) Section 4751(4) of the Internal Revenue Code of 1954 is amended by striking out "research, instruction, or analysis" and inserting in lieu thereof "instruction or analysis, or for the purpose of research by

an establishment currently registered under section 513 of the Public Health Service Act,".

TITLE V—MISCELLANEOUS

TRANSFERS OF AUTHORITY

SEC. 501. The functions, powers and duties of the Attorney General under Reorganization Plan Number 1 of 1968 to designate a drug as a depressant or stimulant drug under section 201(V) of the Federal Food, Drug, and Cosmetic Act, and to make a finding that a drug or other substance is an opiate under section 4731 of the Internal Revenue Code of 1954, to determine the medical, scientific, and other legitimate needs of the United States for the purpose of establishing manufacturing quotas for narcotic drugs under section 509 of the Narcotics Manufacturing Act of 1960, and the amounts of narcotic drugs that should be imported or exported under sections 173 and 182 of title 21 of the United States Code, are transferred to the Secretary.

AMENDMENTS RELATING TO TRANSFERS OF AUTHORITY

SEC. 502. (a) The Internal Revenue Code of 1954 is amended as follows:

(1) Section 4702(a)(1) is amended by striking out "The Secretary or his delegate" where it appears after subparagraph (B) and inserting in lieu thereof "The Secretary of, Health, Education, and Welfare, after consultation with the Attorney General".

(2) Sections 4702(a)(3) and 4702(a)(5) are each amended by striking out "The Secretary or his delegate" where it appears in those sections and inserting in lieu thereof "The Secretary of Health, Education, and Welfare, after consultation with the Attorney General".

(3) Section 4705(c)(2)(C) is amended by striking out "The Secretary or his delegate" and inserting in lieu thereof "The Secretary of Health, Education, and Welfare, after consultation with the Attorney General".

(4) Sections 4731(g)(1) and 4731(g)(2) are each amended by striking out "The Secretary or his delegate (after considering the technical advice of the Secretary of Health, Education, and Welfare or his delegate, on the subject)" and inserting in lieu thereof in each such section "The Secretary of Health, Education, and Welfare, after consultation with the Attorney General".

(b) Section 2(b) of the Narcotic Drugs Import and Export Act is amended by striking out "the board" and inserting in lieu thereof "the Secretary of Health, Education, and Welfare, after consultation with the Attorney General".

(c) Section 10(a) of the Opium Poppy Control Act of 1942 (21 U.S.C. 188) is amended by striking out "The Secretary of the Treasury" and inserting in lieu thereof "The Secretary of Health, Education, and Welfare, after consultation with the Attorney General".

(d) The Narcotics Manufacturing Act of 1960 is amended as follows:

(1) The second sentence of section 5(b) (21 U.S.C. 503) is amended by striking out "The Secretary or his delegate" and inserting in lieu thereof "The Secretary of Health, Education, and Welfare, after consultation with the Attorney General".

(2) The second sentence of section 5(d) is amended by striking out "The Secretary or his delegate" and inserting in lieu thereof "The Secretary of Health, Education, and Welfare, after consultation with the Attorney General."

(2) Section 6 (21 U.S.C. 504) is amended by striking out "The Secretary or his delegate" the first and third time it appears and inserting in lieu thereof "The Secretary of Health, Education, and Welfare, after consultation with the Attorney General".

(4) Section 7(b) (21 U.S.C. 505(b)) is amended by striking out "if the Secretary or his delegate" and inserting in lieu thereof "if the Secretary of Health, Education, and Welfare, after consultation with the Attorney General".

(5) Paragraph (1) of Section 8(a) (21 U.S.C. 506(a)) is amended by striking out "which will produce" and inserting in lieu thereof "which the Secretary of Health, Education, and Welfare, after consultation with the Attorney General, determines will produce".

(6) Section 11(a) (21 U.S.C. 509) is amended by striking out "the Secretary or his delegate" and inserting in lieu thereof "The Secretary of Health, Education, and Welfare, after consultation with the Attorney General".

(7) Section 11(b) is amended by striking out "the Secretary or his delegate" the first time it appears in that section and inserting in lieu thereof "The Secretary of Health, Education, and Welfare, after consultation with the Attorney General".

ADVISORY COMMITTEE

SEC. 503. The Secretary of Health, Education, and Welfare shall appoint a committee of experts to advise him with respect to any of the determinations pertaining to drugs which he is required to make under amendments made by this Act. This committee shall be known as the Advisory Committee on Narcotics and Dangerous Drugs. It shall be composed of not less than twelve persons of diverse professional backgrounds, including the fields of pharmacology, psychiatry, psychology and other behavioral sciences, manufacturing, and distribution, who, in the opinion of the Secretary, qualify as experts on the subject of narcotic drugs or depressant or stimulant drugs.

The section-by-section analysis, presented by Mr. YARBOROUGH, is as follows:

COMPREHENSIVE NARCOTIC ADDICTION AND DRUG ABUSE CARE AND CONTROL ACT OF 1969, SECTION-BY-SECTION ANALYSIS

SECTION II—FINDINGS AND PURPOSES

The Congress finds that narcotic addiction and drug abuse are major health and social problems afflicting large numbers of persons and that much more needs to be done in relation to prevention and control; that programs should be community-based, comprehensive and coordinated with other services under medical auspices; that current knowledge about causes, prevention and treatment of narcotic addiction and drug abuse is inadequate and that public education is urgently needed on this subject; and finally, that there is a serious shortage of trained personnel to work in this area. The purpose of the Act is to help prevent and control narcotic addiction and drug abuse through authorization of Federal aid in the construction, staffing, operation and maintenance of facilities for the prevention and treatment of narcotic addiction and drug abuse, in the development of drug abuse education programs, in the training of professional and other personnel, in the support of appropriate demonstration projects relating to narcotic addiction and drug abuse and in the conduct of needed research, study and experimentation.

Title I—Construction staffing and operation of treatment facilities

The Community Mental Health Centers Act would be amended to:

1. Make operation and maintenance costs, as well as all staffing costs, eligible for Federal funding. "Staffing costs" would be further defined to include fringe benefits and travel allowances for all personnel, including support personnel, as well as salaries. Operation and maintenance would include costs of upkeep and repairs, supplies, utilities, rent, equipment cleaning, food and drugs, and similar items of cost. At present, only construction and staffing costs are eligible, and the latter are limited to salaries of professional and technical personnel only.

2. Increase the maximum Federal participation in the costs of construction of treatment and rehabilitation facilities from 66⅔% to 90%.

3. Increase the maximum percentage and duration of Federal participation in operation, staffing and maintenance costs to 90% for the first two years and 75% of such costs for the next six years. At present, such support is limited to 75% of the costs of salaries for professional and technical personnel for the first 15 months of the grant, 60% for the next year, 45% for the next year, and 30% for the final year of the grant.

Authorized appropriations for construction, staffing, operation and maintenance grants under the alcoholism and the narcotic addiction sections of the Act are as follows: $15 million for the fiscal year ending June 30, 1970; $20,000,000 for the fiscal year ending June 30, 1971; $40,000,000 for the fiscal year ending June 30, 1972; $50,000,000 for the fiscal year ending June 30, 1973; and $75,000,000 for the fiscal year ending June 30, 1974. "Such sums as may be necessary" are authorized for continuation grants covering FY 1971 and each of the next 11 fiscal years.

Title II—Training and evaluation, and drug abuse education

SEC. 201—The Secretary is authorized to make grants to States and political subdivisions and to public or nonprofit private agencies or to contract with other private agencies or organizations for a number of special purposes: (1) for the development of specialized training programs or materials for the prevention and treatment of drug abuse and for the training of personnel to administer such programs and services.

(2) for research and study relating to current and projected personnel needs in the field of drug abuse (such a study to include research on the adequacy of educational and training resources in the drug abuse field, and to examine the availability of specialized training for persons such as physicians and other health professionals who have occasion to deal with narcotic addicts and drug abusers), and

(3) for the planning and conduct of surveys and field trials to evaluate the adequacy of State programs for the prevention and treatment of narcotic addiction and drug abuse. The training grants can be made only upon recommendation of the National Advisory Mental Health Council.

The following appropriations would be authorized: $2,000,000 for the fiscal year ending June 30, 1970; $3,000,000 for the fiscal year ending June 30, 1971; $5,000,000 for the fiscal year ending June 30, 1972; $6,000,000 for the fiscal year ending June 30, 1973; and $6,000,000 for the fiscal year ending June 30, 1974.

Sec. 202—The Secretary would also be authorized to make fellowship grants to professional personnel for training in relation to drug addiction and other drug abuse related problems. These grants again would require the approval of the National Advisory Mental Health Council. In both these sections, "professional personnel" is defined to include, but not be limited to, persons in the fields of medicine, psychiatry, nursing, social work, psychology, education and vocational rehabilitation.

The following appropriations are authorized for carrying out this fellowship program: $400,000 for the fiscal year ending June 30, 1970; $600,000 for the fiscal year ending June 30, 1971; and $1,000,000 for each of the next three fiscal years.

Drug abuse education

A new section would be added to the Centers Act to authorize the Secretary to make grants to States and political subdivisions and to public or nonprofit private agencies, or to contract with other private agencies or organizations for the collection, preparation and dissemination of educational materials, and for the development and evaluation of programs of drug abuse education

directed to the general public, school age children and other high risk groups.

The Secretary, acting through the National Institute of Mental Health, is designated as the focal point for 1) the collection and dissemination of information and materials, including films and other educational devices, dealing with drug abuse and its prevention; 2) the conduct of drug abuse public education programs and the training of persons to organize and carry out such programs; 3) the coordination of Federal activities, with respect to the health education aspects of drug abuse; 4) the provision of technical assistance to State and local health and educational agencies; and 5) the development and conduct of workshops and other institutes or activities for the training of personnel to work in the area of drug abuse education. All such grants are to be awarded only after approval by the National Advisory Mental Health Council.

The following appropriations would be authorized: $2 million for the fiscal year ending June 30, 1970; $4 million for the fiscal year ending June 30, 1971; $6 million for the fiscal year ending June 30, 1972; and $8 million for each of the next two fiscal years.

Title III—Amendments to the PHS act for research and studies relating to drug use, abuse, and addiction

Section 302(a) of the Public Health Service Act would be amended by authorizing studies of depressant or stimulant drugs as well as studies of narcotics and by requiring the Secretary of the Treasury to use the results of the Surgeon General's studies of the country's medical and scientific requirements for crude opium and other narcotics in determining the amounts of crude opium and coca leaves to be imported. (The Secretary of the Treasury's authority under this section is presently vested in the Attorney General by virtue of Reorganization Plan No. 1 of 1968. The Surgeon General's authority under this section is presently vested in the Secretary pursuant to Reorganization Plan No. 3 of 1966).

A new subsection (c) would be added to Section 302 to authorize the Secretary to establish a program of grants, to be administered by the National Institute of Mental Health, to State or local agencies and to public or nonprofit private agencies, and to contract with other agencies or institutions for:

1. The conduct of a broad program of research into all phases of drug use and abuse, including origins, causes, incidence and prevention, and abuse potential of drugs, and therapeutic and rehabilitation agents and techniques;

2. The investigation and study of improved diagnostic and treatment techniques;

3. The development of improved methods of operation and administration of State institutions caring for and treating drug addicts or abusers;

4. The conduct of surveys to evaluate the adequacy of treatment and prevention programs;

5. The development of field trials and demonstration programs for prevention and treatment of drug abuse;

6. The establishment of a National Registry of Narcotic Addicts; and

7. Support of the construction, staffing, operation and maintenance of regional centers for research in drug abuse and related problems. The bill specifies that one of the regional research centers is to be established as a National Addiction and Drug Abuse Research Center and made a part of the NIMH, to be located in close proximity, to the NIMH's central research facilities.

There is also a provision forbidding the divulgence of names of persons listed on the National Registry of Narcotic Addicts, except for statistical and research purposes and then only with approval of the Secretary and the consent of persons involved. The Secretary may also authorize researchers to protect the privacy of their subjects by refusing to give identifying characteristics to anyone not connected with the research.

The following appropriations are authorized for the establishment of the regional research centers: $3 million for FY 1970; $10 million for FY 1971; $25 million for FY 1972; $20 million for FY 1973; and $20 million for FY 1974. An additional $15 million is earmarked for the establishment of the NIMH National Addiction and Drug Abuse Research Center.

For all the other grants authorized by this section, the appropriations authorized are: $3 million for FY 1971; and $10 million each year for Fiscal Years 1972, 1973, and 1974.

Title IV—Control of Dangerous Substances

Section 401—Findings and Declaration

The Congress finds and declares that the importation, manufacture, distribution, possession or use of narcotic or depressant and stimulant drugs for non-medical and non-scientific purposes is seriously detrimental to the health and welfare of the American people, but that it is vitally important that such drugs be readily available and in adequate supply for use in the practice of medicine and for scientific research. The purpose of the title is stated to be the provision of a single comprehensive code which will establish a method for identifying substances which should be Federally controlled, distinguish among them with respect to the degree of control required and between their medical and scientific use as against their abuse for non-medical or non-scientific purposes. The Congress expresses its intent to rely on the medical and scientific expertise of the Secretary of the Department of Health, Education, and Welfare, particularly that of his staff versed in the fields of mental health and pharmacology, in making all these determinations.

Section 402—This section authorizes the Secretary to establish and promulgate by regulation classes of narcotics and depressant or stimulant drugs which in his opinion require Federal control because of their ability to produce physical or psychological dependence. Such substances are to be ranked according to their ability to produce physical or psychological dependence and their relative capabilities for abuse.

The Secretary would also be authorized to add, delete, or change a substance from one classification to another, or to reorganize the classification system entirely at any time, and to promulgate the changes through amended regulations.

Only substances fitting the definition of "narcotic drug" as set forth in the Internal Revenue Code or of "depressant or stimulant drugs" as set forth in the Federal Food, Drug, and Cosmetic Act, and which are not exempted under provisions of that Act, may be included.

Section 403—All designations under this section are to be made by the Secretary only after consulting with and upon the advice of an Advisory Committee established by Section 503 of the Act, and after consultation with the Attorney General.

Section 404—Control of illegal transactions in marihuana

This section would remove marihuana from the Internal Revenue Code and add it to the definitions of depressant or stimulant drugs in the Food, Drug, and Cosmetic Act, making it subject to the controls imposed on such substances rather than those provided for narcotic drugs in the Internal Revenue Code.

Section 405—Registration of Research Establishments

A new section 513 would be added to the Public Health Service Act to require all persons wishing to conduct research with any narcotic drug or with marihuana to register with the Secretary. Registration is pursuant to an application to the Secretary containing such information as the Secretary may require, and which satisfies him that adequate safeguards against diversion of the drugs to be used to non-medical or non-scientific uses will be provided. Before any drugs are administered to human beings, a research protocol describing the research, the investigators and their qualifications must be submitted to the Secretary. Provisions for revocation or suspension of the registration under certain circumstances are also included.

Section 406—Drug Research Amendments

This section exempts research in establishments registered under the new section 513, above, from various provisions of the Internal Revenue Code concerning narcotics and marihuana, and makes certain other conforming amendments.

Title V—Miscellaneous

Section 501—Transfer of Authorities

The authorities of the Attorney General which were transferred to him from the Secretary of HEW or the Secretary of the Treasury, by virtue of Reorganization Plan No. 1 of 1968, to designate a substance as a depressant or stimulant drug, or to make a finding that a substance is an opiate, or to determine the medical, scientific, and other legitimate needs of the United States for the purpose of setting manufacture or export or import quotas, would be transferred to the Secreary of HEW by this section.

Section 502—Amendments relating to transfers of authorities

Various provisions of the Internal Revenue Code of 1954, the Narcotic Drugs Import and Export Act, the Opium Poppy Control Act of 1942 and the Narcotic Manufacturing Act of 1960 are amended to transfer decisionmaking authority with respect to the abuse potential of or scientific requirements for narcotics or dangerous drugs in conformance with the transfer authorized by section 501. In each instance, prior consultation with the Attorney General is required.

Section 503—Advisory Committee

This section establishes an Advisory Committee on Narcotics and Dangerous Drugs which is to assist the Secretary in making any of the determinations for which he is responsible under the act. The Committee is to be comprised of 12 members of diverse professional backgrounds, including the fields of pharmacology, psychiatry, psychology and other behavioral sciences, and those engaged in the manufacturing and distribution of drugs, to be selected by the Secretary for their expertise in the area of narcotic or depressant or stimulant drugs.

S. 2609, S. 2610, AND S. 2611—INTRODUCTION OF BILLS TO BROADEN MINORITY PARTICIPATION IN THE CONSTRUCTION INDUSTRY

Mr. BAYH. Mr. President, I am introducing, for appropriate reference, three bills which in my opinion are essential to increasing the participation of small contractors, especally small minority contractors, in the mainstream of the construction industry. Entry in the past has been hampered by a narrow scope of performance, inadequate capitalization, weak credit, lack of access to management and technical assistance and limited access to bid and performance bonds. These factors have seriously affected the efforts of minority contractors to participate fully in construction enterprises.

The problems and constraints faced by the average small contractor are often magnified by considerations of race and color. In view of the generally difficult nature of the construction business, small

contractors can ill afford such arbitrary limitations. However, beyond such limitations are very real financial, administrative, and technical restraints which must be removed.

The gigantic task of meeting the present and future construction needs of our Nation demand that we maximize our construction capability. This cannot be accomplished unless our technological and manpower resources are utilized to the fullest measure. A survey conducted by the National Business League revealed that—

> Only one-third of all Negro contractors were successful in securing performance bonds at any time and all of these had experienced "undue difficulty" in securing them. Seventy percent reported they had lost contracts because of inability to secure bonding.

The Small Business Administration estimates that among the half million more visible firms in the contract construction industry, the number owned by nonwhite persons does not exceed 8,000; 90 percent of these nonwhites are black.

In comments before the Senate on the bonding problems of black contractors, on February 24 of this year, I pointed out that millions of public dollars and increasingly large amounts of private capital are being committed to urban renewal and redevelopment. Concurrent programs of manpower development and skilled apprenticeship training are being conducted by several Federal agencies and private organizations. Yet very little of the money has found its way into the pockets of workers who live in minority communities.

During the past few months, my staff and I have given a great deal of thought to this problem with a view toward recommending a legislative remedy. I am still very much of the opinion that it is grossly inconsistent to express the pat phrases and rhetoric of "black capitalism" and not offer concrete proposals as part of the essential need for overall economic development of the minority communities of this country.

Our research indicates that legislation in this area is of significant interest to the organizations responsible for technical competence, labor and material, financing, and surety bonding. The Associated General Contractors, the National Association of Credit Management, the American Insurance Association, and the Building Trades Unions, have at some point indicated their interest in and willingness to participate in programs whose goal is the revitalization of our Nation's cities. All of us interested in revitalizing those decayed portions of America welcome the interest of these organizations and look forward to their continued participation in this effort.

Let me outline briefly the major policy objectives of these bills. The first bill would increase the participation of small business concerns in the construction industry by: First, providing for a Federal guarantee of certain construction bonds; second, authorizing the acceptance of certifications of competency in lieu of bonding in connection with certain Federal projects; and third, establishing a national construction task force staffed to provide technical instruction and counseling with respect to the managing, financing, and operation of small construction concerns, the techniques needed for successful bidding on construction contracts, and the correlation and dissemination of information concerning opportunities for small business enterprises to participate as prime contractors or subcontractors on construction projects.

Surety industry officials have stated their belief that surety companies have substantially more at stake than, for example, banks which have various security arrangements protective of their interests, such as governmental mortgage and loan guarantees not presently available to sureties. My bill would provide for a 90-percent guarantee to the surety against losses incurred as the result of default by a contractor.

The relationship between a surety company and the sponsor of a given construction project is very much a function of performance on time. The surety industry has stated:

> No surety company can reasonably be expected, unilaterally and in disregard of the long known desires of owners, to adopt a radical concept of underwriting premised on the needs *of the bond applicant* rather than on the needs *of the owner.*

Consequently, the bill would provide a vehicle for judicious evaluation of a contractor's performance potential and a means of protecting the sureties against 90 percent of any losses incurred. This should result in much greater participation by minority contractors who have the capability but not the needed bonding capacity.

The certificate of competency is presently used in the performance of government service and supply contracts. It is important to extend, as the bill would do, such application to Government contracts involving construction and to give minority contractors who have been unable to obtain bid and performance bonding the opportunity for reevaluation by the Small Business Administration. If the SBA determines that the contractor possessed qualifications considered normally sufficient by the surety industry, a certificate of competency would be issued to the contractor in lieu of a bid and/or performance bond. If the certified contractor should be the low bidder, his performance would be bonded by the Government as a self-insurer and he would in turn pay to the Government a premium commensurate with the going rate in the surety industry.

The guarantee and certification of competency programs are specifically geared to assist those contractors who are able and ready to perform but unable to obtain bonding. The proposed national construction task force would provide critically needed technical, financial, and managerial assistance to those minority contractors asipring to a position of competitive capacity. Knowledge of new materials alone can mean the difference between a successful and unsuccessful bidder. It is difficult to assess the number of minority contractors who are in need of such assistance. However, it is fair to assume that a large percentage of the estimated 8,000 would benefit greatly from such a program.

The second bill would amend section 3 of the Housing and Urban Development Act of 1968, entitled Jobs in Housing; Employment Opportunities for Lower Income Persons in Connection With Assisted Projects.

As presently constituted, this section calls for maximum feasible utilization of individuals and business concerns located in, or owned by persons who reside in areas of projects assisted by sections 235 and 236, section 271(d)(3) of the National Housing Act, and the low-rent housing program under the Housing Act of 1937. Section 3 is limited in its provisions of new opportunities for jobs and business contracts to projects involving federally assisted housing only.

In my opinion, the provisions and spirit of section 3 should be extended to include federally assisted programs of urban planning, development, redevelopment, or renewal; public or community facilities; and new community development. State and local planning agencies engaged in federally assisted projects spend millions of dollars annually to purchase the skills of firms offering urban planning and consultation services. This extension would greatly broaden the scope of employment and business opportunity for lower income persons and aspiring minority entrepreneurs.

The third bill would amend the Miller Act of 1935, which now requires that all Federal contracts for construction in excess of $2,000 must be bonded, to increase the exemption from $2,000 to $20,000. This would reduce the constraint of Federal bonding requirements which are presently an important additional factor in any comprehensive consideration of the bonding problems of minority contractors.

A committee on Federal construction contracts and programs of the Department of Housing and Urban Development reported in November of 1968:

> Emerging minority contractors need an opportunity to compete on small to medium contracts without the restraints of bonding procedures in order to develop necessary construction experience.

The committee also pointed out that, to a certain extent, "the Federal Government can be a self-insurer in these cases." The committee also stated its opinion that there should be further study before legislative change is requested, pointing out that—

> The protections of the Miller Act may be as or more important than any barrier it represents to disadvantaged contractors.

The Boekh Index of Construction is supportive of the need to adjust the requirements of the Miller Act upward. The recommended $20,000 figure reflects the difference between 1935 and 1969 costs and provides also for liberalization of Federal bonding requirements to eliminate the barriers to the "entry" level for Federal contracts.

The General Services Administration reports that in 1968, 20,000 contracts in the category of $2,000 or less were awarded for a total of $7 million.

In the category of $2,000 to $20,000, 1,114 contracts were let for an additional $7,401,284. It is clear that the recommended increase in value of contracts not requiring a payment and performance bond would double the dollar flow

to contractors limited presently by both bonding constraints and the small size of contracts that do not require bonding.

Mr. President, I firmly believe that the passage of these three bills would inject the substance of purpose and commitment into the rhetoric of those who speak energetically about minority economic development but offer so little toward its attainment.

I ask unanimous consent that the complete text of the three bills be printed in the RECORD at the conclusion of my remarks.

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

The bills, introduced by Mr. BAYH, were received, read twice by their titles, referred as indicated, and ordered to be printed in the RECORD, as follows:

S. 2609

A bill to increase the participation of small business concerns in the construction industry by providing for a Federal guarantee of certain construction bonds and authorizing the acceptance of certifications of competency in lieu of bonding in connection with certain Federal projects, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to advance the national policy set forth in section 2 of the Small Business Act by authorizing assistance to small business enterprises wishing to enter the construction business with special reference to those persons and concerns which, as a result of discrimination or otherwise, have not been able to participate fully or fairly in a vital and expanding industry.

CONSTRUCTION BOND GUARANTEES

SEC. 2. Title IV of the Small Business Investment Act of 1958 is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—GUARANTEES

"PART I—LEASE GUARANTEES";

(2) by striking out "this title", wherever it appears in sections 402 and 403, and inserting in lieu thereof "this part"; and

(3) by adding at the end thereof the following:

"PART II—CONSTRUCTION BOND GUARANTEES

"DEFINITIONS

"SEC. 410. As used in this part—

"(1) The term 'bid bond' means a bond conditioned upon the bidder on a contract for the performance of a construction project entering into the contract, if he receives the award thereof, and furnishing the prescribed payment bond and performance bond.

"(2) The term 'payment bond' means a bond conditioned upon the payment by the principal of money, received from the obligee, to subcontractors, mechanics, laborers, and other persons entitled to receive the same.

"(3) The term 'performance bond' means a bond conditioned upon the completion by the principal of a construction project in accordance with the terms of the contract under which the project is performed.

"(4) The term 'surety' means the person who (A) under the terms of a bid bond undertakes to pay a sum of money to the obligee in the event the principal breaches the conditions of the bond, or (B) under the terms of a payment bond or performance bond undertakes to incur the cost of fulfilling the terms of a construction contract in the event the principal breaches the conditions of the contract.

"(5) The term 'obligee' means (A) in the case of a payment bond or performance bond, the person who has contracted with a principal for the completion of a construction project and to whom the obligation of the surety runs in the event of a breach by the principal of the conditions of a payment bond or performance bond, or (B) in the case of a bid bond, the person requesting bids for the performance of a construction project. An obligee may be the owner or lessee of real property upon which a construction project is to be performed, or a prime contractor or subcontractor.

"(6) The term 'principal' means (A) the person primarily liable to complete a construction project for the obligee, or to make payments to other persons with money provided by the obligee in respect of such project, and for whose performance of his obligation the surety is bound under the terms of a payment or performance bond, or (B) in the case of a bid bond, a person bidding for the award of a contract to perform a construction project. A principal may be a prime contractor or a subcontractor.

"(7) The term 'prime contractor' means the person with whom the owner or lessee of real property upon which a construction project is to be performed has contracted to perform the project.

"(8) The term 'subcontractor' mean a person who has contracted with a prime contractor or with another subcontractor to perform a construction project.

"(9) The term 'construction project' means a project involving work on or improvements to real property; a construction project to be performed by a prime contractor may involve one or more lesser construction projects to be performed by subcontractors.

"AUTHORITY OF THE ADMINISTRATION

"SEC. 411. (a) The Administration may, upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss as the result of the breach of the terms of a bid bond, payment bond, or performance bond by a principal, subject to the following conditions:

"(1) The person who would be the principal of the bond is a small business concern.

"(2) The bond is required in order for such person to bid on a construction contract, or to serve as a prime contractor or subcontractor on a construction project.

"(3) Such person is not able to obtain such bond on terms and conditions which generally prevail in the industry without a guarantee under this section.

"(4) The Administration determines that there exists a reasonable expectation that such person will perform the covenants and conditions of the contract with respect to which the bond is required.

"(5) The contract and the construction project meet requirements established by the Administration for feasibility of successful completion and reasonableness of cost.

"(b) Any contract of guarantee under this section shall obligate the Administration to pay to the surety a sum not to exceed 90 per centum of the cost incurred by the surety in fulfilling the terms of his contract with an obligee as the result of the breach by the principal of the terms of a bid bond, performance bond, or payment bond.

"(c) The Administration shall fix a uniform annual fee for any guarantee under this section which shall be payable at such time as may be determined by the Administration. To the extent practicable, having due regard for the purposes of this section, the amount of any such fee shall be determined in accordance with sound actuarial practices and procedures. Any fee so established shall be subject to periodic review in order that the lowest fee that experience under the program shows to be justified will be placed into effect. The Administration may also fix such uniform fees for the processing of applications for guarantees under this section as it determines are reasonable and necessary to pay administrative expenses incurred in connection therewith.

"(d) The provisions of section 402 shall apply in the administration of this section.

"FUND

"SEC. 412. (a) There is established a revolving fund for use by the Administration in carrying out this part. Initial capital for such fund shall consist of not to exceed, $5,000,000 transferred from the fund established under section 4(c)(1)(B) of the Small Business Act, but paragraph (6) of such section shall not apply to any amounts so transferred.

"(b) There shall be deposited into the fund established by this section all receipts from the guarantee program authorized by this part. Money in such fund not needed for the payment of current operating expenses or for the payment of claims arising under such programs shall be invested in bonds or other obligations of, or guaranteed by, the United States; except that money provided as initial capital for such fund shall be returned to the fund established by section 4(c)(1)(B) of the Small Business Act, in such amounts and at such times as the Administration determines to be appropriate, whenever the level of the fund established by this section permits the return of such money without endangering the solvency of the program under this part."

CERTIFICATIONS OF COMPETENCY TO PERFORM FEDERAL CONSTRUCTION PROJECTS

SEC. 3. Paragraph (7) of section 8(b) of the Small Business Act is amended by inserting "(A)" after "(7)" and adding at the end thereof the following:

"(B)(i) to certify to any department or agency of the Government, within 15 days after application therefor is made by a small business concern, concerning the competency, capacity, and credit of such concern to bid upon and to carry out a contract for a construction project to be financed by such department or agency in accordance with the terms thereof, and to meet all obligations arising thereunder, and any such certification shall, notwithstanding any other provision of law, be accepted by such department or agency in lieu of requiring that such concern provide a bid bond, payment bond, or performance bond; subject to the following conditions:

"(aa) the small business concern is not able to obtain from private sources the bonding which, except for the provisions of this paragraph (B), would be required in order to be awarded such contract;

"(bb) the Administration determines that such concern possesses qualifications which would normally be considered sufficient by the surety industry to obtain such bonding:

"(cc) the amount of any payment bond or performance bond which, except for the provisions of this paragraph (B), would be required of such concern does not exceed $500,000; and

"(ii) to charge and receive from any small business concern which is awarded a contract for a construction project by a department or agency of the Government, pursuant to a certification made under this paragraph (B), a fee or fees in an aggregate amount which is not more than the premium or premiums which such concern would have otherwise been required to pay, under sound actuarial practices and procedures, to a private surety to obtain a payment bond and a performance bond in order to qualify for such contract; such fee or fees to be paid at such time or times as the Administration shall by regulation prescribe."

NATIONAL CONSTRUCTION TASK FORCE

SEC. 4. Section 8 of the Small Business Act is amended by adding at the end thereof a new subsection as follows:

"(f) (1) The Administrator shall establish

a National Construction Task Force (hereinafter referred to as the 'Task Force') to consist of fifteen persons to be appointed by the Administrator. Members of the Task Force shall be broadly representative of Government, business, labor, and the public, but in selecting such members the Administrator shall seek to obtain the services of persons who, by experience, training, or interest, are knowledgeable concerning the construction industry and the problems of the small contractor. Members of the Task Force shall elect a Chairman and shall meet on the call of the Chairman which shall be not less often than once each quarter. Each member of the Task Force from private life shall receive compensation at a rate of $75 for each day he is engaged in the actual performance of duties vested in the Task Force, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The Administration shall provide the Task Force with such office facilities, materials, and staff as may be necessary or appropriate to enable it to carry out its functions.

"(2) The Task Force shall, after consultation with representatives of the Department of Labor and the Department of Housing and Urban Development, develop programs and policies to be carried out, with the approval of the Administrator, for broadening the participation of small business enterprise in the construction industry. Such programs shall include (A) the provision of technical instruction and counselling with respect to the managing, financing, and operation of small construction concerns, and the techniques of successful bidding on construction contracts, and (B) the correlation and dissemination of information concerning opportunities for small business enterprises to participate as prime contractors or subcontractors on construction projects.

"(3) Approved programs and policies developed by the Task Force shall be carried out by the Administration on a local basis having regard for varying conditions prevailing in the construction industry in different areas of the country. Whenever necessary in furtherance of such programs and policies, the Administration may obtain the temporary or intermittent services of experts or consultants, or an organization thereof, in accordance with section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem.

"(4) The authority conferred by this subsection shall terminate upon the expiration of 10 years after the date of its enactment."

S. 2610

A bill to amend section 3 of the Housing and Urban Development Act of 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Housing and Urban Development Act of 1968 is amended to read as follows:

"EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

"SEC. 3. In the administration by the Secretary of Housing and Urban Development of programs providing financial assistance in aid of housing; urban planning, development, redevelopment, or renewal; public or community facilities; and new community development; the Secretary shall—

"(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and

"(2) require, in consultation with the Administrator of the Small Business Administration and the Secretary of Labor, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project."

S. 2611

A bill to amend the Act of August 24, 1935 (commonly referred to as the "Miller Act") to exempt construction contracts not exceeding $20,000 in amount from the bonding requirements of such Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of the first section of the Act of August 24, 1935, as amended (40 U.S.C. 270a(a)), is amended by striking out "$2,000" and inserting in lieu thereof "$20,000".

(b) Section 2 of such Act (40 U.S.C. 270b) is amended—

(1) by inserting "(1)" after "Sec. 2. (a)";

(2) by striking out "section" in subsection (b) and inserting in lieu thereof "subsection";

(3) by redesignating subsection (b) as paragraph (2); and

(4) by adding at the end thereof a new subsection as follows:

"(b) Any person who—

"(1) has furnished labor or material in connection with any contract with respect to which a payment bond was not provided but would have been required under section 1 if the amount thereof had exceeded $20,000; and

"(2) has not been paid in full for such labor or material upon the expiration of a period of 90 days after the day on which the last of the labor was performed or the material furnished by him;

may present in writing a claim to the head of the department or agency of the Government which awarded such contract for the amount owing to him for such labor or material which remained unpaid at the time of filing the claim. The head of such department or agency, or his designee, acting on behalf of the United States, shall consider, ascertain, determine, and settle any such claim as promptly as possible after the receipt thereof. Upon payment of any such claim, the United States shall be subrogated to the extent of such payment to all the rights of the claimant against the person for whom the labor or material was supplied. The acceptance by the claimant of any such payment shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States by reason of the same subject matter."

S. 2612—INTRODUCTION OF A BILL TO MODERNIZE JUDICIAL PROCEDURES IN CIVIL ANTITRUST CASES

Mr. DIRKSEN. Mr. President, I introduce for appropriate reference, a bill to modernize judicial procedures in civil antitrust cases brought by the Government by revising the Expediting Act of 1903. (15 U.S.C. 28, 29; 49 U.S.C. 44, 45.)

Section 1 of the Expediting Act provides for the convening of a three-judge district court to hear and determine, on an expedited basis, civil actions filed by the United States under the Sherman and Clayton Acts and under certain sections of the Interstate Commerce Act and Federal Communications Act, when the Attorney General files with the district court a certificate that in his opinion "the case is of general public importance." Section 2 of that act provides for direct appeal to the Supreme Court from a final judgment of a district court in any civil action brought by the United States under any of the acts covered by section 1. It is very doubtful whether the grant or denial of interlocutory injunctions in cases covered by the Expediting Act can be appealed under existing law.

On a number of occasions in the recent past, justices of the Supreme Court, both in opinions and in out-of-court statements, have called for amendment of the Expediting Act to provide that appeals in civil antitrust cases brought by the Government should ordinarily go in the first instance to the courts of appeals. Under present law the Supreme Court is called upon to review district court decisions in all Government antitrust cases in which an appeal is taken without regard to the general significance of the issues raised by the appeal. Moreover, the Court must review such cases—which often involve lengthy records and complex economic issues—without the benefit of the careful sifting of the facts and narrowing of the issues which a court of appeals review affords. And because Expediting Act appeals are matters of right, and are the only appeal which either party has available, the Court is often forced by the requirements of its docket to dispose of cases summarily in cryptic per curiam orders. In addition, the three-judge court procedure, which has been only rarely invoked, imposes a substantial and unnecessary burden on our limited judicial resources.

The bill I am introducing today on behalf of the administration would remedy these problems. It is similar to legislation I introduced in the last Congress (S. 2721, 90th Cong.), which was passed by this Chamber on October 11, 1968, and which I reintroduced in this Congress on March 17, 1969 (S. 1566). I believe that the legislation which I am introducing today is an improvement over my earlier measure.

Now let me state, in a nutshell, what this bill does. First, it eliminates the archaic three-judge procedure in the district courts. Second, it provides that in the ordinary course, appeals in the Government's civil antitrust cases will be taken to the courts of appeals, subject to discretionary review by the Supreme Court, on petition for a writ of certiorari. Third, it provides for direct appeal to the Supreme Court, without intermediate review by the court of appeals, in cases which the Attorney General, as the officer responsible for antitrust enforcement of the antitrust laws, or the district court in which the case was heard, determines to be of general public importance in the administration of justice. Fourth, it provides that the courts of appeals may review the grant or denial of interlocutory injunctions—a very important remedy for both sides in merger cases. Finally, it eliminates the almost never used provi-

sions for direct review of certain enforcement proceedings under the Interstate Commerce and Federal Communications Acts.

This bill is the distillation of the thought of many judges, lawyers and scholars. It contains the substance of proposals which the section on antitrust law of the American Bar Association has been discussing in recent years with officials of the Department of Justice and also reflects the recommendations of the Judicial Conference of the United States. It is a long needed reform. The Attorney General, the Solicitor General, and the Assistant Attorney General in charge of the Antitrust Division, like their distinguished predecessors, are convinced that this bill will enhance effective antitrust enforcement by streamlining its review procedures and providing for appellate review of interlocutory injunctions.

Mr. President, an analysis of the entire problem and of this bill, which will correct it, is set forth in the Attorney General's letter requesting that the bill be introduced. I ask unanimous consent that both the Attorney General's letter and the text of the bill be printed at this point in the RECORD.

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

The bill (S. 2612) to amend the act of February 11, 1903, commonly known as the Expediting Act, and for other purposes, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on the Judiciary, as follows:

S. 2612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of February 11, 1903 (32 Stat. 823, as amended, 15 U.S.C. 28, 49 U.S.C. 44), commonly known as the Expediting Act, is amended to read as follows:

"SEC. 1. In any civil action brought in any district court of the United States under the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, or any other Acts having like purpose that have been or hereafter may be enacted, wherein the United States is plaintiff and equitable relief is sought, the Attorney General may file with the court, prior to the entry of final judgment, a certificate that, in his opinion, the case is of general public importance. Upon filing of such certificate, it shall be the duty of the judge designated to hear and determine the case, or the chief judge of the district court if no judge has as yet been designated, to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

SEC. 2. Section 2 of that Act (15 U.S.C. 29, 49 U.S.C. 45) is amended to read as follows:

"(a) Except as otherwise expressly provided by this section, in every civil action brought in any district court of the United States under the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, or any other Acts having like purpose that have been or hereafter may be enacted, in which the United States is the complainant and equitable relief is sought, any appeal from a final judgment entered in any such action shall be taken to the court of appeals pursuant to sections 1291 and 2107 of title 28 of the United States Code. Any appeal from an interlocutory order entered in any such action shall be taken to the court of appeals pursuant to sections 1292(a)(1) and 2107 of title 28 of the United States Code but not otherwise. Any judgment entered by the court of appeals in any such action shall be subject to review by the Supreme Court upon a writ of certiorari as provided in section 1254(1) of title 28 of the United States Code.

"(b) An appeal from a final judgment pursuant to subsection (a) shall lie directly to the Supreme Court if:

(1) upon application of a party filed within five days of the filing of a notice of appeal, the district judge who adjudicated the case enters an order stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice; or

(2) the Attorney General files in the District Court a certificate stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice.

A court order pursuant to (1) or a certificate pursuant to (2) must be filed within fifteen days after the filing of a notice of appeal. When such an order or certificate is filed, the appeal and any cross-appeal shall be docketed in the time and manner prescribed by the rules of the Supreme Court. That Court shall thereupon either (1) dispose of the appeal and any cross-appeal in the same manner as any other direct appeal authorized by law, or (2) in its discretion, deny the direct appeal and remand the case to the court of appeals, which shall then have jurisdiction to hear and determine the same as if the appeal and any cross-appeal therein had been docketed in the court of appeals in the first instance pursuant to subsection (a)."

SEC. 3. (a) Section 401(d) of the Communications Act of 1934 (47 U.S.C. § 401(d)) is repealed.

(b) The proviso in section 3 of the Act of February 9, 1903, as amended (32 Stat. 848, 849; 49 U.S.C. 43), is repealed and the colon preceding it is changed to a period.

SEC. 4. The amendment made by section 2 shall not apply to an action in which a notice of appeal to the Supreme Court has been filed on or before the fifteenth day following the date of enactment of this Act. Appeal in any such action shall be taken pursuant to the provisions of section 2 of the Act of February 11, 1903 (32 Stat. 823, as amended, 15 U.S.C. 29, 49 U.S.C. 45) which were in effect on the day preceding the date of enactment of this Act.

The letter presented by Mr. DIRKSEN is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: There is enclosed a proposed bill to amend the Expediting Act, 32 Stat. 823, as amended, 15 U.S.C. 28 and 29, 49 U.S.C. 44 and 45.

The bill would streamline judicial procedure in antitrust litigation and institute procedure for appellate review of interlocutory orders on injunctions.

The bill would amend Section 1 of the Expediting Act (15 U.S.C. 28, 49 U.S.C. 44) which provides for a three-judge district court in civil actions where the United States is a plaintiff under the Sherman or Clayton Antitrust Acts or certain sections of the Interstate Commerce Act, when the Attorney General files with the district court a certificate that the case is of general public importance. The section also provides that the hearing and determination of such cases shall be expedited. The amendment would eliminate the provision that a three-judge court be impaneled when the Attorney General files his expediting certificate, but would retain the expediting procedure in single judge district courts.

The bill would amend Section 2 of the Act (15 U.S.C. 29, 49 U.S.C. 45), which provides that appeal from a final judgment of a district court in any civil action brought by the United States under any of the acts covered by Section 1 of the Expediting Act will lie only in the Supreme Court. The amendment would eliminate direct appeal to the Supreme Court in such actions for all but cases of general public importance, substituting normal appellate review through the courts of appeals with discretionary review by the Supreme Court. The amendment provides that any appeal from a final judgment in a Government civil case under the antitrust laws, or other statutes of like purpose, and not certificated by the Attorney General or the district court as requiring immediate Supreme Court review, will be taken to the court of appeals pursuant to Sections 1291 and 2107 of title 28 of the United States Code. Any appeal from an interlocutory order entered in any such action shall be taken to the court of appeals pursuant to Section 1292(a)(1) and 2107 of title 28 of the United States Code, but not otherwise. Any judgments entered by the courts of appeals in such actions shall be subject to review by the Supreme Court upon a writ of certiorari.

The amendment also provides that an appeal and any cross-appeal from a final judgment in such proceedings will lie directly in the Supreme Court if, not later than fifteen days after the filing of a notice of appeal, (1) upon application of a party, the district judge who decided the case enters an order stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice, or (2) the Attorney General files in the district court a certificate containing the same statement. Upon filing of such an order or certificate, the Supreme Court shall either dispose of the appeal and any cross-appeal in the same manner as any other direct appeal authorized by law or deny the direct appeal and remand the case to the court of appeals. Review in that court could then go forward without further delay. This is similar to the procedure of the Criminal Appeals Act (18 U.S.C. 3731).

The bill would also narrow the scope of the Expediting Act by eliminating the reference in existing law to civil cases brought by the United States under the original Interstate Commerce Act and subsequent statutes of like purpose. This change, however, would not alter the breadth of the Expediting Act insofar as the Government's injunctive antitrust cases are concerned.

In the early days of the Sherman Act it was desirable that, when the Attorney General believed an antitrust case brought by the Government would be of general public importance, he could have the case heard on an expedited basis by a specially designated court providing the advantage, in a relatively new area of law, of the wisdom and experience of three judges. Accordingly, the three-judge court provision in the Expediting Act was adopted in 1903, when trial judges and practitioners were encountering emerging legal and economic issues of novel complexity. However, the bench and bar's familiarity today with the antitrust laws obviates the need for three-judge courts. In nearly 30 years now the Department has resorted to the three-judge court procedure in antitrust cases but seven times, and only once during the last decade. Three-judge courts represent a substantial burden on our judicial resources and we see no adequate justification for continuation of the three-judge court provision in the law.

We believe that it is desirable to eliminate direct appeal to the Supreme Court for all but cases of general public importance and to substitute normal appellate review

through the courts of appeals, with discretionary review by the Supreme Court. However, we also believe that upon the Attorney General's certification that an antitrust case, prior to final judgment, is of general public importance, the district court should expedite it, and if so certificated by the trial judge or the Attorney General within 15 days after any party has noted an appeal, the case should be routed directly to the Supreme Court.

On several recent occasions the Supreme Court has called attention to the unsatisfactory nature of the present procedure. See, e.g., *United States* v. *Singer Mfg. Co.*, 374 U.S. 174, 175, n. 1; *Brown Shoe Co.* v. *United States*, 370 U.S. 294, 355, 363–364 (Opinions of Clark and Harlan, JJ.); *United States* v. *du-Pont & Co.*, 366 U.S. 316, 324; cf. *Kennecott Copper Co.* v. *United States*, 381 U.S. 414 (Harlan and Goldberg, JJ., dissenting); but see *United States* v. *Singer Mfg. Co., supra*, at 197 (Opinion of White, J.). Under present law the Supreme Court is called upon to review district court decisions in all Government antitrust cases in which an appeal is taken, without regard to the general significance of the issues raised by the appeal. The Government can sometimes ameliorate this situation without undue sacrifice of enforcement aims by not appealing cases which it would be willing to carry to a court of appeals; but a defendant, of course, has a private interest which can be asserted only in the particular case and hence only by an appeal to the Supreme Court in the event that the district court rules against him. In most instances appeals by both defendants and the Government can initially be considered more effectively by the courts of appeals. Indeed, the availability of review by the courts of appeals would greatly ease the burden on the Supreme Court, which at present must often examine immense evidentiary records. The courts, defendants and the Government, therefore, will be better served by making review in the courts of appeals the normal rule.

It is desirable, however, that the possibility of immediate review by the Supreme Court be preserved for cases of general public importance in the administration of justice. Such cases will usually involve novel legal questions pertaining to the interpretation or enforcement of the antitrust laws or may have serious legal or economic consequences going beyond the mere private interests of the individual litigants.

The determination of whether a case should be certified directly to the Supreme Court can best be made by the Attorney General or the trial judge who decided the case. It is the public interest in effective antitrust enforcement which primarily dictates the need for any direct appeals, and it is the Attorney General—the chief law officer of the United States—who is in the best position to determine what the total enforcement picture is with respect to a particular case. Though defendants' private interests, which may be of substantial private importance, would not afford a basis for direct appeal to the Supreme Court, the trial judge who heard and decided the case can best evaluate a defendant's claim that immediate Supreme Court review is of general public importance in the administration of justice.

The bill's provision requiring the Attorney General or the district judge to file the certificate within 15 days after either party has filed its notice of appeal will assure that the opposing party is promptly notified that a direct appeal is involved. And the routing of both appeals and cross-appeals to the Supreme Court by the filing of the certificate will eliminate the delay and confusion of piecemeal appeals.

There is presently considerable uncertainty as to whether the interlocutory appeal statute, 28 U.S.C. 1292(a), is available in cases falling within the Expediting Act. The circuits of the courts of appeals are split on this question (compare *United States* v. *Ingersoll Rand*, 320 F. 2d 509 (3d Cir. 1963), with *United States* v. *F.M.C. Corp.*, 321 F. 2d, 534 (9th Cir.), application for temporary injunction denied, 84 S. Ct. 4 (1963) (Goldberg, J., in chambers), and *United States* v. *Cities Service Co.*, No. 7216 (1st Cir., May 8, 1969)), and we think it appropriate to resolve this question with clarifying legislation.

We strongly believe in the desirability of appellate review of district court orders granting, modifying, or denying preliminary injunctions. Such review is generally limited to the outset of a case and would not cause undue delay or disruption. The district court's discretion on injunctions can be reviewed, in substantial part, separately from a determination of the ultimate merits of the case and court of appeals review is not, therefore, inconsistent with subsequent direct Supreme Court review of the final judgment in the event of certification. Moreover, the immediate impact of injunctive orders, whether the injunction is granted or denied, calls for appellate review as a matter of fairness. The public interest that possibly unlawful mergers not be consummated until their validity is adjudicated, in addition to the obvious desire of private business to avoid a costly and complicated unscrambling, would, in our view, benefit from making the provisions of 28 U.S.C. 1292(a)(1) available in Expediting Act cases.

These considerations do not apply to appeals of interlocutory orders not relating to injunctions pursuant to 28 U.S.C. 1292(b). That section permits interlocutory appeal of any order made at any time during the district court proceedings, to which that court appends the statutory findings (although the court of appeals may, in its discretion, decline to allow the appeal). One reason against applicability of Section 1292(b) is the desire to avoid undue delay and disruption. Antitrust cases are often lengthy and complex, containing sufficient obstacles to expeditious conclusion without increasing the possibilities of interruption for interlocutory appeals. A second reason is the inappropriateness of review of controlling questions of law by a court which later may never get review of the final judgment. The theory of 1292(b) is that the appellate court should have an opportunity to rule early, before getting the final judgment, on questions that may be decisive. It would be anomalous for the courts of appeals to undertake interlocutory resolution of such issues when, at the end of trial, if a certificate is filed, the final judgment would go directly to the Supreme Court.

Finally, we think no useful purpose is served by retaining enforcement proceedings under the Interstate Commerce Act or the Communications Act within the scope of the Expediting Act. The Interstate Commerce Act is expressly included in Section 1 of the Expediting Act, while Section 401(d) of the Communications Act (47 U.S.C. 401(d)) makes the Expediting Act applicable to cases brought by the United States under Sections 201–222 of the Communications Act. We see no need for direct appeal in such cases—indeed, these provisions have rarely been invoked. Therefore we propose that references to the Interstate Commerce Act be stricken from the Expediting Act and that Section 401(d) of Title 27 be repealed.

The Bureau of the Budget advises that there is no objection to the presentation of this proposed bill from the standpoint of the Administration's program.

Sincerely,

ATTORNEY GENERAL.

S. 2619—INTRODUCTION OF A BILL TO AMEND SECTION 5723(b) OF TITLE 5, UNITED STATES CODE

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a bill to amend section 5723(b) of title 5, United States Code, relating to length of service required by teachers in Bureau of Indian Affairs schools when travel and transportation expenses are paid to first post of duty.

This proposed legislation was submitted by Executive communication, dated July 2, 1969, from the Department of the Interior. I ask unanimous consent that the letter from Acting Secretary Russell E. Train explaining the background and purpose of the bill be inserted in the RECORD following my remarks.

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

The bill (S. 2619) to amend Section 5723(b) of Title 5, United States Code, relating to length of service required by teachers in Bureau of Indian Affairs schools when travel and transportation expenses are paid to first post of duty, introduced by Mr. JACKSON, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. JACKSON, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 2, 1969.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend Section 5723(b) of Title 5, United States Code, relating to length of service required by teachers in Bureau of Indian Affairs schools when travel and transportation expenses are paid to first post of duty."

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

The proposed bill would amend subsection 5723(b) of Title 5, United States Code to prescribe a minimum period of one school year, rather than 12 months, which a teacher in Bureau of Indian Affairs schools, must agree to serve in order to have travel and transportation expenses paid to first post of duty as a shortage category type position. The services of the majority of such teachers are required only for the duration of the school year which approximates that of the public schools, i.e., from late August or early September through May or the first part of June. A large number of new teachers (between 400 and 500) are hired for the start of each school year. Many of these, for one reason or another, leave Bureau service at the end of one school year of service. However, because of the present requirement to remain in Government service for a minimum period of 12 months from date of appointment, in order not to be liable for repayment of moneys spent by the Bureau for their travel and transportation expenses at time of appointment, most will delay submitting their resignations until the end of this 12-month period.

This creates many problems. If a teacher is not going to continue his employment for another school year, it is to the Government's interest and advantage to know this by the end of the school year in order to assure that a replacement is recruited and on duty by the start of the next school year. Severe administrative problems occur when an employee resigns after the beginning of the school year, the severity being further compounded when an employee waits until the completion of his 12 months of service to submit his resignation. Enactment of the

proposed bill would alleviate this situation by relieving teachers who complete a school year of service of any obligation to repay travel expenses to the Government, regardless of the reason for their resignation. Some slight savings in salary costs would also accrue to the Government as many of these teachers are now kept in a pay status through the summer months in order to attend workshops, work on curriculum development, or take educational and annual leave. Resignation of teachers at the close of the school year would also be advantageous to the Bureau in that summertime efforts to improve the quality of teaching could be directed only at those remaining for another school year.

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

Sincerely yours,

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

S. 2620—INTRODUCTION OF A BILL TO AMEND AND EXTEND LAWS RELATING TO HOUSING AND URBAN DEVELOPMENT

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, the administration's housing bill for 1969, entitled "The Housing and Urban Development Amendments for 1969." Cosponsors of the bill are the Senator from Utah (Mr. BENNETT), ranking minority member of the Banking and Currency Committee, and the Senator from Texas (Mr. TOWER), ranking minority member of the Subcommittee on Housing and Urban Affairs.

I ask unanimous consent that the bill and the section-by-section analysis of the bill be printed in full in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 2620) to amend and extend laws relating to housing and urban development, and for other purposes, introduced by Mr. SPARKMAN (for himself, Mr. BENNETT, and Mr. TOWER), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2620

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 "Housing and Urban Development Amendments of 1969".

TITLE I—AMENDMENTS TO THE NATIONAL HOUSING ACT

EXTENSION OF FHA INSURANCE AUTHORITIES

SEC. 101. (a) Section 2(a) of the National Housing Act is amended by striking "1969" in the first sentence and inserting in lieu thereof "1971".

(b) Section 217 of such Act is amended by—

(1) striking "or title X" and inserting in lieu thereof "title X or title XI"; and

(2) striking "1969" and inserting in lieu thereof "1971".

(c) Section 221(f) of such Act is amended by striking "1969" in the fifth sentence and inserting in lieu thereof "1971".

(d) Section 809(f) of such Act is amended by striking "1969" in the second sentence and inserting in lieu thereof "1971".

(e) Section 810(k) of such Act is amended by striking "1969" in the second sentence and inserting in lieu thereof "1971".

(f) Section 1002(a) of such Act is amended by striking "1969" in the second sentence and inserting in lieu thereof "1971".

(g) Section 1101(a) of such Act is amended by striking "1969" in the second sentence and inserting in lieu thereof "1971".

(h) Section 401(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is hereby repealed.

EXPIRATION OF FHA RENTAL HOUSING PROGRAM FOR THE ELDERLY

SEC. 102. Section 231 of the National Housing Act is amended by inserting at the end thereof the following new subsection:

"(g) No mortgage shall be insured under this section after December 31, 1969, except pursuant to a commitment to insure issued on or before that date."

MORTGAGE LIMITS FOR MOBILE HOME COURTS

SEC. 103. Section 207 of the National Housing Act is amended by—

(1) striking "trailer coach mobile dwellings" in paragraph numbered (1) of subsection 207(a) and inserting in lieu thereof "mobile homes";

(2) striking "trailer court or park" in paragraph numbered (6) of subsection 207(a) and inserting in lieu thereof "mobile home court or park";

(3) striking "trailer coach mobile dwellings" in paragraph numbered (6) of subsection 207(a) and inserting in lieu thereof "mobile homes"; and

(4) striking "$1,800 per space or $500,000 per mortgage for trailer courts or parks" in the first sentence of subsection 207(c)(3) and inserting in lieu thereof "$2,500 per space or $1,000,000 per mortgage for mobile home courts or parks".

MORTGAGE INSURANCE ON CONDOMINIUM UNITS FOR SERVICEMEN

SEC. 104. Section 222(b)(1) of the National Housing Act is amended by inserting "or 234(c)," immediately before the word "except".

HOMEOWNERSHIP FOR LOWER INCOME FAMILIES

SEC. 105. The second sentence of section 235(h)(1) of the National Housing Act is amended—

(1) by striking "and" the second time it appears; and

(2) by inserting before the period at the end thereof ", and by such sums as may be necessary thereafter".

RENTAL AND COOPERATIVE HOUSING FOR LOWER INCOME FAMILIES

SEC. 106. The second sentence of section 236(i)(1) of the National Housing Act is amended—

(1) by striking "and" the second time it appears; and

(2) by inserting before the period at the end thereof ", and by such sums as may be necessary thereafter".

INCREASE IN GNMA PURCHASE AUTHORITY

SEC. 107. Section 302(b) of the National Housing Act is amended by—

(1) striking "exceeds or exceeded $17,500" in clause (3) of the proviso to the first sentence and inserting in lieu thereof "exceeds or exceeded $20,000";

(2) striking "that exceeds $17,500" in the second sentence and inserting in lieu thereof "that exceeds the otherwise applicable maximum amount"; and

(3) striking "did not exceed $17,500" in the second sentence and inserting in lieu thereof "did not exceed the otherwise applicable maximum amount".

RECISSION OF SPECIAL ASSISTANCE AUTHORIZATION

SEC. 108. Section 305(c) of the National Housing Act is amended by striking ", and by $500,000,000 on July 1, 1969".

TITLE II—RENEWAL AND HOUSING ASSISTANCE

INCREASED AUTHORIZATION FOR URBAN RENEWAL

SEC. 201. The first sentence of section 103(b) of the Housing Act of 1949 is amended by inserting before the period at the end thereof ", and by such sums as may be necessary thereafter; *Provided,* That, the Secretary shall not in any year contract to make grants in an aggregate amount greater than is authorized in appropriation acts".

EXTENSION OF URBAN RENEWAL ASSISTANCE TO INDIAN TRIBES

SEC. 202. (a) Section 110(h) of the Housing Act of 1949 is amended by striking the second sentence and inserting in lieu thereof a new sentence as follows: "The term 'State' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories, possessions, and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States".

(b) The first sentence of section 116 of such Act is amended by striking "and counties" and inserting in lieu thereof "counties, and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States".

(c) The first sentence of section 117 of such Act is amended by striking "and counties" and inserting in lieu thereof "counties, and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States".

(d) The first sentence of section 118 of such Act is amended by striking "and counties" and inserting in lieu thereof "counties, and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States".

LOANS FOR PUBLIC HOUSING PROJECTS

SEC. 203. Section 9 of the United States Housing Act of 1937 is amended by striking the third sentence.

PUBLIC HOUSING ANNUAL CONTRIBUTIONS

SEC. 204. The proviso to section 10(b) of the United States Housing Act of 1937 is amended by inserting immediately after "any contract" the following: ", although not limited to debt service requirements,".

ROOM COSTS IN HIGH-COST AREA

SEC. 205. The proviso to the first sentence of section 15(5) of the United States Housing Act of 1937 is amended by striking "$750 per room" and inserting "45 per centum" in lieu thereof.

MANAGEMENT AND SERVICES IN PUBLIC HOUSING PROJECTS

SEC. 206. The last sentence of section 15(10) of the United States Housing Act of 1937 is amended by striking "July 1, 1970" and inserting "July 1, 1971" in lieu thereof.

ADDITIONAL AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

SEC. 207. Section 401(f)(2) of the Housing Act of 1950 is amended by inserting before the period at the end thereof ", and by such sums as may be necessary thereafter".

TITLE III—METROPOLITAN DEVELOPMENT

COMPREHENSIVE PLANNING ASSISTANCE

SEC. 301. (a) Section 701(a) of the Housing Act of 1954 is amended by—

(1) striking "and" at the end of paragraph numbered (10);

(2) striking the period at the end of paragraph numbered (11) and inserting in lieu thereof "; and"; and

(3) adding a new paragraph after paragraph numbered (11) as follows:

"(12) States, including statewide agencies or instrumentalities of a State or its political subdivisions which are designated by the Governor of the State and acceptable to the Secretary, for programs focused upon the needs of communities having populations less than one hundred thousand which provide information and data on urban needs

and urban assistance programs and activities and technical assistance to such communities with respect to the solution of local problems."

(b) Title IX of the Demonstration Cities and Metropolitan Development Act of 1966 is hereby repealed.

AUTHORIZATION FOR COMPREHENSIVE PLANNING

SEC. 302. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking "and" and inserting before the period at the end thereof ", and such sums as may be necessary thereafter".

AUTHORIZATION FOR NEW COMMUNITY ASSISTANCE GRANTS

SEC. 303. Section 412(d) of the Housing and Urban Development Act of 1968 is amended by striking "July 1, 1970" and inserting in lieu thereof "July 1, 1971".

AUTHORIZATION FOR OPEN SPACE LAND PROGRAMS

SEC. 304. The first sentence of section 702(b) of the Housing Act of 1961 is amended by striking "and" and inserting before the period at the end thereof", and by such sums as may be necessary thereafter".

AUTHORIZATION FOR WATER AND SEWER FACILITIES, NEIGHBORHOOD FACILITIES, AND ADVANCE ACQUISITION OF LAND PROGRAMS

SEC. 305. Section 708(b) of the Housing and Urban Development Act of 1965 is amended by striking "July 1, 1970" and inserting in lieu thereof "July 1, 1971".

TRAINING AND FELLOWSHIP PROGRAMS

SEC. 306. Title VIII of the Housing Act of 1964 is amended to read as follows:

"TITLE VIII—TRAINING AND FELLOWSHIP PROGRAMS

"FINDINGS AND PURPOSE

"SEC. 801. (a) The Congress finds that the rapid expansion of the Nation's urban areas and urban population has caused severe problems in urban and suburban development and created a national need to (1) provide special training in skills needed for economic and efficient community development and (2) support research in new or improved methods of dealing with community development problems.

"(b) It is the purpose of this title to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists and to assist and encourage the States, in cooperation with public or private universities and colleges and urban centers, and with business firms and associates, labor unions, and other interested associations and organizations to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills, who are, or are training to be, employed by a governmental or public body which has responsibility for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs; and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems.

"FELLOWSHIPS FOR CITY PLANNING AND URBAN STUDIES

"SEC. 802. (a) The Secretary is authorized to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists as herein provided. Persons shall be selected for such fellowships solely on the basis of ability and upon the recommendation of the Urban Studies Fellowship Advisory Board established pursuant to subsection (b). Fellowships shall be solely for training in public and private nonprofit institutions of higher education having programs of graduate study in the field of city planning or in related fields (including architecture, civil engineering, economics, municipal finance, public administration, and sociology), which programs are oriented to training for careers in city and regional planning, housing, urban renewal, and community development.

"(b) There is hereby established the Urban Studies Fellowship Advisory Board (hereinafter referred to as the "Board"), which shall consist of nine members to be appointed by the Secretary of Housing and Urban Development as follows: Three from public institutions of higher learning, and three from private nonprofit institutions of higher education, who are the heads of departments which provide academic courses appropriately related to the field referred to in subsection (a), and three from national organizations which are directly concerned with problems relating to urban, regional and community development. The Board shall meet upon request of the Secretary and shall make recommendations to him with respect to persons to be selected for fellowships under this section. Members of the Board shall be entitled to receive transportation expenses and a per diem in lieu of subsistence as authorized for members of advisory committees created pursuant to section 601 of the Housing Act of 1949.

"MATCHING GRANTS TO STATES

"Sec. 803. (a) Subject to the provisions of this title and in accordance with regulations prescribed by him, the Secretary may make matching grants to States to assist in—

"(1) organizing, initiating, developing, or expanding programs to provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibilities for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs; and

"(2) supporting State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems, and collecting, collating and publishing statistics and information relating to such research.

"(b) No grants may be made to a State under this section unless the Secretary has approved a plan for the State which—

"(1) sets forth the proposed use of the funds and the objectives to be accomplished;

"(2) explains the method by which the required amounts from non-Federal sources will be obtained;

"(3) provides such fiscal control and fund accounting procedures as may be reasonably necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this section.

"(4) designates an officer or agency of the State government who has responsibility and authority for the administration of a statewide research and training program as the officer or agency with responsibility and authority for the execution of the State's program under this section; and

"(5) provides that such officer or agency will make such reports to the Secretary, in such form, and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this section.

"(c) No grant may be made under this section for any use unless an amount at least equal to such grant is made available from non-Federal sources for the same purpose and for concurrent use.

"STATE LIMIT

"SEC. 804. Not more than 10 per centum of the total amount appropriated for the purposes of this title may be used for making grants to any one State.

"TECHNICAL ASSISTANCE, STUDIES, AND PUBLICATION OF INFORMATION

"SEC. 805. In order to carry out the purpose of this title, the Secretary is authorized to provide technical assistance to State and local governmental or public bodies and to undertake such studies and publish and distribute such information, either directly or by contract, as he shall determine to be desirable. Nothing contained in this title shall limit any authority of the Secretary under any other provision of law.

"APPROPRIATIONS

"SEC. 806. There is authorized to be appropriated for the purpose of making grants and providing fellowships under this title, without fiscal year limitation, not to exceed $30,000,000. Any amounts appropriated under this section shall remain available until expended.

"MISCELLANEOUS

"SEC. 807. (a) As used in this title the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands; and the term 'Secretary' means the Secretary of Housing and Urban Development.

"(b) There are authorized to be appropriated such sums as may be necessary for administrative and other expenses in carrying out this title."

TITLE IV—MISCELLANEOUS

INCREASED AUTHORIZATION FOR MODEL CITIES

SEC. 401. (a) Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by striking "and" the third time it appears; and

(2) by inserting before the period at the end thereof ", and by such sums as may be necessary thereafter".

(b) Section 111(c) of such Act is amended by striking everything after "available" and inserting in lieu thereof "until expended.".

FLEXIBLE INTEREST RATE AUTHORITY

SEC. 402. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veteran's 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, is amended by striking ", until October 1, 1969,", and inserting in lieu thereof ", until October 1, 1971,".

ANNUAL HOUSING REPORT

SEC. 403. Section 1603 of the Housing and Urban Development Act of 1968 is amended by striking "January" and inserting in lieu thereof "February".

URBAN PROPERTY PROTECTION AND REINSURANCE—ENTRY INTO REINSURANCE CONTRACTS

SEC. 404. Section 1222(d) of the National Housing Act is amended by striking all that follows "thereafter" the first time that word appears and inserting in lieu thereof a period.

URBAN PROPERTY PROTECTION AND REINSURANCE—STATE SHARE OF REINSURED LOSSES

SEC. 405. Section 1223(a) of the National Housing Act is amended by amending paragraph numbered (1) to read as follows:

"(1) in any State which has not, after the close of the second full regular session of the appropriate State legislative body fol-

lowing the date of the enactment of this title, adopted appropriate legislation, retroactive to the date of the enactment of this title, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary for any reinsured losses in that State in any reinsurance contract year, in an amount up to 5 per centum of the aggregate property insurance premiums earned in that State during the calendar year immediately preceding the end of the reinsurance contract year on those lines of insurance reinsured by the Secretary in that State during the contract year, to the extent that reinsured losses paid by the Secretary for such year exceed the total of (A) reinsurance premiums earned in that State during that reinsurance contract year plus (B) the excess of (i) the total premiums earned by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent reinsurance contract year with respect to which the Secretary was reimbursed for losses under this title over (ii) any amounts paid by the Secretary for reinsured losses that were incurred during such period;"

STUDY OF REINSURANCE AND OTHER PROGRAMS

SEC. 406. Section 1235(b) of the National Housing Act is amended by striking "one year following the date of the enactment of this title" and inserting in lieu thereof "June 30, 1970".

NATIONAL FLOOD INSURANCE PROGRAM—ADOPTION OF LOCAL FLOOD CONTROL MEASURES

SEC. 407. (a) Paragraph numbered (2) of section 1305(c) of the National Flood Insurance Act of 1968 is amended by striking "June 30, 1970, permanent" and inserting in lieu thereof "December 31, 1971, adequate".

(b) Section 1315 of such Act is amended by—

(1) striking "June 30, 1970" and inserting in lieu thereof "December 31, 1971"; and

(2) striking "permanent" and inserting in lieu thereof "adequate".

(c) Section 1361(c) of such Act is amended by striking "permanent" and inserting in lieu thereof "adequate".

The analysis, presented by Mr. SPARKMAN is as follows:

SECTION-BY-SECTION SUMMARY OF HOUSING AND URBAN DEVELOPMENTS OF 1969

TITLE I—AMENDMENTS TO THE NATIONAL HOUSING ACT

Sec. 101. Extension of FHA insurance authorities

This section would extend, until October 1, 1971, the Federal Housing Administration's authority under the National Housing Act to insure housing and other types of mortgage loans and to insure Title I property improvement loans. Without this extension the FHA's basic insuring authorities will (with minor exceptions) expire on October 1 of this year.

Subsection (a) extends the authority of FHA to insure property improvement loans under its Title I program. Subsection (b) extends authority to insure housing loans and mortgages under all FHA programs except those with independent termination dates. Subsection (c) extends the section 221 program of mortgage insurance for housing for low and moderate income families and subsections (d) and (e) extends the authority to insure mortgages under the section 809 and 810 programs providing housing for the military, NASA and the AEC. Subsections (f) and (g) extend the programs of mortgage insurance for land development and for group medical facilities. Subsection (h) revokes FHA's special authority to insure mortgages for new communities under the Title X program until October 1, 1972. As in other FHA programs, such authority would be provided only through October 1, 1971.

Sec. 102. Expiration of FHA Section 231 rental housing program for the elderly

This section would amend section 231 of the National Housing Act so as to provide that no mortgage shall be insured covering a Housing for the Elderly Project under that section except pursuant to a commitment to insure issued on or before December 31, 1969.

Sec. 103. Increase in mortgage limits for mobile home courts or parks

This section would increase the maximum amount of a mortgage which may be insured per space in a mobile home court from $1,800 to $2,500 and increase the maximum mortgage amount per mobile home court project from $500,000 to $1,000,000. The section would also amend section 207 of the National Housing Act to redesignate, for greater accuracy, the mortgage insurance program for "trailer courts or parks" as a program for "mobile home courts or parks." This change in nomenclature would not have a substantive effect on the program.

Sec. 104. Mortgage insurance on condominum units for servicemen

This section would amend section 222 of the National Housing Act to permit the initial insurance under that section of mortgages covering a one family unit in a condominium. Under existing provisions servicemen who purchase condominium units can obtain the benefits of section 222—payment of mortgage insurance on their behalf by the Secretary of Defense or Secretary of Transportation—only when they assume an existing FHA insured mortgage covering the unit. Section 301 of the Housing and Urban Development Act of 1968 authorized the transfer of such assumed mortgages to section 222 but failed to also authorize the initial insurance under section 222 of mortgages covering condominium units.

Sec. 105. Homeownership for low-income families

This section would amend section 235 of the National Housing Act to increase the aggregate amount of contracts, which may be entered into after July 1, 1970, to make periodic assistance payments on behalf of eligible homeowners and cooperative members, by such sums as may be necessary.

Sec. 106. Rental and cooperative housing for lower-income families

This section would amend section 236 of the National Housing Act to increase the aggregate amount of contracts, which may be entered into after July 1, 1970, to make periodic interest reduction payments on behalf of the owner of a rental housing project designed for occupancy by lower income families, by such sums as may be necessary.

Sec. 107. Increase in GNMA purchase authority

This section would increase to $20,000 the present $17,500 per dwelling unit limitation generally applicable to mortgages purchased by the Government National Mortgage Association under its special assistance functions. The section would also make clear that the $2500 increase in the per unit limitations authorized with respect to units having 4 or more bedrooms is applicable to 4 bedroom units which receive the benefit of tax abatement.

Sec. 108. Special assistance authorization

This section would amend section 305(c) of the Federal National Mortgage Association Charter Act to rescind the $500 million in special assistance authority which would otherwise become available on July 1, 1969.

TITLE II—RENEWAL AND HOUSING ASSISTANCE

Sec. 201. Increased authorization for urban renewal

This section would amend section 103(b) of the Housing Act of 1949 to increase the aggregate amount of capital grants which may be made under the urban renewal program after July 1, 1970, by such sums as may be necessary. The Secretary could not, however, in any year contract to make capital grants in an aggregate amount greater than authorized in appropriation acts.

Sec. 202. Extension of urban renewal assistance to Indian tribes

This section would amend the relevant sections of Ttitle I of the Housing Act of 1949 to make Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States eligible for urban renewal loans and grants and for the Rehabilitation, Demolition, Code Enforcement, and Interim Assistance grants authorized by that title.

Sec. 203. Loans for public housing projects

This section would amend section 9 of the U.S. Housing Act of 1937 to increase from 90 to 100 percent the maximum amount of Federal loans or loan commitments there authorized for financing the acquisition or development of a low rent housing project with respect to which annual contributions are to be made. Section 9 is used primarily to enable local housing authorities to obtain temporary financing for the acquisition or construction of a property by the sale of short term notes backed by a Federal loan commitment. With a loan commitment for 100 percent of a project's acquisition or development cost a local housing authority would be able to schedule the issuance of long term bonds for permanent financing when most advantageous to itself and the Federal Government rather than just prior to acquisition or when development costs reach the 90 percent level.

Sec. 204. Public housing annual contributions

This section would amend section 10(b) of the U.S. Housing Act of 1937 to clarify existing authority to fix the amount of the annual contributions to public housing projects at an amount in excess of the debt service requirements of the project so long as the fixed contribution does not exceed the maximum annual contribution authorized in that section.

Sec. 205. Room costs in high-cost areas

This section would amend section 15(5) of the U.S. Housing Act of 1937 to permit existing statutory room cost limits (which presently may be increased by $750 a room in high cost areas) to be increased by 45 per centum of the statutory room cost limits in such areas.

Sec. 206. Management and services in public housing projects

This section would amend section 15(10) of the U.S. Housing Act of 1937 to authorize appropriations for upgrading management and services in public housing projects to be made through fiscal year 1971. At present such appropriations are authorized to be made only through fiscal year 1970.

Sec. 207. Additional authorization for college housing debt service grants

This section would amend section 401 (f)(2) of the Housing Act of 1950 to increase the aggregate amount of contracts, which may be entered into after July 1, 1970, to make annual debt service grants to help finance college housing facilities, by such sums as may be necessary.

TITLE III—METROPOLITAN DEVELOPMENT

Sec. 301. Comprehensive planning assistance

This section would amend section 701(a) of the Housing Act of 1954 to provide, under the authority of that section, those Urban Information and Technical Assistance Services now authorized to be provided under Title IX of the Demonstration Cities and Metropolitan Development Act of 1966. The effect of the amendment would be to con-

solidate under one statutory authority assistance provided by the Department of Housing and Urban Development for State technical advisory and information services to local communities.

Title IX of the Demonstration Cities and Metropolitan Development Act of 1966 would be repealed.

Sec. 302. Authorization for comprehensive planning

This section would amend section 701(b) of the Housing Act of 1954 to increase the total amount authorized to be appropriated for comprehensive planning assistance after July 1, 1970, by such sums as may be necessary.

Sec. 303. Authorization for new community assistance grants

This section would amend section 412(d) of the Housing and Urban Development Act of 1968 to authorize appropriations for new community assistance grants through fiscal year 1971.

Sec. 304. Authorization for open space land programs

This section would amend section 702 of the Housing Act of 1961 to increase the total amount authorized to be appropriated for Open Space, Urban Beautification, and Historic Preservation Programs after July 1, 1970, by such sums as may be necessary.

Sec. 305. Authorization for water and sewer facilities, neighborhood facilities and advance acquisition of land programs

This section would amend section 708(b) of the Housing and Urban Development Act of 1965 to authorize appropirations for grants for basic water and sewer facilities, neighborhood facilities, and advance acquisition of land through fiscal year 1971. At present appropriations are authorized to be made only through fiscal year 1970.

Sec. 306. Training and fellowship program

This section would re-write Title VIII of the Housing Act of 1964 to consolidate, under one authorization, that title's program of Fellowships for City Planning and Urban Studies and the Community Development Training Program. Specifically, the title would:

(1) Consolidate the title by striking the headings which divide it into two separate parts;

(2) Amend section 801(b) by including, as a purpose of the title, the provision of "fellowships for the graduate training of professional city planning and urban and housing technicians and specialists";

(3) Amend section 810 by striking the first sentence (which authorizes appropriations for urban fellowships) and substituting a general authority for the Secretary to provide such fellowships. The section would also be renumbered as section 802 and the remaining sections in the title renumbered accordingly;

(4) Amend section 802 (Matching Grants to States) by striking subsection (d) which authorizes appropriations for Community Development Training Programs;

(5) Add a new section numbered 806 authorizing appropriations, without fiscal year limitation, of up to $30 million for Title VIII programs; and

(6) Amend various sections of the title to strike inapplicable references to its several "parts" and substitute appropriate references to the "title" or to the various "sections" thereof.

Consolidation of the programs contained in Title VIII under one authorization would be a step toward this Department's general objective of simplified grant administration. Given the similar purposes of the Community Development Training Program and the Program of Fellowships for City Planning and Urban Studies (and the fact that the programs should supplement each other) there seems little justification for continuing to administer and fund them separately.

TITLE IV—MISCELLANEOUS

Sec. 401. Increased authorization for model cities

This section would amend section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 to authorize, after June 30, 1970, appropriations for supplementary grants for the model cities program of such sums as may be necessary.

Sec. 402. Flexible interest rate authority

This section would amend section 3(a) of the Act of May 7, 1968 (Public Law 90–301) to extend for 2 years the authority of the Secretary of Housing and Urban Development to set the maximum interest rates for FHA mortgage insurance programs at an amount he finds necessary to meet the mortgage market. At present this authority will expire on October 1, 1969.

Sec. 403. Annual housing report

This section would amend section 1603 of the Housing and Urban Development Act of 1968 to extend the date on which the President shall submit annual reports on National Housing Goals to the Congress from January 15 to February 15.

Sec. 404. Entry into reinsurance contracts

This section would amend section 1222(d) of the National Housing Act to permit reinsurance contracts to be entered into during the course of the entire reinsurance contract year. At present, only companies which are newly authorized to write insurance may enter into reinsurance contracts after the insurance contract year begins.

Sec. 405. Urban property protection and reinsurance—State share of reinsured losses

This section would amend section 1223(a)(1) of the National Housing Act to extend, to the close of the second full regular session of the State legislature following August 1, 1968, the time within which State legislation providing for reimbursement to the Secretary of a share of the reinsured property losses he has paid must be enacted. Without such legislation reinsurance of losses from riots or civil disorders will be unavailable for policies subsequently written in the State. At present, State legislation is required by August 1, 1969 or, if the State legislature has not met in regular session before that date, by close of its next regular session. The section would also amend relevant provisions in section 1223(a)(1) to provide for computation of the amount of State reimbursement required using the "reinsurance contract year" rather than the calendar year as a basis.

Sec. 406. Study of reinsurance and other programs

This section would amend section 1235(b) of the National Housing Act to extend, from August 1, 1969 to June 30, 1970, the date on which the Secretary must report on reinsurance and other means to help assure the availability, in urban areas, of (a) burglary and theft insurance, and (b) surety bonds for construction contractors.

Sec. 407. National flood insurance program—adoption of local flood control measures

This section would amend sections 1305(c)(2) and 1361(c) of the National Flood Insurance Act of 1968 to authorize the Secretary to make federally assisted flood insurance available in areas where the appropriate public body gives satisfactory assurance that by December 31, 1971 "adequate" land use and control measures will be adopted. Under existing provisions the appropriate public body must give assurance that "permanent" land use and control measures will be adopted by June 30, 1970.

S. 2622—INTRODUCTION OF THE SMALL RECLAMATION PROJECTS ACT AMENDMENT

Mr. MOSS. Mr. President, I introduce for myself and for Senators BENNETT, BIBLE, CHURCH, CRANSTON, JORDAN of Idaho, MCGOVERN, and YARBOROUGH, a bill to amend the Small Reclamation Projects Act of 1956, which authorizes loans to construct works for irrigation and other purposes.

My bill deletes from the Small Projects Act the requirement that the Secretary of the Interior review applications for loans to determine "whether the proposed project is primarily for irrigation." However, my bill does make clear that irrigation must be one of the purposes of the project.

This bill is identical to my bill, S. 1609 of the 90th Congress. The provisions of S. 1609 were incorporated into S. 862, an administration bill which sought to modify the Small Projects Act as regards legislative oversight. The Senate passed S. 862, including the provisions of the bill I now introduce. Further, the House Committee on Interior and Insular Affairs reported the bill favorably and received a rule.

However, the legislative oversight provisions of S. 862 were then controversial in the House; for that and other reasons, S. 862 was not brought to the floor there.

As you know, the Nixon administration has now resolved the oversight issue by administrative action, and I suggest that it is timely for this body to make clear its intentions with regard to irrigation as one of the purposes of the Small Reclamation Projects Act.

The present law, in its requirement that the Secretary consider "whether a project is primarily for irrigation," has been interpreted by Interior to require that the irrigation use exceed the sum of all other purposes; these other purposes may include flood control, municipal, industrial, power, recreational, and enhancement of fish and wildlife. Department of Interior further restricts the act by excluding from "irrigation" the use of water to raise fruit and vegetables on plots two acres or less in size.

Thus, loans have been refused for irrigation projects like the one in Roy, Utah, which I describe briefly. Irrigation ditches in Roy are open; this is hazardous to children and wasteful of water through seepage, evaporation, and the growth of weeds.

A system of closed conduits would correct all those faults. But because small tracts are now excluded from the definition of irrigation, water for the latter use—irrigation—would not exceed the sum of all other uses—as required by Interior. My bill would permit the granting of loans to public entities like Roy, to modernize old irrigation systems, and otherwise carry out the purposes specified in the act. I note that irrigators of plots of two acres or less in size would pay interest on their share of the loans throughout the amortization period.

In the State of Utah, along the 100 miles of the Wasatch Front, are many small irrigation districts. I am informed that some of these would like to convert

their dangerous and wasteful ditches to closed systems for irrigation, stock watering, domestic, and other uses presently served. My bill would facilitate loans under the Small Reclamation Projects Act for such desirable modernization.

I am informed that public entities in the States of Idaho, Colorado, Oregon, Arizona, and California also have need for small project loans, but are hampered by the interpretations given to the word "primary" in the existing law.

More information about the needs of these States can be developed in public hearings. Meanwhile, I am delighted that seven of my colleagues have joined with me in cosponsoring this bill, and I shall ask for early consideration by the Senate Interior Committee.

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

The bill (S. 2622) to amend the Small Reclamation Projects Act of 1956, as amended, introduced by Mr. Moss (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2623—INTRODUCTION OF A BILL TO PROVIDE GREATER ADMINISTRATIVE FLEXIBILITY IN VETERANS' ADMINISTRATION HOSPITAL AND MEDICAL CARE PROGRAM

Mr. CRANSTON. Mr. President, I am today introducing, on behalf of the Veterans' Administration, a bill to provide greater administrative flexibility in the Veterans' Administration hospital and medical care program by amending several provisions of title 38, United States Code. The modifications this bill would make would generally provide the Administrator of Veterans' Affairs with greater administrative discretion in the appointment of nurses, particularly in recruiting career nurses; in the VA internship and residency program by authorizing agreements for the central administration of the administrative and personnel aspects of the programs of those interns and residents serving part-time in VA hospitals and part-time in other non-Federal hospitals; and in the appointment of dentists of high academic and research standing on a temporary full-time or part-time basis. Enactment of this bill would result in no net additional cost to the Government.

Mr. President, I ask unanimous consent that the bill be printed in full at the conclusion of my remarks, together with a statement of the Veterans' Administration embodying an explanation and analysis of the provisions of the bill.

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

The bill (S. 2623) to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to appoint certain persons in the nursing service in the Department of Medicine and Surgery of the Veterans' Administration, and to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents, and for other purposes, introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4114 of title 38, United States Code, is amended by inserting in subsection (a)(3)(A) immediately after the first sentence thereof the following: Temporary full-time appointments of persons who have successfully completed a full course of nursing in a recognized school of nursing, approved by the Administrator, and are pending registration as a graduate nurse in a State, shall not exceed one year.

SEC. 2. Section 4114 of title 38, United States Code, is amended by deleting "(b)" at the beginning of subsection (b) and inserting in lieu thereof "(b)(1)" and by adding the following new paragraph:

"(2) In order to more efficiently carry out the provisions of paragraph (1) of this subsection, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veterans Administration in the training of interns or residents to provide for the central administration of stipend payments, provision of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as an agency for this purpose. The Administrator may pay to such designated central administrative agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Veterans Administration hospital of (A) such stipends as fixed by the Administrator pursuant to paragraph (1) of this subsection, (B) hospitalization, medical care, and life insurance, and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such fund to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5 of the United States Code, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employee benefits to which he may be entitled under this title or title 5 of the United States Code. Notwithstanding the foregoing, any period of service of any such intern or resident in a Veterans Administration hospital shall be deemed creditable service for the purposes of section 8332 of title 5 of the United States Code. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by each intern and resident for the period during which he serves in a participating hospital, including a Veterans Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the hospital in which he is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded."

SEC. 3. Section 4114 of title 38, United States Code, is amended by inserting in subsection (d)(1) immediately after the word "physician" the following: "or dentist".

The statement, presented by Mr. CRANSTON, is as follows:

Section 1 of the draft bill provides for the amendment of section 4114(a)(3)(A) for the temporary fulltime appointments of persons who have completed a full course of nursing in a recognized school of nursing and are awaiting registration, for a period not to exceed one year.

Nursing school graduates who are awaiting registration in a State are recruited for the purpose of ultimate career appointment as nurses in the Veterans Administration upon such registration. The ability of the Veterans Administration to offer employment to them immediately upon graduation provides an invaluable source for recruiting career nurses. While most of these employees are registered and converted to career nurse appointments within ninety days of their employment, circumstances are such that this is not always possible. This can result from such reasons as: State delay in processing registration application, examination scheduling practices, and the inability of a candidate (e.g., illness) to be available on the scheduled date of an examination. In these situations, it is necessary that these employees be kept in an employment status if they are to be retained until they can become career nurses.

This legislative change would be of further assistance in meeting nursing service needs of the medical program.

Section 2 of the draft bill would amend section 4114(b) of title 38, United States Code, to authorize the Administrator to enter into agreements for the central administration of interns and residency training and would allow him to expend appropriated funds for the purpose of paying to the central administrative body the costs involved for the periods during which the trainee serves with the Veterans Administration.

Under our present Veterans Administration programs, there are three types of residents and interns: (1) those whose residency program is established and directed by a Veterans Administration hospital and who, although they may serve a portion of their residency in other hospitals, receive the entire amount of their stipends, fringe benefits and leave privileges under Veterans Administration regulations; (2) those whose residency program is established and directed by other than a Veterans Administration hospital but who serve a portion of their residency in a Veterans Administration hospital, receiving their stipends, fringe benefits, and leave privileges under Veterans Administration regulations only for the periods they are serving in a Veterans Administration hospital; and (3) those whose residency program is established and directed jointly by a Veterans Administration hospital and one or more participating institutions and who serve on a rotating basis in the participating institutions, receiving their stipends, fringe benefits, and leave privileges under Veterans Administration regulations only for the periods they are serving in a Veterans Administration hospital. It is in the latter two types that administrative problems arise.

The movement of Veterans Administration residency and internship programs towards professional unification with the programs of medical school hospitals is ever increasing.

The Advisory Subcommittee on Programs for Exchange of Medical Information, a subcommittee of the Special Medical Advisory Group, authorized by section 5055 of title 38, United States Code, recently passed the following resolution:

"The Subcommittee is conscious of the fact that the geometric advances of medical science are moving beyond the capacity of the single hospital to provide all that is required to produce the best educated resident. Thus, with increasing frequency, the residency is becoming an educational endeavor shared by a group of hospitals. Each participating hospital must be convinced that the individual resident 'belongs' to all and not just to the hospital in which he is physically present at the moment. For this reason, the Veterans Administration is urged to do all in its power to create mechanisms which will provide the utmost flexibility in the scheduling and movement of residents between VA hospital and non-VA hospital. There should be no limitations of movement based upon distinctions of being on duty at the VA hospital or away from the VA hospital. Similarly every effort should be made to minimize differences in pay scales and in fringe benefits among hospitals grouped for residency training, to assure a total income to the resident commensurate with his education and provision of valuable service as a by-product of his training as a resident. It is recommended, therefore, that in each VA hospital-non-VA hospital(s) combination, local VA hospital management be permitted the utmost discretion and capability to establish pay rates and to make scheduling arrangements appropriate for the local situation. This local adaptability will produce many individual variations in patterns of operation throughout the nation, but this diversity will undoubtedly serve to 'graduate' the type of residents which the Veterans Administration and the nation needs critically."

To accomplish intern and residency training within the concept now growing more prevalent, the Veterans Administration feels that it must more and more resort to the integrated type of training wherein the trainee will serve a portion of his time in a Veterans Administration facility and may receive training in several other nongovernmental hospitals. This creates tremendous problems in that the pay, fringe benefits, and leave policies differ in the various institutions involved. Thus, when a trainee moves from one institution to another, it results in a great deal of confusion as to his entitlement to fringe benefits and leave. Moreover, it involves different rates of pay and there are routine delays, particularly while serving with the Veterans Administration, as would be the case in any Federal agency, in receiving his pay as a result of pay administration procedures. This situation can be remedied insofar as the nongovernmental hospitals are concerned and, in the past few years, the Veterans Administration has been presented with more than 20 proposals for some type of accommodation which would permit us to participate in an intern or residency operation administered from a central point.

The Veterans Administration feels that to do so would greatly enhance its ability to participate in this important area of medical personnel training. Moreover, it would be less costly in that Veterans Administration payments would be limited to those periods when the trainee is serving in the VA facility and the Veterans Administration is receiving his service.

Section 3 of the draft bill would amend section 4114(d)(1) of title 38 in order to permit the appointment of dentists of high academic and research standing on a temporary full-time or part-time basis without regard to the licensure requirements of section 4105 (a) of title 38, United States Code.

Public Law 89-785 authorized the Chief Medical Director to waive the licensure requirements of section 4105(a) of title 38 for a physician who is to be used on a research or an academic post or where there is no direct responsibility for the care of patients. There are times when it is also deemed desirable to obtain the services of dentists of high academic and research standings who either hold a foreign license or, in rare instances, who hold no license.

The enactment of these proposals would result in no net additional cost to the Government.

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

Benefits enuring to interns and residents:

1. In many instances where interns and residents are serving in more than one institution, their periods of service in the Veterans Administration facility at any one time is not of sufficient duration for them to qualify for hospitalization insurance and life insurance under Government programs. Moreover, while serving with the VA, they may not be eligible to participate in such programs at the other medical installations in which they serve. The fact that the interns and residents must cancel and renew insurance policies often is to their detriment, in that such policies, particularly those for hospitalization and medical care, require waiting periods before benefits can be paid. Under the draft bill, they could avail themselves of such fringe benefits as hospitalization and medical care insurance, as well as life insurance, under a single plan which would remain in effect wherever they happen to be serving at a given time, including a Veterans Administration facility.

2. Presently, while an intern or resident is serving in a VA facility, he earns leave under the VA program. When his employment in VA terminates, he must either use this leave or take the cash equivalent. On the other hand, he may not, while serving in a VA facility, utilize leave that he earned in another medical installation. Consequently, an intern or resident serving in a situation where he is rotating between hospitals, cannot accrue a period of leave sufficient to give him a meaningful vacation. Under the draft bill, he would earn leave while serving in any of the several institutions involved, accumulate such leave and have it available for a vacation period regardless of which institution in which he was serving at the time he took such vacation.

3. Since the pay systems and pay periods at the several institutions in which an intern or resident may be serving may differ, the intern or resident is faced with adjusting to a different financial situation each time he moves from institution to institution. The draft bill would permit him to be paid at a constant rate of pay and for regular pay periods regardless of the institution in which he is serving.

4. Although under the draft bill the intern or resident would waive other Government fringe benefits while participating in this program, it would preserve his right to acquire tenure in service for retirement purposes duing the period he serves in the Veterans Administration hospital.

5. As a result of eliminating the problems involved in numerous transfers between institutions, the draft bill would enable more elasticity in such transfers enabling the intern or resident to receive improved training.

Benefits enuring to the Government:

1. By making residency and internship more attractive, the draft bill would enable the Veterans Administration to attract a higher quality applicant in the residency and internship programs.

2. It would simplify the clerical duties incident to residencies and internship within the VA.

3. It would improve administrative relationships with medical schools, university hospitals, and other medical installations participating in rotating residencies and internships.

4. The Veterans Administration, and the medical community as a whole, would benefit by the improved training which would result from the greater elasticity in the transfer of interns and residents from institution to institution.

5. With respect to the three types of residents and interns; in VA hospitals, set forth above, it is the latter two types of cases that the draft bill would affect and which are considered most desirable. The draft bill would make these two types of internship and residency more attractive and ultimately result in the dimunition of the first type, where the VA bears the full cost, but receives only a portion of the services, thus, resulting in a situation where the VA would be expending funds in internship and residency programs, only for the period of time during which they were serving in a VA hospital.

SENATE JOINT RESOLUTION 137—INTRODUCTION OF A JOINT RESOLUTION RELATING TO HAZARDS RESULTING FROM CHEMICAL AND BIOLOGICAL WARFARE FIELD TESTING

Mr. NELSON. Mr. President, I introduce, for appropriate reference, a joint resolution to immediately halt all open-air testing of chemical and biological warfare weapons pending a full investigation of the public health and environmental effects of such testing.

The joint resolution would establish a special commission composed of 10 scientists—appointed by the President—who are experts in the field of the life sciences. No person employed by the Department of Defense or any institution or agency which works in close cooperation with the Defense Department in the field of chemical and biological sciences shall be eligible for membership on the commission.

Briefly, the task of this commission will be to determine:

The environmental effects of field testing toxic chemical and biological munitions.

Whether biological field testing has resulted in the establishment of new foci of animal infections.

Whether the safety precautions presently employed during field tests are sufficient to protect all forms of life from any harmful consequences.

The commission would report back to the President and the Congress in 2 years. In keeping with my conviction that the American people are entitled to access to information of this nature, the resolution provides that the results of this study will be made available to the public at large.

The disclosure by the Army last Friday that extensive testing of deadly chemicals, including nerve gas, is currently being done at Edgewood Arsenal in Maryland and at Fort McClellan in Alabama lends new urgency to the need for an immediate freeze on all field testing of CBW agents.

It is unbelievable that the Army, with the experience of the death of 6,400 sheep from an errant field test of nerve gas at Dugway Proving Ground in Utah in March 1968 behind it, would even con-

sider testing these deadly gases in an area as densely populated as the central portion of Maryland around Edgewood. The potential for disaster is enormous.

A brief review of the Dugway incident will point up these serious dangers.

In March 1968, a high-speed jet conducting tests of nerve gas VX at the Dugway Proving Grounds in the Utah desert experienced a tank malfunction and the nerve gas went soaring in the air above the planned altitude.

The gas fell on some 6,000 sheep grazing at a spot 47 miles east of the testing area. Within hours, the sheep began to die.

The Army denied any connection between CBW testing and the sheep deaths for over a year. In the meantime, in November 1968, they issued a report on "A Review of Testing Safety at Dugway Proving Ground."

The report concluded:

> Current procedures and practices are sound and adequate for field testing certain classes of chemical agents and munitions. However, additional steps must be taken to insure the adequacy of these procedures and practices when field testing other specific classes of chemical agents and munitions.

This report, and its recommendations, came under heavy fire in May when the Army was asked to testify before Congressman HENRY REUSS' Subcommittee on Conservation of the Government Operations Committee that was looking into the ecological effects of CBW field testing.

Numerous nonmilitary witnesses criticized as totally inadequate the improved safety precautions recommended by the report. The witnesses said:

The report's recommendations did not effectively impair the Army's ability to test lethal chemicals at Dugway.

Human beings could be endangered by the field testing, even if the recommendations were in full force.

There is no way to prevent high winds from sweeping up nerve gas particles hours after a test and depositing them as much as 100 miles downwind.

Most nonmilitary scientists testifying before the Reuss subcommittee agreed that human beings could have been killed in the Dugway sheep incident if the gas had fallen on them.

According to a June 7 New Republic article, an Army officer gave the following description of the effect of nerve gas on human beings:

> The gas from a single bomb the size of a quart fruit jar could kill every living thing within a cubic mile, depending on the wind and weather conditions. . . . A tiny drop of the gas in its liquid form on the back of a man's hand will paralyze his nerve instantly and deaden his brain in a few seconds. Death will follow in 30 seconds.

In summary, the sheep killed near Dugway were 47 miles from the testing target. Baltimore, Md.—a city of 912,000 people—is only 25 miles from Edgewood where similar testing is being carried out.

As an Edgewood resident told a Washington Post reporter yesterday:

> It's frightening when your life depends on which way the wind is blowing each day.

The Army's testing program of biologicals is an even more closely guarded secret than its chemical testing program, and more frightening—because it is potentially even more dangerous and destructive.

In response to an inquiry from my office, Gen. James Hebbeler, Director of CBR and Nuclear Operations for the Army, admitted that the Army is field testing biological agents. His letter said:

> A number of . . . biological organism and toxic products have been field tested outside the laboratory at Dugway Proving Ground and at other sites, but only under conditions where preliminary studies indicated there would be no danger of creating new foci of animal infection.

The fact is that the epidemiology of disease organism is far from adequately understood. There are too many unknowns in ecology, epidemiology, and meteorology to enable anyone to have great confidence in the results of "preliminary studies." There are no completely accurate and foolproof predictions that can be made about the results of a biological warfare field test.

The dangers involved in continuing to conduct these tests in spite of our ignorance are obvious. Biological warfare organisms are being released into the atmosphere only 80 or so miles from Salt Lake City and other densely populated areas.

Although the Army refused to provide an unclassified listing of the agents being tested in the biological warfare program, it is not difficult to get a good idea of what has been done at Dugway from other sources.

Recently, the commander of the proving ground at Dugway acknowledged that a teacup full of anthrax germs had been deposited in the soil at Dugway 15 years ago. The result is that the area has been prematurely contaminated and will likely remain so for many years to come.

The Army argues that a fence around the infected area to keep larger animals clear of the contaminated plot is sufficient protection. But this fence is no protection against the wind and dust storms which pass over the proving ground regularly. Certainly the fence is not an absolute guarantee that the winds will not lift the organisms out of the soil and carry them long distances in any direction. Salt Lake City is well within the range of the winds from Dugway.

Pulmonary anthrax is a disease which can be nearly 100 percent fatal if it is not diagnosed and treated within 24 hours after infection. A dosage of 20,000 organisms is fatal to a human being. The "teacup" released by the Army could contain billions, if not trillions of these organisms—more than enough to sicken or kill many thousands of people.

Although the Army has admitted field testing only anthrax, there is good reason to believe that their testing program has involved many other agents of biological warfare.

Scientists from the Ecology and Epidemiology Research Center at the University of Utah routinely survey the areas around Dugway for evidence of such diseases as Rocky Mountain spotted fever, Q fever, tularemia, anthrax, plague, and a fungal disease called coccidiomycosis. All of these diseases are of primary importance as probable biological warfare agents. Special surveys have been frequently done for other more exotic pathogens. One such survey involved the organism which causes psittacosis, another likely candidate for biological warfare.

Since the Research Center is largely supported by funds from Dugway Proving Ground, it is reasonable to assure that the surveys are being conducted in connection with the biological field testing program at that installation.

These scientists turned up an epizootic—an animal epidemic—of Q fever around Dugway in 1959 and 1960. While Q fever is endemic to the area, it is strange to find that the foci of the epizootic were located 10 to 20 miles southwest of Dugway and in sectors adjacent to proving ground along the Utah-Nevada border. Although many animals were sampled at several locations, all of the isolations of the disease-producing organism were made from animals taken in these two areas.

In this light, there is some reason to believe that the field testing of Q fever, prior to its inclusion in our biological warfare arsenal, was responsible for this sudden epizootic.

It is a telling indictment of our system of legislative authorization that such abhorrent weapons of war could be so extensively developed and tested with no public understanding or debate. Certainly in a free society activity involving such grave moral and policy considerations must be subject to broad public scrutiny.

The urgent need for this commission is clear. It will be too late for regrets if another nerve gas accident occurs. It will be too late for new safety regulations if a lethal biological organism leaks from a field test. It will be too late if we discover that our extensive use of chemical defoliants in Vietnam has so upset the ecological balance as to destroy the productivity of their farmland.

The time has come for Congress to act vigorously and wisely. The country is needlessly courting disaster if it fails to take steps to discover what have been the consequences of its chemical and biological warfare testing program.

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

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

The joint resolution (S.J. Res. 137) to provide for the appointment of a commission to study and investigate the hazards to the public health and to the environment which may exist as a result of chemical and biological warfare field testing conducted at any testing site used by the U.S. Government, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S.J. Res. 137

> Whereas chemical and biological field tests have been conducted outside of the Army laboratories at Dugway Proving Ground, Utah; Edgewood Arsenal, Maryland; Fort McClellan, Alabama; and at other sites, and;

Whereas field tests of chemicals containing persistent nerve agents have resulted in the death of approximately six thousand four hundred sheep near Dugway Proving Ground in March, 1968; and

Whereas there is strong evidence to indicate that the Venezuelan equine encephalitis virus has escaped from the Dugway Proving Ground and that deadly anthrax germs have been released in the soil at Dugway Proving Ground; and

Whereas there is great and imminent danger to human beings and other animal life if any chemical or biological warfare agents have escaped into the environment in the vicinity of any test site as a result of errant field tests or inadequate laboratory precautions: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the Field Testing Investigation Commission (hereinafter referred to as the "Commission") which shall be composed of ten members to be appointed by the President. Members of the Commission shall be persons who are experts in the field of life sciences. No person shall be eligible for appointment to the Commission who is (1) an officer or employee of the Department of Defense or a military department thereof, (2) a member of the Armed Forces, or (3) a person employed by any institution or agency which performs tests or research for or in cooperation with the Department of Defense or a military department thereof in the field of chemical or biological science.

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

(c) the President shall designate a member to serve as Chairman and a member to serve as Vice Chairman of the Commission.

(d) Six members of the Commission shall constitute a quorum.

SEC. 2. (a) The Commission shall conduct a comprehensive study and investigation to determine what, if any, hazards to the public health and to the environment exist as a result of the chemical and biological warfare field testing which has been conducted at all CBW testing sites. In carrying out such study and investigation the Commission shall, among other things, attempt to determine (1) whether such field testing has resulted in new foci of animal infections; (2) whether there have been any environmental effects of field testing persistent toxic chemical munitions; (3) whether the safety precautions employed during field tests of chemical and biological agents are sufficient to protect animal and plant life from any harmful consequences; and (4) what may be the disease and environmental implications of chemical and biological warfare.

(b) The Commission shall submit a written report of the results of its study and investigation to the President and the Congress not later than two years after the date of enactment of this joint resolution. Such report shall also be made available to the public.

SEC. 3. Field tests of lethal chemical munitions or of pathogenic microorganisms shall not be conducted until such time as the Commission submits its written report to the President and to the Congress.

SEC. 3. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commisison may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for level V of the Executive Schedule in title 5, United States Code, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

SEC. 5. (a) Any member of the Commission who is appointed from the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(b) Members of the Commission, other than those referred to in subsection (a), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

SEC. 6. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this joint resolution.

SEC. 7. The Commission shall cease to exist sixty days after the submission of its final report.

ADDITIONAL COSPONSORS OF BILLS

S. 2079 AND S. 2190

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 2079, the Cattle Industry Trade Conference Act; and also that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 2190, the Agricultural Trade Statistics Reporting Act of 1969.

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

S. 2518

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Montana (Mr. MANSFIELD) be added as a cosponsor of S. 2518, to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

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

S. 2548

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Georgia (Mr. TALMADGE), I ask unanimous consent that, at the next printing, the names of the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Utah (Mr. Moss) be added as cosponsors of S. 2548, to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

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

CONTINUANCE OF INCOME TAX SURCHARGE—AMENDMENTS

AMENDMENT NO. 70

Mr. METCALF. Mr. President, I submit an amendment, intended to be proposed by me to the bill (H.R. 12290) to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low-income allowance for individuals, and for other purposes. This amendment would provide for a limitation on deductions attributable to farming.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Finance.

AMENDMENT NO. 71

Mr. SPARKMAN. Mr. President, I submit an amendment I wish to propose to the bill (H.R. 12290), designated as the bill "to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low-income allowance for individuals, and for other purposes." I ask that the amendment be appropriately referred.

Basically, my amendment provides that the tax credit would be continued for small firms, individual businesses, and farmers up to a level of $150,000.

There would be a limitation that the credit could be claimed only once by a group of affiliated corporations. There is also an allowance for companies defined as small business to acquire, beyond the $150,000 level, certifiable air and water pollution control equipment, crime control facilities, and requirements of complying with sanitary standards under Federal deadline statutes.

Mr. President, the repeal of the investment tax has been proposed as an anti-inflation measure. The economic facts show, I believe, that small business in this country has not been the cause of this inflation, but its victim. It seems to me unfair to penalize the overwhelming majority of smaller firms for consequences caused by a relatively few large corporations.

I intend to submit a statement to the Committee on Finance, spelling out this and other reasons which I believe justify adoption of my amendment. I am glad to note that Senator BIBLE, Senator Mc-

GOVERN, and other Members of this body have offered similar proposals at the $25,000 level of investment. I commend these Senators.

It is my hope that the Finance Committee, in the exercise of its independent judgment, will be able to reconcile the several small business amendments, and thereby take the initiative toward the enactment of such legislation, which, I feel, is of fundamental significance not only to individual small businesses, and farmers, but to economic justice in our economy and the U.S. balance-of-payments position.

The PRESIDING OFFICER. The amendments will be received, printed, and appropriately referred.

The amendments were referred to the Committee on Finance.

AMENDMENT NO. 72

Mr. MUNDT submitted amendments, intended to be proposed by him, to House bill 12290, supra, which were referred to the Committee on Finance and ordered to be printed.

AMENDMENT NO. 73

Mr. PROXMIRE. Mr. President, I submit amendments intended to be proposed by me to the tax bill and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred.

The amendment was referred to the Committee on Finance.

Mr. PROXMIRE. The amendment would provide for reductions in the oil depletion allowances in two categories.

The amendment would provide that companies with a gross of less than $1 million a year would continue to have the 27.5-percent depletion allowance; companies between $1 and $5 million would have their depletion allowance reduced to 21 percent; companies with more than $5 million would have their depletion allowance reduced to 15 percent.

In addition, the amendment would provide for the elimination of percentage depletion on foreign oil production, although the oil companies would still get a cost depletion allowance.

In addition, the amendment would eliminate the so-called mineral production payment which has been the most rapidly growing new gimmick in the oil industry for holding down or eliminating Federal income taxes.

The amendment would eliminate the so-called golden gimmick, the right the oil companies now have to treat their royalty payments to foreign countries as a tax credit and would require the oil companies to treat such payments as an ordinary business deduction.

ANNOUNCEMENT OF HEARING ON THE FEDERAL ROLF IN ENCOURAGING PRERETIREMENT TRAINING AND NEW WORK-LIFETIME PATTERNS

Mr. MONDALE. Mr. President, as chairman of the Subcommittee on Retirement and the Individual, Special Committee on Aging, I wish to announce a hearing by the subcommittee on "The Federal Role in Encouraging Preretirement Training and New Work-Lifetime Patterns" at 10 a.m. on July 25 in room 3110, New Senate Office Building.

Our overall purpose is to explore the need and possibilities for assistance to Federal employees in planning and preparing for retirement. We will also discuss phased retirement, trial retirement, sabbaticals in mid-career or near retirement, part-time work in later life as an alternative to total retirement, and other innovations intended to adjust traditional career patterns to individual needs and desires.

ANNOUNCEMENT OF ADDITIONAL BILL TO BE CONSIDERED AT VETERANS' HOSPITAL AND MEDICAL CARE HEARINGS BY SENATOR ALAN CRANSTON

Mr. CRANSTON. Mr. President, for the information of Senators, I wish to add to my July 7 announcement on this subject that at its hearings on July 17 the Subcommittee on Veterans' Affairs will also consider S. 2623, a bill which I introduced today on behalf of the Veterans' Administration, to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to appoint certain persons in the nursing service in the Department of Medicine and Surgery of the Veterans' Administration, and to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents, and for other purposes.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. McCLELLAN. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Albert A. Gammal, Jr., of Massachusetts, for appointment as U.S. Marshal for the District of Massachusetts for the term of 4 years, vice Robert F. Morey.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the Committee, in writing, on or before Monday, July 21, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

VICE PRESIDENT HUMPHREY'S SPEECH TO AMERICAN LIBRARY ASSOCIATION

Mr. MUSKIE. Mr. President, on June 26, 1969, former Vice President Humphrey spoke to the annual convention of the American Library Association in Atlantic City, N.J. His comments, which were devoted to what he termed "the unconscionable cuts in the revised budget for education and libraries and most especially about the elimination of title II—School Libraries—of the Elementary and Secondary Education Act of 1965," are words which should be reviewed with care by all concerned citizens. I know they can be most helpful to many of us as we prepare ourselves to consider the Labor-HEW bill for fiscal 1970.

In his comments, the former Vice President was concerned, as many of us are, about the priorities we shall set in the appropriations measures affecting education.

In my judgment, Mr. Humphrey's comments reflect the aspirations of most Americans. He is concerned, as we are concerned, about efforts being made in the name of economy to close the doors and deny expectations which have been generated in the minds of many of our citizens.

In his address, he suggested that we might well wish to earmark a portion of our Nation's vast resources to assure excellence in education through the establishment of a national educational trust fund which would be the counterpart of our trust funds for highways and our trust fund under the social security program.

Because Hubert Humphrey is a man of action as well as a man of thought and a dedicated public servant, he has, I think, by his suggestions pointed a way for us to follow. I commend him for his statement, and I commend the American Library Association for providing him with a major forum in which to discuss an issue which affects each of us as well as the future of the Republic.

I ask unanimous consent that Mr. Humphrey's remarks be printed in the RECORD.

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

REMARKS BY THE HONORABLE HUBERT H. HUMPHREY, AMERICAN LIBRARY ASSOCIATION, ATLANTIC CITY, N.J., JUNE 26, 1969

We all remember the old rhyme which goes, "for the want of a nail, the shoe was lost; for the want of a shoe, the horse was lost; for the want of a horse, the rider was lost; for the want of a rider, the battle was lost; for the want of the battle, the war was lost—all for the want of a horseshoe nail."

Well, for the want of a book, the war—against illiteracy, ignorance, poverty and prejudice—the only war America wants—can be lost, all for the want of about as much as we spend per day on the war in Vietnam.

I am speaking, of course, about the unconscionable cuts in the revised Federal budget for education and libraries, and most especially about the elimination of all funds—for Title II—school libraries—of the Elementary and Secondary Act.

As a former Vice President and as a United States Senator for sixteen years, I know how hard it is for an administration to develop the Federal budget, and I have taken part in many a Congressional struggle over appropriations.

I know the tremendous pressures which are generated by interest groups—inside and outside the government—in behalf of projects close to them.

This morning, as a private citizen, a teacher, and certainly as a constant reader, all my life—I say to librarians, trustees, and all friends of libraries: Our response to the proposed budget cuts must be forceful and effective.

We *must* do a better job speaking out for the educational and library needs of this country. You need to dramatize what great

and valuable strides have been made with the effective use of public funds—how students and teachers have been helped—and show persuasively what budget cuts for libraries will mean in human terms.

We must speak out, too, for new programs to achieve the *total* access to information that all Americans deserve.

Some members of the administration seem to wonder why school libraries need to buy more books. They already have books (Or maybe I should say, "they already *have* the Encyclopaedia Britannica).

They don't understand that if outreach programs to serve the urban poor are curtailed, the consequent resentment adds fuel to the fires of ghetto protest—one more example of false promises by the "Establishment", one more reason for distrust.

They say, "These programs have 'low-priority'." I ask, low-priority for whom?

Not for educational leaders; leaders who know that particularly the disadvantaged child needs to be able to match his learning abilities with printed and audiovisual resources that meet his needs exactly; not for teachers who have had the chance to find in rich media resources the key to unprecedented instructional flexibility; and—not low-priority for aware parents, middle class and deprived, urban, suburban, or rural, white or black who want their children to have the opportunity to learn to use their minds as *tools* instead of storehouses, and who have begun to see this happen, largely through Title II funds.

Further, I ask: Who sets the priorities for education, and who is listening to those who have the best right—or think they do—to set the priorities?

When we say that three "I's" must dominate learning—Inquiry, Independence, and the Individual—are we just talking "educator talk"?

When we talk about instruction that will help pupils learn how to seek alternatives, adapt to change, and choose the tools that are best suited to the solving of the programs at hand, are we being "ivory towerish"? The answer is surely "no".

The administration has placed a low priority on education and libraries because it does not understand the crucial importance of education in a democratic society—the ability, opportunity, and, indeed, the *necessity* to learn and earn, to read and succeed. It is up to Congress to engage in some adult education and correct the mistake.

Education was at the top of the *national* agenda for the first time during the Johnson-Humphrey Administration. More public funds were allocated to schools and libraries than ever before in our history. During those years 3,600 new school libraries were created.

Now we have an opportunity to do more than preserve what has been created in the past, a chance to extend the frontiers of education. We are entering a post-industrial society in which Americans need *total* access to the books and other media provided by libraries in order to compete effectively, from the pre-school years onward.

To achieve this concept of total access—of total service—a variety of new approaches should be tried. For example, libraries and schools should be able to give *books* to children and young people who can't afford to buy them—elementary, secondary, and community college students. Every young person deserves books of his own to insure his reading skill, to help him in school, to help him in life.

Libraries should also be able to give books to newly-literate adults that will help them retain their new skill, help them get jobs, and protect them from exploitation.

Total access also requires a network of hundreds if not thousands of urban and rural neighborhood centers, vest-pocket cultural centers, where all the arts may be sampled for greater renewal and refreshment of the human spirit. These centers should, of course, be linked to larger service systems within the city or state.

I even venture to urge that, in those towns and smaller cities where there are no bookstores, public libraries be encouraged to sell books—another way to give our citizens total access to the riches of reading.

We cannot afford to sidetrack, derail or delay other innovations already instituted.

The proposed budget cuts will close to many who are already deprived the doors to the better lives they so desperately need and want. To sustain the cuts would not be just false economy, but heartlessly inhuman. What can be done?

First, we can help educate the Congress.

When his proposals for public education were defeated in the Virginia legislature, Thomas Jefferson said: "Legislators do not generally possess enough information to perceive the important truth, that knowledge is power, that knowledge is safety, and that knowledge is happiness."

We now know that Legislators *must* possess that information.

Remember that if a bond issue for new library construction is rejected by the hometown voters, it is taken as a clear sign by state legislators how the local citizens assess their priorities.

In Washington, Congressmen consider the states' priorities in making their decisions on Federal assistance to education and libraries. Clearly, then, the place to begin is at home. As you discovered in Newark and in the City of New York, articulate public outcry caused funds for the libraries' budgets to be restored and the closings averted.

Let us organize within the library profession, within districts, within the cities and towns, and in states. We must reach out to inform the public through newspapers, magazines, radio and television, what these cuts will mean especially to children. We can set up speakers bureaus, as do farmers, businessmen and public officials. Let us grasp every public forum to get your and our message to the people.

The National Citizens Committee to Save Education and Library Funds under the Chairmanship of Dr. Detlevy Bronk, President Emeritus of Rockefeller University, has formed to fight the specific cuts in educational and informational services under the Elementary and Secondary Education Act and the National Defense Education Act and to fight for restoration of the funds. Its purpose is to inform the public of the present crisis in educational funding. I most strongly urge all of you to support the work of this national organization.

And this is important; do not think that getting out and plugging for library budgets undermines the status of the librarian. You have the best of all possible products to present and promote, and you are making a valuable social contribution by doing so. Remember, however, that it is your responsibility to generate light as well as heat.

We all know that urban budgets and the tax base that supports them are strained almost to the breaking point, so that local taxation is not the whole answer to support for education and libraries.

It is also important to remember that the direct benefits to business and industry of an educated citizenry are immeasurable. Those who benefit should be reminded of the benefit.

We can draw on the resources of the private sector. Out of a Gross National Product of about $900 billion per year, Federal, state and local government handle less than a third through tax collection and public expenditures. In other words, $600 billion dollars can be spent each year—but there are many demands for a piece of this action.

Educators must speak up.

Business and labor leaders should have their "memo a day" asking: "What have you done for education today?"

Let us therefore, earmark a portion of our Nation's vast resources to insure excellence in education and library service, since an educated, literate, informed public is a priceless national resource. Here is one way that it can be done. It is time to start a National Educational Trust Fund.

We have a National Highway Trust Fund and a National Social Security Program.

The Highway Trust Fund is, as I am sure you know, based on a users' tax. You pay as you drive from fuel taxes. It is difficult to see how this can be applied to libraries and schools and adult literacy classes and educational TV and all the other means to create an informed citizenry.

Yet it is only right that our Nation's vast physical resources should be used to develop our most priceless resource an economically and intellectually effective public.

How about a fund deriving its income from exploitation of federally-owned oil shale deposits?

Is this not the time to direct this new revenue to a National Educational Trust Fund?

On the model of Social Security legislation, a small contribution from employees and employers could provide a permanent and substantial cash flow to a National Fund.

Such a system of collection would have an important additional benefits in that, as national income increased, fiscal support for the Fund would automatically rise.

As a member of President Johnson's Cabinet and from past and present employment as a teacher, I draw the inescapable conclusion that education in all its aspects—from teaching basic literacy to the use of great computers in sorting and evaluating highly sophisticated data—education deserves its full voice in the highest executive body of our nation. The Office of Education should be elevated to a Cabinet Level Department. I feel most strongly that when budgets for Federal investments in libraries and other educational tasks are being worked out, the Secretary of Education should be present to state the case for supporting the Nation's most important work.

A National Educational Trust Fund and a Cabinet level Department of Education would end the *ad hoc, ex post facto* efforts that have always provided too little and too late to meet our educational needs.

In the meantime, Congress must increase, not decrease the funds for education and libraries; it must not permit a starvation diet when there are so many hungry minds to be fed. For people *are* book hungry. You and I know how much they have meant to us. Around the world, students would rather go without food than without books. In underdeveloped countries there is even a blackmarket in textbooks; in Indonesia, for example, book-legging is commonplace.

Keeping open these channels of communication—preserving and *expanding* library service—is the key to a larger purpose; a new age of Reason, Reconciliation and Renewal, before polarization takes command and we are frozen in an ice age of fear, distrust, confrontation, and violent reaction.

Let us not go down in history as the generation that opened the doors to outer space, but closed the doors of the libraries.

THE NECESSITY OF STRENGTHENING OUR MANPOWER PROGRAMS TO BETTER TRAIN OUR NATION'S YOUTH

Mr. BYRD of West Virginia. On July 1, 1969, 59 Job Corps centers throughout the Nation began closing their doors. The purpose of the Job Corps had been to provide disadvantaged youngsters

with job skills coupled with basic education. The failure of this program has been documented in many sources, the most recent of these being the Comptroller General's report of OEO programs. Among its deficiencies it was noted that the Job Corps demonstrated an inability to provide adequate vocational training and assurances that jobs would be available in the occupations for which the enrollees were trained. In many instances, enrollees gained little from the program, as was reflected in their employment experiences.

The youth unemployment rate for this Nation has remained high over the 5-year period in which the Job Corps has been in operation. The 1968 Manpower Report of the President revealed that while the unemployment rate for all workers has been nearly cut in half since 1961, the teenage rate has declined very little. In 1968, the jobless rate for young workers exceeded 12 percent. The unemployment rate for Negro youth has been the worst unemployment category in this country for a decade. Nonwhite youths, age 16 through 21, in 1968 experienced unemployment at the rate of 20.4 percent. During the course of the year, almost a third of a million Negro youths in this age group were out of school and out of work.

Most of us agree that the purposes of the Job Corps were important and are worthy of further exploration. What has been challenged are the Job Corps methods, which have proven costly and ineffectual. If we are to realize the greatest benefits from our job training efforts, we must improve the framework in which these programs operate and increase our support for job training efforts which have been demonstrated to be effective and successful.

We must begin by making greater attempts to convince the young men and women who swelled the Job Corps ranks that a high school education is essential to their future well-being. Greater stress must be placed upon programs of cooperative education, whereby students in school can learn about the world of work firsthand and combine school with work experience. The private sector of the economy should be encouraged to devote more of its energies to the classroom, where young people can be enlightened regarding the demands of the marketplace, and the skills they must possess, if they are to compete successfully in an increasingly sophisticated and complex economy. Toward this end we must expand our support for programs of vocational education to insure that students who now find no relevance in an academic curriculum may be made aware of the many occupational choices which will be offered to those who have completed a course of vocational study.

It is also imperative that we strengthen the U.S. Employment Service, which operates throughout the country to assure jobs to those seeking work. Computerized job matching and the use of job banks must be more widely employed to relate skill training to existing job vacancies. In an age in which modern communication and transportation networks link vast areas of the Nation, it is unthinkable that we have no means of rapidly learning what opportunities are available in the next State. Computers can expeditiously determine whether an individual's job skills meet the requirements of an employer's specifications. A list of job openings throughout the Nation should be made available each day to placement counselors. With the proper use of automated equipment, we could greatly enhance the utilization of human resources and bring to an end the economic waste produced by vacant jobs and idle workers. Young people, being especially adaptable, could readily acquire the specialized knowledge necessary to qualify for employment in those areas of the economy where additional manpower is sorely needed.

Several manpower programs already in operation to combat unemployment have shown good results, and deserve to be expanded to include greater numbers of disadvantaged young people.

One such effort is the JOBS program, initiated in 1968, which involves the private sector and Federal Government in a partnership to hire and to train the hard-core unemployed. This program represents the first major involvement of the business community in manpower programs designed to aid disadvantaged individuals. The success of the program demonstrates that the private sector can make a valuable contribution. When the program began in January 1968, its goal was to place 100,000 men and women on the job by June 1969. The National Alliance of Businessmen, who are in charge of the program's operation, reported that they reached their first-year's goal in January of 1969, 6 months ahead of schedule. Hiring of the hard core is progressing at the rate of 20,000 placements per month. Seventy-three percent of those whom the JOBS program has been helping are men, and 78 percent are Negroes. Of the enrollees, 70 percent are between the ages of 20 and 40, and 17 percent are under 20. The majority of participants have completed an average of the 10th grade in school. Last year, most of them had been unemployed an average of 25 weeks, and their family incomes averaged $2,773. After they were hired through the JOBS program, 65 percent made more than $1.75 an hour, 33 percent made more than $2 an hour, and 4 percent made more than $3 per hour. Of the 145,900 disadvantaged men and women who have been hired, more than 80,000 are still on the job.

The success of companies, large and small, clearly demonstrates that the private sector can motivate and train individuals previously considered to be unemployable. This May, the Secretary of Labor announced that JOBS is to be expanded to an additional 75 cities, or to a total of 125 municipalities. Hopefully, expansion of the JOBS program will permit a greater emphasis in finding work for young jobseekers, providing them with meaningful opportunities in the areas of the economy that are growing and experiencing skill shortages.

Programs initiated under the Manpower Development and Training Act have proven invaluable in developing our Nation's manpower resources. Since the passage of the act in 1962, more than 1.2 million training opportunities have been authorized. As of June 1968, 76 percent of those completing institutional training, and 89 percent of those completing on-the-job training were employed when last contacted. Of these placements, 78 percent of the trainees from institutional programs and 93 percent from on-the-job training were employed in training related jobs. A recent study of MDTA graduates revealed that after training their median earnings were $1.73 per hour compared with $1.44 before training—an increase of 20 percent in the average earnings level. The MDTA skill center provides in one facility training for as many as 20 different occupations, and those supportive services which the trainee may find necessary. The programs authorized under the MDTA have made a significant contribution in training this Nation's labor force, and should be fully supported to allow for greater allocation of resources to the training of our young men and women.

Mr. President, the Nation has not fully taken the steps needed to help unemployed young people to help themselves. We owe it to our youth, and the economic well-being of the Nation in general, to develop better means for training the young, and transforming them into responsible, productive citizens. It seems a most sensible approach to apply those programs which have had the most success to the group for whom the Job Corps was originally designed. By making a greater attempt to reach and train young workers, we can promote the kind of self-fulfillment which, in turn, will mean a stronger economy, a less divided society, and a better America for us all.

EVERGLADES

Mr. NELSON. Mr. President, the threats to Everglades National Park from federally assisted development such as a proposed super jetport nearby present a real test of whether or not this Nation is committed to a policy of protecting the quality of our environment for now and for future generations. An article last Saturday in the New York Times, by Mr. Paul Brooks, publisher and conservationist, is an excellent presentation of the dangers and the issues involved.

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

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

TOPICS: EVERGLADES JETPORT—A BLUEPRINT FOR DISASTER

(By Paul Brooks)

"Human history," wrote H. G. Wells, "more and more becomes a race between education and catastrophe." A precise illustration of his thesis, in terms of land use, is the 39-square-mile jetport about to be built (unless someone stops it) in the heart of the Florida Everglades.

Promoted by the Dade County (Miami) Port Authority, backed by four major airlines, by the Federal Aviation Agency, by local boosters and land speculators, it threatens the very existence of that unique subtropical wildlife paradise, Everglades National Park. The land has been condemned

and work already begun on the intended location only six miles north of the Park boundary. The first stage, the training field, will be in operation this fall.

"A new city is going to rise up in the middle of Florida," says Alan C. Stewart, Director of the Port Authority; "you are going to have one whether you like it or not." If he is right, the impact on the surrounding country will be devastating. Local speculators will get rich; but Everglades Park, which belongs to all the people, will be doomed.

Pressures on land and particularly on water in Southern Florida are already at a maximum; zoning for their protection at a minimum. Yet the physical environment is extraordinarily fragile, and vulnerable to misuse. The Everglades—which, with the great cypress swamp, covers most of the interior—consists of a vast, shallow, slow-moving river. Fresh water during the wet season moves from the region of Lake Okeechobee southward through the state water conservation areas and (when unimpeded) on through the Park, to empty eventually into the Gulf of Mexico. On this seasonal flow of pure water the life of the Park depends.

ALGAE, ALLIGATORS MENACED

In recent drought years, excessive diversion and wastage of water by the Army Engineers has all but caused the Park to dry up. Now the whole chain of life, from algae to alligators, is threatened by the future water needs, and by the inevitable pollution from an airport and city rising literally out of a swamp; the domestic and industrial effluent, the pesticides and herbicides and fertilizers, the unburned jet fuel discharged into the air. Noise from takeoffs and landings, estimated eventually at two per minute, will be intolerable.

The Port Authority has the nerve to designate the Park a "sound barrier" or buffer zone; F.A.A.'s Miami manager cracks, "Nobody will be close enough to complain—except, possibly, alligators." Except, possibly the million annual visitors to the Park, whose chance for a wilderness experience will be gone forever.

The jetport project is an abortive offspring of the unholy wedlock of the booster and the engineer. It represents the same blind permissiveness that allows industry to pollute air and water to the brink of disaster (and beyond, as witness Lake Erie), agriculture to use poisons like DDT long after the fatal results are known, the Army Engineers to dam rivers and dig canals with little concern for the total environment.

Ask the Port Authority if it knows specifically what it is doing to the Everglades and you get a litany of evasion: the matter in question is always "under study." Meanwhile disaster becomes daily more imminent. The "studies" will soon be post-mortems.

Fortunately, Everglades is a *national* park. Early in June Senator Jackson conducted hearings before the Committee on Interior and Insular Affairs, to review what he termed a "classic case history" of the impact of technology on the enviromnent. There emerged a shocking pattern of confusion and conflict between Federal, state and local authorities.

IF ENOUGH PEOPLE CARE

The Bureau of Transportation admits that transportation programs are on a collision course with environmental management. The Interior Department promises to "do everything within its power" to stop the jetport if it will mean destruction of the Park. The Corps of Engineers, however, refuses to guarantee water for the Park "until the situation gets tight."

Other and less damaging sites exist, including state-owned land near Lake Okeechobee. "Either we stop the jetport at the present site," said Senator Nelson (co-sponsor with Senator Jackson of a bill for a national environmental policy) "or we publicly admit that we are going to destroy the Park." To stop it now "will cause a hell of an uproar, but it can be done."

It can. And if enough people care, it will.

TWO SENTINELS OF THE STATUS QUO

Mr. PELL. Mr. President, while I was unable to be in the Senate Chamber when the senior Senator from Idaho gave his speech entitled "Two Sentinels of the Status Quo," I had a chance to read it in depth over the weekend.

I was particularly struck by the wisdom, scholarship, and originality of Senator CHURCH'S speech, and I take this opportunity not only to praise him for having given it, but also to say that I find myself in agreement with its conclusions.

There is certainly no doubt in my mind, or I am sure in the minds of many of us that we and the Soviet Union are indeed becoming sentinels of the status quo.

THE UNITED STATES MUST MAINTAIN THE FORCE OF ITS EXAMPLE BY RATIFYING THE HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, a major trend since World War II has been the rapid emergence of independent states from the ruins of the colonial empires. Because of the resources and sheer numbers of people they represent, the path these nations follow will have far-reaching implications for the course of world events. Thus we must view with concern the development of their political systems.

We must realize—particularly in the light of Vietnam—that it is foolish and even dangerous to expect that all these emerging nations can or should develop exactly as we have. But it is not improper to hope that they will resume certain fundamental characteristics that we and other nations value highly.

Ambassador Arthur J. Goldberg said before the Senate Foreign Relations Committee that—

When our Declaration of Independence was written, we proclaimed certain unalienable rights, and the drafters of that great document proclaimed them not just for Americans, but for all men. . . . President Lincoln said there was something in the Declaration giving liberty "not alone to the people of this country but the hope for the world for all future time."

It is these fundamental guarantees of liberty—by no means unique to our country, but which we have long held dear—that we must hope emerging nations will see fit to emulate.

Yet we continually refuse to reaffirm these basic tenets through the ratification of the international conventions on forced labor, the equal rights of women, and genocide now before the Senate. If indeed we hope that the best of our system will be transmitted to other nations through the force of our example, then we cannot hesitate to assert our support of these things to the rest of the world. Ambassador Goldberg said that—

In the conduct of our foreign policy it is highly important that where we can we ought to be faithful to these great traditions, and our being faithful to these great traditions, being an exponent of the ideals of liberty and equality in the international arena, is not an insubstantial factor in world affairs.

And while we delay, Mr. President, these conventions are ratified by many of the very nations to whom we are supposedly offering an example. The list is embarassingly long—over 70 nations, many of which were barely colonial entities when the Declaration of Independence was signed.

At this most critical of times, said President Kennedy:

The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny.

If we are to exert a constructive influence in the third world, Mr. President, if we are not to lose our traditional leadership in the field of human rights, we must act to ratify these conventions now.

PRESIDENT THIEU'S OFFER

Mr. McGEE. Mr. President, last week President Thieu, of South Vietnam, made his awaited offer—an offer which would have permitted the Vietcong to participate in national elections following a cease-fire. This is, of course, a considerable concession on the part of the South Vietnamese, since it opens the doors to Communist participation in their government—something now denied by the South Vietnamese Constitution. In short, the Chief Executive of South Vietnam was offering a constitutional amendment and a major concession in one package. No small matter.

It was, not surprisingly, rejected out of hand by the NLF and the government in Hanoi—at least publicly. But what is more disturbing to me is that, even before this move by President Thieu, it had been persistently denigrated in this country by people who I would have thought would welcome any move, however realistic, toward peace.

While there are things wrong with the Thieu proposal, at least as it stands, still unnegotiated, it represents a very significant change in stance on the part of the South Vietnamese Government. It certainly cannot, with any honesty, be called a step backward.

Mr. President, in the wake of this latest offer and refusal, we can look back over the past year and a half of negotiations and find a long string of proposals offered, tried, tested, and put forth by the Governments of the United States and South Vietnam in order to encourage the other side to sit down and seriously talk peace.

As we look back over the past year and a half of peace negotiations, we find a long string of things we have been offering—trying out, testing, in order to encourage the other side to sit down and talk more seriously.

It began with halting of bombing of North Vietnam and was followed by policies of great restraint on our side even while the other side was hitting the major cities of South Vietnam last fall and winter with rockets. Thieu has offered to sit down with the NLF for private talks without preconditions. And our own Government now has begun a limited

troop withdrawal as a bona fide effort in this testing operation.

Whatever our critics in our own country think personally about Thieu is their own business. But surely we can see that the whole thrust of the effort to find a base for peace or peace talks has been largely a one-way operation; namely, from our side. I think the record ought to make our stance a little clearer than the headlines suggest. We are pursuing every reasonable path to an honorable settlement.

With all that the Thieu offer does not say—and we all admit this is a tough one to implement—it is a positive step. Despite the NLF's immediate rejection of the offer, surely it is now incumbent upon Thieu's critics to deal with Thieu's offer as it is or else to propose a better solution to the election impasse. Along the same line, if the NLF is genuine in its hope for peace, let it also show some sign that it is.

SUPPORT OF THE ARTS

Mr. MONDALE. Mr. President, an editorial written by Joseph James Akston and published in the May 1969 issue of Arts magazine discussed the situation of the arts in America. In his editorial, Mr. Akston called for the administration to elevate the position of Chairman of the National Council on the Arts to Cabinet level, and recommended higher appropriations for the support of the arts.

In a hectic and hurried world where mass production, planned obsolescence, and modern technology proliferate, the creativity and lasting value of the arts is often overlooked. But the contribution that the arts make to the quality of American life cannot be denied. In this context, I commend Mr. Akston's editorial to the Senate because I believe it is worthy of our thought and consideration. 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:

SUPPORT OF THE ARTS

President Nixon's acceptance of Roger L. Stevens' resignation as Chairman of the National Council on the Arts could be more than simply a quadrennial rite of political partnership. It would be more, that is, if the president used the necessity to appoint a successor as an opportunity to declare a national policy of serious moral and material commitment to the arts.

President Nixon could accomplish this with a stroke of the pen or a verbal announcement that would have raised Mr. Stevens' successor to cabinet-level rank. We would then have in name at least, a counterpart of André Malraux, France's Minister of Arts. Even though we did not immediately attain the images of the Gallic heritage of veneration for matters of culture, a formal Department of Cultural Affairs might, in time, engender intent which, eventually, might produce substance. In any instance, the gesture would be beneficial.

One suspects, however, that this thought must remain a wistful one. President Nixon has not given us reason to believe that his imagination is equal to such a gesture. The reality undoubtedly is that when the Chief Executive gets around to it, he will fill the gap with somebody of the proper political persuasion and bureaucratic faith. For, with all due respect to Mr. Stevens' conscientiousness and considerable ability as an administrator, no postulant for the National Council's top job can vouchsafe earth-shaking results, nor can he even fashion national policy on the arts so long as the administration limits the scope of its functions. And, unfortunately, that is what the previous Administration saw fit to make of its arts council appointee: a functionary, albeit a relatively prestigious one, but forced to function within the narrow confines imposed by the parent agency and a congressional committee. Only cabinet or cabinet-level designation, a move clearly within the President's traditional executive power, will permit the boss of our federal arts agency to transcend the functionary's role.

The chasm that divides hoped-for developments and the reality in arts funding grows deeper and wider. At this writing the reality is appallingly apocalyptic. Mr. Stevens' departure from the scene is accompanied by dire reports of virtual bankruptcy on all governmental funding levels, along with feeble heartbeats that attest the moribundity of corporate and private fundraising efforts. One can only assume that Mr. Stevens' farewell was given with a feeling of relief to have narrowly avoided the final demise. Here, in the cryptic, dry, but eloquent language of the balance sheet is the handwriting on the wall.

In 1968 federal support for all the arts was a smaller item in the national budget than economic aid to Costa Rica, smaller than a single minor grant made by the National Science Foundation to the Polytechnic Institute of Brooklyn. It amounted to four cents of every thousand dollars of government expenditure!

The prospect for the current year is bleaker. The 1969 federal budget cuts support for the arts to less than three cents per thousand dollar outlay. Although Congress has *authorized* 15 million for the arts—a paltry sum, indeed—it has *allocated* only 7.5 million for the current fiscal year. And this sum stands an excellent chance of being drastically reduced by the Capitol Hill politicians.

The miniscule scale of funding forced upon the National Endowment for the Arts by the parsimony of Congress and the previous Administration is pitifully evident in the fact that the Endowment has already spent its entire visual arts grant allocations for 1969: the total sum of $295,000. The Endowment must now wait for a definite appropriation for fiscal 1970 before it can make any plans for the future. This tiny federal agency, created to assist the arts in this country, is in fact an instrument of euthanasia in the arts.

The message on the wall is clear for all to read: the arts in America are in imminent danger of starving to death. There are those who do not, apparently, choose to take that message quite as seriously as we believe it deserves to be taken.

Among those taking a more optimistic view of the immediate future of the arts in America there stands, paradoxically enough, Mr. Roger Stevens. The ex-Chairman of the National Arts Council is still chairman of Washington's John F. Kennedy Center for the Performing Arts. This fact, plus President Nixon's failure to name a successor to the national arts agency, gives Mr. Stevens an ex-officio status, a sort of elder-stateman role in the current arts scene.

Mr. Stevens is on record with the following comment, made after the chain-reaction cutbacks sparked in Washington:

"I'm not as pessimistic as most people think we should be. Some 95 percent of those on the board of trustees of arts organizations are Republicans. They're going to see to it that money is available to make up the huge gap."

We envy Mr. Stevens his sanguineousness. While doing so, we should like to point out the following aspect of the grim reality confronting the arts. It may have been overshadowed by Mr. Stevens' sunny, bright outlook.

When the ex-chairman of the federal arts program pins his hopes on the "boards of trustees," etc., he is, knowingly, we assume, betting that the so-called private sector of the economy will take up the funding slack. For, however he words it, he is looking to the corporations, to Big Business for action, perhaps salvation, this time. Though we share the hope that it will be forthcoming in the worsening financial crisis, we cannot share Mr. Steven's calm confidence that help shall be forthcoming.

Government, by its control of national wealth through taxation and expenditure, has the power to withhold public support of the arts. U.S. corporations, by definition and function "public" institutions, control an even bigger portion of the public wealth. Government and corporate enterprise, therefore, share the responsibility and power for what has been termed "public funding of culture and the arts." In reality, "government funding" and "private corporate funding," so-called, are, in effect, public funding. The terms have been made to carry a distinction but it is a distinction without a difference.

The outlook, then, is gloomy, we think. But we shall endeavor to nurture in ourselves a little of the faith that seems to animate Mr. Stevens during this dark time for the life of the arts in America.

BILINGUAL EDUCATION

Mr. MUSKIE. Mr. President, 2 years ago the Elementary and Secondary Education Act of 1965 was amended by the enactment of title VII, the Bilingual Education Act of 1967, which authorized a nationwide study of methods to promote bilingualism for children who come from environments where the dominant language is other than English.

In northern Maine, 26,058 U.S. citizens reside in the St. John Valley. Ninety-five percent of the children learn English as a second language. If a bilingual center funded under title VII could be established in the valley, it would affect approximately 20 percent of all elementary and secondary students in Maine who are handicapped because of their bilingual background. Unfortunately, the present administration allows only $125,000 for a northern New England bilingual education program for French-speaking school children.

Because of the severe limitation of funds, none of the funds appropriated for title VII have been available for French-speaking school children of the St. John Valley in my own State of Maine. Instead the valley schools have operated a bilingual program under title III of the Elementary and Secondary Education Act, which provides 3-year programs of grants for supplementary educational centers and services to elementary and secondary schools.

I invite the attention of Senators to an article entitled "A Bilingual Culture," published in the May issue of the Maine Teacher, which describes the successful ways in which the St. John Valley schools, operating under title III, have made youngsters more adept in English through the medium of their native French language. I ask unanimous con-

sent that the article be printed in the RECORD.

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

A BILINGUAL CULTURE

(By Glen Wilcox)

(NOTE.—Glen Wilcox is co-director of the Franco American Bicultural Research Innovations Center, a Title III, PACE project at Frenchville and St. Agatha.)

Something exciting is happening in the schools of School Administrative District 33 which comprises the towns of St. Agatha and Frenchville. These towns are located in the northernmost tip of Maine's Aroostook County in the Valley of the St. John River—the so-called Franco-American belt.

The school population of these two towns is housed in three schools—Bailey and Montfort Elementary Schools and Wisdom High School, and 90 percent of the pupils in these schools entered as monolingual French-speakers.

For many years these French-speaking youngsters have been the unwitting victims of an educational system and school curriculum that failed to take into account their cultural and linguistic background. Their language is suppressed in subtle and not-so-subtle ways. State law demands that subject matter other than languages be taught in English. A campaign has been waged for years by teachers and administrators to eradicate the speaking of French in school classrooms, corridors, and playgrounds, in the well intentioned but mistaken notion that this would automatically lead to the improvement of English skills. Many schools had a variety of rules and regulations to enforce this principle. Punishment for speaking French ranged from loss of lunch tickets to extra English assignments after school.

The results of this uncomprehending policy have been tragic. Deprived of their cultural heritage and suppressed in their language and culture, many children rebel against the system that forces these unreal demands upon them. The French-speaking child, required to attend school taught in a strange and unfamiliar language, passes through a period of intellectual and emotional confusion that may handicap him for life. He loses three to four years in the struggle to acquire enough academic English to compete in the system. Large numbers, discouraged by the struggle, drop out as soon as possible. As they have rarely mastered the basic grammatical concepts of French before they are forced to deal with English, they seldom learn either language well. Often these students leave school functionally illiterate in two languages. The linguistic confusion imposed on these youngsters is a grave handicap in their search for adequate employment. Some, despite their linguistic confusion, succeed. Others seem to reject one language or the other, some refusing to speak English except when absolutely necessary and reverting to French when at all possible, while some reject French entirely, even refusing to speak French to their parents at home. Achievement tests from towns in the St. John Valley reveal that, on the average, test results in reading by pupils from French-speaking homes are three years below national norms.

This was the situation in SAD 33 when the district received an $86,000 grant from the U.S. Government under Title III of the Elementary and Secondary Education Act to undertake a research project in bilingual education.

PACE, as the project was first called, began with a six-week in-service summer session for 30 teachers and administrators. The session began with two weeks of sensitivity training under the auspices of professional trainers affiliated with the National Training Laboratory. Sensitivity training leads to an awareness by the individual of the impact he makes upon others, and, thereby, allows him to make needed changes to take advantage of his full potential. So many hangups became apparent during the course of the two weeks that we feel without this training our project would have been in deep water from the beginning. It soon became evident that bilingualism, per se, was not a handicap. Indeed, bilingualism is viewed as a distinct asset by modern educational standards and Title VII of the ESEA has allocated $7.5 million to the nationwide study of methods to promote bilingualism. It was instead the attitudes and feelings, the social and emotional connotations, the rigid and often irrational educational philosophy in regard to the treatment and teaching of bilinguals that were at the crux of the problem.

Our original goal, prior to sensitivity training, had been to improve the quality of English instruction. We now began to realize that to improve the quality of the finished product of our schools would require much more than this. Attitudes had to be changed. A sense of intrinsic value in French culture and language had to be instilled.

OUT THE WINDOW

We started by tossing out the window the rules that downgraded and suppressed French. Communication and instruction in French are necessary if one is to realize the worth of the language. Our children bring to school with them years of valuable language acquisition skills, skills which are viewed as a handicap, under traditional curricula, rather than the tremendous and valuable resource that they actually are. By using modern linguistic techniques, these French language skills can be the bridge to successful functioning in English. Learnings in one language reinforce learnings in the other. Most linguists agree that the child learns to read that which he speaks and understands. In the case of the majority of our pupils, that which he speaks is French. This is the language in which we propose to teach reading. A variety of bilingual schools throughout this country and Europe have successfully proved that bilingualism is a definite possibility, given at correct population and favorable attitudes and incentive.

At the present time several pilot projects in various aspects of bilingual teaching are in operation in SAD 33 schools.

A kindergarten class is conducting reading-readiness activities in both French and English, using graphic illustrations prepared by a local teacher-artist. Numerous scenes, such as the local firehouse, potato harvesting, the shopping center in a nearby town, a barbecue scene on the shores of Long Lake, a town snowplow at work, are illustrated. The initial reading vocabulary will be selected for maximum transferal value in both French and English.

These illustrations, with the accompanying French vocabulary, will next year be incorporated into a professionally printed textbook to be used as a kindergarten primer.

Team teaching, whereby a French-speaking teacher conducts classes in French while the teacher she replaces carries on in English in her class, is being tried with exceptionally good results.

The changes wrought in the students are remarkable. The "jail atmosphere" is gone. A feeling of esprit de corps prevails throughout and morale is higher among teachers than ever before. "We're bilingual," exclaims a bulletin board on one end of a hallway. At PTA meetings children exhibit examples of bicultural historical sites and artifacts and proudly flash green PACE buttons proclaiming their Franco-American heritage.

The first year of operation was, according to the addendum to the original PACE proposal, to be one of research and investigation. At the end of the summer, a team of three co-directors was chosen to spearhead the operation. The "Troika," as the three directors are called, is aided by seven committees. Every faculty member is a member of one or more of these committees. They meet on a regular weekly basis to formulate plans and collect data. The entire faculty attend bimonthly meetings and so far two workshops have been held as part of in-service training—a two-day affair in January and a three-day institute in February.

The Troika has established the Franco-American Bilingual Research Innovations Center (FABRIC) and plans are being formulated for the implementation of the new bilingual curriculum.

Projected plans for the PACE/FABRIC project tentatively call for a fully functioning bilingual curriculum in grades K to three for school year 1969–70, with other grades being added in succeeding years. Eleven classes will be involved in next year's program—two kindergarten and three classes each in grades one, two, three.

TEAM PROCEDURES

The kindergarten classes and one class in each of the other grades will probably be taught by bilingual teachers. The other six classes will employ team teaching procedures wherein an English-speaking teacher will handle the English content and a French-speaking teacher will present the French material. In this way we hope to be able to determine which particular method will best suit our needs. The actual amount of time devoted to each language will be determined by the makeup of the individual groups, but generally, French-speaking groups will receive about 75 percent of their instruction in French with the opposite being true for English-speaking classes. By the end of grade three all groups should be receiving about equal time in all subjects in both languages.

The curriculum materials and techniques will be developed this summer in a six-week practicum to be held in St. Agatha. Videotape and other multimedia approaches will be emphasized during the practicum. Eleven college level courses are being offered in addition to the practicum for all teachers and administrators of SAD 33.

Statistical analysis of other bilingual programs throughout the country has shown the value of teaching children in their native tongue. Children more readily become adept and facile in English when the approach is through the medium of their spoken language and, best of all, the bilingual child has all the advantages that multilingualism offers—enhanced problem-solving ability, cross-cultural appreciation, reading, writing, and speech skills in two languages.

Recent studies of ten-year-olds in Montreal show that in large samples that take into account socioeconomic factors and environmental controls, bilingual students placed higher on standardized achievement and intelligence tests and were more advanced in grade placement than either monolingual French or English speakers.

We hope, here in the St. John Valley, to be able to provide our children with the opportunity to become balanced bilinguals, equally adept in reading, writing, and speaking two languages, at ease in two supporting and complementary cultures, and capable of making use of the myriad advantages two cultures have to offer.

DELPHIAN CLUB OF PORT ARTHUR, TEX., ENDORSES 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the Delphian Club of Port Arthur, Tex.,

adopted a resolution on May 27, 1969, urging the establishment of a 100,000-acre Big Thicket National Park in southeast Texas. They recognize the threat posed by the bulldozer and chain saw to this unique ecological phenomenon.

In addition to its unmatched beauty and the richness and diversity of its plant and animal life, the Big Thicket is steeped with history. Sam Houston had planned to hide his army here if his attack on the Mexican Army had failed. Runaway slaves and bandits found safety in its dense tangles. Draft dodgers and conscientious objectors hid out in the thicket successfully during the Civil War and as recently as World War I and II.

The Big Thicket is a part of America's heritage. We must not through neglect or lack of concern let this area and others like it to disappear forever from the face of the earth. We must act now if we are to save the Big Thicket.

Mr. President, I ask unanimous consent that the resolution and the name of its signer be printed in the RECORD.

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

MAY 27, 1969.

Whereas the Big Thicket of Texas is a meeting place for eastern, western and northern ecological elements; and

Whereas, this is the last stand in Texas of the nearly extinct Ivory-billed Woodpecker; and

Whereas, this beautiful and unique area is rapidly being destroyed by bulldozer and chain saw; therefore be it

Resolved, That the Delphian Club of Port Arthur, Texas, urges the preservation of at least 100,000 acres containing the most unique areas of the Big Thicket, these areas to be connected by environmental corridors; and be it further

Resolved, That the Interior and Insular Affairs Committee of the Senate of the United States be requested to set immediate hearings on S4 which would create a Big Thicket National Area.

Mrs. H. A. SWANZY, Sr.,
Delphian Club President.

THE PESTICIDE PERIL—XXV

Mr. NELSON. Mr. President, last week Home Garden magazine announced a ban on advertisements for products containing DDT and certain other insecticides which could have harmful effects on man and his environment.

According to Mortimer Berkowitz, publisher and president of Home Garden magazine, Home Garden is the first national consumer publication to place such a ban on DDT advertisements. The action was taken after a thorough study by the magazine's editorial staff on the harmful effects of certain insecticides. Mr. Berkowitz stated:

It is Home Garden's belief that the use of DDT should be avoided in all areas, including home gardens.

The ban will go into effect with the September issue, and the October issue will feature the "DDT Story"—including warnings on the effects of certain chlorinated hydrocarbon insecticides, consumer recommendations for effective substitute materials, and a plea for Federal legislation to control the use of these insecticides.

A leading national horticultural magazine for consumers, Home Garden advises the amateur home gardener as well as the professional. Its action is timely, and further endorses the concern of scientists, conservationists, and public officials of the threat to our environment and to human health by the continued use of persistent, toxic pesticides.

I ask unanimous consent that the press release issued by Home Garden magazine and the article published in last week's New York Times relating to this matter be printed in the RECORD.

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

HOME GARDEN MAGAZINE BECOMES FIRST NATIONAL CONSUMER PUBLICATION TO BAN DDT ADVERTISING

NEW YORK, July 10, 1969.—Home Garden Magazine, the leading national horticultural magazine for consumers, will not accept, effective with the September issue, any advertising for products containing DDT and certain other insecticides which could have harmful effect on man and his environment.

Home Garden Magazine is the first national consumer publication to place such a ban on DDT advertisements, according to Mortimer Berkowitz, publisher and president of Flower Grower Publishing, a subsidiary of Universal Publishing and Distributing Corp., who announced the ban today.

Mr. Berkowitz, said that the subject of certain insecticides' harmful effect has been studied thoroughly by the magazine's editorial staff. After prolonged consultation with industry and governmental authorities, the decision to reject DDT advertising was made. "It is Home Garden's belief that the use of DDT should be avoided in all areas, including home gardens", he stated.

Editorially in the October issue, Home Garden will urge its more than 425,000 subscribers not to use DDT and certain other chlorinated hydrocarbon insecticides such as aldin, endrin, DDD, dieldrin and toxaphene which decompose slowly and accumulate causing contamination of soil, water, wildlife and even man himself.

The editorial will also call for federal legislation to control use of these insecticides.

Beside the full report on the "DDT Story" in the October issue, Home Garden will give consumers recommendations for substitute material that they can use just as effectively as DDT and other chlorinated hydrocarbons.

Universal Publishing and Distributing Corporation is an international publisher of "special interest" magazines, books and educational materials for the consumer and industrial markets. UPD shares are traded in the over-the-counter market.

[From the New York Times, July 11, 1969]

HOME GARDEN REFUSES ADS FOR DDT PRODUCTS

A ban on ads for products containing DDT was announced yesterday by Home Garden Magazine.

It goes into effect with the September issue and will also include "certain other chlorinated hydrocarbon insecticides," which "could have a harmful effect on man and his environment."

The publication of Flower Grower Publishing, a subsidiary of Universal Publishing and Distributing, will also urge in its October issue that its 425,000 subscribers not use these kinds of pest killers

A NEW FEDERAL LAND-BUYING POLICY MIGHT HELP FLOOD PROJECT JAM

Mr. SYMINGTON. Mr. President, a thoughtful and constructive editorial published in the Kansas City Times of Wednesday, July 9, has to do with flowage easements on flood protection projects—the method in force a few years ago—instead of outright purchase; and in that the Federal Government is now so heavily in need of tax money, in the interest of the taxpayer I would hope that this suggestion will be carefully considered.

I ask unanimous consent that the editorial, entitled "A New Federal Land-Buying Policy Might Help Flood Project Jam," be printed in the RECORD.

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

A NEW FEDERAL LAND-BUYING POLICY MIGHT HELP FLOOD PROJECT JAM

Missouri's severe slowdown on flood protection projects could be eased by a proposed change in federal land acquisition policy which would reduce project costs. As Sen. Stuart Symington pointed out in his Senate speech Monday, the government now is taking outright title to reservoir land which might be flooded only every 20 to 100 years. A flowage easement—a one-time payment for the right to flood as needed—would cost on the average only about half as much as taking title. And it would leave the property on the local tax rolls.

The Symington suggestion would amount to a return to the land-buying policy used by the Corps of Engineers and the Interior department between 1953–62, in which flowage easements were taken on most reservoir land above the level expected to flood less frequently than every five years. Fee title still was taken to land needed for public use or access to the project.

In 1962, however, in the expanding economy of the Kennedy administration, a new policy was adopted of buying outright all but a few remote reservoir tracts where easements still would be used.

But now, with the federal public works program crippled by the Vietnam war outlay and inflation—including higher land costs—would be a good time to re-examine government land acquisition policy once more. In Missouri, Kaysinger Bluff, the 213-million-dollar giant of all area flood projects, is being built at a crawling pace and Pattonsburg, keystone of the Grand river system of dams, can't even be started.

Unlike the relatively deep Ozark valleys where most existing Missouri dams have been built, these flatland projects require big acreages—266,000 at Kaysinger, for example, for a permanent pool of only 55,600 acres. The engineers there are dealing with nearly 8,000 ownerships.

Any new land policy still should provide for government ownership of the shoreline area to guarantee full public access to these taxpayer-built lakes and guard against private, junky development which would damage natural beauty. But within the flood pool, greater use of flowage easements might effect sufficient cost savings to get moving on projects now stalled by high costs.

RISE IN U.S. VIOLENCE—WHAT ABOUT THE VICTIMS? BILL NEEDED TO AID INNOCENT VICTIMS OF CRIME

Mr. YARBOROUGH. Mr. President, the Commission on the Causes and Prevention of Violence recently issued a report entitled "Violence in America: Historical and Comparative Perspectives." This report contained a sobering account of how violent our society has become.

This development concerns me. It is frightening to behold the degree to which violence has become a part of life in this Nation—particularly violent crime. All of us in Congress are concerned about how to control the commission of acts of violence. But, I feel that we should also be concerned with what we can do to help the victims of this violence.

My bill, S. 9, suggests what can be done. I propose to create a Federal commission to compensate victims of crime. Although it would be authorized to operate only in the District of Columbia and certain other federally administered areas, I think it would be at least a step in the right direction. I might add that five States, the Virgin Islands, and two foreign nations have similar provisions in their laws. I hope that Congress sees fit to follow these examples.

Mr. President, I ask unanimous consent that the article entitled "Study Sees Rise in U.S. Violence," written by Jean M. White, and published in the Washington Post of June 6, 1969, be printed in the RECORD.

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

[From the Washington Post, June 6, 1969]

STUDY SEES RISE IN U.S. VIOLENCE

(By Jean M. White)

The 1960s have exploded into one of the most turbulent eras of violence in the history of the violence-prone American people, a Presidential Commission task force reported yesterday.

The 350,000-word research study—as long as seven or eight novels—exhaustively surveys, "Violence in America: Historical and Comparative Perspectives."

The authors underscore that Americans always have been a violent and even "rather bloody-minded" people, almost echoing in scholarly observations the "violence-is-as-American as-cherry-pie" phrase of Negro militant H. Rap Brown.

But they also point out that recent violence has appeared in several forms "unprecedented" in American history—political assassinations, university unrests, and antiwar protest. The study also notes the recent spiral in the rates of violence crime and the turn toward black aggression in the long conflict between the races.

The research report was released yesterday on the first anniversary of the assassination of Sen. Robert F. Kennedy. It was that act that led to the appointment of the National Commission on the Causes and Prevention of Violence.

The historical and comparative analysis of American violence is one of seven task force studies that will form the basis for the final Commission report, scheduled this fall.

The others are expected to be released in a flurry over the next few weeks. One reason was to get a year's worth of research work into public hands before the summer months come to the Nation's troubled cities.

Other task forces have been studying group violence, individual violence, assassination, firearms, crime and law enforcement, and mass media.

In the five years before mid-1968, the report released yesterday says, 220 Americans died in violent civil strife. Yet this comes out to a rate of only 1.1 per million population—less than half of the European average of 2.4 per million and "infinitesimal" when compared with the average of 238 deaths per million for all nations.

And although acts of collective violence by private citizens have been "extraordinarily numerous" in the last two decades in the United States, the report emphasizes there has been little disruption in the Nation's life.

One reason given as that most demonstrators and rioters have been protesting rather than rebelling. This has freed America of the terrorism and revolutionary threat plaguing some countries.

PARADOX CITED

"Paradoxically, we have both a tumultuous people and a relatively stable republic," the task force co-directors write in their summary.

The co-directors are Hugh Davis Graham, associate professor of history at Johns Hopkins University, and Ted Robert Gurr, an assistant professor of political science at Princeton University.

Graham and Gurr wrote the 2500-word summary of the bulky, two-volume report that brings together 22 chapters by various scholars.

In the summary, the task force co-directors emphasize that the American past has often been as violent or more violent than today. The most violent urban riot, they point out, was the New York draft Riot in 1863, and proportionately more people died in racial lynchings and labor strife around the turn of the century than from today's collective violence.

"But Americans have been given to a kind of historical amnesia that masks much of their turbulent past," the co-directors observe.

GRIEVANCES INTENSIFIED

One reason that violence persists in the United States, the report says, is that some grievances have not only gone unresolved but even intensified. They also say that the "melting pot" myth has obscured the fact that the United States is one of the most culturally and ethnically pluralistic nations in the world.

And, finally, the co-directors emphasize, violence in the pursuit of what is considered a good cause has always been celebrated in American history, from gaining independence to settling the frontier to restoring the Union.

"The grievances and satisfactions of violence have so reinforced one another that we have become a rather bloody-minded people in both action and reaction," the report concludes. "We are likely to remain so as long as so many of us think violence is an ultimate solution to social problems."

CITIZEN ACTION FOR CLEAN AIR

Mr. MUSKIE. Mr. President, on June 19, 1969, Mrs. Carter F. Henderson, honorary trustee and former chairman of New York City's Citizens for Clean Air, Inc., spoke at a Citizens Workshop on Air Quality at the University of Massachusetts, Waltham, Mass. Mrs. Henderson has made a major impact on the air pollution control program in New York with her dynamic and articulate leadership. Her speech at Waltham was an example of her insight, her grasp of the air pollution problem and her sense of how the need for citizen action on air pollution relates to the broader question of democratic government in a technologically complex and crowded society. I commend Mrs. Henderson's remarks to the Senate and ask unanimous consent that her speech be printed in the RECORD.

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

CITIZEN ACTION FOR CLEAN AIR

(Remarks by Hazel Henderson)

Why must citizens participate in the fight for clean air? Or to take the larger view, why must citizens participate in social decision-making in a democratic society?

Well, we all know from our history that the notion that an informed citizenry should participate in every phase of national decision-making is the central premise of the great social experiment that is America. Our founding fathers modeled many of their ideas on those of the Greeks, and the key phrase in all of these formuli was "informed citizen." Not just citizen, you will note, but *informed* citizen.

I think that this central premise that an informed citizenry is capable of self-government is just as valid as ever. But in a mass, technologically advanced society like ours, with 200 million citizens, it needs re-inventing. And the machinery to channel participation efficiently needs over-hauling. The big problem for the citizen today is that the hand-tools available to him, the ballot box and the letter, have not kept pace with the increasingly automated decision-making now used in other sectors of the economy, whether private industry, the military, space, the multi-versity, big labor unions and all the other highly organized bureaucracies which now characterize our economy. Haven't you all experienced the standard put-down whenever you, as laymen, try to evaluate an issue and make your point? Some expert whether from city government, or a corporation or from whatever bureaucracy you are trying to get an answer, will tell you that you can't possibly judge because you don't know the facts. Then he will wave a printout from his computer to settle the argument. The point is that the citizen seems to be the only guy left who doesn't have a computer! Being an informed citizen gets harder all the time, as we valiantly struggle to dig up facts for ourselves; when our little, under-financed civic organizations can't afford enough researchers, lobbyists, public-relations men, advertising budgets and all the other panoply available to the big boys.

And yet, we may have reached a point where participation by laymen in our increasingly specialized, fragmented society is not only more vital than ever, but could be the only means left to save our society from becoming fossilized and eventually decaying. Because layman and ordinary citizens provide what in computer terminology (yes, the computer boys have brainwashed me!) they call "feedback." Without feedback to correct errors, a computer system goes haywire. Feedback serves the function of regulation, like a thermostat. In our vast, pulsating, computerized America of today, we have thousands of so-called "experts", each with an understanding only of his own narrow discipline, or what is often called "tunnel vision". They are all making momentous decisions on deploying technology in hundreds of new ways, without any real understanding of the big picture. A famous sociologist once studied these people, and called them "technological idiots." You know them too, I'm sure. They are the highway planners who build roads by destroying neighborhoods and

scenic values; the economists who understand fiscal policy but not social values; the computer analysts who only know how to feed their computers with facts and figures that can be quantified, and then wonder why their plans do not work in the real world of people.

This is where "citizen feedback thermostats" are so vital, and because things are happening so fast today that managing change has become almost impossible; we need the "inputs" of non-specialized laymen more now than at any other time in our history. The Conservation Foundation has wisely understood this need, and that is why we are all here today. For laymen tend to judge the nation's allocation of resources by broad, humanistic standards. They tend to ask those two vital questions "What will this program do for *people* and how will it affect the quality of *life*?" And since these two yardsticks are really the basic legitimation for all forms of government, we need to hear them asked today on a massive scale. Millions of citizens from all walks of life raising these two old-fashioned questions are the best countervailing force possible to all the more powerful faster-on-their-feet organizations who constantly plead special interests with all the weapons at their command. For instance, we are told by the aviation "experts" with vested interests (whether economic or intellectual) that the supersonic transport plane will be good for our balance of payments position; good for our national image; good for the aviation industry; that it will provide jobs. Almost everything *except* whether it will be good for the majority of our *people* and whether it will enhance the quality of their *lives*.

In the problems of environmental pollution it is the same. Specifically, when I and my colleagues first started Citizens for Clean Air, we were barraged with "experts" who confronted us with figures and formuli calculated to intimidate and confuse us. We soon caught on to these cheap tricks and went right on with the job of educating the engineers, lawyers, businessmen, and even doctors to our broader interpretation of their facts. We found that one had to get these experts off their territory and on to ours. When they quoted chemical formuli, we quoted Pericles, Edmund Burke and Thomas Jefferson; when they quoted Adam Smith and the "invisible hand" of the marketplace we quoted the higher authority of the Almighty. So when you next stand up at a company's annual meeting to ask whether the new product they are going to market might pollute the environment or be hazardous in some way to the consumer; announce proudly that you are a layman, a generalist and a humanist. For as the country becomes more and more specialized, the generalist, who sees the total system becomes the key man. He is the man who asks when a new plant is thinking of locating in the area, "Yes, I know it will provide employment and tax revenues, but will they be offset by pollution which could lower property values and be costly for the town to clean up?"

When we of Citizens for Clean Air began asking these sort of questions concerning air pollution in New York, it was surprising how many experts from various affected industries would volunteer to teach us what we as citizens could do about it. "The citizens responsibility" they said, "was to refrain from burning leaves and to keep their car well serviced to minimize pollution, and to support their local control officials"—and that was about it. We soon realized that as long as our local power company generated power in the same old way, and the oil industry continued selling the same high-sulphur fuel oil and leaded gasoline, and the real estate developers kept building apartments with the same old fashioned incinerators and Detroit kept producing the same old poisonous cars—our little individual efforts at controlling our own contributions to the overall pollution, although necessary, were not going to make much difference.

We realize that the targets for change must be the biggest polluters—not the smallest. The convoluted logic of the big polluters became transparent and clearly self-serving. Typical of the sort of red-herring arguments they would try to foist on the public, was that of the auto industry. They insisted that the *individual citizen* was responsible for automobile pollution, merely because he had bought the car and then turned the ignition key to drive it. No mention was made of the manufacturer's responsibility not to sell a product that was a health and safety hazard. I'm happy to say that since then, they have become slightly less negative about their own responsibility for the some 60% of America's air pollution problems. If they would stop spending millions trying to doctor up the out-moded internal combustion engine, it has been estimated by a Senate Committee that they could have developed a pollution-free external combustine engine twenty years ago!

Similarly the power companies, if criticized, would simply buy full-page ads to refute charges, and play down their contribution to pollution. But we had no money to buy full pages in the papers to set the record straight. Another shocking example of this sort of thing was the so-called public service ad run recently by a major oil company. The double-page spread claimed that "by 1978 auto pollution would be less of a problem than it was in 1928." This is a subtle form of deception, but enough to prompt Senator Warren Magnuson to protect the public from such self serving propaganda by filing a complaint with the F.T.C.

We finally realized that the only way to get equal time in the court of public opinion was to use the same tools of advertising and public relations that the companies were using—but we would have to get help as a free public service. This was the genesis of the trail-blazing Citizens for Clean Air all-media advertising campaign, which almost single-handedly ushered in the age of "social-protest advertising" now so common on issues like race relations, urban problems and the anti-cigarette crusade. We found a generous, concerned agency, Carl Ally Inc. of New York, willing to *donate* the campaign to us, and *they* found us a public relations firm also willing to handle us as a charity account. Our little group, which began in 1965 with half a dozen people putting a few dollars in the kitty at our meetings, suddenly blossomed into the public's awareness with full pages in *Time, Life, Look, Newsweek, Reader's Digest,* as well as a battery of radio and television commercials. In all, we were given at least $350,000 worth of space and time.

So a good rule of thumb for any new citizens group is to start by finding out what the biggest sources of pollution are in your area. Then investigate what air pollution laws you already have on the books and how they are enforced. You will often find, as we did, that administration and legal procedures can render the laws useless. Sometimes it is lack of sufficient inspectors; sometimes it is the log jam of court cases; sometimes it is judges who don't take air pollutions offenses seriously and only give token, wrist-slapping fines. And sometimes, as is currently happening in New York City, a whole industry, (in our case the real esate industry) will openly defy a newly-passed law, and even take the Air Pollution Commissioner to court!

This is why citizens have to be able to pinpoint who the big polluters are in their community and in the nation. Because in this way they can be a public watchdog to make sure that large powerful groups do not try to obtain special dispensations from the enforcement agency. Constant vigilance is needed to prevent organized interests from actually rolling back new laws on the books. In New York state, local town officials from upstate districts actually pressured a bill through the state legislature to re-establish open burning of leaves and garbage, because it was to much of a problem for them to find other disposal methods!

So the role of the citizens group, as I see it, is to be polite and firm, and not to get too friendly or understanding with anyone. Once you become too friendly with that nice public relations man from the XYZ company or even sometimes, with your own control officials, you will become so symptahetic to their problems that you lose sight of the larger, public interest. This is not to say that you shouldn't have a research group constantly obtaining the best information from all sources, but remember that your safest ground is to speak as humanists and generalists; to advocate the public interest and to ask the right questions. Best of all, if your group is able to point the finger at a recalcitrant polluter or group of polluters in the community, you will greatly strengthen the hand of your control official.

Now let's look at the politicians to whom we delegate the job of implementing our collective will on these national and local decisions. They are supposed to hear all sides of the issue and then determine a compromise. In a mass, highly-organized society, here again, they hear the opinions of all those groups who are well enough organized to press their views. But the countervailing voice of the public as a whole must be heard too if the right decision is to be reached. A simple, but wise man once defined how a statesman differed from a mere politician. "A statesman," he said, "is an upstanding man, who stands upright due to equal pressure on all sides." This isn't cynicism, its pragmatism, and this is why the citizens voice must be heard as effectively as other organizations who have special interests to plead. And the larger and more organized the special interest groups become, with their national advertising campaigns and expensive Washington lawyers, the more citizens are needed to countervail this power with their own numbers. The citizen, undercapitalized and non-automated, still forced to use the tools our forefathers devised for the small, folksy agrarian democracy they knew must shoulder an ever larger burden of involvement to redress the balance.

This massive involvement of ordinary citizens is the best hope we have for overhauling the creaking machinery of government, making it more responsive and flexible, so that it may evolve and survive.

This evolving form of democracy will be based on the rapid and undistorted flow of information. Information is what is lacking when decision-makers make the wrong decisions. It isn't malice; it's last of all the facts. Not only the facts bearing on the current issue, but those facts projected into a picture of how the situation will look in the future under various anticipated conditions. Here again, public decision-making needs the computer. In computerese, they call this projecting into the future, simulation. Here again, the voter is at a loss. Scarcely any of our large bureaucracies, whether government agencies, corporations, labor unions, make any important decisions without the use of computer simulation techniques. But no-

body has thought of computerizing *citizen* feedback so it arrives as fast as all the other information on the issue. Too often it arrives too late to be factored into the decision. This data is collected just as it was 200 years ago, through voting at periodic elections and by letters penned laboriously by harried citizens to their elected representatives. This leisurely pace cannot hope to keep up with all the other information from our computerized society, which is collected and processed at electronic speeds. So until we start tackling the problem of increasing the citizen's voice by applying our technology equally to speed *his* views, the citizen will have to be more involved than ever before just to keep up.

How can we develop methods to speed the vital citizen input of data, which the computer people would call "random access feedback"? Well, first we must wake up to the urgent need for it. We must realize that our decision makers must have access to it *simultaneously* with all the other data bearing on the issue they are trying to resolve. Otherwise, we will be stuck with our current problem of having the citizen feedback arriving too late: *after* the decision has been made; *after* the law has been passed.

At the same time we also re-examine how the citizen gets *his* information, so that he can make *his* decision meaningfully. Here again, the little man is on the short end of the deal. The amount of information he must absorb in order to use his vote wisely is doubling every ten years, and the decisions he must make are based on understanding more and more complicated, often technological data. In the old days, word of mouth, the town meeting, handbills tacked up on the barn door worked pretty well. Now the voter must rely on the mass media and their inevitable editorial biases and selection of what news to present, to try and glean some understanding of what's going on. Here again, an organization with sufficient money can buy time and space in the mass media to get its message across; but the citizen must rely on the mimeograph machine and word of mouth, or attending small meetings. And this is not to mention, his problems in sorting out the facts from the propaganda!

So we have to find more efficient ways of communicating, of opening up more channels of communication in our mass media, so that they will pay as much attention to a citizen's organization as to the government press release or the corporation press handout. We at Citizens for Clean Air besieged our local newspapers, magazines, radio and television stations, not to cover *our* activities, but to help uncover the local problem and pinpoint the sources of pollution. We helped provide local news media with sources of medical information and what the current technology offered by way of solutions. In some cases, we almost bullied publications and broadcasters into covering the air pollution problem. We must develop ways to speed two-way communication between voters and their representatives, citizens and business, alienated young people and their teachers and parents, blacks and whites, urban and suburban dwellers. I have tried to elaborate on these problems of mass-communication in the current issue of the *Columbia Journalism Review*. After all communicating is what we are all doing here today. We are trying to compromise our views by exchanging data and providing diverse information inputs to determine what criteria should emerge for the quality of Boston's air. But see how few of us there are!

We are here developing decisions which will affect the lives of millions of residents of Massachusetts and their children. They cannot be here, but *you* are speaking for them. This is the great responsibility you bear. Do you really know what they want? How best can you advocate their interest, their health and well-being; which is entrusted into your care in developing standards for the air they must breathe? This is the burden, and if humbly and faithfully executed, the glory of citizenship. The task is to set your sights above the meanness of petty self-interest, to broaden your perspective from the narrow view of one facet of the problem; to climb high enough to see the whole panorama, the actual reality of the big picture. What is best for the whole, metropolitan region surrounding Boston and the millions of real, flesh and blood human beings who know little of what is in the air they breathe, and must rely on you and your high-mindedness and decency to protect their interests and those of their children. Until we discover new technological tools to help re-enfranchise all those fellow human beings out there, we must accept the responsibility. We must inform our decisions not only with hard facts and figures, but with human concern for our dis-enfranchised brothers, with love for the land and desire to conserve its precious resources for our children. This is mature citizenship, the noblest responsibility in a democracy. Not the easiest, but the most demanding role—at least until our think tanks and scientists develop the tools we need to make its functioning more effective.

As we look into the future, we can take heart. Because scientists are at last beginning to harness technology to the problem of perfecting the democratic process itself, as a form of government. As luck would have it, the collecting, storing and analyzing of individual viewpoints is an almost perfect computer application.

For instance, one day, I hope, a computer system could be applied to the job of determining Boston's Air Quality Criteria. The computer could store all the relevant information even vaguely bearing on the issue. For instance how much additional tax money would be needed to upgrade municipal incinerators; haul compacted garbage by rail to sanitary landfills; how much would property values increase if pollution were cut 25%, 50% or more; how much money is currently being spent to clean up the effects of pollution and how much would be saved if particulates were reduced by 10% or 50% or whatever the figure. At the flick of the button the terminal could display any combination of this information for each citizen to evaluate for himself, with the help of a trained programmer who would serve the same sort of function as a lawyer does in interpreting statutes. Then on the basis of the information, the citizen might punch in his choice of the available options to be tabulated by the computer and fed back into the program.

Is all this pie-in-the-sky? I hope not. Maybe one day, we shall even see *every* issue of local or national importance handled in similar ways, like a speeded-up, vastly more efficient and feasible kind of electronic referendum. Why have we been so slow in harnessing this kind of computer technology to the service of the voter? Is it that we are afraid of getting too close to a real working democracy? Are some of our current decision-makers afraid that if the citizen gets too much undistorted information, he may start making too many informed, intelligent decisions which might result in all kinds of disconcerting changes in how we allocate our national resources? Or is it the legitimate fear shared by our founding fathers that our citizens might not be sufficiently sophisticated to cast an educated vote?

Democracy certainly is a dangerous experiment. But it seems that we are committed to it, and that the alternative is in ever-increasing alienation, apathy and powerlessness that our citizens feel and which is tearing our country apart. I believe that we must not draw back from enhancing democratic participation, by computer, mass-media, or any other way. Instead we must make sure that the *citizen is better informed.* And here, the mass-media have the greatest responsibility. Already, our children by the time they are sixteen have spent more hours in front of the television sets than in the classroom. Over 50% of our citizens now receive their news from TV rather than from newspapers. We must persuade our broadcasters, who are licensed to use the public airwaves only as long as they serve "the public interest, convenience and necessity," to devote much more time to cover the national and community issues of the day; to initiate TV town meetings like those pioneered by WGBH–TV here in Boston, where citizens get a chance to talk back through community TV "listening posts," which deliver instantaneous citizen feedback on the issues covered in the program. We must insist that stations devote more children viewing hours to "Headstart"-type programming and shows exploring the world of nature and science, rather than the endless bang-bang-you're-dead cartoons. That they emulate the pioneer work of radio stations like WMCA and RVR in New York in developing open-mike "Talk-in" shows and serve the function of civic ombudsman like the new Action-Line programs are beginning to do.

In short, we must re-involve citizens in running this country. If we don't, the whole concept of democracy will have been a failure. Winston Churchill once remarked that democracy was a terrible form of government—until you tried everything else! We must succeed with the democratic experiment because apathetic, alienated citizens too easily become bored and irresponsible. The alternative can only be a retrogression to rule by the few—an authoritarian, centralized government; even bigger, more remote corporations and unions, all slipping quietly out of the control of the many who are governed.

The increasingly alienated "little man" will become in his powerless frustration, an "anti-citizen"; one of those who says plaintively, "I only work here," or "I was only obeying orders." This sort of non-citizenship can only lead to a police state. So I urge you all to get involved in the fight for clean air for Boston. I hope that during the discussion, I can answer specific questions and try to share some of our experiences; some of our mistakes, which may be relevant to your situation here in Boston.

It won't be easy, I promise, but it won't be boring either. If you involve your friends, and neighbors; recruit the energy and enthusiasm of your sons and daughters (remember even 5 year olds are great stamp-lickers) you will find that you are not just setting a good example of civic leadership—but that you might also find yourselves having fun as well!

Good luck to you.

NEIL A. ARMSTRONG

Mr. SAXBE. Mr. President, if someone were to ask me why an Ohioan should be the first man on the moon—as Wapakoneta's own Neil A. Armstrong is scheduled to be in a few days—my answer would be, Why not?

In my State we are extremely proud of a long list of aviation firsts. Neil Armstrong's epic voyage, together with his astronaut colleagues Michael Collins and Edwin E. Aldrin, Jr., will surely be the

finest hour for a space program still in its infancy. The hearts of men everywhere will ride the Apollo 11 as it probes the hostile environment of outer space. The eyes of the world will be on Astronaut Armstrong as he descends the ladder on the lunar module and steps for the first time in history onto soil other than our own.

Ohioans are particularly proud that a native son will be in the vanguard of the first manned lunar landing. In a way, however, it is natural.

The subject of Ohio "aviation firsts" was treated in an outstanding manner recently in an Associated Press dispatch written by Alfred C. Hall. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From the Canton (Ohio) Repository, July 9, 1969]

BUCKEYE STATE PROUD OF LONG LIST OF AVIATION FIRSTS—NATURALLY, OHIOAN WILL BECOME FIRST MAN ON MOON

(By Alfred C. Hall)

COLUMBUS, OHIO.—When Neil Armstrong, a Wapakoneta, Ohio, native, becomes the first man on the moon, there will be many in this proud Buckeye State who may say "Well, naturally."

Presumptuous? Not for Ohioans, at least.

STARTED IN DAYTON

After all, powered flight came from a little shop operated by Orville and Wilbur Wright in Dayton.

It was an Ohioan, Col. John Glenn of New Concord, Muskingum County, who became the first American to orbit the earth.

The first government-sponsored air research facilities were in Dayton, at old McCook Field.

The list of firsts in Ohio flight pioneering and pioneers is long. That, in itself, has led some to ask: Why Ohio, particularly?

Certainly, natives from other states and other nations have contributed to the major advances in the development of flight. But perhaps not so many as Ohio in the prime categories and all the related technology of aviation, civilian and military.

ANSWERS TRACE TO DAYTON

Many of the answers trace to Dayton and to the little bicycle shop where the Wright brothers conducted their experiments with the world's first successful airplane.

The first successful flight in a powered plane was made by the brothers at Kitty Hawk, N.C., on Dec. 17, 1903.

Proud Daytonians say that but for weather, terrain and wind conditions the flight might have been made in Ohio.

The Kitty Hawk flight and its significance dawned slowly on the world, but in their home town, and Ohio as well, the Wright brothers became the small boys' heroes, sparking their interest in flight and all chings mechanical.

As later events proved, the abiding interest in aircraft grew with the boys into manhood, was passed on to their sons and grandsons—astronauts Glenn, Armstrong and Donn F. Eisele of Columbus for examples—and another, Capt. Eddie Rickenbacker of Columbus, America's ace of aces in World War I.

RESEARCH PLAYED ROLE

Government research at old McCook Field and the Wright brothers themselves—as well as industrial facilities and "know-how"—were as beacon lights. All played a big part in the air development process in Ohio. These same advances had been backed up by some other Ohio pioneers in fields that were to become related to the airplane.

These included engineering firsts of Dayton's Charles F. Kettering, who developed the first automobile self-starter, Akron's rubber industry and countless other small inventions which helped push aviation toward supersonic speed and space.

But beyond the Wright brothers, Glenn, Armstrong, Eisele, Rickenbacker and the later's World War II and Korean War counterparts, Maj. Don Gentile of Piqua, Maj. Dean Hess of Marietta and Gen. Curtis LeMay, Columbus native, look at the record of Ohio "firsts":

First live free-type parachute jump, Dayton, April 28, 1919.

First American-designed bomber airplane, by Glenn Martin of Cleveland.

First airmail flight, Cleveland to Chicago, May 14, 1919.

First Shock-absorbing landing gear (pneumatic) invented by E. W. (Pop) Cleveland, in Cleveland, 1926.

First controllable pitch propeller for aircraft, invented by Harold Smith of Cleveland, about 1928.

First Airport radio landing traffic control system, by Maj. Jack Berry and Claude King of Cleveland, 1934.

First airway traffic control for in-flight airlines, Berry and King of Cleveland, 1934.

First automatic pilot, used in Cleveland, 1929.

First airplane race of importance in which both men and women were contestants, National Air Races, 1931, Los Angeles to Cleveland.

First wind tunnel in the world built by the Wright Brothers in Dayton, 1901.

World's largest supersonic wind tunnel, part of the Lewis Flight Propulsion Laboratory, Cleveland.

First plane commissioned by the U.S. Army, built by the Wright Brothers, 1910.

First air cargo, a bolt of silk flown from Dayton to Columbia, 1910.

First man to fly over the main range of the Rocky Mountains, Crowell Dixon of Columbus, Sept. 30, 1911.

First woman to win the first All-Women's Air Races in 1934, Arlene Davis of Lakewood.

First woman to receive U.S. multi-engine rating and become the only woman licensed to teach instrument flying to military pilots during World War II, Arlene Davis.

First man to fly across the U.S. at supersonic speed, Col. John Glenn, later to become the first American to orbit the earth.

First woman to fly solo around the world and first woman to fly a single-engine airplane west to east across the Pacific Ocean, March 19–April 17, 1964—Mrs. Russell (Jerrie) Mock, Columbus.

First Army airplane pilot, Brig. Gen. Frank P. Lahm of Mansfield.

The first airship to land on the roof of a building was the A4, a 160-foot dirigible which on May 23, 1919, landed on the roof of the Statler Hotel in Cleveland.

OHIO FLAG ON MOON?

For Ohioans, one thing may be lacking—an Ohio flag on the moon. Since Apollo II is a nationwide effort, it's extremely doubtful that will be the case.

But who could deny, that, in view of the record, that the familiar red dot in a triangle of blue with white stars in the pennant-shaped red and white stripes, wouldn't look fine just below the stars and stripes?

Mr. SAXBE. Mr. President, Astronaut Neil Armstrong embodies the ideals we all look for in our national heroes.

Born in Wapakoneta, Ohio, on August 5, 1930, he displayed an interest in aviation even before he entered his teens. A naval aviator from 1949 to 1952, Neil Armstrong flew combat missions during the Korean war. He enrolled in Purdue University after Korea and was graduated in 1955 with a bachelor of science degree in aeronautical engineering.

After graduation, Armstrong joined the NASA Lewis Flight Propulsion Laboratory, and later transferred to NASA's High Speed Flight Station at Edwards Air Force Base, Calif. Even then this outstanding young man was busy exploring the fringes of space. As an aeronautical research pilot, he flew the X–15 aircraft in test work at an altitude of over 200,000 feet, and at a speed of 4,000 miles per hour. In September 1962, Armstrong was one of the nine astronauts selected by NASA. He was command pilot for the Gemini VIII mission flown March 16, 1966, and backup command pilot for the Gemini V and XI missions. Neil Armstrong is married to the former Janet Shearon of Evanston, Ill., and has two sons, Eric, 12, and Mark, 6.

Mr. President, these three brave men—Neil Armstrong, Michael Collins, and Edwin E. Aldrin—will really not be alone as they brave the perils of this grand adventure. For they go forth on their voyage with prayers for a safe trip not only from their countrymen, but from the world. Indeed, Mr. President, let us all pray not only for a magnificent landing on the Moon; but more importantly, for a safe return to Earth by three brave men.

SENIOR AIDES FILL A NEED IN SAN ANTONIO

Mr. YARBOROUGH. Mr. President, about a year ago the Department of Labor funded two promising pilot projects to demonstrate that there is a real need for the services of older Americans; and that these men and women, living on inadequate incomes and in dreary loneliness would welcome an opportunity to serve, to become involved, and to be an active member of society.

These projects are administered by the National Council of Senior Citizens and the National Council on the Aging. The participants who are age 55 and over are called senior aides. They work for public agencies and nonprofit private organizations, and are meeting needs for services which had not been met or had been inadequately met.

The program amply confirms the prognosis of former Secretary of Labor W. Willard Wirtz, who in 1967 said:

> There is the crying need in people's lives for continuing "social opportunity" and for the need to be useful as well as to be secure.

In an article published in the Bergen Record, of Hackensack, N.J., on Wednesday, June 18, 1969, Associated Press columnist Martin E. Segal furnished an excellent summary of the many different and very useful tasks that are being performed by the senior aides under the NCOA project.

In San Antonio, Tex., for example,

senior aides are being successfully used in a suicide prevention center to save potential suicides who in desperation call the center. The senior aide who answers the phone must have a thorough knowledge of antidotes and the ability to make quick decisions in a tense situation. Other senior aides in San Antonio work in the juvenile detention center where they have demonstrated unusual insight and skill in helping youths who have gotten into trouble.

I ask unanimous consent that Mr. Segal's article, entitled "Senior Aides Fill a Need," be printed in the RECORD.

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

SECURITY FOR YOU: SENIOR AIDES FILL A NEED

(By Martin E. Segal)

Given a chance to do meaningful work, older persons can come up with outstanding performances. That's been the experience in the Senior Community Service Program of the National Council on the Aging. This program, not yet a year old, has enabled older persons to join the fight against social and health problems in communities.

The program, which is funded through a $1 million contract from the U.S. Department of Labor, has provided jobs for 400 older poor people in 10 communities throughout the nation. The Senior Community Service Aides receive wages at or above the federal minimum scale of $1.60 per hour for 20 hours of work a week. Here's a look at some of the older folk's contributions:

After six weeks of training, Senior Service Aides are chalking up results in a Suicide Prevention Center in San Antonio, Tex. Here potential suicides can dial a number in an attempt to talk it out. Senior Aides have learned to respond in crisis situations. They man the phones at this Center and have to make quick decisions affecting life. For example, they have learned the antidotes for sleeping pill overdoses and various poisons.

ADVISE ELDERLY

Another part of their duties in San Antonio is working at the juvenile detention center. Here they have shown remarkable skills in dealing with troubled youths. For example, a former beautician teaches personal care and a retired army sergeant helps through personal counseling.

In San Francisco, in the emergency ward of the hospital, Senior Aides offer personalized attention to older people as they come in. They orient the patient on what's going to happen. Also in San Francisco, they go out to visit the isolated older person in low cost hotels. They tell these people of their rights, such as explaining welfare and Social Security. They also refer people to Legal Aid whenever necessary.

In the Watts district of Los Angeles, the Senior Aides are working with older persons who have had to be relocated and must adjust to a new way of life. Some are also working as recreational aides in this city.

There are 11 scattered work sites in Portland, Ore. Older persons are working in hospitals, with the welfare department, and as homemaker aides.

Going from one coast to the other, we find Senior Aides working on food distribution in hunger areas in Maine. If it were not for these older persons, surplus food would not be going to where it is needed, says the project director for this operation.

After three weeks of training, Senior Aides were put to work in Vermont on a survey of rural consumers' needs in an attempt to prevent their exploitation from frauds.

SOLVE PROBLEMS

In Trenton, N.J., one can find the older worker busy at the job of checking death records to see that those eligible received either a death benefit or Social Security survivor's benefits. And in this city, too, older folks are employed in hospitals.

The Senior Aides employed in the Bronx N.Y., program work at a housing project interviewing older people, uncovering their problems, and referring them to proper agencies for help. Others work at a senior citizens activity center and on job development programs.

In Huntington, W. Va., some Senior Aides are working at a day care center for mentally retarded persons. Others are working with the Board of Health on projects such as rat control.

Rehabilitation of houses for the older poor is the task for Senior Aides in a six-county region of Eastern Kentucky. Their carpentry skills are being applied to remedy below standard living conditions.

Although the Senior Community Service Aides project is limited at present, it is unlimited in demonstrating that America's older citizens are an overlooked economic potential. Their life experiences have prepared them for many assignments in which there are personnel shortages or community needs.

LT. GEN. SAMUEL C. PHILLIPS, DIRECTOR OF APOLLO PROGRAM

Mr. McGEE. Mr. President, today's Washington Daily News contains an article about a man who is deserving of great recognition. He is Lt. Gen. Samuel C. Phillips, director of the Apollo program. The story may or may not be correct in saying that General Phillips, after Apollo 11, will seek to return to regular Air Force duties. Whether that is so or not, he has done a magnificent job in spearheading the Apollo program, soon to reach a climax with the first moon landing of human beings. It is typical of Sam Phillips that, given a job to do, he has done it in superb manner.

We in Wyoming are proud of Sam Phillips, who grew up in Cheyenne and began his military career after taking a bachelor degree from the University of Wyoming Engineering College. It is quite true that, as the Scripps-Howard story says:

General Phillips has borne a heavy burden with such quiet efficiency that few Americans know his name.

That efficiency is the reason why they should know his name. So, as a means of saluting this exemplary officer I ask unanimous consent that the Daily News article be printed in the RECORD.

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

LITTLE-KNOWN APOLLO BOSS TO FADE QUIETLY

Lt. Gen. Samuel C. Phillips, the man who directs the Apollo program, probably will transfer back to the Air Force after Apollo 11 returns from the moon.

It's a good bet Gen. Phillips will try to slip quietly out of his National Aeronautics and Space Administration (NASA) office here without a lot of fuss and fanfare and leave the glory and the headlines to the astronauts.

But it's doubtful President Nixon and NASA will let Gen. Phillips fade out quietly without some massive recognition of the job this ramrod-straight, taciturn official has done over the last five years directing the 400,000 Americans who made the moon journey possible.

Gen. Phillips has borne a heavy burden with such quiet efficiency that few Americans know his name.

He decided how and when Apollo spaceships would fly; directed the efforts of the 20,000 firms that designed and built Apollo's rockets and spaceships, and kept all the pieces moving smoothly from one end of the nation to the other so that the 1969 deadline for the moon landing could be met.

TOP BOSS

Specifically, Gen. Phillips is the boss of Apollo. He knows more than anybody about the U.S. effort to land astronauts on the moon and made all the crucial decisions.

Gen. Phillips, 48, had a meteoric rise in the Air Force thru his ability to direct massive military hardware production programs without waste or cost overruns.

A lean six-footer, Gen. Phillips speaks with the measured voice of the Far West (he was born in Arizona but grew up in Cheyenne, Wyo.), and is one of the few top U.S. military leaders who was not graduated from one of the service academies.

He joined the Army in 1942 after receiving a bachelor of science degree in electrical engineering from the University of Wyoming. A skilled fighter pilot, he collected the Distinguished Flying Cross, Air Medal and Croix de Guerre during a number of combat tours with the Eighth Air Force in Europe during World War II.

His career really started to zoom, however, after he won a master's degree from the University of Michigan in 1950 and was handed a number of tough management assignments by the Air Force in the 1950's and early 1960's.

Gen. Phillips played a major role in the development of the B–52 bomber and Minuteman Intercontinental Ballistic Missile (ICBM), and showed the Air Force he was able to get the most out of industrial contractors and military personnel.

"BORROWED" BY NASA

NASA "borrowed" Gen. Phillips for the Apollo program in 1964 when the space agency was looking for a man who would make sure the U.S. landed on the moon by 1969.

After a brief stint as assistant Apollo director, Gen. Phillips was moved up to Apollo's top spot in late 1964. He pushed, encouraged, prodded and goaded the scientists, engineers, technicians, white collar workers and astronauts whose job it was to land an American spaceship on the moon.

After the disastrous Apollo fire that killed three astronauts in early 1967, Gen. Phillips staged a wholesale housecleaning of those responsible for the deficiencies. He instituted thoro engineering changes in the spaceship to prevent similar tragedies.

He hasn't worn his general's uniform for years.

EXTENSION OF VOTING RIGHTS ACT OF 1965

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD the remarks of my colleague from Pennsylvania (Mr. SCHWEIKER), which was submitted to the Subcommittee on Constitutional Amendments of the Committee on the Judiciary.

He feels, as I do, that the extension of the Voting Rights Act of 1965 is important and that it should take first priority over other activities in this area.

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

STATEMENT BY SENATOR RICHARD S. SCHWEIKER ON THE "VOTING RIGHTS ACT OF 1965"

Mr. Chairman, and members of the Committee: The issue of whether to extend the Voting Rights Act of 1965 in its entirety for another 5 years, or whether to let it expire, has become a particularly crucial one for the Congress, and is extremely important for our nation. I want to relate to you my strong support for extending the Act and urge prompt approval.

I am a co-sponsor of S. 2029, the Omnibus Civil Rights Act, because of my belief that comprehensive legislation in a number of areas is necessary to continue bringing equal rights to our people in fact, and not just in theory. This bill includes a title to extend the Voting Rights Act.

I am also a co-sponsor of S. 2456, one of the bills now before you for consideration, which deals only with the Voting Rights Act issue, because I believe that extension of the 1965 Act has paramount priority, for practical and symbolic reasons.

Practically, the Voting Rights Act has worked. Attorney General Mitchell testified recently that more than 800,000 Negro voters have been registered in the seven States included in the Act since it was passed in 1965. What better proof is there that the bill should be extended than this significant rise in voting registration. We all know of many bills, which while impressive in theory, have not worked in practice, and I have consistently opposed retention of such ineffective legislation.

But when an Act such as Voting Rights Act has been dramatically effective, then we should not waste time with theoretical debates about substituting improvements. Rather we should immediately extend it, and then consider whether any additional amendments or improvements can be added, such as extending the provisions to cover every State.

Symbolically, the fact that voter registration has increased under this Act has given a measure of confidence to the black people of our country that we in Congress are concerned with their progress in achieving equal rights.

I fear strongly, however, that if we do not extend this Act, the black people of America will believe that Congress is turning its back on them. Whether in fact we are slowing down the pace in civil rights becomes a moot point so long as the impression throughout the country is that we are. Simple extension of the Voting Rights Act will prevent outright the negative effects that a failure to extend it could bring.

What is equally important to consider is that we are not talking about a complicated civil rights issue. We are debating the most elementary right of a democracy—the right to vote.

Discussions of replacing the Voting Rights Act of 1965 with broader plans only deal with theoretical abstractions which serve to dull the progress which in fact has been made because of this Act.

Mr. Chairman, the points I have been making concerning the symbolic importance of extending the Voting Rights Act are even more important at this particular time. Recent discussions of civil rights issues, including the Voting Rights Act, and desegregation guidelines, have become widely publicized, and the public impression is that the Administration and the Congress are slowing down civil rights progress.

I can only speak for myself, and the Congress, but I think it extremely important that we make the record very clear that we are not forgetting civil rights but on the contrary are deeply concerned with bringing about more progress.

Extension of the Voting Rights Act is a perfect vehicle for demonstration of our commitment to equal rights for all Americans, because it has been an effective act which deserves retention on the merits alone.

But we can not ignore the symbolic issue, which is so important at the present time. Our country can not afford the disillusionment and loss of faith in its leaders that would result from failure to extend the Act.

I lend my fullest support to its extension for another five years.

TEXAS LEGISLATURE URGES CHANGE IN ANNOUNCED POLICY OF ADMINISTRATION AGAINST AIDING FUTURE FARMERS OF AMERICA

Mr. YARBOROUGH. Mr. President, it is always encouraging to me to see examples of close cooperation between Federal agencies and the people they are supposed to be helping. One such example has been the close relationship which the Office of Education maintained with groups such as the Future Farmers, the Distributive Education Clubs of America, and similar organizations. Unfortunately, the Office of Education has recently moved to loosen these ties by changing its policy of giving office space and advisory assistance to these organizations.

On May 27, the Texas Legislature passed a resolution introduced by State Senator Charles Herring, memoralizing the President, the Congress, and the Department of Health, Education, and Welfare not to implement this policy until Congress has had time to make its views on this matter known. I endorse this resolution and commend it to my colleagues' attention.

Mr. President, I ask unanimous consent that Senate Concurrent Resolution 68 of the Texas Legislature, dated May 27, 1969, together with its authentication by Gov. Preston Smith, Lt. Gov. Ben Barnes, and speaker of the Texas House, Gus Mutcher be printed in the RECORD.

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

SENATE CONCURRENT RESOLUTION 68

Whereas, Historically the United States Office of Education has cooperated and assisted in the promotion of vocational youth organizations; and

Whereas, The Future Farmers of America, the Future Homemakers of America, the Distributive Education Clubs of America and the Vocational Industrial Clubs of America were organized with encouragement and assistance from the staff of the United States Office of Education; and

Whereas, These youth organizations have become an integral part of vocational education programs in secondary schools through the influence of the United States Office of Education staff members who serve as advisors; and

Whereas, Through these organizations youth in rural, suburban, and urban areas have had an opportunity to become members of constructive organized groups; and

Whereas, These organizations have helped youth to identify with the world of work and to develop as civic and community leaders; and

Whereas, Membership in these organizations is open to all students in vocational education regardless of race, creed or national origin; and

Whereas, A recent policy statement issued by the United States Office of Education concerning the relationship between the Office of Education and student organizations prohibits its staff from directing the activities of student organizations or participating in the administrative decision making of student organizations as officers; and

Whereas, This policy will, in effect, greatly reduce assistance to vocational youth organizations; and

Whereas, In the case of one youth organization, the Future Farmers of America, this policy is in direct conflict with Public Law 740, Chapter 823, Section 18, which specifically authorizes the United States Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare to make available personnel, services and facilities of the Office of Education; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Legislature of the State of Texas respectfully memorializes the President, the Congress of the United States, and the United States Department of Health, Education, and Welfare not to implement its policy until there has been sufficient time to permit full congressional review and hearings to determine whether or not this administration order carries out the intent of the law; and, be it further

Resolved, That the Legislature of the State of Texas encourages the United States Office of Education to take immediate action to strengthen these youth organizations that have become such an integral part of the vocational education program in the United States; and, be it further

Resolved, That the Governor of the State of Texas transmit copies of this Resolution to the President and Vice-President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from Texas in the Congress of the United States, and to the United States Department of Health, Education, and Welfare.

McGEE SENATE INTERNSHIP PROGRAM

Mr. McGEE. Mr. President, each year it is my pleasure to conduct for high school students in my State of Wyoming the McGee Senate Internship contest, which brings back to Washington one boy and one girl for a week of observing democracy in action—here in the Senate and in Washington. The contest is designed to stir up interest among high school students in national and international questions.

As a part of the contest each student was required to complete an essay on "Our President: How Should We Choose Him?" Frankly, it was a study of our electoral college system. This year, as I am each year, I was impressed with the depth of understanding and the dedication to our democratic principles displayed by these young people in their essays. This topic is one of vital interest today, and the essays reflect sound reasoning which should be of interest to us all.

Of course, it would be impossible for everyone to read all these essays, but I think some of the most outstanding ones selected by an impartial panel of three

judges should receive wider circulation, and I ask unanimous consent that two of these essays, written by Ross Hilman of Sheridan, Wyo,, and Joyce M. Grisham of Midwest, Wyo., which received honorable mention in the McGee Senate Internship contest, be printed in the RECORD.

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

OUR PRESIDENT: HOW SHOULD WE CHOOSE HIM?

(By Ross Hilman)

The United States was jolted to its democratic foundation by certain factors pertaining to the 1968 presidential election. The fact that there were three strong presidential candidates and the fact that the candidate who was elected did not receive a majority of popular votes made many people in the United States dissatisfied with the present electoral system.

To fully understand these startling events, we must go back to the dawn of the United States' history. In 1620 a small group of men anxiously crowded into the cabin of a small ship. There, after much deliberation, they wrote and signed what we now call the Mayflower Compact. In this compact they promised "all due submission and obedience to the laws that they themselves would pass," thereby producing an important step in American democracy. Even before the Mayflower had reached America, the House of Burgesses had been formed in Jamestown. The House of Burgesses was a lawmaking body and represented the men who owned land in the colony. This marked the very first step toward representative government in the New World.

Then, many new colonies were founded, with varying amounts of freedom. Rhode Island was particularly tolerant. There everyone had the right to worship as he pleased; and the government was based upon the consent of the governed.

However, many other colonies had strict voting laws which limited voting only to males that owned a specified amount of property and were of a certain religion. The voting privileges could be revoked by the king at any time. The American Revolution had to be fought and won before the Colonists gained the right to rule themselves.

After the Revolutionary War and failure of the Articles of Confederation, the need for a strong central government became apparent. The Congress of the Confederation drafted a new Constitution and George Washington was unanimously elected the first President of the United States of America.

The method of choosing the President was specified in the Constitution: "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress. The electors shall meet in their respective states and vote by ballot for two persons. The results shall be sealed and sent to the President of the Senate. The President of the Senate shall open the certificates and the votes shall be counted in the presence of the Senate and House of Representatives. The person having the greatest number of votes shall be the President if he receives a majority of the number of electors appointed."

The electoral system of voting in the United States was successfully advocated by Alexander Hamilton who had very little faith in the common man's voting ability. He believed that the many uneducated of that time could not make a competent choice. Therefore, he proposed the electoral system, hoping that the elector, having been chosen by the state legislature, would be better educated.

Although no laws to the contrary have been passed, Hamilton's proposal has been somewhat changed as it has become customary for the electors to cast their ballots for the candidate receiving the most popular votes. However, there is no written law binding an elector to vote for the people's choice. He can vote for whichever candidate he chooses.

After the Civil War, women became interested in politics, and under the leadership of Susan B. Anthony, a movement was started to gain women the right to vote. In 1869, Wyoming became the first state to grant women suffrage. Later Wyoming was nearly denied the right to become a state because of it. However, stubbornly refusing to give up women suffrage in its constitution, Wyoming joined the union in 1890.

In 1870, the 15th amendment gave Negroes the right to vote. But many more years passed before women won their battle. Finally, in 1920, the 19th amendment gave women the right to vote.

This, then, is the evolution of voting practices in the United States, showing the gradual increase in democracy. But blots remain on this proud record:

An example is the national nominating convention. At these conventions, the fate of a state's entire bloc of votes often rests on the decision of that state's political leader. A potential candidate can influence the leader and receive all of that state's votes. This is not democratic procedure and has unsettled many American voters. Presidential candidates should be chosen in a nationwide primary election. Although this method is more expensive, it is the only way to choose the candidates.

Another unfortunate illustration is the fixing of voter qualifications, a power granted to the individual states. Voter qualifications vary considerably from state to state. Many states require a year's residency before a person can vote. Some require more than a year and some demand that the voter live in the same county for at least six months. Others set aside only a few days for registration and anyone out of town during that time is out of luck. Eighteen-year-olds are allowed to vote in some states, while others do not allow anyone to vote who is under twenty-one years of age.

There again we must make reforms. Voter qualifications should become standardized throughout the United States and the minimum voting age should be the same in all states.

And does the Electoral College reflect this trend toward social equality? It was adequate in the past as the country was being settled. Now that it has become a world power in rapidly changing times, the Electoral College is outdated.

That the present system of election will change there can be little doubt, but in what shape and to what extent no one yet knows. The voters in the United States are now generally well educated and well informed, so there is little need for waiting weeks after the election for the Electoral College to meet.

Then, it is possible that no candidate will receive the needed majority of electoral votes and the United States could be without a President for weeks. This has happened twice before, but was not as critical as it would be in today's power-hungry world. It is also possible for a third party candidate to use his influence to the benefit of one of the remaining candidates. By doing this, a candidate that does not have the majority of popular votes may obtain enough electoral votes to become President. There is also the problem of a third presidential candidate using his electoral votes as a bargaining power forcing the other presidential candidates to make dangerous concessions.

The Electoral College should definitely be abolished and replaced with a "majority rules" concept. The popular votes should be counted, and the candidate receiving the greatest number of votes should become President.

Changes must and will be made. We can't afford to be without a President, even for a short time, or have a President who doesn't have the support of the majority, for he may well be one of the most important human beings in our troubled world.

"OUR PRESIDENT: HOW SHOULD WE CHOOSE HIM?"

(By Joyce M. Grisham)

At the Philadelphia Convention in 1787, the patriots who gathered there directed their attention almost entirely to devising a suitable and flawless method of selecting their nation's chief magistrate. Their settlement was the birth of the Electoral College: it was the device which formally elected the President and the Vice-President. This portion of the Constitution has been in practice for about 148 years with only five amendments pertaining to elections, inauguration, term of office, or line of succession of the President. Oliver Wendell Holmes, a well-known literary figure of the Founding Fathers time, is quoted to have remarked, "Human law is not a sacred set of principles, never to be changed; but a social instrument that must be adapted to changing needs."[1] Isn't it about time we update legislation?

At present, the electoral vote amounts to 538 electors, the sum of Senators and Representatives of which each state is apportioned in the Congress. Wyoming, for instance, has one Senator and two Representatives; therefore, the electoral vote totals three. Each elector is nominated previous to the Presidential election and is elected by voters in the General Election in November. The question of voter disfranchisement has become widely disputed. Electors pledged to candidates *may* or *may not* honor their pledge. This is not a rare situation: it occurred in 1796 when an elector refused to vote for Federalist Adams, but voted for Republican Jefferson instead; in 1948 when a Tennessee elector voted for Senator Thurmond instead of President Truman as he was pledged to do; again in 1956 in Alabama when a pledged elector voted for a local judge; and as recently as 1960 in Oklahoma when unpledged electors voted for Senator Byrd instead of Republican Nixon. The entire practice of electors is corrupt and there is absolutely nothing in the Constitution which legally binds electors to bloc-cast their votes for the candidate who carries each state. The Supreme Court rules that each state has the right to establish guidelines for electors and can require that each one take a pledge, but it neglected to rule whether or not states can enforce pledges. Constitutional authorities are pessimistic concerning the pledge rule enforcement. This is a minute portion of the corruption of the Electoral College system, but it is this and the many other fundamental flaws which urge Electoral College reform. It is after much research and study of the defective presidential election system, that I originated a totally new road of Electoral College reform, or—feasible, yet subject to modern alteration and application. It is as follows:

Retain the Electoral College; abolish electors entirely as the popular vote representa-

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[1] Bragdon-McCutchen, "History of a Free People" (New York City: The Macmillan Company, 1964), page 528.

tives, and instead transfer equal electoral votes as is determined by the cast of popular votes.

There are four general regions which demand expansion:

1. Voter qualification; 2. Cessation of voter disfranchisement and ratio of electoral votes; 3. How to automatically transfer popular vote and to whom; 4. The amendment process.

Corrupt and illegal voting practices have become so extensive that it has resulted in mild legislation to outlaw the abuses. These corrupt practices include the age-old ballot-stuffing; false counting of ballots; nullification of ballots by altering or defacing them; bribery; physical threats; concealed pressures; a practice of "personification" where voters give the name of a deceased person acquired from aged tombstones; also the practice of "repeating" used during elections when one voter will cast possibly four different ballots by means of costume changes. There is no perfect approach to alter or prevent such illegal practices. However, I do feel that each citizen of the United States should cast one vote, using their own name, for the candidate of their choice. The solution I suggest, is the use of a persons Social Security card as registered with the State and Federal offices by number only. This card is mandatory in most *all* phases of modern-day life—for job application, disability insurance and military duty. Each citizen would be registered by: 1. Number; 2. Possibly in the future, personal photos can be included on Social Security cards, as is characteristic of present-day driver's license.

Under the proposed plan, the states' electoral votes would not be credited to the candidate winning the popular vote majority in that state. Instead the state would be divided into the ratio of electors. For instance, Wyoming has three electoral votes, and if ⅓ of the population voted Republican and ⅔ Democrat, one electoral vote would be given to the Republican candidate and two for the Democratic candidate. The same rule would be applied in all 50 states.

The exactness of relaying popular votes to the President of the Senate would be handled either by computers or by each voting machine. Such devices would have to be uniform and distribution accepted by Congress before being applied to elections. The votes would still have to be certified for verification as before, by computerized lists disposed to the six respective authorities: one to the President of the Senate; two to the United States Administrator of General Services; two to the Secretary of State; and the last one to the judge of the Federal judiciary district to which the votes were transferred.

The proper manner of creating such legislation as I have advocated would be for ⅔ of the 50 states to call a convention for proposing amendments. Then after ⅔ of both Houses ratified the proposed amendment, it would be passed to each state for ratification, and after ¾ of the states approved it, it would become a law.

Interest in the crusade of revising our present route of selecting a President accelerates and then subsides. But under the 1969 administration, I feel that operative reform legislation will evolve and possibly be employed before our next general election.

NONJUDICIAL ACTIVITIES BY FEDERAL JUDGES

Mr. GRIFFIN. Mr. President, the Subcommittee on Separation of Powers, of which the distinguished Senator from North Carolina (Mr. ERVIN) is chairman, began hearings today on the problem of nonjudicial activities by Federal judges.

I ask unanimous consent that a statement which I was privileged to present to the subcommittee be printed in the RECORD.

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

STATEMENT OF U.S. SENATOR ROBERT P. GRIFFIN, JULY 14, 1969

Mr. Chairman, over 300 years ago, when one of the great figures of Anglo-American law, Sir Matthew Hale, became Chief Baron of the Exchequer, he laid down a precept "to be continually had in remembrance." He said:

"I be wholly intent upon the business I am about, remitting all other cares and thoughts as unseasonable, and interruptions."

As we know, federal judges, who are not answerable to the electorate, seem to be free, as a practical matter, to engage in all sorts of non-judicial undertakings—including even the activities of the executive and legislative branches of our government.

And, of course, federal judges make no public report or disclosure concerning their outside activities or financial affairs while serving on the bench.

To some, the question of what non-judicial roles, if any, a judge should play may seem a bit afield from the question of what public disclosure, if any, should be required of a federal judge. But, in effect, these are companion issues involving closely related considerations.

Public disclosure, after all, would be only a vehicle by which a judge's non-judicial activities could be evaluated. Therefore, in my view, a threshold question before the Subcommittee is whether limitations of any kind should be placed on a judge's non-judicial activities.

In 1924, the American Bar Association, in recognition of the need for a statement of principles governing judicial behavior, adopted its canons of ethics for judges.

These canons, as slightly modified over the years, have become accepted guidelines for judicial conduct. Like "Caesar's wife," the canons require a judge to be above suspicion.

Illustratively, Canon 4 provides:

"A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach."

The canons also admonish a judge to avoid circumstances which give rise even to the suspicion that he is utilizing the power or prestige of his office for personal gain. Accordingly, Canon 25 provides in part:

"A judge should not enter into any business relation, which, in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties."

Canon 26 provides:

"A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the Court; and, after his accession to the bench, he should not retain such investments previously made, longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties."

The Canons of Judicial Ethics are—and have been—available to remind judges what the public has a right to expect from them. But the canons are not specific guidelines, and they do not cover every situation.

To a degree, this lack of specificity has probably contributed to the involvement in some cases of judges in non-judicial matters.

Almost from the dawn of the Republic, the practice of judges involving themselves in inconsistent non-judicial roles has been condemned as against the best interests of the judiciary.

Commenting on the appointment of Chief Justice Jay as Ambassador to Great Britain in the year 1794, Joseph Hamilton Daveiss, a prominent Federalist, stated:

"This was breaking in on a fundamental principle, that is, that you ought to insulate and cut off a judge from all extraneous inducements and expectations; never present him the jora of promotion; for no influence is more powerful in the human mind than hope—it will in time cause some judges to lay themselves out for presidential favor, and when questions of state occur, this will greatly affect public confidence in them."

And, Mr. Chairman, as you know, in 1947 the Senate Judiciary Committee strongly declared "the practice of using federal judges for non-judicial activities is undesirable" and "holds a great danger of working a diminution of the prestige of the judiciary."

It might be argued that distinctions can—and should—be drawn between public and private non-judicial undertakings. The Canons of Judicial Ethics permit a judge to act

"as arbitrator or lecture upon or instruct in law, or write upon the subject and accept compensation therefor, if such course does not interfere with the due performance of his judicial duties, and is not forbidden by some positive provision of law." (Canon No. 31)

Indeed, it is probably desirable from time to time for judges to speak in public, or to write for publication concerning the Court's work. They may—and should—promote understanding of the work of the Court.

But as one *Washington Post* article recently put it:

"Let them do it without compensation—for the simple satisfaction of doing it. Nobody should be able to hire a Supreme Court Justice save the American people, who have recruited him for life in their service." (Alan Barth, June 18, 1969)

Perhaps Chief Justice Harlan Stone put it best. Asked by President Franklin Roosevelt to chair a commission to study rubber production, he replied strongly that:

"It is highly undesirable for a judge to engage actively in public or private undertakings other than the performance of his judicial functions."

And he added:

"A judge and especially the Chief Justice, cannot engage in political debate or make public defense of his acts. When his action is judicial he may always rely upon the support of the defined record upon which his action is based and of the opinion in which he and his associates united as stating the ground of decision. But when he participates in the action of the executive or legislative departments of government he is without those supports. He exposes himself to attack and indeed invites it, which because of his peculiar situation inevitably impairs his value as a judge and the appropriate influence of his office."

Mr. Chairman, obviously there is a compelling need for further definition of the non-judicial activities in which a judge may appropriately engage. Clearer and more specific delineation is long overdue.

Although I am encouraged by the resolution recently adopted by the Judicial Conference of the United States forbidding federal judges to accept compensation for services off bench, this action did not go far enough. Certainly the role of Congress in this field could be a limited one if the Judicial Conference were to adopt meaning-

ful rules regarding outside conduct and financial disclosure, and if all members of the federal judiciary were bound by them.

In 1963, the Conference did see fit to adopt a resolution providing that:

"No justice or judge appointed under the authority of the United States shall serve in the capacity of an officer, director, or employee of a corporation organized for profit."

Perhaps it should be noted that this resolution was adopted after legislation along these lines had been introduced in the Congress.

Mr. Chairman, when a man takes his seat on the federal bench, his relationship to society is irrevocably altered. As Justice Frankfurter once replied to the question: "Does a man become any different when he puts on a gown?

"If he's any good, he does."

If the federal judiciary in general and the Supreme Court in particular are to remain secure against tyrannies of all persuasions, they must retain the public's trust and confidence; they must not be scarred even by suspicions concerning the financial or other dealings of its members.

Accordingly, I favor the adoption of meaningful guidelines on permissible non-judicial conduct of federal judges. Viewed realistically, meaningful financial disclosure for federal judges—including Justices of the Supreme Court—must accompany these measures. In my opinion, restrictions on non-judicial activities are not in and of themselves sufficient to assure the adherence to such standards.

The imposition of standards of conduct and public financial disclosure upon the judiciary is a delicate problem. Few would quarrel with the importance of maintaining the independence of the federal judiciary.

But I believe Congressional enactment of such provisions would enhance rather than diminish the Court's independence. Confident that members of the judiciary were above suspicion, the public would have renewed faith in the Court and its role.

It is clearly the responsibility of the Congress, as one of the co-equal branches of our government, to seek to establish and maintain the independence of each branch—particularly the judicial.

In fact, the Supreme Court indicated in a decision arising out of the conviction of a member of Congress for receiving compensation from a private party for services before a government agency, that Congress has broad powers in this field. The Court stated:

"In order to promote the efficiency of the public service and enforce integrity in the conduct of such public affairs as are committed to the several departments, Congress, having a choice of means may prescribe such regulations to those ends as its wisdom may suggest . . ." (*Burton* v. *United States*, 202 U.S. 344)

Although the *Burton* decision dealt specifically with the conduct of a member of the legislative branch, the Court's reasoning would apply with no less force to measures concerning the conduct of members of the other branches of government. Congress has in the past enacted legislation which has sought to delineate unacceptable conduct on the part of the judiciary. For example, 28 U.S.C. Section 454 provides that:

"Any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor."

Similarly, 18 U.S.C. Section 203 provides that:

"Whoever . . . directly or indirectly receives . . . any compensation for any services rendered or to be rendered either by himself or another . . . at a time when he is an officer of the United States in the . . . judicial branch . . . in relation to any proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, arrest or other particular matter in which the United States is a party . . . shall be fined not more than $10,000 or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust or profit under the United States."

As these provisions demonstrate, Congress has not hesitated to enact legislation affecting the judiciary. Lacking, however, has been a clear understanding of how the various statutes affecting the judiciary relate to the Constitution's impeachment provision.

The Constitution provides in Article II, Section 4, that

"The President, Vice President and all civil officers of the United States, (which includes members of the federal judiciary) shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

Impeachment stands as the only method of removing an unfit judge. Admittedly, it is a cumbersome remedy. As James Bryce, a noted British historian and legal scholar, observed:

"Impeachment . . . is the heaviest piece of artillery in the congressional arsenal, but because it is so heavy it is unfit for ordinary use. It is like a hundred-ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at."

Commenting on the acquittal of Justice Samuel Chase, the only member of the Supreme Court ever impeached, President Jefferson referred to impeachment as a "bungling way of removing judges—an impractical thing—a mere scarecrow."

Thus, it is not surprising that impeachment has been resorted to in only nine instances involving members of the federal judiciary. And in only three of those cases were judges subsequently removed from office.

In a real sense, the failure of the impeachment provision of the Constitution to operate as a meaningful deterrent to judicial impropriety is in large measure due to the failure of Congress. Congress has fallen short in its responsibilities to adequately define the causes for which a judge may be removed under the Constitution.

The problem is complicated somewhat by the fact that while the impeachment provision of the Constitution applies to all branches of the government, members of the federal judiciary are also governed supposedly by another provision to the effect that they shall serve only "during good Behaviour" (Article III, Section 1).

Accordingly, in addition to being subject to impeachment for "Treason, Bribery or other high Crimes and Misdemeanors," it is arguable that a judge may also be impeached for a lack of good behavior.

Precedent does exist for this construction of the Constitution. One legal scholar has observed that in the removal from office of Judge Archibald in 1913, the Senate "approved the doctrine that the constitutional provision that judges shall hold their offices during good behavior is attended with the corollary that they may be removed by impeachment for behavior which is not good." (TenBrock, Minnesota Law Review, January, 1939).

Professor Burke Shartel has commented that:

"If Congress has power under the Constitution to confer jurisdiction to remove federal judges for misbehavior, it seems clear . . . that Congress might in so doing define misbehavior so as to include any form of conduct or neglect which, according to modern notions, tends to corruption or inefficiency in the judicial service. And similarly if Congress were simply to provide for the removal of judges for 'misbehavior' the Supreme Court could be confidently expected to read this expression in the light of the need for honest and efficient administration of judicial affairs, and to give it a like meaning of interpretation." (Michigan Law Review, February, 1930).

Difficult questions remain, however, as to what constitutes a lack of good behavior; or, alternatively, what constitutes a high misdemeanor actionable by impeachment under the Constitution.

Mr. Chairman, I believe it is not only the responsibility but the obligation of the Congress to take the necessary steps to answer these questions. Your bill (S. 1097) provides an excellent point of departure for the discussion of which non-judicial activities should be prohibited.

Needless to say, this will not be an easy task. Notions of proper judicial behavior change with the times. It is obvious that the good behavior clause must be read with a view to the changing times.

Historians have affirmed that in the early days of our highest court practically every member was financially interested in some case coming up for final decision. Justice Story, for example, during many of the years that he sat on the bench, was president of a bank.

This, of course, would be unthinkable conduct today. But I believe this illustrates the difficult nature of the problem. The emphasis has changed but the nuances remain.

Should a justice permit himself to be interviewed while serving on the bench? Should a justice champion social or political causes whatever they might be? Should a justice speak out on questions of public policy, aspects of which may ultimately reach the Court?

These are some of the questions which must be faced. I commend you, Mr. Chairman, and your Subcommittee for addressing yourselves to this challenging task.

Legislation is before the Subcommittee which would require financial disclosure by members of the federal judiciary. I believe this bill (S. 2109), which 20 colleagues have joined me in co-sponsoring, should provide a useful vehicle for discussion.

The legislation would require all federal judges, including Justices of the Supreme Court, to file reports concerning any gifts received over $50, honorariums received over $300, and any fees or compensation received for services of any kind from any party other than the United States. Such reports would be filed annually with the Judicial Conference of the United States and would be available for public examination.

In addition to such public disclosures, this legislation would require a federal judge to file, on a confidential basis, with the Comptroller General of the United States, a copy of his income taxes return, a report of any business and foundation connections, as well as liabilities in excess of $5,000 and his interests in real or personal property in excess of $10,000.

These reports would be held in confidence by the Comptroller General and would be available for examination by the Senate or House Judiciary Committees only by a recorded majority vote of either full committee.

Mr. Chairman, ours must be a government of law, and judges form the foundation of our system. It is a matter of deep concern to me and to many members of this body that public confidence in this foundation is less than it should be. Unfortunately, it is all too apparent that legislation such as that before this Committee is needed—and that the time for enactment is at hand.

Thank you.

THE URBAN-RURAL BALANCE

Mr. INOUYE. Mr. President, early this month, Dr. Shelly M. Mark, director of the State of Hawaii's Department of Planning and Economic Development,

spoke to the National Association of Farm Broadcasters on maintaining the rural-urban balance. Drawing on Hawaii's experience of attempting to maintain a balance between its urban and rural centers, Dr. Mark discussed the problem with understanding and vision. As we deal with the problems in our urban and rural areas, I think Senators may find Dr. Mark's remarks of interest.

I ask unanimous consent that Dr. Mark's address to the NAFB be printed in the RECORD.

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

MAINTAINING THE RURAL-URBAN BALANCE—ADDRESS BEFORE FAREWELL BANQUET, NATIONAL ASSOCIATION OF FARM BROADCASTERS, REGENCY ROOM, ROYAL HAWAIIAN HOTEL, JULY 2, 1969

(By Shelley M. Mark)

There are some important concerns facing our Islands and our nation today which call for the most serious attention and study. These are indicated as a new national administration seeks to establish new directions and new priorities amidst a set of age-old problems. We have seen its persistent attempts to extricate this nation from the Vietnam conflict in the face of military, political, and diplomatic realities. We are witnessing attempts to head off inflation in the face of a brewing taxpayers' revolt, interest rates at an all-time high, and the danger of recession in the offing. We have seen attempts to face up to our urban crisis falter in the face of determined political opposition to some who possess the wherewithal for coping with it. And we are witnessing the continued rise of consumer prices with a continued decline in the farmer's share.

It is not my purpose this evening to dwell on all these concerns. We can only wish the President and his advisors well in their valiant efforts. In fact, it may be presumptuous, in these beautiful suroundings before such a joyous occasion, to speak of problems that may seem thousands of miles and eons of time away.

But from our island community, the newest of the 50 states, located in the midst of the Pacific Ocean, with the inter-action of many races and cultures, seeking to attain common goals and solve common problems—I think there is much to be learned, much that is applicable to our broader national concerns. Then too, because we are new, small, and relatively isolated, we in Hawaii are dependent on the nation's strength, prosperity, and well being. With your kind indulgence this evening, I would propose to initiate some dialogue on a matter of some common concern—the problem of maintaining what Secretary Freeman and others have called the rural-urban balance.

I'm sure you have seen, during your brief visit and on your various field trips, much of our agriculture. As you know, it is primarily sugar and pineapple production. These have been our basic agricultural crops for many years. They represent two of the most scientifically produced and processed crops in the nation. In recent years, sugar and pineapple production records have been set, and profits have been high. At the same time, Hawaii's agricultural workers are the highest paid in the United States. We have, through years of experience, found that when an enlightened agribusiness management provides to its unionized employees, through honest and realistic collective bargaining, fair wages, excellent fringe benefits, good working hours and conditions and a variety of incentives, the entire industry and the State's economy prosper. Hawaii—like California—has had her farm labor troubles, and we learned the hard way—through violence and death in the early years of agricultural and unionization—that unless employees have decent working conditions and some hope of sharing in the affluence of others around them, there can be no peace in the fields. We hope this lesson is not lost on those in California and other States where farm unionization is a relatively new problem.

And yet our agricultural situation is not without paradox. Here in Hawaii we have two of the most vibrant and progressive agricultural industries anywhere today. Our sugar accounts for 12 per cent of the U.S. market, and our pineapple still takes 40 per cent of the world market. We lead in research and development and productivity increase, our workers are the highest paid, and our technology is sought after and emulated everywhere. Yet the most many hope for in sugar and pineapple is the status quo! And the worst that some expect is that their days are numbered.

Here in Hawaii we have year-around crop-raising potentials, fertile soils, generations of agricultural skills, advanced research and methods.

Last year the value of marketings of our diversified crops was more than $13 million, and of our livestock products, more than $37 million. We sold more than $6 million worth of vegetables and melons, more than $1.5 million in coffee parchment, about $3 million in fruits, and half a million dollars worth of taro, which is the root from which poi is made

We have witnessed some breakthrough in such specialty areas as papaya, macadamia nuts, and floral products. But we are nowhere near the massive breakthrough in diversified agriculture that will establish us as world leaders in specialty crop production or enable us to meet a larger percentage of our domestic consumption requirements. Instead our farmers are beset with problems familiar to all of you of uncertain land tenure, limited credit availability, increasing competition for workers, and most importantly perhaps—lack of clear guidelines for future goals, objectives, plans and programs.

Here in Hawaii we have the spectre of large land-owners marking time—waiting for agricultural leases to expire so that the lands can be put to what they consider their "highest and best use". We have corporate management torn between traditional experience with productive agriculture enterprise and the new gold that glitters from potential resort development and suburban subdivisions. We have labor unions, whose strength has been derived from organizing plantation workers, now jockeying to organize expected hordes of hotel and resort workers. I daresay these are not uncommon occurrences throughout the rural communities of our nation. Yet paradoxically, all over the world, there seems to be a resurgence and the new message of our times is the same: Agriculture and aqua-culture can feed the world, and the essential dignity of man, hidden under the grime and dust of poverty, can shine forth as agricultural science is developed and expanded and improved in all parts of the globe.

Recently a study of future land use in Hawaii was prepared for a group of local land owners and developers. The press reports told everyone that in land-hungry Hawaii, some 35,000 additional acres will be needed for urban expansion, and that these acres must come from existing prime agricultural land, since agriculture is on its way out anyway.

If, indeed, agriculture is on its way out, it is only because we have shoved it out the door by bowing to the "inexorable laws of economics" and the relentless pressures to grab agricultural land from productive farmers. By yielding to the prophets of gloom and doom, we may be contributing to maximum economic returns, but at the same time upsetting irretrievably the delicate urban-rural balance necessary for our total well-being in the long-term.

Once the urban-rural balance is upset—once our green farms, long rows of crops, orchards, pastures, and forests are given over to the men who want fast profit now, when there are other lands available for urbanization—once the green dollar replaces the green field, then we can look only to a dismal future indeed.

Indeed, common sense tells us that once our environment of beauty—of agricultural activities properly balanced with commercial and industrial enterprises—is destroyed, then our tourism industry will be destroyed, and the whole economic structure will decay and collapse. We cannot live just for today.

Certainly you members of the Farm Broadcasters Association of America keenly understand this principle of urban-rural balance. You know it is a vast problem; it is a problem which defies rational solution, yet upon its solution may depend the very life of our land in the next generation or two.

You have seen that for many decades, Americans by the millions have been moving from rural regions to urban and metropolitan areas, causing, on the one hand, a great waste of valuable natural and human resources, and on the other hand, a steadily increasing pressure of congestion, unemployment, and poverty in the cities.

Former Secretary Orville Freeman has described the problem in rather dramatic fashion (and I quote): "In the short period since World War II, our population has grown by 55 million—37 per cent. The value of goods and services we produce each year has increased from $280 billion to more than $800 billion. Three million farms have disappeared in a technological revolution that is still sweeping through agriculture. More than 20 million persons have abandoned the farms and small towns for the city. One-third of the population has left the city for the suburbs."

Our nation has consistently measured "progress" in gross national product and by the indices of economics. It has not yet developed an annual "social report" which measures the heartaches resulting from—or at least coinciding with—material affluence. Mr. Freeman reminds us that "many Americans fear we may have lost our way. The fact that 20 million Americans live in poverty stares us in the face . . . modern communications media drum it into our senses . . . The crisis of our environment also burdens our conscience . . . Our pangs of conscience as a nation bite deep because we know it need not have happened this way . . ."

Thus, we seem to have a crisis of human frustrations—our productive efficiency and technological progress permit us to have all the material affluence we desire; our social conscience persistently asks: why and for what purpose?

I suggest there is still another related type of balance which is upset when cities grow to giant proportions and our agricultural and rural areas become deserted. It is the balance between man and his environment, the so-called ecological balance . . . the mysterious and often hidden balance which keeps life-forces operating in a relationship which the Creator established and which Nature governs. The eminent microbiologist Rene Dubos says that "Human beings can become adapted to almost anything—polluted air, treeless avenues, the rat-race of over-competitive societies. But in one way or another, we have to pay later for the adjustments we make to undesirable conditions."

It is becoming more and more obvious that the food, energy, resources, and technology which are required for the nourishment of our bodies and the operation of our industries, are not all that matters. Just as important is an *environment* in which it is possible to satisfy the longing for quiet, privacy, initiative and open space. In Dubos' words:

"These are not frills or luxuries, but constitute real biological necessities."

It follows, therefore, that there can be no basis for orderly growth in human society without a fundamental knowledge of man and his environment. This knowledge must be profound if we are to progress. We must understand the principles of heredity and biology as well as economics and engineering. You must remember—like it or not—that the Cro-Magnon man, who lived more than 25,000 years ago, was essentially the same as modern man, mentally as well as biologically. In theory, we could take a Cro-Magnon baby and with a modern foster-mother, a diaper, a crib, an elementary school and a college of general studies, fit the Cro-Magnon man into this gathering today as a farm broadcaster and no one would be the wiser.

Certainly we can expect that as we transform green fields and hillsides into concrete highways and subdivisions, as we convert open areas into high-rise apartments, and as we infest the atmosphere with man-made pollutants, the carefully-nurtured natural balance between man and his environment will be upset. And with this growing imbalance, his ability to deal effectively in all aspects of his worldly relationship will deteriorate.

Ecological balance, like urban-rural balance, is essential to man. It answers his spiritual needs as well as serving his biological and sociological well-being. And to understand it, we need to study the nature of man.

My purpose and certainly my competence is not to try to solve these intricate problems of balance this evening, but mainly to point up their significance and suggest how we in Hawaii have regarded them. From our vantage point, it is heartening and refreshing to observe that the spirit of the nation always seems to improve once a nagging, serious problem is defined and clarified, and its dimensions made known. "Time to go to work," we then say. And I believe our nation is now at a point where it begins to see the dimensions of the rural-urban imbalance problem clearly, and is ready to go to work to solve it.

Again I exhort you to carry this message nation-wide. Perhaps your Silver Anniversary Convention visit to Hawaii will give you the special *"Handle"* or "angle" you need to spark additional discussions and conferences on this problem. Tell the folks at home that we in Hawaii are joined in spirit and action with all who love the rural life, the green and fresh environment, the environment of beauty and cleanliness which refreshes body and spirit.

Hawaii is a new State. We have had the privilege of studying the histories of our older Sisters in the East and our not-so-old Sisters in the West, and learning much from them. We have had for many years a much smaller, yet parallel, rural-urban problem, and we have been able to do something about it through law and through administrative methods which we believe are both advanced and feasible.

You have seen Waikiki. You may have been a bit disappointed that it is so crowded with high-rise buildings. But have you seen our Neighbor Islands? They are relatively unspoiled.

For many years, our Neighbor Islands lost population because agriculture became more mechanized, the technological and social revolutions following World War II enticed our young people away from the rural areas, and there was little on the Neighbor Islands on which a young family could plan for a decent and dependable future. Today, due to this migration and to a great influx from the Mainland, our capital city of Honolulu is suffering from too-fast growing pains.

With a keen appreciation of the over-all problem, our State Legislatures and the State administration have, in the first Decade of our Statehood, put into effect a unique State Land Use Law. One of its chief purposes is the preservation of rural, conservation and agricultural lands against the pressures of uncontrolled urban growth. We saw long ago that if Hawaii permitted its towns and cities and suburban housing areas to grow willy-nilly into rural and agricultural areas, the best farm lands and agricultural districts would soon disappear. The beautiful Hawaii we knew would have been ruined. We therefore passed the State Land Use Law—the only such State zoning law in the nation—to prevent this imbalance from occurring. This year we are reviewing the first five years of that law, seeking to profit from our past mistakes and strengthen our capabilities for planning into the future. We have not preserved all of our prime agricultural lands in the process, but have provided a rational basis for orderly urban growth.

By another mans—the judicious use of the State's Capital Improvements Program, we attempted to halt this trend—which had continued for many past decades—of population movement from the Neighbor Islands to Honolulu. We have encouraged the development of well-planned tourism and other facilities on the Neighbor Islands, and have backed up private enterprise with Government-financed roads, sewers, water systems, airports, harbors, and other basic facilities.

I believe the key to our future urban-rural balance must be good long-range planning. It is worthwhile here to note again Secretary Freeman's comments in the Minnesota Law Review. He wrote: "We have failed to plan for change—to develop public and private institutions and attitudes that would shape and control the technological revolution to serve the needs of society. The result has been a national crisis of environment . . ."

Hawaii saw its own problems in this light and has tried, through its planning processes, to do precisely what Mr. Freeman says the nation has failed to do. We have sought to encourage citizen participation in our planning process. We have had citizen groups on every Island, from every community, meeting regularly to develop and refine the State's planning goals. These have now been published as part of our official planning documents.

And it is noteworthy that our citizens regard the preservation and enhancement of a beautiful environment as one of the fundamentals on which our orderly growth and prosperous development depend. Our citizens have also clearly stated that they want Hawaii's natural resources preserved; they want a stronger agricultural economy; and they want agricultural lands preserved from urban encroachment.

Trends are not destinies. The essence of planning is the changing of bad trends to good trends. If the trend toward chipping away at and chopping up our agricultural lands is clearly evident, then it deserves to be changed. And through our State planning efforts, we try to do just that.

In scores of ways—by legislation, by a very close cooperation of government and private sector, by State Administration action, by the remarkably sophisticated efforts of a great number of private agencies and institutions—Hawaii is seeking to head off its own urban-rural crisis now. We hope to joyously celebrate our Silver Jubilee of Statehood in 1984, rather than gloomily exist in George Orwell's "Big Brother" society. We hope to have a State with agriculture and other industries well balanced on all Islands, a State with clean air, pure waters and a lot less noise, a State where cultural pursuits are found closely related to family farm and small business activities; a State which is a model of racial and economic harmony, visited by millions from East and West; a State where the Aloha Spirit remains as the guide for our relationships with these visitors; a State where poverty is outlawed; where crime is diminished by the environment of good will and prosperity, and where a cheerful, happy citizenry find delight in fruitful work on farms, at home, in clean industrial plants and on scientific campuses from seashore to the snow-covered peak of Mauna Kea.

May I suggest that you plan your next summer convention here in George Orwell's 1984—if not sooner. We can then sit down in comfortable chairs and see how our younger generation is doing with the foundation blocks we prepared for them.

I thank you.

MORMON TABERNACLE CHOIR ON AIR 40 YEARS

Mr. BENNETT. Mr. President, on Sunday the world renowned Mormon Tabernacle Choir completed its 40th year of continuous radio broadcasting.

Millions of lovers of great music throughout the world have thrilled to the music of this great choir, whose weekly broadcasts represent the oldest continuous program on radio. And, those of us in Congress will be especially mindful of the tremendous contribution of the choir during the last two Presidential Inaugurations.

Wherever the choir has journeyed throughout the world, it has left behind faithful friends, and has helped to bridge the gaps of understanding sometimes existing between this Nation and those visited. The Mormon Tabernacle Choir has shown conclusively that music is a medium of communication understood and loved universally.

In addition to the great music of the choir, the "Spoken Word" by Elder Richard L. Evans, an official in the Church of Jesus Christ of Latter-day Saints (Mormon), has given new hope and comfort to millions of listeners for many years.

As the choir enters its fifth decade of broadcasting, we can hope for no more than that its great vitality and inspiration continues as it has for the past 40 years to enrich the lives of all who are fortunate to hear it perform.

I ask unanimous consent to have printed in the RECORD anniversary telegrams sent to David O. McKay, president of the Church of Jesus Christ of Latter-day Saints and to Isaac Stewart, president of the Mormon Tabernacle Choir, by the President, Vice President AGNEW, and Secretaries Kennedy and Romney and from myself.

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

THE WHITE HOUSE,
Washington, D.C., July 11, 1969.

Mr. DAVID O. MCKAY,
President, Church of Jesus Christ of the Latter-day Saints, 47 E. S. Temple, Salt Lake City, Utah:

Few choral groups have enriched the American musical heritage more or extolled our highest aspirations with greater fervor than the Mormon Tabernacle Choir.

As you begin your fifth decade of consecutive broadcasting, the warm good wishes of a grateful nation go out to you. We share the satisfaction you must derive from the inspiration that you bring to so many people.

Please accept my warm congratulations on this meaningful milestone.

RICHARD NIXON.

JULY 9, 1969.

Mr. DAVID O. MCKAY,
President, Church of Jesus Christ of the Latter-day Saints, 47 E. S. Temple, Salt Lake City, Utah:

The following message was sent today to Mr. Ike Stewart, president, Mormon Tabernacle, 19 West South Temple Street, Salt Lake City, Utah:

Please extend to the members of the choir my congratulations on reaching the milestone of forty continuous years of broadcasting. I have listened to the choir many times on the radio, and it was my privilege to see them, in person, during the inaugural weekend. The choir is an outstanding musical group and has my enthusiastic best wishes for the future.

SPIRO T. AGNEW.

JULY 9, 1969.

President DAVID O. MCKAY,
Church of Jesus Christ of Latter-day Saints, 47 East South Temple Street, Salt Lake City, Utah:

Please accept my congratulations and deep appreciation for forty consecutive years of beautiful choral broadcasts and "spoken word" by the Mormon Tabernacle Choir. May this blessed anniversary be followed by many more years of these inspirational broadcasts.

DAVID M. KENNEDY,
Secretary of the Treasury.

President DAVID O. MCKAY,
Church of Jesus Christ of Latter-day Saints, 47 East South Temple, Salt Lake City, Utah:

Next Sunday marks 40 years of continuous broadcasting of the Mormon Tabernacle Choir and the "Spoken Word." They have become a major American institution. Wherever I travel people tell me how regularly they listen and how inspired they are. At a time of national, spiritual crisis, the spiritual character of the music and message are needed more than ever. Millions are indebted to you for your leadership role and to all those who have freely given their services as choir members and narrators.

Warmest personal regards.

GEORGE ROMNEY.

President DAVID O. MCKAY,
Church Office Building, 47 East South Temple, Salt Lake City, Utah:

Congratulations to you and the wonderful Tabernacle Choir on reaching another major milestone in its long and illustrious career. The 40th year of continuous Choir and Spoken Word broadcasts certainly make the Choir the envy of all broadcasting. All of us from Utah are, of course, proud of the international fame the Choir has brought us, and this latest achievement is merely another in a long and ever-growing list. Please convey my congratulations and best wishes to all of the members, and may the Lord's blessings be with them always.

WALLACE F. BENNETT,
United States Senator.

CIGARETTE ADVERTISING

Mr. MOSS. Mr. President, last week when the Television Review Board of the National Association of Broadcasters announced it would recommend phasing out cigarette commercials over the next 4 years I was naturally delighted, since this is the thing I have been fighting for since 1963. But I felt I had to temper my congratulations to the board by asking: "Why wait 4 years?"

On July 12, the Washington Post carried an editorial which echoed my sentiments, and pointed out that although the monetary loss to the broadcasting industry would be considerable, "the prime consideration must be the impact of the new policy on the public health." This is also a point I have tried to make.

Mr. President, I congratulate the Washington Post on its fine statement of the issues in this case, and 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:

WHY WAIT 4 YEARS?

The broadcast industry has at least gotten off dead center in regard to cigarette advertising. In principle the proposal of the Television Code Review Board of the National Association of Broadcasters, that cigarette commercials be phased out in four years, is a significant landmark in the battle against lung cancer. In contrast to the NAB's bland disregard of the problem in the past, the Review Board now acknowledges that something must be done and that the industry must ultimately face up to its responsibility.

The critical weakness in the proposed new controls lies in the timing. Sen. Frank E. Moss quite appropriately asked: "Why must we wait four years?" Presumably the purpose of the delay is to cushion the shock to the broadcasting industry. Since revenue from cigarette ads on television and radio amounted to nearly $240 million in 1968, the shock from loss of it may be severe, although other sponsors will doubtless be found for most of the programs now supported by the tobacco industry. Whatever the monetary loss, however, the prime consideration must be the impact of the new policy on the public health.

The United States Public Health Service has estimated that 300,000 Americans die prematurely each year because of smoking cigarettes. This means about 1,200,000 premature deaths in four years. Of course, it cannot be assumed that cigarette consumption would cease with the elimination of television and radio advertising, but consumption is known to be enormously influenced by such commercials. The shocking toll of 50,000 deaths from cigarette cancer each year is alone sufficient to indicate that the stakes on the public health side are high.

In the face of this situation it is difficult to see how the Government regulatory agencies which are concerned with the problem could give their blessing to four more years of TV and radio allurement toward premature death. Perhaps the lengthy phase-out recommended by the Review Board is largely a bargaining ploy. But this is not an area where bargaining is the usual or proper procedure. Both the Federal Trade Commission and the Federal Communications Commission must act in accord with their concepts of the public interest. If the broadcast industry had moved to phase out cigarette commercials within a year, the FCC might have found it feasible to stay its hand in the interest of giving voluntary regulation a trial. But the public will be thinking more about the 300,000 shortened lives each year than about broadcasters' profits, and any Government agency worth its salt will do the same thing.

HEALTH NEEDS OF OUR RURAL POOR

Mr. PERCY. Mr. President, in recent years there has been a great deal of talk about the need to provide health services for the poor. Unfortunately, most of the discussion has centered around the health needs of the urban poor, while to a large extent the needs of the rural poor have been ignored. This is not only unfortunate, but it is also unwise due to the fact that there are larger numbers of medically indigent individuals in our rural areas and the health facilities in these areas are even more scarce than in the large urban areas.

Senator BARRY GOLDWATER has recently made a statement before the Senate Subcommittee on Health of the Labor and Public Welfare Committee. In this statement he outlines many of the health needs of our rural population and supports the provisions of S. 2037, the Neighborhood Health Center Act. In order that this excellent statement may be brought to the attention of all my colleagues and to the public at large, I ask unanimous consent that the statement be printed in the RECORD.

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

STATEMENT BY SENATOR BARRY GOLDWATER OF ARIZONA TO THE SENATE SUBCOMMITTEE ON HEALTH, JUNE 24, 1969

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to present these remarks in support of S. 2037, the Neighborhood Health Center Act, which I have sponsored with Senator Percy. I am most hopeful that this proposal will be adopted, either as a separate Act or as a part of omnibus legislation to amend the Public Health Service Act.

In short, our bill is designed to offer a new departure in meeting the health needs of all citizens, whatever their income and wherever they live. To do this, in a sound and effective way, our measure goes right to the heart of the most pressing, current problem—the fact that comprehensive health services are simply not available or assessible to all our people at the local level. In order to meet this challenge squarely, our bill seeks to improve the system through which health care is provided by giving to local communities and local groups the funding they need to construct or modernize comprehensive health care centers in the neighborhoods and areas where physician accessibility is lowest.

It is this approach—toward a program of community health centers in the areas where people live—that holds the best promise of providing the connecting fibers to bind together a new coordinated and personalized medical service system.

There are several advantages to the type of program we are recommending, and for the sake of conciseness I would like to itemize the major benefits as I see them.

1. Comprehensive neighborhood health clinics, staffed by physicians who can treat a wide range of diseases, can provide residents of low-income areas and rural communities with the primary care that is now unavailable to them.

2. This concept will provide a continuity of services by the same doctors to the same individuals in their own neighborhood—a situation that rarely exists at present for those who live in our rural and low-income areas.

3. Our plan will concentrate the responsibility for the treatment of a wide range of illnesses at the same facility and by the same personnel, thus overcoming the present tendency for fragmentation of care among specialized clinics. We would hope to reverse the situation, which now occurs too often, in which a person who is sick is refused care because he has the wrong disease.

4. The provision of comprehensive outpatient care at neighborhood centers will result in a dramatic reduction of hospital utilization. Through immunizations, early diagnosis, and preventive medicine, many diseases will be prevented outright or diag-

nosed before the need for hospitalization arises. In addition, hospital admissions for diagnostic purposes will be avoided since such services will be given at the clinic.

5. The possibility for increasing comprehensive facilities as part of a coordinated county or urban delivery system will enable hospitals to reduce costs by eliminating the duplication of expensive equipment which can be present close at hand.

6. The establishment of neighborhood clinics on a large scale will certainly encourage and make it possible for insurance carriers to offer low-cost health programs because so many kinds of medical services can then be provided in lower-cost areas, with the accompanying factor of a decrease in the number of hospital days per number of covered persons.

7. The development of comprehensive health care clinics will help county and city governments get the most from their health dollar. It is more economical by far to contract for care to be handled by clinics than by hospitals. This point is especially pertinent to our situation in Arizona where almost all of the counties lack a public county hospital and are required to contract for the provision of services with existing private hospitals.

8. The program of neighborhood health centers promoted by our legislation is sound. It has been proven to be effective where tested in the form of pilot projects and is probably the least costly Federal approach to bringing more and better health services to people in every walk of life. And, I would like to emphasize that our proposal does not require any added specific authorization of Federal funds. The measure would achieve its ends by eliminating the earmarking of existing authorizations for specific programs and moving to a block grant system. Thus, the plan will not add to the pressures on the Federal budget.

9. The bill incorporates built-in safeguards to assure that projects for which funds are granted will be operated in the most efficient manner possible. Unless the applicant can show that its project is or can be the most efficient and effective project in the neighborhood, the measure requires that the application shall be denied. As a further step to avoid wasteful funding, the applicant must also show that any other health facilities which are operated by it are likewise efficient and effective.

10. The bill increases the ability of the States to control the resources used for their health needs. The States can certainly adapt their powers and programs far more quickly and wisely to meet the varied needs of their people than it is possible for some administrator to do who sits in Washington, D.C. It is particularly significant to me that our legislation takes account of this fact by permitting the States to determine for themselves their own needs and priorities as to the type of projects to be funded under their allotments for Hill-Burton purposes.

Mr. Chairman, this completes my presentation of the general reasons why I am so strongly convinced that the approach set out in this proposal is worthwhile. But before closing, I would like to add a few thoughts concerning the intent of the sponsors of the legislation so that a clear history will be made to answer possible questions that may arise in the day-to-day operations under this law.

First, I want the record to be entirely clear that the benefits of the bill are equally intended for our rural areas and small towns as well as for the low-income urban communities. The State of Arizona is interested in this measure from both standpoints as are several other States.

As I see it, the Act will definitely be useful in Arizona by helping to bring health services closer to the indigent senior citizen, or Mexican-American, or American-Indian, or black citizen who resides in one of our urban centers. But it also will be of immense assistance to the citizens of Arizona because it will make comprehensive health care available in the sparsely built-up areas of the State which are remote from any major medical facilities. I would like to remind Members of the Subcommittee that several counties in Arizona are larger in territorial size than many entire States and yet have a population too small to support more than one public hospital—if that.

In my State, trips of 25 and 30 miles to reach high-quality health centers are common. And it is not unusual to find the situation where even longer journeys are needed. For example, there is Mohave County which has one major facility located in Kingman, the county seat. Now this means that citizens of Wikieup in the same county must travel a distance of more than 50 road miles before they reach a hospital. Or, take the case of Yuma County where residents of Mohawk live over 40 miles from the closest hospital. And, in the norhern half of this county, we have another typical situation in that the people of Hope have to go 50 miles in one direction to an Indian hospital at Parker or 50 miles in the other direction to get to the community hospital at Blythe, California.

Mr. Chairman, I could fill the record with similar instances but these are sufficient to make the point. Our legislation must be and is intended to be interpreted broadly to enable the establishment under the Act of neighborhood centers far from the hospital with which they are associated. And, by "far," I want the record to show that I am talking about distances of 50 and 60, or even more, road miles. If this measure is to fulfull the purpose which we want, it is absolutely essential that an expanded construction be given its provisions in the manner which I am describing.

Next, Mr. Chairman, I want to indicate some other areas where the bill must be interpreted so as to give the broadest meaning to its terms. I hope the explanations set forth about the definition of "comprehensive ambulatory care center" establish that (a) a center can qualify for construction grants even if it is to be staffed by only two or three physicians, so long as these individuals alone or together can treat a wide range of diseases, (b) a center need not be capable of caring for all or almost all the diseases to which individuals are susceptible in an area, but should merely be able to show that in fact it truly is not a specialty clinic restricted to one or a very few types of illnesses, and (c) the clinic is not expected to provide formal health education, but rather is intended only to attempt to offer preventive-type education, such as health hints given at community gatherings or food-preparation advice stated in pamphlets distributed in the area.

And, of course, I have already discussed the requirement that the clinic be associated with an accredited hospital by stating that it is our purpose to allow the establishment of neighborhood clinics in communities which are up to 60 miles or so away from the associated hospitals. This feature is not so unusual as it sounds at first hearing, which I hope I have demonstrated by the previous examples; and I would like to add for your consideration the fact that several locations in Arizona are already serviced by helicopters in medical emergencies, which makes it entirely practical for these centers to be constructed at great distances from the affiliate hospital. Also, such a broad interpretation will help existing hospitals to develop a network of clinics which will expand the existing good services to areas that lack it but need it. This will contribute to expanded and better services both in counties where towns are remote, and in places such as Pinal County where the present hospitals are small and might well wish to supplement their facilities by contracting with associated clinics that will relieve the demands on the hospitals.

And, in this connection, I wish to make certain that the guidelines which are set up under the statute are not so strict that most Arizona hospitals will be found ineligible to participate in the new program. I refer to the fact that almost one-half of the hospitals in Arizona have been adjudged to be non-conforming by the Arizona State Department of Health on the basis of their physical structures. I want it plainly understood, however, that this survey evaluation specifically was not based upon the quality of the services being rendered at the non-conforming facilities. These hospitals are still providing adequate care and services and should be considered eligible to participate in projects under our bill to the same full extent as the other hospitals. And, as the final point I wish to raise concerning the hospitals which may participate in the program, the record should show that the term "hospital center" when used in section 625 (m) is not intended to signify anything more than what is ordinarily understood to be a hospital. The language "hospital *center*" merely conforms to normal parlance used in the medical profession in describing what we laymen refer to simply as a "hospital".

In summary, Mr. Chairman, I urge that any report on the proposal endorsed in our bill make it unmistakable that Arizona and the several other States with similar situations are to not be written out of the bill by administrative decision. The guidelines which are promulgated under the law must be aimed at fostering and encouraging the creation of these vitality needed health care centers. It must never be overlooked that the preeminent purpose of our measure is to provide the delivery of high quality health services to all citizens regardless of what they earn or where they live. In my opinion, the approach presented by the measure represents a real opportunity for the nation to deal with one of the most deeply-felt human needs—the good health of all our citizens. This goal is certainly basic to the enjoyment of each individual's personal freedom and I respectfully request that the Subcommittee act favorably on the measure or incorporate the concept and approach recommended by us into any general legislation that it approves in this field.

PROGRESS ON THE POTOMAC—REPORT FROM WESTVACO, LUKE, MD.

Mr. MATHIAS. Mr. President, the polluted state of the Potomac River is an obvious fact and a serious challenge to the entire basin and all of its residents.

Industries are so often cited as major polluters of various waterways that it is most encouraging to know that many firms in the Potomac Basin are taking real initiatives to help clean up the waters which they use.

One such industry is the Fine Papers Division of Westvaco, formerly the West Virginia Pulp & Paper Co., located at Luke, Md., on the North Branch of the Potomac. This major western Maryland industry relies on the river so heavily that, at periods of low flow, its water must be circulated, purified and recirculated to meet the mill's needs.

A recent company newsletter detailed the great effort which Westvaco has made at Luke to curb both water and air pollution. As an editorial in the Hagerstown Daily Mail observed, the

company's investment of some $14 million in antipollution equipment exceeds the financial commitment of any other basin entity except the Washington metropolitan area.

As both the company and the Daily Mail noted, much remains to be done. Acid mine drainage, for example, is a serious problem on the North Branch, and will become even more troublesome when the Bloomington Dam has been completed.

Because the problems of the Potomac have been so often discussed, I believe that progress should receive wide recognition as well. I therefore ask unanimous consent to include in the RECORD at this point the editorial from the Hagerstown Daily Mail of May 14, 1969, and "Progress on the Potomac," from a recent Westvaco newsletter.

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

[From the Hagerstown (Md.) Daily Mail, May 14, 1969]

CLEANING UP THE POTOMAC

For decades the pulp and paper mill at Luke, Md., in Allegany County has been a symbol of air and water pollution on the Potomac River.

Now it is becoming a symbol of what can be done to alleviate pollution.

The Luke mill, according to a release from Westvaco, has spent more money than any operation on the Potomac River, except the District of Columbia government, to clean up the river.

The $14,000,000 invested in antipollution equipment is about one-tenth of the total company investment at Luke.

The Citizens Council for a Clean Potomac, located in Washington, D.C., has cited the Luke mill for its excellent work in cleaning up the river.

The Keyser Jaycess presented a plaque for the mill's efforts in air and stream pollution abatement.

One of the big milestones in water pollution abatement was the waste treatment plant at Westernport. It was built and operated by the Upper Potomac River Commission and serves three towns, but Westvaco underwrote the bonds necessary for construction and the company pays 96 percent of all costs, including amortization of the bonds and operating expenses.

It must be doing a good job, because the most recent Potomac Basin conference included a railroad excursion through the Potomac Valley with lunch at the Westernport treatment plant. That shows a lot of confidence in a treatment plant. Hagerstown has done good work in improving its treatment plant, but we're not quite ready to invite anybody there for lunch yet.

The company is careful not to claim that it has solved all pollution and odor problems, but it does say there won't be foam covering the river from bank to bank again and the once-barren hill behind the plant gets greener every year.

There are also some ironies in the situation.

The Potomac River above the mill intake looks clean and sparkling. Actually it is so polluted with acid mines drainage that the mill must use stainless steel piping at the water intake and provide expensive treatment to make it good enough to use in pulp and papermaking.

And the better job the Luke mill does in water pollution abatement, the more acid the river becomes.

Before installation of the new lime kiln, the Luke mill's alkaline effluence neutralized the acid Potomac. Now the acid water is going further and further downstream.

Acid water is going to become an even more serious problem when the Bloomington Dam is built. The dam will back up acid water into Garrett County, then release it in large quantities in time of drought. Recent authorization of the much-needed dam makes it even more urgent to do something about pollution from acid mine drainage.

The other major area of pollution on the Potomac River is metropolitan Washington and the estuary, and the worst offenders are the federal agencies themselves, by the federal government's own admission.

Since the federal government is demanding that everybody else clean up his own pollution, there is no excuse for the government itself to pollute the river.

It's not impossible.

Ask Westvaco.

PROGRESS ON THE POTOMAC

Pollution is like the weather. "Everyone talks about it but no one does anything about it."

Yes, that's the impression many of us get today when we hear and read about the pollution that seems to be sweeping the nation. Pollution sources are many and varied. The whole of society adds to the problem in one way or another.

It's true that there are many pollution problems throughout the nation today. We can't speak for other areas. But we certainly do know what is happening right here at home. Someone is really doing something about it!

Let's look at the record! Some fifteen years ago at Luke, foam on the river from bank to bank was not uncommon. There were 128 openings in the river wall of one kind or another. Ashes, bark, lime mud, condensate, etc., went into the river.

Over thirty years ago the hill behind the Luke mill became barren, the result of effluent from an acid sulphite process, production of raw material for activated carbon and effluent from less efficient power boilers.

The typical odor of a kraft pulp mill had been a source of anquished remarks from many visitors for years.

WHAT'S HAPPENING NOW?

Today, the Luke mill has spent more money than any operation on the Potomac River, except the District of Columbia, to take the lead in working toward a cleaner Potomac.

The Citizen's Council For a Clean Potomac, located in Washington, D.C., has cited the Luke mill for its excellent work in cleaning up the river. The Keyser Jaycees presented a plague for the Mill's efforts in air and stream pollution abatement. One of the major milestones in water pollution abatement was the waste treatment plant at Westernport. Built and operated by the Upper Potomac River Commission. Westvaco underwrote the bonds necessary for construction and the company pays over 96% of all costs, including amortization of the bonds and operating expenses.

Today, those 128 river openings have been reduced to a bare minimum with flood pumps and cooling water discharges comprising the bulk of the few remaining outlets.

Today, the Luke mill has installed and in operation electrostatic precipitators on three of the four major stacks. Precipitators are the most efficient air pollution abatement devices available to reduce particulate matter. Design engineering work is already underway for a precipitator on the fourth major stack. The present cost for each of these units would be about $600,000.

There are five wet scrubbers in operation at strategic points, as well as bag filters and mechanical dust collectors.

Today, the hill behind the mill gets greener every year (ask any long-time resident). This is the result of a change to the sulphate process as well as increasing use of stack cleaning devices.

Today, the Luke mill has in operation a black liquor oxidation unit to help reduce odor. Installed during the summer of 1967, the unit cost $250,000 to reduce the odorous gases about 30%.

This unit will not eliminate all odor (we were careful to make this point when it started up), but it is one major step in a long-range program to drastically reduce the boundaries of the "odor threshold".

Today, the Luke mill have about $14,000,000 invested in facilities, of one kind or another that aid pollution abatement. That is 10% of the total company investment of $140,000,000 here at Luke—a lot of money any way you cut it.

Even with this effort, the mill has not achieved perfection in its pollution abatement activities.

The point is that giant strides have been taken in a very short time. The mill has become one of the real leaders in the pollution abatement effort. Let's give credit where credit is due!

All this progress and activity in improvement of air quality has taken place voluntarily. The Luke mill had quietly been installing air pollution control equipment long before it became the popular "cause" that it is now.

ALL IS NOT GOLD THAT GLITTERS

Two important points must be kept in mind when discussing the Luke mill.

The large volume of "white smoke" seen rising from the mill is mostly water vapor, and not smoke. As most employees know, this is steam which is released during the production of pulp and paper. Do not confuse air pollution with the large amounts of water vapor you see.

The Potomac River above the mill intake looks clear and sparkling. Actually, it is so heavily polluted with acid mine drainage that the mill must use stainless steel piping at the water intake and provide expensive treatment to make it good enough to use in the pulp and papermaking process.

One paradox in this situation is that the better job the Luke mill does in water pollution abatement, the more acid the river becomes.

Before installation of the No. 3 lime kiln, the Luke mill's alkaline effluent neutralized the acid Potomac. Now the acid Potomac water is going further and further downstream since there is less and less alkaline effluent. Ironic, isn't it?

WHERE DO WE GO FROM HERE?

A multi-million dollar program is now being designed that will move the Luke mill even further ahead in air and water pollution abatement.

This "Blueprint for Progress", when completed, will give the Luke mill additional efficient facilities for pollution abatement to further improve the quality of both air and water.

The Luke mill is not perfect. There has been no attempt to say that there is no room for improvements. But a steady, continuing pollution abatement effort indicates a sincere desire to continue as a good neighbor and to remain among the leaders in pollution abatement.

What is "in the works" for future pollution abatement facilities? Right now it would be difficult to give a month-by-month startup time for new equipment, but here is what is happening.

A shroud has been authorized for the lime kiln. This is an expenditure of some $112,000 to further reduce the possibility of residual lime dust escaping to the air. Some of this equipment is already installed

and more work will be done in the immediate future.

An expenditure of over $225,000 has been authorized to reuse the pulp mill combined condensate. Engineering is under way now. When completed, this will mean a reduction in the BOD (biochemical oxygen demand) of the river.

A computerized model of the Potomac River has been authorized. This will enable Luke mill and Division technical people to undertake extremely detailed studies of the river and the mill's effect upon it and to determine what additional steps are needed to improve water quality.

Studies, engineering or authorization requests are in various degrees of completion for such varied items as demister mesh pads for smelter vents (to control odor and particulate matter), scrubbers (air), condenser rebuilds (odor), a precipitator (air), surface condenser (water), etc.

The Luke mill for many years has been sincerely interested in maintaining a far-reaching program of pollution abatement activities and it will continue to do so.

HERE'S WHAT WE ARE DOING AT LUKE FOR POLLUTION ABATEMENT

Equipment	Date installed	Purpose	Cost
Shroud	[1] 1969	Prevent residual lime dust from escaping at cooling units of limekiln.	$112,000
Reuse combined condensate	[2] 1969	Eliminate 1 effluent point to reduce biochemical oxygen demand on the river.	225,000
Computerized model of river	[1] 1969	Make possible extremely detailed studies of the river to determine future requirements to improve water quality.	
Upper mill sanitary sewer	[3] 1969	Eliminate sanitary sewer discharge to river	40,000
Demister No. 2 recovery	[4] 1969	Stop chemical pollution of air from smelter tank	24,000
Electrostatic precipitator	1968	Remove chemicals and particulate matter from flue gases of No. 25 power boiler.	600,000
3 wet scrubbers	1968	Prevent particles of clay and starch from escaping in the unloading area. Stops particles as small as 1 micron (0.00004 of an inch).	50,000
Electronic interlock	1968	Shut down lime kiln if air pollution abatement equipment fails	
Black liquor oxidation unit	1967	Reduce mill ordor 30 percent by preventing hydrogen sulfide from escaping.	250,000
No. 3 lime kiln	1966	Recover chemicals used in the pulping process. A major secondary benefit is elimination of lime mud escaping to river.	4,705,000
Wet scrubber	1966	Prevent escape of lime dust at kiln dry end (99 percent effective).	40,000
Wet scrubber	1966	Prevent escape of lime dust at kiln wet end (99 percent effective).	[5] 40,000
Pulpmill sewer extension	1966	Tie in numerous mill outfalls with the waste treatment plant	30,000
Covered conveyors	1966	Prevent the escape of lime dust and limestone dust while moving lime to storage. Located at wet and dry ends of lime kiln.	([5])
Concrete moats	1966	Placed around all tanks at lime kiln to contain liquid and prevent water pollution in event of tank overflow.	([5])
Dust collector	1965	Retain sawdust in chipper house	22,400
Bag filters	1964	Reduce escaping dust in clay and starch unloading area	20,000
Electrostatic precipitator	1963	Remove chemicals and particulate matter from flue gases of No. 1 recovery boiler.	330,000
Upper Potomac River Commission activated sludge plant for waste treatment.	1960	Treat wastes from Luke mill as well as 3 local towns	[6] 4,000,000
Electrostatic precipitator	1959	Remove chemicals and particulate matter from flue gases of No. 2 recovery boiler.	300,000
Clarifier unit	1958	Treat wastes from papermill. (Emergency standby at present.)	515,000
Ash lagoon	1957	Prevent boiler ash from reaching the river	115,000

[1] Early.
[2] Late.
[3] Spring.
[4] Mid.
[5] Designed and built as part of the $4,700,000 No. 3 lime kiln.
[6] Bond issue underwritten by company. Luke mill pays 96 percent of current operating costs.

Note: Savealls or fiber recovery facilities are on all 9 paper machines.

CUTTING THROUGH THE OIL FOG

Mr. PROXMIRE. Mr President, U.S. Oil Week has done its usual fine job cutting through all the verbiage being spewed out by the oil companies as they try to defend all their special privileges.

I ask unanimous consent that U.S. Oil Week's analysis of the oil tax arguments as well as a table of the Federal taxes of the largest refiners be printed in the RECORD at the conclusion of my remarks.

Mr. President, as we near the vote on the surtax extension, I think it is very important to realize that the oil companies with their high and increasing profits are shifting their fair share of the tax burden to the shoulders of the average taxpayer who does not have all the special tax privileges enjoyed by the oil industry.

In 1968 the major oil companies paid only 7.7 percent of their net income in Federal income taxes, down from 8.3 percent in 1967. The lowest tax bracket for individuals is 14 percent.

Now, we have the surtax which falls most heavily upon the individuals who are already overtaxed. Yet we are told that we must pass the surtax extension without any major tax reforms because the country needs the surtax.

Mr. President, one thing the country does not need is the continuation of the heavy tax burden on the average family which has to live on earnings from wages or a salary while the oil barons continue to rake in record high profits without paying any significant Federal income taxes.

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

CUTTING THROUGH THE FOG—HANDY GUIDE TO OIL TAX ARGUMENTS

As the oil tax debate heats up in the U.S. Senate proponents of special favors for large refiners are circulating their arguments to the public and Congress.

Below are the most commonly heard arguments and *U.S. Oil Week's* views of them.

OIL PAYS MORE TAXES THAN MOST BUSINESS

This gem—voiced by API President Frank Ikard and others—was "documented" recently by the oil producer who heads the Senate's tax writing committee, Russell Long (D., La.).

Long said the top 19 oil companies pay 42.9% of their net income in taxes.

A staff study done for Long by committee staff shows the low federal taxes reported originally by *U.S. Oil Week* (Aug. 5, 1968).

The Long figure shows 8.8% of net income was paid as federal income tax.

But then Long adds in all kinds of local taxes on production, severance taxes and property taxes.

Some defenders of tax avoidance even add in excise taxes.

But if you add to the average man's federal income tax burden all other taxes he pays the figure would be well above the typical 18% to 20%.

Sen. Wm. Proxmire (D., Wis.) countered Long's claim by noting that some oil companies—even with all of the local taxes thrown in—pay less "than most industries pay in federal income tax alone."

Proxmire chose Atlantic Richfield as a horrible example noting that in 1967 it paid no federal income tax (on its $138.5 million profit), 8.6% as state and foreign taxes and 18.5% as severance, production and property taxes.

"Compare this 27% with the 40% borne by the average manufacturing company," Proxmire said.

As for excises, the public pays the tax on gasoline, not the refiner.

Refiners only collect the taxes.

An even more preposterous figure was put together by Price Waterhouse & Co., the accounting firm, showing 21 oil companies in 1967 paid 6.4% of their "adjusted" gross income in direct taxes.

The "study" was made for the Mid-Continent Oil & Gas Assn. and given to the House Ways & Means Committee to help it decide about oil taxes.

The industry generated more than $17 billion in taxes here and abroad, the accountants tabulated, including $7.5 billion in motor fuel and other excises.

Price Waterhouse took tax information from the top 21 companies.

To beef up the tax percentage, the accountants threw in not only severance, property and production but even payroll taxes, customs duties and ad valorem taxes.

Then majors can say:

"We pay 64% of our income in direct taxes."

A letter from Midco to Congress urges tax writers to dismiss earlier tax figures put in the Congressional Record (from U.S. Oil Week) as misleading.

The trick word was "adjusted" income.

By adjusting the income, federal taxes rose to 19% from the 8.8% in Sen. Long's study.

Midco noted that a federal tax credit is only allowed for the income taxes on profits made abroad.

Foreign income taxes—allegedly omitting all royalties—came to $1.6 billion in 1967.

But what's a tax and what's a royalty is often debatable.

Out-and-out royalties to foreign governments exceeded $500 million, Midco said.

The foreign taxes are offset against federal income tax payments as a credit.

The investment tax credit lowered federal income tax of the 21 firms by only $141 million compared with $1.6 billion for foreign tax credits.

THE INDUSTRY STANDS FIRM AGAINST CHANGE

Independence producers, with their own grievances against major companies, have been moving away from defense of depletion allowance for exploration abroad.

The battle broke wide open in June at the Independent Petroleum Assn. of America's convention.

Earlier the Texas Independents (TIPRO) approved a committee report noting that the attack on foreign depletion and foreign tax credits was the major companies' headache.

TIPRO took no stand on tax incentives for overseas and tried to win IPAA to that stand, but failed.

Wallace Wilson, a leading Chicago banker, told IPAA a cut in depletion isn't the worst thing that could happen.

Ending the right to write off the intangible costs of drilling would be a hard blow to independent producers, he added.

OIL TAX FAVORS HELP FIND MORE OIL

This argument, originally the strongest argument for lower taxes on oil has weakened in recent years.

"The industry isn't drilling as hard as its resources, equipment and know-how permit," cautioned the *Oil & Gas Journal*.

"As a result, it is not finding the oil and gas needed to meet skyrocketing demand . . . Unless the petroleum industry steps up its exploration effort and has some new reserves to show, its defenders may be clobbered in their future battles with critics," the *Journal* added.

If U.S. producers are favored with tax incentives and protection from market competition by the imports wall and state controls, why aren't they looking?

In 1968 there were 26,500 fewer wells drilled than in 1956.

The tax system actually encourages exploration abroad by granting the depletion allowance for searching overseas.

If China allowed foreign oil firms to explore, a company could get depletion for adding to China's oil supplies.

Foreign royalties may be treated as tax credits.

That really draws oil money abroad.

All of the easy-to-find oil has been located in the continental U.S.

Drillers have to look deeper and it costs a lot more to drill at home especially when you have to go deeper down.

That oil tax benefits haven't worked was shown in a Treasury Department study that showed that additional marginal production brought on by domestic oil tax provisions have produced about $150 million a year more oil at a loss to the Treasury of $1.6 billion in revenue.

"In effect," Sen. Proxmire said, "we're paying $10 for every $1 in additional oil reserves."

If the depletion allowance were completely eliminated our 12 year supply would probably be cut to an 11-year level, Treasury forecast.

OIL IS A WASTING ASSET

Every time a barrel is pumped out of the ground the producers capital is depleted.

Every year a man works his working life is cut by a year, Rep. Richard Fulton (D., Tenn.) told the House.

By that reasoning we should all get a depletion allowance.

Actually the wasting asset argument can support a claim for cost depletion, the amount actually taken out of the ground.

But allowing producers a fixed percentage rate of 27.5% allows depleting the same asset 19 times over, according to an Internal Revenue Service study.

MARKETERS SHOULD HELP DEFEND THE PRODUCTION TAX FAVORS

Since the goodies are in production rather than marketing, profits are pushed back to the propped up crude oil price.

Equitable taxation—on a par with other industries and small businessmen—would encourage constructive marketing practices, many marketers believe.

Other marketers—who have substantial stock holdings in major companies—favor the refiner's viewpoint.

But did they get the stock in return for the sale of their company?

Incentives are needed *to draw the vast capital needed to find new reserves.*

This argument is advanced by banks specializing in loans to oil companies such as New York's Chase Manhattan.

But where is all the investment going today?

If present tax policy is drawing exploration money abroad leaving the system untouched won't help gather a lot of capital.

Some economists argue that the industry is actually overcapitalized now because of the attraction of the tax gimmicks.

Without the gimmicks investment would decline and return on investment before taxes would be improved.

NATIONAL SECURITY WOULD SUFFER

How does it help the nation's security for the biggest taxpayers to skip taxes or pay practically nothing?

Federal tax figures show tax advantages are given mostly to the big internationals, Texaco, California and Jersey Standard, Gulf, Mobil and smaller internationals, Marathon and Getty.

Much higher taxes are paid by domestic firms, Phillips, Ohio Standard, Sunray, Ashland, Indiana Standard.

HIKING OIL TAXES WILL RAISE GASOLINE AND FUEL OIL PRICES

Indiana Standard makes a bigger profit than Shell, but Standard pays 20% federal income tax and Shell paid 13%.

They often sell for the same price to their stations where they compete.

Texaco paid 1.9% of its net income in 1967 while Ashland Oil & Refining paid 32.8% yet they both sell at about the same price and make money.

In fact Sen. Proxmire has accused Texaco of hiking prices in February because of the tax situation so it can pay itself a higher price for crude oil and lower its federal taxes.

Prices are determined by competition or the lack of it, not taxes.

The reserve supply of saturated fat collecting in some of the larger firms shows a vast source to fall back on.

As Rep. Charles Vanik (D., O.) pointed out to the House that Atlantic reported income before taxes of $377,942,000 in 1965–67 yet paid no federal income taxes at all.

California Standard earned a half billion in 1967 but only paid 1.2% as federal income tax.

That's a lot of fat.

Of course refiners could use a tax increase as an excuse to hike product prices.

They wisely avoided that point when the surtax was imposed (except for Ohio Standard which pays a higher tax than competitors).

Of course a 10% surtax on little or no taxes isn't much to complain about.

PERCENTAGE DEPLETION HAS BEEN ON THE BOOKS FOR 43 YEARS

That's no argument.

Sin's been around even longer than that.

NEW TAX BOOM FOR MAJORS

The Internal Revenue Service last month ruled that the social security tax paid by U.S. companies under the Venezuelan retirement program *is an income tax.* Thus U.S. firms can deduct the amount from its U.S. federal tax payment. If IRS had ruled the other way, the majors operating there would have to treat the social security payments as a cost of doing business.

FEDERAL TAXES OF LARGEST REFINERS

	Net income before tax	Federal tax	Percent	Foreign, some States' tax	Percent	Profit after tax
STANDARD (NEW JERSEY)						
1962	$1,271,903,000	$8,000,000	0.6	$423,000,000	33	$840,903,000
1963	1,584,469,000	69,000,000	4.3	496,000,000	31	1,019,469,000
1964	1,628,555,000	29,000,000	1.7	549,000,000	33	1,050,555,000
1965	1,679,675,000	82,000,000	4.9	562,000,000	33	1,035,675,000
1966	1,830,944,000	116,000,000	6.3	624,000,000	34	1,090,944,000
1967	2,061,000,000	166,000,000	8.1	700,000,000	34	1,195,028,000
1968	2,313,587,000	233,999,000	10.1	802,907,000	34	1,276,681,000
TEXACO						
1962	$546,371,000	$13,000,000	2.3	$51,700,000	9	$481,671,000
1963	615,768,000	10,250,000	1.6	58,850,000	12	545,668,000
1964	660,761,000	5,500,000	.8	77,900,000	11	577,361,000
1965	726,198,000	10,000,000	1.3	79,500,000	11	636,698,000
1966	845,466,000	32,500,000	3.8	103,100,000	12	709,866,000
1967	892,986,000	17,500,000	1.9	121,100,000	13.5	754,386,000
1968	1,019,930,000	23,800,000	2.3	160,600,000	15.7	835,530,000
GULF						
1962	$488,351,000	$19,389,000	3.9	$128,871,000	26	$340,091,000
1963	540,065,000	30,870,000	5.7	137,842,000	25	371,353,000
1964	607,343,000	52,443,000	8.6	159,782,000	26	395,118,000
1965	655,727,000	53,559,000	8.1	174,935,000	26	427,233,000
1966	813,868,000	90,008,000	11.0	219,098,000	26.9	504,762,000
1967	955,968,000	74,142,000	7.8	303,539,000	31.8	578,287,000
1968	977,321,000	8,005,000	.81	342,997,000	35.1	626,319,000

	Net income before tax	Federal tax	Percent	Foreign, some States' tax	Percent	Profit after tax
MOBIL						
1962	$379,339,000	$8,300,000	2.1	$128,700,000	33	$242,339,000
1963	437,352,000	23,000,000	5.2	142,500,000	32	271,852,000
1964	464,660,000	27,700,000	5.9	142,800,000	30	294,160,000
1965	508,016,000	33,900,000	6.6	154,000,000	30	320,116,000
1966	555,412,000	23,200,000	4.4	176,100,000	31.7	356,112,000
1967	594,593,000	26,900,000	4.5	182,300,000	30.7	385,393,000
1968	673,739,000	22,000,000	3.3	223,500,000	33.2	428,239,000
STANDARD (CALIFORNIA)						
1962	$348,181,000	$5,800,000	1.6	$28,600,000	8.0	$313,781,000
1963	356,568,000	2,900,000	.8	31,600,000	8.0	322,068,000
1964	448,053,000	14,100,000	3.1	125,837,000	28.1	308,116,000
1965	507,341,000	12,500,000	2.5	142,941,000	28.2	351,900,000
1966	564,256,000	27,300,000	4.8	151,019,000	26.8	385,937,000
1967	791,962,000	12,900,000	1.6	369,669,000	46.7	409,393,000
1968	569,431,000	16,700,000	2.9	100,900,000	17.7	451,831,000
STANDARD (INDIANA)						
1962	$168,843,000	$3,105,000	1.8	$3,381,000	2.0	$162,420,000
1963	208,022,000	22,182,000	10.6	2,748,000	1.0	183,092,000
1964	204,817,000	8,486,000	4.1	1,480,000	.7	194,851,000
1965	263,098,000	39,578,000	15.0	4,248,050	2.0	219,272,000
1966	300,531,000			49,672,000		255,869,000
1967	366,847,000	74,021,000	20.2	10,576,000	2.9	282,250,000
1968	395,064,000	74,678,000	18.9	10,892,000	2.8	309,499,000

FEDERAL TAXES OF LARGEST REFINERS—Continued

	Net income before tax	Federal tax	Percent	Foreign, some States' tax	Percent	Profit after tax
SHELL						
1962	$173,555,000	$7,200,000	4.1	$8,680,000	5	$157,675,000
1963	211,575,000	19,100,000	9.0	12,623,000	5	179,852,000
1964	213,575,000	2,800,000	1.3	12,585,000	5	198,190,000
1965	274,507,000	26,600,000	9.6	13,876,000	5	234,031,000
1966	313,085,000	46,100,000	14.7	11,785,000	3.7	255,200,000
1967	342,022,000	44,940,000	13.1	12,233,000	3.6	284,849,000
1968	387,767,000	63,378,000	16.3	12,298,000	3.2	312,091,000
CONOCO [1]						
1962	$73,477,000	$1,065,000	1.4	$3,335,000	5	$69,077,000
1963	99,665,000	9,143,000	9.3	9,157,000	3	87,365,000
1964	204,184,000	235,000	.1	103,840,000	50.9	100,109,000
1965	201,914,000	4,670,000	2.3	101,093,000	50.1	96,151,000
1966	290,924,000	11,669,000	4.0	122,339,000	42.1	156,916,000
1967	280,584,000	7,649,000	2.7	123,973,000	44.2	148,962,000
1968	290,357,000	9,721,000	3.3	130,594,000	45.0	150,042,000
ATLANTIC						
1962	$61,110,000	0	0	$14,844,000	24	$46,266,000
1963	56,747,000	0	0	12,734,000	22	44,013,000
1964	61,081,000	0	0	14,005,000	22	47,076,000
1965	105,299,000	0	0	15,188,000	14	90,111,000
1966	127,384,000	----------	----------	13,900,000	12.7	113,484,000
1967	145,259,000	----------	----------	15,254,000	10.5	130,005,000
1968	240,272,000	$2,999,000	1.2	37,713,000	15.7	199,560,000
SUN						
1962	$66,395,000	[2] $200,000	0	$13,400,000	20	$53,195,000
1963	79,976,000	1,300,000	1.9	17,460,000	22	61,216,000
1964	88,577,000	2,400,000	2.7	17,670,000	20	68,507,000
1965	113,405,000	10,300,000	9.0	18,220,000	16	84,835,000
1966	131,544,000	16,600,000	12.6	14,370,000	10.9	100,574,000
1967	146,946,000	24,700,000	16.8	13,670,000	9.3	108,576,000
1968	227,790,000	44,290,000	19.4	19,070,000	8.4	164,430,000
PHILLIPS						
1962	$158,320,000	$48,000,000	30.3	$3,365,000	2	$106,955,000
1963	160,954,000	52,000,000	26.2	3,491,000	2	105,463,000
1964	152,197,000	32,229,000	22.2	4,950,000	3	115,018,000
1965	165,876,000	31,745,000	19.1	6,415,000	4	127,716,000
1966	218,382,000	59,163,000	27.0	7,595,000	3.4	151,624,000
1967	227,766,000	52,255,000	22.9	11,496,000	5.0	164,015,000
1968	184,560,000	32,584,000	17.7	15,174,000	8.2	136,802,000
UNION						
1962	$59,421,000	$8,000,000	13.5	$5,500,000	9	$45,921,000
1963	73,028,000	13,100,000	17.7	6,000,000	8	53,928,000
1964	87,564,000	13,300,000	15.2	7,200,000	8	67,064,000
1965	119,214,000	15,604,000	13.2	8,840,000	7	94,770,000
1966	170,782,000	18,398,000	10.7	10,144,000	5.9	142,240,000
1967	163,820,000	10,400,000	6.3	8,457,000	5.2	144,963,000
1968	164,232,000	5,955,000	3.6	7,045,000	4.3	151,232,000
MARATHON						
1962	$36,064,000	[3] $2,200,000	0	$205,000	.5	$37,889,000
1963	50,058,000	([3])	0	933,000	2	49,125,000
1964	63,220,000	([3])	0	2,844,000	4	60,376,000
1965	97,416,000	([3])	0	37,345,000	38	60,071,000
1966	130,927,000	2,400,000	1.8	59,700,000	45.9	68,826,000
1967	138,520,000	3,700,000	2.7	60,962,000	44.0	73,858,000
1968	155,335,000	4,350,000	2.8	67,659,000	43.6	83,326,000
CITIES SERVICE						
1962	$84,143,000	$20,773,000	24.7	$3,185,000	3	$60,185,000
1963	101,976,000	20,188,000	21.4	4,283,000	4	77,505,000
1964	105,299,000	19,819,000	18.9	967,000	.9	84,513,000
1965	137,068,000	31,973,000	23.3	977,000	.7	104,118,000
1966	194,456,000	51,760,000	26.7	902,000	.4	141,794,000
1967	165,289,000	32,347,000	19.6	5,105,000	3.1	127,837,000
1968	138,613,000	12,683,000	9.1	4,594,000	3.3	121,336,000
STANDARD (OHIO)						
1962	$37,235,000	$9,275,000	25.0	$3,738,000	10	$24,222,000
1963	54,008,000	15,225,000	28.1	4,896,000	9	33,887,000
1964	70,252,000	21,150,000	30.2	5,334,000	7	43,768,000
1965	82,848,000	26,300,000	31.7	6,386,000	8.3	49,712,000
1966	84,481,000	21,200,000	25.0	6,345,000	7.5	56,936,000
1967	101,496,000	29,200,000	28.8	8,412,000	8.3	63,884,000
1968	113,571,000	38,100,000	33.5	5,394,000	4.7	70,077,000
GETTY [4]						
1967	$132,762,000	$3,687,000	2.8	$10,909,000	8.2	$118,166,000
1968	112,798,000	6,712,000	6.0	7,836,000	6.9	98,250,000
SINCLAIR						
1962	$57,936,000	----------	----------	$10,586,000	18	$47,350,000
1963	85,731,000	[2] $1,200,000	0	10,201,000	12	75,230,000
1964	66,444,000	[2] 3,119,000	0	10,827,000	15	58,736,000
1965	96,072,000	4,100,000	4.4	15,299,000	15.9	76,673,000
1966	123,232,000	13,996,000	11.3	14,892,000	12	94,344,000
1967	130,017,000	10,585,000	8.1	24,060,000	18.5	95,372,000
1968	101,265,000	[2] 2,747,000	0	27,429,000	27.1	76,583,000
TIDEWATER						
1962	$35,191,000	$228,000	0.6	$2,387,000	6	$32,576,000
1963	42,795,000	63,000	0	3,384,000	8	39,474,000
1964	40,508,000	377,000	13.7	4,426,000	11	35,705,000
1965	60,397,000	58,000	.9	3,783,000	6	56,556,000
1966	80,542,000	3,350,000	4.1	5,301,000	6.5	71,891,000
ASHLAND						
1962	$24,324,000	$6,201,000	25.8	$2,799,000	11	$15,324,000
1963	28,769,000	10,556,000	37.7	104,000	.3	18,109,000
1964	36,385,000	9,672,000	26.8	2,977,000	8	23,735,000
1965	50,594,000	15,500,000	30.6	2,440,000	5	31,594,000
1966	69,324,000	20,830,000	30.0	5,570,000	8	42,924,000
1967	72,212,000	23,718,000	32.8	3,952,000	5.5	44,542,000
1968	79,115,000	26,251,000	33.2	4,524,000	5.7	48,340,000
SUNRAY DX						
1962	$41,203,000	$3,850,000	9.3	$1,152,000	3	$36,201,000
1963	48,223,000	4,321,000	8.9	1,374,000	2.9	42,528,000
1964	34,716,000	[2] 2,407,000	0	1,330,000	3.9	35,793,000
1965	41,445,000	980,000	2.3	1,597,000	3.9	38,868,000
1966	57,372,000	10,025,000	14.9	1,754,000	3.0	45,593,000
1967	74,526,000	17,672,000	23.7	2,390,000	3.2	54,464,000
SKELLY						
1962	$22,674,000	$1,260,000	5.7	$250,000	1	$21,164,000
1963	27,479,000	3,025,000	7.7	275,000	4	24,179,000
1964	26,601,000	785,000	1.2	275,000	2	25,551,000
1965	39,995,000	5,625,000	14.0	375,000	.9	33,995,000
1966	42,762,000	5,300,000	12.3	[5] 500,000	1.1	36,962,000
PURE						
1962	$27,680,000	[2] $2,546,000	0	$1,276,000	4	$28,950,000
1963	28,582,000	[2] 1,212,000	0	27,000	.01	29,767,000
1964	32,282,000	[2] 600,000	0	164,000	.5	31,518,000
RICHFIELD						
1962	$36,615,000	$6,000,000	16.6	0	0	$30,615,000
1963	29,767,000	1,300,000	4.4	$773,000	3	27,894,000
1964	26,255,000	[2] 629,000	0	5,249,000	21	21,455,000
TOTAL						
1962	$4,198,331,000	$169,492,000	4.0	$838,954,000	19.9	$3,194,770,000
1963	4,921,577,000	304,985,000	6.2	951,255,000	19.3	3,663,037,000
1964	5,322,329,000	233,241,000	4.4	1,251,442,000	23.5	3,837,646,000
1965	5,926,105,000	404,992,000	6.8	1,349,458,000	22.8	4,171,655,000
1966	6,945,674,000	569,799,000	8.2	1,598,086,000	23.0	4,777,789,000
1967	7,543,997,000	622,393,000	8.3	1,926,907,000	25.5	5,617,090,000
1968	8,144,747,000	623,458,000	7.7	1,981,126,000	24.3	5,540,163,000

[1] Conoco's Federal income tax figure includes a reduction due to benefits arising from consolidation. Foreign and State taxes include Federal and State gasoline and oil excise taxes because the firm's financial statement gave no clear-cut breakdown.

[2] Credit.

[3] Marathon Oil's 10K filing with the SEC doesn't reveal how much Federal income tax Marathon paid in years prior to 1966.

[4] Getty income for 1967 includes companies previously listed as Tidewater and Skelly.

[5] State income tax.

FARM PRICE SUPPORT CEILING

Mr. BYRD of West Virginia. Mr. President, I voted against restricting maximum farm price support payments to $200,000 for the following reasons:

Politically, a vote for a ceiling on farm price support payments would have been the popular vote, because it does not sound good to say that a farmer gets $100,000 or $200,000 or more in payments. However, it must not be forgotten that he surrendered that much acreage. It is not a one-way street.

The adoption of a limitation on farm price support payments would have triggered the snapback provision of the Agriculture Act of 1949 regarding cotton, which would require the Government to purchase all surplus cotton at not less than 65 percent, and up to 90 percent, of parity. Therefore, instead of saving the taxpayers money, the price support payments limitation, according to the Secretary of Agriculture, Mr. Hardin, would cost the Government $160 million more than the existing program and would rebuild the large surpluses in Government warehouses which, in recent years, have been diminishing. Moreover, there would be additional costs to the Government for transportation, handling, and storage of these large surplus inventories of cotton.

Furthermore, the imposition of a limitation without basic legislative changes would not only cost the Government more, but it would also wreck the existing farm program in that it would throw the production from the larger farms onto the open market and further depress the very farm prices we are attempting to stabilize. In short, I voted against the limitation in order to save the taxpayers of West Virginia and the other States a minimum of $160 million and to protect the investment the U.S. Government already has made in its attempt to stabilize the prices which farmers receive for their products.

Even though I personally favor limiting these large payments, to vote for an amendment which would not accomplish the desired results and which would be vastly more expensive than the existing programs would be a serious mistake. I do not believe that the agriculture appropriations bill was the proper place for an amendment such as the payments limitation. This provision would have substantive ramifications and should properly be considered in connection with basic farm legislation which has received the thorough consideration of the Senate and House Committees on Agriculture. The proper time to accomplish this objective of limiting price support payments will be when the farm price support bill comes up for renewal in the next session of Congress. At that time, legislative changes can be written into the basic law to limit the large payments without destroying the remaining markets the farmer has for his products.

Secretary Hardin has assured Congress that he "believes it is possible to design a sound farm program that limits the number of dollars that can be paid to any one farmer for programs following the 1970 crop year." Incidentally, former Secretary of Agriculture Orville Freeman was also opposed to the price support limitation.

Finally, Mr. President, the proposed $20,000 ceiling on price support payments would not affect a single West Virginia farmer. I am advised that no farmer in my State receives even half this amount by way of support payments. But I am advised that such a ceiling would eventuate in higher prices to the consumers. In this sense, the ceiling would hurt West Virginians, farmers included.

For all of these reasons, I voted against the effort to place a restriction on farm price support payments. Again I say, however, I do personally favor the execution of feasible and workable steps to place a limitation on these large payments, and I hope that such a limitation will be included by the administration and by the Senate and House Agriculture Committees for enactment next year when the farm price support program comes up for renewal.

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

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Under the order previously entered, the Chair recognizes the Senator from Vermont.

Mr. STENNIS. Mr. President, may we have order before the Senator commences? If those who are visiting in the Chamber would be seated and remain seated, it would be quite helpful.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DIRKSEN. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum. It will be a short quorum call.

The PRESIDING OFFICER. Does the Senator from Vermont yield for that purpose?

Mr. PROUTY. Yes; I yield.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Without objection, it is so ordered.

Mr. PROUTY. Mr. President, since March 14, when President Nixon recommended the development and phased deployment of the Safeguard anti-ballistic-missile system, I have followed a course of quiet consultations and silent deliberations. Until recently, I remained undecided on this question. In avoiding an earlier commitment, my course, in the words of Vermont's immortal poet, Robert Frost, was "the one less traveled by." And it "has made all the difference" to me.

As this debate drew closer, various polls showed the ranks of my "undecided" colleagues to be ever diminishing and the prospects for a close vote to be increasing.

Consequently, the burden of my decision grew heavier. As I weighed evidence in support of and in opposition to Safeguard, I recalled an admonition—I believe President Eisenhower's—that "we can make of this world a barren desert or a flowering paradise."

President Eisenhower's alternatives became increasingly vivid as I deliberated in the macabre vocabulary of nuclear weaponry. Such terms as "assured destruction, acceptable losses, and megadeaths" conjure up the late President's vision of a barren desert, yet neither the vocabulary nor the realities can be wished away. Instead my decision must be made in the gruesome context of a "mutual deterrent."

Several weeks ago in Vermont, I remarked to some friends that if on that day I were to vote on the Safeguard authorization, I would vote against any funds for deploying the system. I reminded these friends of three votes last year in which I joined with a minority of Senators to defer deployment of the Sentinel system.

As this debate approached, I continued to avoid commitment and reviewed my position in the absence of any pressure other than that of my conscience. I conferred with Senators holding different opinions on Safeguard. I learned as much as I could of the views of scientists and defense experts and weighed the immense volumes of evidence gathered in extensive committee hearings.

POINTS CONSIDERED

In my deliberations and consultations, there were six major considerations.

First, in view of my votes on Sentinel, how does Safeguard differ from this earlier anti-ballistic-missile proposal?

Second, what range of options should be available to the President in the event of a nuclear ultimatum or an irrational or accidental missile attack?

Third, and perhaps most important, what effect would proceeding with Safeguard have on the prospects for strategic arms talks?

A fourth point I considered is: Would proceeding with Safeguard be interpreted as an escalation of the arms race?

As I am not a scientist, I found the fifth point of my deliberation extremely difficult. The point is: Will Safeguard work?

A corollary to point five is the sixth point: What are the estimated and potential costs of developing a workable Safeguard system?

SAFEGUARD VERSUS SENTINEL

In comparing Safeguard with Sentinel, I found that President Nixon's proposal overcomes several of my objections to Sentinel. Unlike Sentinel, the Safeguard system in defending our deterrent can be considered only as a defensive system whereas Sentinel in defending cities could be seen as a U.S. bid for a first-strike capability. Safeguard makes it clear that the United States wishes to deter a general war, not start one or provoke one.

The doubts I had about the effectiveness of Sentinel remains to some extent with the Safeguard; however, in the defense of cities, anything less than a complete "intercept capability" appears nearly worthless, while in defending missile sites, less than a complete "intercept capability" is tolerable.

President Nixon clearly stated on March 14 what Safeguard cannot do. One of my principal objections to Sentinel was the possibility our Nation might somehow delude itself into thinking the system provided our cities an invulnerability against attack.

Comparing the two anti-ballistic-missile systems, I concluded that Safeguard, unlike Sentinel, is in keeping with our nuclear strategy, which was expressed by President Kennedy in his March 28, 1961, message to Congress:

> Our strategic arms and defenses must be adequate to deter any deliberate nuclear attack on the United States or our allies. . . . Moreover we will not strike first in any conflict. But what we have and must continue to have is the ability to survive the first blow and respond with devastating power. This deterrent power depends not only on the number of our missiles and bombers, but on their state of readiness, their ability to survive attack and the flexibility and sureness with which we can control them to achieve our national purpose and strategic objectives.

OPTIONS AVAILABLE TO THE PRESIDENT

President Kennedy's use of the term "flexibility" reminds me of his phrase "the grim choice between humiliation and holocaust." In the instance of a nuclear ultimatum, an irrational or accidental missile attack, should the President have only one response—massive retaliation? Or are the interests of peace and survival better served if the Chief Executive has two buttons instead of one to push?

I pondered this question at great length. I envisioned a President faced with the knowledge that enemy missiles were heading toward the United States. I inquired as to what options are now available to him in response to such attack. I discovered there are now two grim alternatives—do nothing or push the button that unleashes our devastating nuclear fury.

If it were determined that the incoming missiles were part of an all-out nuclear attack on our Nation, the Chief Executive would probably be forced to push that one button.

However, these enemy missiles might be limited in number and their launching the result of an accident or the irrational design of a madman. What could the President do then? He is still caught with only two choices.

But if there was another button available, a button to trigger our missiles designed to intercept and destroy these incoming weapons, the President could push it and halt the attack without immense loss of lives at home or the catastrophic consequences of full retaliation.

I have concluded that it is in the interest of all mankind to increase the options available to the President. Safeguard provides an additional alternative, an extra button.

EFFECT OF SAFEGUARD ON ARMS TALKS

In March of this year prior to voting to ratify the Treaty on the Nonproliferation of Nuclear Weapons, I urged prompt adherence to the course set by article VI of the treaty, to negotiate in good faith to end the nuclear arms race and to effectuate nuclear and general disarmament. I renew these urgings today and stress that I could not with a clear conscience advocate any course that would be counterproductive to strategic arms talks.

On June 24, 1968, I, together with 33 other Senators, voted in favor of an amendment to defer funds for the deployment of Sentinel until July 1, 1969. This amendment, offered by the distinguished Senators from Kentucky (Mr. COOPER) and Michigan (Mr. HART), was rejected by a vote of 52 to 34.

Three days later, Soviet Foreign Minister Andrei Gromyko announced that the U.S.S.R. was "ready for an exchange of opinion" on "mutual restrictions and subsequent restriction of strategic vehicles for the delivery of nuclear weapons—offensive and defensive including antimissiles."

On February 9 of this year, Premier Kosygin was asked about ABM defenses at a press conference in London; he replied in part:

> I believe that defensive systems, which prevent attack are not the cause of the arms race, but constitute a factor preventing the death of people. Some argue this: What is cheaper, to have offensive weapons which can destroy towns and whole states or to have defensive weapons which can prevent this destruction? At present the theory is current somewhere that the system which is cheaper should be developed. Such so-called theoreticians argue as to the cost of killing a man $500,000 or $100,000. Maybe an anti-missile system is more expensive than an offensive system, but it is designed not to kill people but to preserve human lives.

In view of the Soviet response to last June's authorization vote and the fact they insist their already deployed ABM system is purely defensive and not inimical to arms control negotiations, I contend that proceeding with the measured deployment of Safeguard should be considered as an incentive to meaningful arms limitation talks.

First, as I have previously stated, Safeguard clearly indicates that we want to deter general nuclear warfare, that we only want to protect our deterrent forces; and we do not seek to destroy the Soviet deterrent capability.

Second, it tells any potential enemy that we do not intend to have our deterrent forces downgraded through their continued production of offensive weapons.

In effect we are saying we will thwart enough even of a Soviet sneak attack to make their plans futile. The Soviet's only logical conclusion, then, will be not to waste time and money escalating their offensive missile arsenal, but rather to pursue serious arms limitation negotiations.

Last, the Safeguard system is a better incentive to meaningful arms limitation talks because it is a phased reactive-type system. The plans call for starting with two ABM sites—one in Montana and one in North Dakota—to protect enough of our deterrent force against attack. If the talks progress and guarantees are reached, the sites can be closed down. If the talks bog down or drag out and our best intelligence evaluation shows a Soviet first-strike threat, the sites can be maintained fully operational. An increased threat could lead to an expansion of Safeguard sites. What is important to me is that we will be taking our lead from the Soviets. If they seriously want arms limitations, Safeguard can be abandoned; if they want to keep the pressure on or increase the pressure, Safeguard can be maintained or expanded.

IS THE SAFEGUARD AN ESCALATION OF THE ARMS RACE

In discussing the implications of Safeguard on arms talks I made it clear that the measured deployment of Safeguard would allow us to take our lead from the Soviets. I think it is important to remember that it is not the United States which has in recent years been escalating the arms race. The Soviets acted first to test fire an ABM against an incoming nuclear-armed missile and they are the only nation to have done so; they are also the only nation to test and develop a bomb of the magnitude of 60 megatons. The Soviets have also acted first to develop and deploy a fractional orbital bombardment system—FOBS—and have already developed, deployed, and refined a partial ABM system. While they have taken the escalatory lead, the charge of escalation is raised against the United States when we seek to follow the Soviets in a measured-deployment of an ABM system. But who raises these charges? The Soviet Union cannot credibly attack our ABM system as provocative after insisting that their ABM system is nonprovocative. The charges of escalation come from domestic opponents of the ABM. I do not question their motives or their sincerity, but considering the record of escalation, I do challenge their contention.

In the historical context of the arms race, I contend that Safeguard cannot be considered an escalation on our part, but rather a cautious, measured response to the Soviet deployment of an ABM system. I would consider the suggested alternatives to Safeguard to be more escalatory.

Many opponents of the ABM contend that our funds would be better spent by increasing the number of our sea- and land-based missiles and bombers. In this regard I concur with the President who said after weighing this alternative:

> I have ruled out this course because it provides only marginal improvement of our

deterrent, while it could be misinterpreted by the Soviets as an attempt to threaten their deterrent. It would therefore stimulate an arms race.

Equally subject to miscalculation would be our failure to proceed with Safeguard. A potential enemy might interpret such a move as an unwillingness on our part to provide for an adequate defense. Such a misinterpretation of our motives might be highly provocative and lead to disaster.

WILL SAFEGUARD WORK?

Opponents of Safeguard have cast much doubt on the eventual effectiveness of this antimissile system. Of all the testimony offered by the scientific community in regard to Safeguard, I was most impressed by the candor of Dr. Edward Teller in his testimony before the Senate Subcommittee on International Organization and Disarmament Affairs.

As to a reliable estimate of Safeguard's effectiveness, Dr. Teller said this:

> There is a group of people which probably has reliable estimates. They are the Russian experts, who have practiced the deployment of defense for many years. Our own experts have widely different opinions as to the effectiveness of the Russian ABM system, and as to whether it will be extended beyond Moscow.

Dr. Teller went on to say:

> The important question is whether defense or offense is cheaper and more effective. At this present stage we must give the answer that we do not know. This state of ignorance must be ended. Some important answers will be forthcoming in the near future if we begin deployment as recommended by President Nixon.

In his testimony Dr. Teller contended that in the absence of U.S. expertise on defensive missile weaponry, our Nation might be at a disadvantage in arms limitation talks with the Soviets, who have gained much experience in ABM systems.

Dr. Teller's testimony reminded me of his essential role in the development of the hydrogen bomb and the division of scientific opinion preceding the bomb's development. Some scientists believed that the hydrogen atom could be split and that a hydrogen weapon could be produced. Other scientists insisted this was impossible.

In November 1952, we tested a thermonuclear device. Less than a year later the Russians announced—then tested—a fully developed hydrogen bomb. It was not until March 1954 that we produced a hydrogen bomb.

I remember there was a similar division of scientific opinion concerning the development of the Polaris missile delivery system. Fortunately in neither instance was the division of scientific opinion allowed to thwart our initiative. In a way, I see history repeating itself as regards Safeguard, but with an added factor—the widespread disillusionment with our Defense Establishment.

There are those who wish to follow a course limited to research and development of Safeguard. These opponents of deployment rest their case on the legitimate differences of opinion which have been raised about the system's ultimate effectiveness.

At this point, I am convinced that under the phased-deployment plan recommended by the President, phase I of this deployment is essentially a pilot or experimental step.

This phase is limited to the location of Safeguard components at two Minutemen wings. It should provide an opportunity to "shake down" the system to expose technical and operational flaws that might not appear in a research and development program without limited deployment.

My study of Safeguard convinces me that the system's ultimate effectiveness is based not on a single technological development but rather on the coordination of Safeguard's intricate components. This coordination is at present an unknown, which can be tested only in a deployed system. Consequently, I consider phase I of this deployment essentially an extension of our research and development efforts.

In the twisted logic of strategic warfare, there is also the ironic case to be made that if deployed, the Soviets must assume that Safeguard works and therefore the ABM system would act as a deterrent to a first strike.

WHAT WILL SAFEGUARD COST?

Senators are aware of my sense of priorities. I joined with a majority of Senators to continue the exemption of education programs from the budget ceiling. Subsequent to that successful vote, I joined a minority who favored extending this exemption to health programs. I have continually pressed for adequate funding in these and other fields responsive to our pressing domestic demands.

The cost overruns, waste, and miscalculations which have marred our Defense Establishment in recent years disturb me greatly. I have often thought aloud, what benefits could have been obtained if the funds spent in the C5–A cost overrun alone had been applied to education, health, housing, or economic development programs.

An intensification of congressional oversight has been a positive byproduct of these defense miscalculations. Congress has been further reminded of its budgetary and investigatory powers. To me this reassertion of congressional powers is long overdue.

I am well aware that Safeguard now contains many unknowns, which will be discovered as research, development, and initial deployment proceed. I cannot at this point discount the possibility that subsequent developments may lead to a markup of Safeguard's price tag. We may discover at some point in the future that offense is cheaper and more effective than defense.

But what is important to me is this: as we vote on this initial authorization we are only making a first step. The appropriations process follows and in each year of Safeguard's development, Congress will have the opportunity to review the program and the responsibility to authorize and appropriate or not to authorize and appropriate funds for the continuation of Safeguard. I believe that whatever the outcome of this pending vote it will not signify an end to the ABM debate. The debate will continue. On March 14 the President said:

> Each phase of the deployment will be reviewed to insure that we are doing as much as necessary but no more than that required by the threat existing at that time.

Similarly, Congress will follow Safeguard each step of the way utilizing our budgetary and investigatory powers to insure that we proceed in the best interests of the Nation and peace.

CONCLUSION

Mr. President, I have shared with other Senators the major considerations in my lengthy deliberations. By this time my conclusion should be apparent. I shall vote in favor of the fiscal year 1970 authorization for Safeguard.

However, I do not consider my support for Safeguard to be open ended. At some time in the future I may have sufficient doubts as to the effectiveness or potential costs of the system to oppose further expenditures for deployment of the system. But most important, there may come a time when I conclude that curtailment of Safeguard deployment might be in the best interest of pursuing meaningful arms limitations talks. I consider the reverse to be true at this point and time, but that may not remain so. If circumstances change and I consider a cessation of Safeguard deployment a requisite to meaningful arms talks, I would strongly urge the President to cease deployment of the ABM system.

As I do not consider my pending vote in favor of this authorization to "lock me in to Safeguard," neither do I consider my vote an endorsement of our military policy past or present. However, I consider this vote too important to use as a vehicle for displaying my wrath against certain inept defense policies and procedures.

It is in the interest of peace that I shall cast my vote in favor of this authorization for Safeguard. I believe that proceeding with this measured system will stimulate—not retard—moves toward strategic arms talks.

I hope and pray that these talks will soon begin and prove productive. If by some chance they drag on unproductively, are temporarily suspended, or ultimately fail, I want the President to have a sufficient flexibility in his response to a nuclear ultimatum, an irrational or accidental missile attack. I want the President to have a second button next to the one that might properly be labelled "holocaust."

Mr. President, in essence, I have reached this decision because I have concluded that this would not accelerate the arms race because it is a strictly defense oriented program. Certainly, it is much more likely to bring about meaningful arms control talks than exclusive concentration on the production of offensive weapons.

For if potential enemies know that we are capable of defending ourselves against attack and at the same time insure the survival of our own retaliatory forces, they may well reach the conclusion that little purpose would be served

by increasing their stockpile of offensive weapons.

Though I believe at this point that proceeding with Safeguard enhances the prospects for peace, it does so only in the twisted logic of a "mutual deterrent." For truly neither Safeguard nor any weapons system will insure peace. The answer lies elsewhere and Adlai Stevenson pointed in the right direction toward the end of his first presidential campaign. He said:

> If the pursuit of peace is both old and new it is also both complicated and simple. It is complicated, for it has to do with people and nothing in this universe baffles man as much as man himself.

In other words, the answer lies in understanding our fellow man; the final safeguard lies within each of us.

Mr. DIRKSEN. Mr. President, this statement by the distinguished junior Senator from Vermont is in the greatest tradition of the Senate. It is in the greatest tradition of a great original State.

The Senator from Vermont has done what absolutely all of us have done. We have wrestled with what we thought was something of a crisis in our history.

John Ruskin, great author, commentator, and philosopher that he was, experienced crises like that. Some of the finest things that were committed to paper were those that came from those moments of crisis.

The Senator from Vermont has somehow confessed his sense of crisis as he sought to go forward and seek the truth. Little by little he has worn away the friable stones of error and has finally come to the hard truth which has committed him, at this point in time, to a support of the Safeguard system.

I think one of the greatest statements in his whole text is the very last sentence, because he says:

> In other words, the answer lies in understanding our fellow man; the final safeguard lies within each of us.

WIN PROUTY, that is a great speech. I congratulate you.

Mr. PROUTY. I thank the Senator.

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

Mr. PROUTY. I yield.

Mr. STENNIS. Mr. President, to one who has been working on this subject and is familiar with many aspects of it, it is stimulating to have a fine, clean, clearcut, analytical discussion here, as the Senator has given us.

I want to point out three matters that I think are so helpful in the debate. One is that the entire Safeguard program is under continuous review by the President of the United States. Two, it is also, of necessity, under yearly review by the Congress of the United States, which is the only power, under our system, that can vote the money. This is not merely a casual survey, but an actual review, on which there will be a minimum of four rollcall votes on this subject each year, one on authorizations and one on appropriations in the Senate, and the like situation in the other body. That is the minimum expression from the legislative branch. There can be more.

Another factor pointed out, which is so clear to me, is that it is purely a defense weapon, and clearly not an offensive weapon in any way. It is unthinkable that any logical person who might be an adversary would look upon Safeguard as anything except a defensive weapon which is designed to protect our arsenal.

Last, Safeguard does stimulate a genuine approach to arms limitation. Arms limitation is what we are all hopeful for and what we all want to bring about. That is what the President of the United States has in mind as his special mission during the forthcoming months. The speech of the Senator has taken into consideration the conditions the President is faced with and the safety of the Nation.

I thank the Senator for his speech which was both worthy and eloquent, as well as sound from a practical viewpoint.

Mr. PROUTY. I thank the Senator from Illinois. I appreciate his comments.

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

Mr. PROUTY. I yield.

Mr. SCOTT. I congratulate the distinguished Senator from Vermont for an excellent declaration of conscience and of conviction; for a statement which reasons a way to a conclusion which seems to him, and I may add to me, to be inescapable.

I am glad the Senator made reference to scientific judgments. I think all of us are aware that in every decision reached with regard to the defense of the United States, the scientists have been divided, and often down the middle.

The Senator will recall that at the time of the decision to "march" to the moon, the then scientific adviser to the President of the United States advised against it, on the ground that it could not possibly be done, and it would cost too much money, anyway.

Mr. PROUTY. I thank the Senator.

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

Mr. PROUTY. I yield.

Mr. JACKSON. Mr. President, I congratulate and compliment the able Senator from Vermont for a well reasoned speech. I was particularly impressed with his delineation of the alternatives open to the President of the United States. We live on the knife edge of history. A false move can lead to total catastrophe. If there ever was a need for the President to have additional options, it is in connection with the management of our nuclear strategic forces.

The Senator from Vermont has forcefully pointed out the need for this third option, to make it possible for the President to take whatever action is appropriate to stop an incoming missile, if the situation were such that that was the right course. Certainly, we ought to give the President the tools to have the kind of flexibility which, in the event of an irrational, accidental or very limited missile attack, could avoid a total nuclear exchange.

Mr. President, I think another point is of immediate significance. It relates to negotiations. I do not think one needs to be an expert in the field of diplomacy or of strategic weapons to appreciate the problems that a country must face sitting down at a negotiating table with the Soviets to work out a limitation or reduction of strategic offense and defense weapons. I can only put it this way: Does it make any sense that the Soviets would want to agree to dismantle or eliminate their ABM's already deployed when we do not have an ABM and have voted not to go ahead with one?

Mr. PROUTY. I could not agree more with the Senator.

Mr. JACKSON. I want to further point out, carrying out the thoughtful remarks of the able Senator from Vermont, that I think it is a definite possibility—as definite as anything can be—that the Soviets are going to be very reluctant at this point in history to dismantle their ABM's as long as they are confronted with the problem that they now face from Red China. I do think, however, Mr. President, as the reasoning of the able Senator from Vermont suggests, that we perhaps can get a mutual limitation on the number of ABM's on each side; if we, for our part, do not now unilaterally abandon deployment of our ABM system. I think such an agreement on a mutual limitation on ABM's would be in the mutual interests of the United States and the Soviet Union, in light of the situation which exists today.

I merely wanted to pay my highest compliments for the well thought out, well reasoned remarks of the Senator from Vermont in the presentation he has made today with reference to a decision on the ABM.

Mr. PROUTY. I thank the Senator.

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

Mr. PROUTY. I yield.

Mr. COTTON. Mr. President, I thank the Senator for yielding to me because as his friend and neighbor, I want to express my admiration for the stand he has taken and the speech he has delivered this day. I have lived all my life in sight of the State which he so ably represents. I knew WINSTON PROUTY before he ever came to Congress. I was a Member of the House of Representatives when he became a Member of that body and have had the privilege of serving with him there and for many years here in the Senate.

I have known Senator PROUTY over the years as one who is utterly fearless, utterly sincere, and as one who makes up his own mind and makes it up only after the most careful consideration and analysis. The speech he has just delivered is one of the most thoughtful and analytical speeches I have heard in many years in the Senate.

Last year when I voted for the Sentinel System—to which the Senator referred in his speech—I did so after wrestling with my conscience and with some doubts. I was reluctant to commit the Nation to such an extensive system—untested and untried. I have had no doubt about casting my vote for the carefully limited and revocable Safeguard System. And that is not because the President of one party advocated the Sentinel System and the President of another advocated the Safeguard.

As I listened to the words of the distinguished Senator from Vermont, I had constantly in mind the closing words of

President Nixon's statement to the country when he said:

I have weighed all these factors. I am deeply sympathetic to the concerns of private citizens and Members of Congress that we do only that which is necessary for national security. This is why I am recommending a minimum program essentially for security. It is my duty as President to make certain we do no less.

The statement of the distinguished Senator from Vermont is thoroughly in keeping with those words, and it is only one more evidence of the fact that he is and always has been, in my opinion, a real statesman.

Mr. PROUTY. I am deeply grateful to the distinguished Senator from New Hampshire.

I yield to the Senator from Texas.

Mr. TOWER. Mr. President, I wish to express my profound thanks to the Senator from Vermont. I have always been proud of the fact that my great grandfather was born in Vermont, but never more proud than I am today. I think the distinguished Senator has reflected great credit upon himself and upon his State. I think this is absolutely the most closely reasoned and most rational argument that I have heard throughout the course of the debate of the doctrine for the authorization of the ABM. I think it is a tremendous contribution to the debate. As a matter of fact, I kept saying to myself during this course of the Senator's remarks, "Why didn't I think of that?"

This was really a splendid argument. So many good arguments were advanced by the Senator from Vermont that it is difficult to single out any single one to comment upon, but one important contribution which I think the Senator added to the debate of last Friday on deployment was when he said:

My study of Safeguard convinces me that the system's ultimate effectiveness is based not on a single technological development but rather on the coordination of Safeguard's intricate components. This coordination is at present an unknown, which can only be tested in a deployable system. Consequently, I consider Phase I of this deployment essentially an extension of our research and development efforts.

This is a point extremely well made. Again I thank the Senator for his monumental contribution.

Mr. PROUTY. I thank the Senator very much.

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

Mr. PROUTY. I yield to the Senator from Nebraska.

Mr. CURTIS. I compliment the Senator on his very convincing and courageous statement.

I rise as one who claims no expertise, scientifically or from a military standpoint. However, I do feel that on these very important questions, we have to trust someone. Upon the President of the United States falls the awesome responsibility of guiding our foreign policy and acting as Commander in Chief of our Armed Forces. Any human being placed in that responsibility is going to get the best guidance he can. It will be conflicting. But once he has made his decision, I believe we can more safely rely upon the position of such a man, who carries such a heavy responsibility, than on any other source; and I commend the distinguished Senator for the position he has taken and the clarity with which he has made it known.

Mr. PROUTY. I thank the Senator from Nebraska.

I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I merely wish to commend and comment briefly on my colleague's stand. I have served with him in the Senate for a number of years.

I was asked outside the Chamber a moment ago by two reporters if I was surprised by his remarks. I replied, "No, not surprised in the way that you think of surprise, because I have always known Senator PROUTY to be a man who made up his own mind after meticulous thinking."

I frankly am envious of patience in coming to the decisions that he reaches. On this one, of course, we are in agreement. I think the Senator from Vermont rightly recognized the point that I think too many of the Members of this body overlook, that this has been the recommendation of our Commander in Chief, not as the President of the United States, but as the man charged with the responsibility of protecting the freedom of America, the dignity of America, and the body of America.

I do not believe that you can bargain with the safety of 200 million Americans. I think the President's decision as Commander in Chief was one that he came by in a hard way; but we have to remember also that the last three Presidents believed in this, the last three Secretaries of Defense have believed in and advocated it, all the Joint Chiefs of Staff in the same period of time have believed in it—in other words, the people responsible for the defense of the United States have all been for the deployment of something like the Safeguard.

I thank my good friend from Vermont for his typical courage. It did not surprise me a bit. In fact, the only day I shall ever be surprised and shocked by anything my friend from Vermont says is the day when a statement by him might seem to have been pressured on him, or not to have come as a result of his thinking.

I am very proud to serve in a body that has Members like Senator PROUTY.

Mr. PROUTY. I am very grateful to my friend from Arizona. I yield to the Senator from California.

Mr. MURPHY. Mr. President, I, too, join with my colleagues in congratulating the Senator from Vermont for a most forthright, careful dissertation on a matter that has taken up most of the time of this body for the past week, and will take further time—a matter of such great complexity and importance that it once again proves the necessity for what seems to be, at times, the slow action of this body. Sometimes there are so many ramifications that need careful study and careful thought that decisions cannot be arrived at quickly or easily, or off the top of one's head.

I join in the remarks that have been made here in admiration of the careful analysis that the Senator has made of this problem. I believe that he pointed out all the values that must be considered, and that he has made it clear that in this matter of decision in this body, if there are any doubts in the minds of any Senators, those doubts must be resolved in favor of the future security and welfare of the United States of America.

I think that the point that the Senator made that at the present time, without question, we need a system, everybody agrees we need a system, the testimony has shown that this is the only system at the present time; was well taken. Then he pointed out clearly the matter of constant review. It may be that 6 months from now, if the arms talks are successful, it can be canceled, or a year from now, if they are successful, it can be canceled. If they are not, there may be new systems, and the review will provide for an updating, so that there will be no unnecessary waste, but the protection and the well-being of this country will be the uppermost consideration at all times.

Another point of great importance, which has been touched on by my distinguished colleague from Arizona, is that the President of the United States has the obligation, by a vote of the people, to make these decisions. He, as the distinguished Senator from Arizona has pointed out, is the Commander in Chief. He is the man who must, in the final analysis, listen to all the discussion and react to all of the ideas and thoughts; that he, finally, is the one who must take the responsibility for the decision.

He has done that, and he has said to us most thoughtfully and sincerely that he needs his. Who is better to judge what condition he should be in when he goes to meet with the Russians, in the hope of finding some solution to the matter of final and lasting disarmament, who better than the President out of his experience from the long availability of information that has come day by day and is coming currently?

I am so pleased that I have had the privilege of serving with the distinguished junior Senator from Vermont for the 5 years that I have been a Member of the Senate. There is no other Senator for whom I have more respect. His judgment and determination and courage determines his votes, and his wisdom in matters of concern for the welfare of the country have been outstanding.

I feel sorry for only one thing—that the Chamber was not filled with all Members of the Senate to hear the fine analysis and careful dissertation and clear thinking of the final sound conclusion arrived at by the distinguished Senator from Vermont.

I congratulate him and consider it a great honor to serve in the Senate and on Senate committees with him.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Senate Should Vote 'Yes' On ABM," which was published in the Los Angeles Times on July 10, 1969. The editorial deals with the matter of the ABM, and it asks two very important questions and makes two very important points with regard to the decision.

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

SENATE SHOULD VOTE "YES" ON ABM

Issue: Now that the ABM debate has finally begun in the U.S. Senate, what are the basic questions confronting our lawmakers?

Millions of words have already been uttered in the long and tiresome debate over the proposed Safeguard ABM system and thousands more will be uttered before the U.S. Senate gets around to voting "yes" or "no" later this month.

Strip away all the verbiage, however, and it turns out that the senators fundamentally are facing two related questions:

Are they willing or unwilling to give the President of the United States the bargaining strength which he believes that he needs in order to negotiate an arms limitation agreement with the Soviet Union?

Keeping in mind that the arms control talks may fail, do they or do they not think it is worth investing less than 1% of our total defense budget to keep open the option of building a system of defense against the kind of missile threat which the Soviet Union may pose during the 1970s?

Members of the Senate should think very carefully before giving negative answers to these questions.

Although the fact has tended to become obscured in the heat and complexity of the propaganda battle over the ABM. Congress is not being asked to commit itself now to the entire $10.8 billion Safeguard system. It is being asked to approve a $759 million first installment for construction of two prototype installations.

Additional congressional approval will be necessary for work to proceed beyond these first two installations. And, as the Nixon Administration has made quite clear, the entire system need never be built if Washington and Moscow can agree to freeze or limit deployment of offensive and defensive missiles.

If the polls are any indication, a majority of those Americans who have made up their minds on the ABM are in favor of it.

Critics of Safeguard have mounted a massive, well-financed campaign to create the impression that the scientific community is overwhelmingly against the ABM.

The fact is that disagreement among scientists is as widespread as it is among laymen. Those who favor Safeguard include Dr. Lee DuBridge, former president of Caltech, and Dr. Frederick Seitz, president of the National Academy of Sciences. Equally prominent scientists are to be found among the opponents.

The Times suggests that members of Congress should resolve any doubts in their own minds in favor of the national security and a strong American negotiating posture.

Mr. PROUTY. Mr. President, I thank the Senator from California.

Mr. President, I yield now to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I have had the honor of serving with the distinguished junior Senator from Vermont on three committees since I have been a Member of the Senate. Invariably, the Senator makes a very careful and detailed analysis of the problem, whether it be on the Committee on Labor and Public Welfare, the Committee on Commerce, or the Committee on the District of Columbia.

The Senator has done a very fine job here today.

One of the things that I believe cannot be overemphasized is the other button concept which he produced in his speech. It is a matter which I have spoken on both in speeches and on the radio and television.

That concerns the awful, awesome dilemma that any President would be in in the event of an unauthorized, accidental launching of a nuclear missile targeted on our country, where the President, whomever he may be, did not have an antinuclear capability.

The President would be in an impossible situation, a situation in which we should never put any President, in my opinion, the situation in which he must determine in his own mind whether he was going to let the thing hit and explode and annihilate millions of Americans without doing a single thing, or whether he was going to automatically empty our silo in the general area from which the missiles had come.

We remember in reading Neville Shute's "On The Beach," that the accidental launching was done in one of the Middle Eastern countries. We had no other alternative but to fire at the Soviet Union. They started, and then the Chinese got going. The result was a holocaust before we got through.

This is the type situation in which we could put a President of the United States unless we give him another alternative in the decision he would have to make.

It is my hope that we can start taking steps to give him the other button, as the distinguished Senator from Vermont so wisely and aptly put it in his speech.

I congratulate the Senator. I am delighted that he came to this conclusion. I hope that his conclusion gets the maximum exposure as stated in his speech.

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

Mr. PROUTY. I yield.

Mr. DOLE. Mr. President, as a junior Member of the Senate, I commend the Senator from Vermont.

I have wrestled with this complex problem this year as a Senator and last year as a Member of the other body. I supported President Johnson's Sentinel system then because I felt he made the right decision considering all the circumstances.

The importance of the Senator's momentous speech today is not that his decision may tip the scales in favor of any point of view in the Senate, or for any President of the United States, but that his decision could well mean added security in the very highest and proper sense for all free people of the world.

The speech today by the Senator from Vermont, and the speech last week by the Senator from Washington (Mr. JACKSON), have been two of the highlights of this interesting, informative, and controversial debate.

After all the rhetoric, however, the issue is relatively simple. Either the President gets the tools he feels necessary to defend this Nation or he does not. Either this Nation will proceed to build a Safeguard system of missile defense or it will not. Either this Nation, ourselves included, has confidence in the judgment of the President of the United States or it does not.

There are arguments for and arguments against. No argument, no matter how noble in motive, no matter how inspiring, nor how impassioned the delivery may have been, means much when compared with the paramount question involved. This question is, again, whether or not we have confidence in the judgment of the President of the United States. The Senator from Vermont has expressed this confidence and again, I express my appreciation for his outstanding statement of position.

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

Mr. PROUTY. I yield.

Mr. BAKER. Mr. President, I express my gratitude to the Senator from Vermont for an exquisitely constructed and excellent speech on what is obviously one of the most important subjects that has confronted the Senate for some years.

Most, if not all, of the points made by the distinguished Senator have been touched directly or obliquely in debates so far. Obviously, I believe no other Senator has pulled together all the pieces as rationally, as fully, or as logically as has the Senator.

I commend him.

There is one inference I draw from the remarks of the Senator, one that I believe has not been touched upon frequently in the debate, but is inevitably present in his remarks today. That is the moral role the United States of America with respect to its overall defense posture.

The United States prides itself on being the most moral and most concerned nation on earth. I think it is. We have concern for the future destiny of mankind.

It falls our lot on occasion to put ourselves in the place of the Russian and to think of how we might react to an attack by the United States. In that respect, I grew concerned when I heard debate to the effect that there is no need for a defensive system such as the Safeguard because the sufficient and extravagant deployment of intercontinental missiles such as the Minuteman and of the Polaris gives us such a degree of overkill than any other system is ill-advised and unnecessary and an economic waste.

It is not fitting that the moral nation on earth should assume an ICBM mentality and put all of its eggs in one offensive basket to assure its own capacity to annihilate Moscow and Russia and all of its citizenry.

If I were a citizen of the U.S.S.R. and of the city of Moscow and saw the United States reject the defensive button in favor of continuing to depend entirely on an offensive capability, I would be pretty upset about it, too.

I believe that putting ourselves in the Moscovite position and seeing a determination by the United States to assume a defense of its own continental facilities, a defense of its own credible deterrent, we can feel far surer of the prospects for ultimate offensive arms limitation and the postponing or elimination of the prospect of nuclear holocaust than we can by rejecting Safeguard and relying on offensive capability pointed directly at the heartland of the Soviet Union.

The moral aspect of the matter is important. I believe it is significant and significant far beyond the costs or comparative costs of any weapons system.

I associate myself with the very fine presentation made by the Senator from Vermont and commend him for the manner in which it was done.

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

Mr. PROUTY. I yield.

Mr. HANSEN. Mr. President, I am sure I am not the first to observe that during the days we have been debating the Safeguard system, we have certainly heard some very learned and knowledgeable people explore all the facets and ramifications of this very complicated issue.

I have no further knowledge to bring to the Chamber. However, I must say that as I reflect upon the role of our country in the context of all the nations of the world, it seems to me that we have a twofold objective—one, to assure the continuation of freedom in this country, and the other to do all we possibly can do to insure greater world peace.

I think the distinguished Senator from Vermont this afternoon has made a very worthwhile contribution in analyzing the statistics that have been before us and in exploring further in the context of those statistics the motives of not only this country, but the other nations of the world as well. These are difficult assignments. It is hard to say what someone else may do if we do something. We know that the distinguished Senator from Washington gave a very erudite presentation insofar as the motives of the Soviet Union are concerned. These are difficult problems to mull over. How does one determine what another man or another nation may think? It takes a great deal of thoughtful, sober consideration and reflection.

I am certain that the distinguished Senator from Vermont has made a very worthwhile contribution in helping all of us analyze these complex and difficult problems and in trying to arrive at a reasoned, sustainable position and conclusion. It seems to me that the dispassionate manner in which the distinguished Senator from Vermont has gone about this task will serve us all well. I suspect that the decision at which he has arrived will serve as a useful guide to many who yet may not have fully made up their minds in seeing how we may best serve the purposes of America, in protecting the freedom we have and assuring that there shall be reasonable expectation on the part of other peoples in other nations of the world to anticipate sometimes a fuller sense of freedom than they now have; and, secondly, to look to the security of America, because today more than ever I believe all nations of the world look to America for guidance on how they may implement a national course of action which will result in achievement nationally of the goals that we have insofar as their own countries are concerned.

With that in mind, I pay my respects to the very worthwhile contribution that has been made by the distinguished Senator from Vermont.

Mr. PROUTY. I am very grateful to the Senator.

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

Mr. PROUTY. I yield.

Mr. HRUSKA. Mr. President, today's presentation of the junior Senator from Vermont was not necessary to bring to the Members of this body the awareness that the Senator is a man of independence in his thought, of thoroughness in his analysis, and of great courage to speak out at proper and strategic times. Certainly, on many other occasions we have had the benefit of the sensible thoughts of the Senator. Today's presentation is simply a reaffirmation of what we have come to expect.

The presentation is very thorough. It is dispassionate, and it is logical. It certainly is in keeping with the proposition that President Nixon has often emphasized, and I quote: "I believe it is essential for the national security, and it is essential to avoid putting an American President, either this President or the next President, in the position where the United States would be second rather than first or at least equal to any potential enemy."

Certainly, the decision to deploy a limited ABM system was made advisedly and deliberately by the Commander in Chief of our military forces.

While the Senator has carefully covered several reasons for supporting the President, there is one of particular good sense and appeal that has not been stressed enough. That is his statement that his vote on the immediate issue will not be considered by him, and should not be considered by anyone else, to lock him irrevocably in a position of support for the ABM and its continued deployment. He wants to keep his options open. That is the position of many of us. I believe it is a sound position.

As was pointed out by the Senator from Texas in debate last week, those who would follow the "no" scientists on this issue would be locked in their position because there would be nothing upon which future options could be based. Those of us who would follow the "yes" scientists, those that say Safeguard can be made to do the job, would be holding our options open. If there were problems in the development of this weapons system or if there were favorable results in negotiating armament limitations or restrictions, then the decision that we make on this issue can be modified accordingly.

This is not the first time that this body or the United States has been called upon to make a choice between "no" scientists and "yes" scientists. That choice was debated very thoroughly in regard to development and production of the A-bomb. At that time, thank goodness, America had the good commonsense to follow those who said: "Yes; let's develop it, and let's hold it as an additional deterrent to those who would do us irreparable damage."

So, I commend the Senator for so constructively adding to this debate. It is my hope that the position he so ably advocated will prevail, when the votes on this issue are recorded.

Mr. PROUTY. I thank the Senator.

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

Mr. PROUTY. I yield.

Mr. THURMOND. Mr. President, I commend the able Senator for the magnificent address he has delivered today in favor of the Safeguard ABM system.

I wish to read one sentence from "Military Strategy," by V. D. Sokolovsky, Marshal of the Soviet Union. This is the third edition, for 1968:

> In our country the problem of eliminating rockets in flight has been successfully solved by Soviet science and technology. Thus the task of warding off strikes of enemy missiles has become quite possible.

It is clear, Mr. President, that the Russians feel they have solved the ABM system. They have built a system. They built one in 1962. They have been working on it since; they have improved it. They now have two systems in their country. We have one. They are at least 5 years ahead of us.

I shall probably speak more in detail about General Sokolovsky's book tomorrow. But it is clear from this book that the Russians have plans now for a first strike. They also expect to have the capability soon. So it is urgent that we go forward and build the ABM and not delay a single day.

Again, I compliment the distinguished Senator from Vermont.

Mr. PROUTY. I thank the Senator.

Mr. ALLOTT. Mr. President, will the Senator yield to me for just a moment? I know he is under the press of time.

Mr. PROUTY. I yield to the Senator from Colorado.

Mr. ALLOTT. I join my colleagues in praising the remarks of the Senator from Vermont today in support of the Safeguard system. Of course, I think it is characteristic that the distinguished Senator from Vermont would take his time and deliberate and listen to all the arguments, both for and against before taking a position on as important a matter as this.

Although I was not able to be present, I have read his speech. I feel that the points he has made and the reasoned logic he has used to support these points in his speech constitute one of the high marks of this debate. It is a speech which appeals to my own sense of reason in this matter, and one which I believe will appeal to many Members of the Senate. I think the Senator is to be complimented very greatly.

Mr. PROUTY. I am grateful to the Senator from Colorado.

I yield the floor.

The PRESIDING OFFICER (Mr. DOLE in the chair). Under the previous order, the Senator from Ohio (Mr. YOUNG) is recognized.

THE SAFEGUARD ABM SYSTEM

Mr. YOUNG of Ohio. Mr. President, the administration's decision to proceed with the deployment of an ABM system is one of the most crucial matters with the most far-reaching implications to come before Congress in this decade. The Safeguard ABM supposedly to protect our offensive missile silos will start the Nation down a multibillion-dollar road,

the end of which is not in sight. This could well compromise the future security and well-being of the Nation, indeed of world peace.

I was one of seven Senators to vote against this proposed boondoggle in the Armed Services Committee. I am proud to have joined with my colleagues, the distinguished senior Senator from Missouri (Mr. SYMINGTON) and the distinguished junior Senator from Hawaii (Mr. INOUYE), in the minority report on the Safeguard ABM system.

Throughout the committee hearings, witnesses who testified for deployment of the system devoted most of their time to emphasizing their fears of the Soviet Union. Secretary of Defense Laird at first tried to frighten the country into believing that the Soviets "are going for a first-strike capability." He was compelled to revise his remarks in subsequent testimony.

"First-strike capability" in any language means the ability of one nation to destroy another's offensive missiles so completely that the second nation would be unable to retaliate. Secretary Laird's implication was that without the Safeguard system our ability to retaliate could be wiped out in a first strike.

This argument always was and still is unsupportable. It is incredible to assert that the Soviet Union or any other nuclear power could with one blow destroy all our Minuteman missiles, all our SAC bombers, all our Polaris and Poseidon submarines, all our intermediate missiles based in Europe. That is unthinkable, unsupportable, and impossible.

Furthermore, for years Defense Department officials have assured Americans that if the Russians should strike first we possess a second-strike capability with our Minuteman missiles in underground sites that would inflict unacceptable damage upon the Soviet Union. We were assured that the hardened sites were adequate and that we would not need additional protection for our intercontinental ballistic missiles.

Were we being misled then, or now? The argument that we need more protection of our land-based ICBM's completely ignores the fact that we have at this time 41 Polaris submarines with more than 656 ICBM's which cannot be destroyed by a first strike because they are underwater and moving all the time. These missiles have a maximum range of 2,875 miles and no area in the vast land mass of the Soviet Union or Communist China is safe from devastation from missiles fired from these submarines.

Secretary Laird hinted that the Polaris fleet might be neutralized in the future, but he was unable to support that veiled assertion with evidence. Furthermore, our own intelligence apparatus declines to support his scary talk of all our nuclear power being simultaneously in jeopardy at some future date.

The Poseidon program will soon increase our offensive power to 4,000 nuclear warheads capable of being fired from mobile bases under the oceans and seas of the world, as well as on the surface. If such a second-strike capacity will not deter an attack, nothing will. Placing the Safeguard ABM around a small share of our land-based missiles will certainly not add one iota of credibility to our deterrent capacity.

During the past decade we have built up the strength of our strategic forces so that each individual component alone—our ICBM's, SAC bombers, and the Polaris and Poseidon fleets—could deliver on target more than the minimum retaliatory destruction required for deterrence. Our combined strategic bombers and land-based missile forces by themselves assure survival of one or the other from attack, not to mention our missiles on submarines throughout the oceans and seas of the world.

Our only real defense against the threat of a nuclear attack is the deterrence of our overwhelming offensive forces. Our tremendous potential offense is our best defense and has been all along. We must keep our offensive power so far ahead of the Russian and Chinese defenses that it will remain perfectly clear and obvious to the Soviet and Chinese leadership that a first strike against us will trigger an unbearable response.

At the present time, we have an overwhelming offensive capacity, superior to that of the Soviet Union. For its part, Communist China has only the crudest capacity and is not able to deliver any missiles on target in this country at this time, nor will it be able to do so before 1976 or 1978 at the earliest.

Now, Secretary Laird is saying that by first-strike capability he means only the power to attack our Minuteman missiles, and Safeguard, he says, is necessary to prevent that. As the minority report points out, Dr. Wolfgang Panofsky, one of the universally respected experts in this field, in an address last month stated:

> If the threat to Minuteman grows at the rate projected by the Defense Department, and if Minuteman became vulnerable at a certain time several years hence, then if the Safeguard system were installed and if it functioned perfectly, then the Minuteman would be just as vulnerable as before only a few months later.

In other words, the Soviets could offset any protection offered by Safeguard simply with a few additional months' production of offensive missiles.

Mr. President, there is also the serious question as to the actual capability of the proposed ABM. In his testimony before the Armed Services Committee, Dr. Herbert F. York, whom Senators will recall was Director of Defense Research and Engineering in the Office of the Secretary of Defense from 1958 to 1961, and one of the Nation's foremost experts on defense weaponry stated:

> I continue to have the gravest doubts as to the capability of any ABM system I have heard of, whether or not the problem has been defined into being 'easy' and whether or not it 'works' on a test range. I stress that I am not just talking about some percentage failure inherent in the mathematical distribution of miss distances, nor statistically predictable failures in system components, but rather about possible catastrophic failure in which at the moment of truth either the system doesn't fire at all, or all interceptions fail for some unforeseen reason.

The fact is that more than $23 billion of taxpayers' money has been spent since World War II on missile systems that either were never finished or were out of service on completion because of obsolescence. More than $5 billion was spent on the Nike-Ajax missile system, the Nike-Zeus, and following that the Nike-X. This was taxpayers' money down the drain, utterly wasted. There are missile sites around my home city of Cleveland, and elsewhere in this country, which are utterly useless. The men servicing them are merely sitting around waiting for the bomb to drop. Experience keeps a dear school, but, as Benjamin Franklin said, "Fools learn no other way." It is high time we profit by our mistakes of the past and not perpetrate further boondoggles such as proceeding with the Safeguard ABM system. Patrick Henry on an historic occasion said:

> There is but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way to judge the future but by the past.

Furthermore, Safeguard was originally designed for the "thin" defense of cities against Red China. It was originally called Sentinel. However, an outcry followed President Nixon's proposal of the Sentinel, an outcry that came not only from Illinois and California, but also from the two Senators from Hawaii, the two Senators from the State of Washington, and, of course, an outcry from Massachusetts. Thus, the name Sentinel was changed. Some clever public relations man in the Pentagon changed the name to Safeguard. Its components are basically the same. The anti-Chinese rationale has been abandoned by no less an authority in the administration than the President himself. The argument that Safeguard ABM's around two of our ICBM sites would protect us from a Soviet nuclear attack is only slightly less ridiculous. The fact is—and the Russians know it—that if we were attacked by the Soviet Union, we could destroy the Soviet Union some 50 times over.

Our ICBM's can hit their targets. I remember hearing the distinguished Senator from Arizona (Mr. GOLDWATER) state the if the target of one of our ICBM's was the men's room in the Kremlin—whoosh, and there would be no more men's room. That illustrates the power and the accuracy of our offensive capability. No one can take that away from this great Nation.

Mr. President, perhaps the worst implication of the ABM is the fact that it will help to continue the deception that there is a technical solution to the dilemma of the nuclear age. This false hope could be extremely dangerous if it diverted us from efforts to find a solution in the only place where it may be found—in a political and diplomatic search for peace combined with arms limitation and disarmament measures.

Should we proceed to build this ABM system, the leaders of the Soviet Union are almost certain to respond with increases in offensive strength which would negate any advantage from ABM deployment. By plunging ahead with an ABM system, we Americans run the risk of escalating the arms race to a fantastically high and unbelievably costly plateau. This upward spiral of the arms race

would leave both sides with no more real security than each has now.

After both sides have anti-ballistic-missile systems, we may rest assured that the race will then start all over again to produce new, more expensive, and more sophisticated missiles that can penetrate the antimissile systems. After another costly race is over, there is then every reason to believe that the balance of power will settle at the same point where it now rests.

Mr. President, the appropriation provided for in the bill under consideration would be the first step in a boondoggle that would cost the taxpayers at least $12 billion and perhaps as much as $100 billion or more. The Pentagon estimates the cost of the Safeguard ABM at $7 billion. This, just to protect two ICBM sites near Malmstrom, Mont., and Grand Forks, N. Dak. Experience of the past 20 years has taught us that weapons systems consistently cost 300 to 700 percent more than their original estimates. Once we permit this outrageous expenditure, we may rest assured that in short order Pentagon officials will be asking for money for a so-called thick system.

It is unconscionable to squander taxpayers' money on this enormous boondoggle. The days of unquestioning approval of money for pet projects of the Pentagon are behind us.

Have the generals of the Joint Chiefs of Staff and other proponents of the ABM never heard of the cost-effectiveness ratio of the Maginot Line or the Great Wall of China? Giving the generals whatever they want is a luxury we simply can no longer afford. The deployment of an ABM system, like our involvement in the ugly civil war in South Vietnam, will lead to ever-increasing expenditures that will further distort our priorities, cause more inflation, higher taxes, and deterioration of our economy.

There are extremely heavy demands on our limited resources. Problems which have been set aside for too many years require immediate solutions—poverty, health, education, food for hungry children, law enforcement, and protection of our environment, to name a few.

It is clear that deployment of the ABM will result in a squandering of national resources and treasure and will actually subtract from our national security rather than strengthen it.

The appropriation of billions of dollars for deployment of ABM missiles, first termed "Sentinel" and then renamed "Safeguard" when there was an outcry against deployment of ABM in Hawaii, Seattle, Los Angeles, Boston, and elsewhere, would be a decision that would haunt the Nation for decades to come.

Mr. President, it was more than a coincidence that Washington, D.C., which has no Senators and Representatives in Congress to voice strong protests, as was done by every Representative in the Congress from areas previously selected, was chosen as the one city in the east for ABM deployment.

That public relations pipsqueak who conceived the name Safeguard to replace Sentinel did not refer to Washington, D.C., by name. His Pentagonese phrase is "National Command Authority," a new euphemism for the District of Columbia.

As the city selected for the ABM, it was contemplated that 250 acres of land would be purchased in Washington, D.C., for its deployment. When the Sentinel was proposed, there was talk of about 250 acres of land close to Los Angeles. It was ascertained that the cheapest land there would cost from $100,000 to $250,000 an acre.

This proposal contemplates a reckless expenditure of public funds to spend billions of dollars in construction and deployment of the ABM in various places in our country. We should first seek to negotiate a treaty with leaders of the Soviet Union limiting or banning altogether the deployment of ABM's. It is very evident that our tremendous and superior offensive power is our best defense against any aggression from the Soviet Union. Leaders of the Kremlin are well aware of our superiority. They certainly know that as matters stand, no matter how powerful or unexpected an attempted nuclear Pearl Harbor might be, we have the capacity with our Polaris submarines, to say nothing of our Strategic Air Force and Minuteman missiles, to obliterate every military base and every city in the Soviet Union in a matter of but a few hours.

Very definitely, I maintain that the leaders of the Kremlin know it is to their advantage to negotiate with us at this time to either freeze or reduce ABM deployment.

We should give top priority to seeking nuclear arms control and reduction by mutual agreement.

To those few rightwing extremists in our country, members of splinter groups, lunatic rightwing groups, such as the John Birch Society and the so-called Liberty Lobby, who claim that the Communists have never kept their agreements, we present the fact that the Limited Nuclear Test Ban Treaty achieved by Ambassador Averell Harriman and the late, great President John F. Kennedy has been scrupulously complied with by both the Soviet Union and our Nation. In fact, since that treaty was entered into, only a small number of underground tests have been undertaken by both parties. Very definitely an arms control agreement should be sought by us and it is the best means of achieving meaningful security at this time. Furthermore, we do know that if any threat to our Nation should become more serious a few years from now, we can readily give top priority to increasing offensive weapons to meet such threat.

We should be considering arms cutbacks, not increases; encouraging disarmament negotiations, not a new and accelerated arms race. The authorization of the Safeguard system would be a tragedy of enormous proportions.

It is of the utmost importance that the President give topmost priority to seeking and achieving a nuclear missile limitation agreement with the leaders of the Soviet Union.

The Foreign Minister of the Soviet Union, Andrei Gromyko, late last week made a strong bid for closer and more friendly relations between his nation and the United States. He stated that his government was ready for strategic arms limitations negotiations with Washington and he even suggested the desirability of a summit meeting with President Nixon seeking to achieve a treaty limiting nuclear missiles.

President Nixon should withdraw his ABM proposal to deploy Safeguard missiles and seek talks relating to limiting nuclear missiles. Foreign Minister Gromyko stated:

> We have noticed President Nixon's statement that after a period of confrontation, the era of negotiations has arrived.

In view of the fact he explicitly stated:

> We favor the good development of relations with the United States.

Our official and immediate response should be to seek a meeting between representatives of our two countries, the only two great nuclear powers, to confer together on the details of a treaty regarding nuclear missile limitation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. YOUNG of Ohio. I ask unanimous consent to proceed for 10 additional minutes.

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

Mr. YOUNG of Ohio. If the ABM proposal of President Nixon is not withdrawn then, very definitely, it should be defeated by a vote in the Senate. I am opposed to any compromise. It is fearful to contemplate what the situation may be a year hence if we proceed with the deployment of the so-called Safeguard missile as proposed despite the opportunity now before us for friendly talks with leaders of the Soviet Union who were our wartime allies in World War II.

We know that historically Russians have always been our friends. We know that more than a hundred years ago—in 1862 to be exact—when our Nation was torn by the Civil War, and when in the darkest period for the Union in 1862 at a time France and Great Britain were about to recognize the Confederacy that the Government of Russia sent two of its naval squadrons on the long voyage to our shores as a gesture of friendship to to the Union, and a squadron of Russian warships entered San Francisco Bay, and a second squadron came up the Potomac to Washington. Great Britain and France backed down, largely and probably entirely because of this gesture of friendship from the Russians at that time, and the talk of recognizing the Confederacy no longer existed.

In a few years, fortunately, that terrible War Between the States was over, and at that time, in 1867, Secretary Seward proposed the purchase of Alaska. It was considered that Alaska was an ice house, of no use nor value whatever to the United States. The czarist Russian Government had spent $7.2 million during the Civil War in sending their fleet here, and to reimburse the Russians for that expenditure, students of American history know that Secretary Seward entered into what at that time was termed "Seward's folly," and that figure of $7.2 million was arrived at to repay the Rus-

sian Government for the expense incurred in sending its two war fleets overseas to our shores to demonstrate its support of the Union and as a warning that any armed intervention by France and Great Britain would lead to a conflict with Russia.

Until recent years the Russian leaders have always demonstrated friendship to the United States. Historically, over hundreds of years Russia has not been an aggressor nation. Now the opportunity seems at hand to achieve an understanding with the leaders of the Kremlin for a nuclear arms limitation. We should grasp it.

A defeat of the ABM proposal by the Senate will be helpful to attain the end and advance the hope of a treaty to limit deployment of nuclear weapons. Despite what we have heard earlier today, I predict we in the Senate will defeat President Nixon's ABM proposal. However, if he should win by a margin of one, two, or even five, which is improbable, it would be a pyrrhic "victory" for the administration, and would not be helpful.

Pending achievement of an agreement for talks which might lead to a nuclear limitation treaty it should be unthinkable for us to even consider deployment of a Safeguard system at bases in Montana and North Dakota.

If, however, such deployment is undertaken for any reason let it be at Kwajalein Island instead of within the borders of the United States close to Canada.

I am confident that if there should be a vote this week or next week or 4 weeks from now on the ABM proposal, the Senate would demonstrate its wisdom by defeating the proposal.

Mr. President, I yield the floor.

ABM-NONTHINK

Mr. FANNIN. Mr. President, I have listened and participated in the debate that has gone on sporadically for some time now concerning the deployment of the anti-ballistic-missile system.

This issue, as I have said before, transcends party loyalties and pivots on the more basic issue of the necessity to defend the Nation. Obviously good men can have honest differences of opinion over the best way to accomplish the goal. My difficulty comes when there is either deliberate or unconscious obscuring of the goals.

We have heard it parroted over and over that the money we save on the ABM we can then put to use in the cities, or put to work solving more pressing domestic needs.

One side says that if we do not defend the country there is little need to worry about the cities for they will not then be worth spending money to preserve.

The other side says if we do not solve the problems of the cities there will be little need to defend the country.

I find myself more sympathetic to the first viewpoint, because of the better chance for survival in that direction. The President himself has pointed out that if we make a mistake in favor of the ABM we lose some money; if we make a mistake against the ABM we lose the country.

This argument, I realize, is apparently not a very persuasive one in the eyes of ABM opponents. I understand their opposition to the ABM centers around the idea that we are safer by negotiating an arms freeze, and presumably an arms freeze would, in their estimation, be more difficult to negotiate if we had an effective ABM. The principal weakness of this reasoning is that it speculates on the possibility of Russian willingness to negotiate and abide by agreements in good faith, and ignores the evidence that the Soviets abide by agreements only when it continues to suit their national purpose to do so. I am aware that some members of the Foreign Relations Committee do not agree with my assessment of their probable behavior. Several colleagues on that committee seem to regard foreign relations as some kind of mystical realm into which the privileged few may tread. A noted Senator has been most generous in his criticism of the Vice President whom he considers to have neither the "background nor experience" to speak on foreign policy.

It is my intention as the debate goes along within a day or two to inject some material regarding the Soviets that indicates their present intentions along the foreign policy line, and perhaps then the Senator from Arkansas can give us his highly valued opinion.

For today, however, I would like to examine recurring phenomena which I call the ABM-nonthink.

This affliction is not limited to politicians or scientists or jurists. It seems to strike each profession with equanimity. I first noted it when I received three copies of the same anti-ABM speech from different sources.

The speech to which I refer is one delivered, apparently extemporaneously, to a group of scientists and students at the Massachusetts Institute of Technology by Dr. George Wald, on March 4, 1969.

In one instance the speech was entitled "A Generation in Search of a Future." In another reprint it was called, with rather understated modesty, "the most important speech of my lifetime." That remark was reportedly uttered by two staffers of the Boston Globe who returned to the office after covering the meeting, and independently each told an editor, "I think I've just listened to the most important speech of my lifetime."

Certainly this is an amazing instance of clairvoyance and worthy of further investigation in its own right.

So what was pronounced in this amazingly important speech? I believe it, along with a couple other examples which I shall cite, is one of the prime instances of the ABM-nonthink—a condition brought on by approaching the subject with a completely closed mind, which causes the person afflicted to seize upon the opposition's key argument and use it upon himself.

First, note Dr. Wald's restrained and dispassionate style as he talks of one of the most esteemed Members of the Senate:

> A few months ago Senator Richard Russell of Georgia ended a speech in the Senate with the words: "If we have to start over again with another Adam and Eve, I want them to be Americans; and I want them on this continent and not in Europe."

Continuing to quote Dr. Wald—

> Now that was a United States Senator holding a patriotic speech. Well, here is a Nobel Laureate who thinks that those words are criminally insane.

The reprint notes there was prolonged applause at this point.

I should like to point out that the distinguished Senator from Georgia, who served the Nation outstandingly as chairman of the Armed Services Committee and continues to serve as chairman of the Appropriations Committee, has differed greatly from Dr. Wald in that he has always been a model of restraint. Far from questioning the Senator's sanity, I am sure the great majority of Americans would be absolutely appalled at Dr. Wald's unbecoming immodesty.

Another point from this "most important speech" in these Boston Globe writers' lifetimes concerns the statistical probability of a nuclear war. Dr. Wald, it should be noted, is a doctor of biology. That becomes rather abundantly clear when he ventures into the field of statistics.

The doctor quotes another nonstatistician friend of his—a professor of government at Harvard—on the probability of a nuclear war. His friend is reported to have replied that given the present situation the odds for an all-out nuclear war are around 2 percent per year.

The good biological doctor seizes upon this and says:

> Anybody can do the simple calculation that shows that 2 percent per year means that the chance of having that full-scale nuclear war by 1990 is about one in three, and by 2000 it is about 50–50.

Perhaps anybody can do the simple calculation, which I presume is multiplying 2 percent by the number of years, but that does not give Dr. Wald a probability figure. It seems to escape the academician that the nuclear odds, under a given fixed assumed situation, remain at 2 percent per year, just as the odds on any given flip of the coin are always 50–50 heads or tails.

But the real nonthink comes near the end of this work in which the doctor contradicts himself in the space of exactly two sentences. He opines that all nuclear weapons everywhere must be got rid of and says:

> The only use for an atom bomb is to keep somebody else from using one.

And immediately following that statement says:

> It can give us no protection . . .

Mr. President, I admit to being unable to understand all the labyrinthine ways of academics, but I do think I am able to understand plain English. It seems to me that "keeping somebody else from using one"—a nuclear weapon—is some degree of "protection."

The doctor goes on to state that—

> Nuclear weapons offer us nothing but a balance of terror; and a balance of terror is still terror.

That is all quite true, I suppose, but what is the alternative that Dr. Wald would have us experience? A balance of terror is a balance of terror, but it is not

destruction or enslavement. I admit to being unable to follow the doctor's argument.

So there will be no chance of my misquoting Dr. Wald, I ask unanimous consent to have his speech printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. FANNIN. Mr. President, the next nonthink example comes from a former Vice President and one of our colleagues here in the Senate. I refer to a prolog to "The ABM: Yes or No?" written by Hubert H. Humphrey and published by the Center for the Study of Democratic Institutions in Santa Barbara, Calif.

I have referred to this organization before in connection with Supreme Court Justice William O. Douglas, who serves as chairman of the board of the parent organization for this group and has also written an epilog to this book.

Former Vice President Humphrey, who wrote the prolog from Waverly, Minn., in January of this year said this about our missile defenses:

> The only proof of effectiveness that can be offered in defense of the missile standoff is that we have survived the 20 years of international tensions without precipitating world war III.

Mr. President, it seems to me that Mr. Humphrey makes precisely the point that so many of us who support the President have been trying so long and hard to make. Since we have managed to survive the last 20 years by a missile standoff, shall we not try to continue to refrain from precipitating world war III by making ourselves so weak as to invite attack?

The third and last example of the ABM-nonthink, Mr. President, which I shall cite at this time, occurred in this Chamber last Wednesday, July 9.

A Senator professed amazement at the alleged shifting position of the Senator from Washington (Mr. JACKSON) and the Senator from Mississippi (Mr. STENNIS). Quoting from the RECORD of July 9 at page 18923:

> Right now I can classify such logic, most respectfully, as pure hogwash.

Mr. President, the Senators from Washington and Mississippi took the floor immediately in their own behalf and ably defended their positions—so that is neither necessary now nor is it my present purpose. I question how it is possible to be very respectful about "hogwash." It may be the Senator has more experience in that field, and so I will defer to him.

What I do think is noteworthy, Mr. President, is a remark which is on the immediately following page, 18924, by the same Senator in which he states:

> We are going to settle this issue with reason, not emotion.

Putting these two remarks together, Mr. President, I can only conclude that the Senator deals in respectful but unemotional "hogwash."

This is a serious question, Mr. President. The fate of the Nation does hang in the balance. Perhaps, as that Senator has suggested, "the Nation is watching us." I would not attempt to be humorous or facetious at a time like this, Mr. President, except if by calling attention to these continuing examples of "nonthink," we may all stop worrying about our posture before the watching Nation and look at this problem with a clear eye and with minds open to reason and perspective. If we do, I am sure the Nation will be far better served.

EXHIBIT 1

"I THINK I'VE JUST LISTENED TO THE MOST IMPORTANT SPEECH OF MY LIFETIME"—IT MAY WELL BE JUST THAT

The crowd of 1200 at M.I.T.'s Kresge Auditorium March 4th was shifting and restless when Harvard biologist George Wald rose to speak.

Students and professors there as a part of the "March 4 movement" protesting the misuse of science were disturbed at the lack of focus in the day's numerous panel discussions and speeches.

The 1967 Nobel prize winner in physiology and medicine provided a focus.

As in his popular lectures at Harvard, Wald talked extemporaneously, his head back, his eyes almost closed. His words had an electric effect.

A hush fell over the audience, broken just once by sustained applause midway in the speech, and climaxed by a prolonged standing ovation at its conclusion.

Two Boston Globe staffers, reporter Crocker Snow Jr. and editorial writer James G. Crowley, covered the M.I.T. meeting, returned to the office independently of each other and each told an editor, "I think I've just listened to the most important speech of my lifetime."

All of you know that in the last couple of years there has been student unrest breaking at times into violence in many parts of the world: in England, Germany, Italy, Spain, Mexico and needless to say, in many parts of this country. There as been a great deal of discussion as to what it all means. Perfectly clearly it means something different in Mexico from what it does in France, and something different in France from what is does in Tokyo, and something different in Tokyo from what it does in this country. Yet unless we are to assume that students have gone crazy all over the world, or that they have just decided that it's the thing to do, there must be some common meaning.

I don't need to go so far afield to look for that meaning. I am a teacher, and at Harvard, I have a class of about 350 students—men and women—most of them freshmen and sophomores. Over these past few years I have felt increasingly that something is terribly wrong—and this year ever so much more than last. Something has gone sour, in teaching and in learning. It's almost as though there were a widespread feeling that education has become irrelevant.

A lecture is much more of a dialogue than many of you probably appreciate. As you lecture, you keep watching the faces; and information keeps coming back to you all the time. I began to feel, particularly this year, that I was missing much of what was coming back. I tried asking the students, but they didn't or couldn't help me very much.

But I think I know what's the matter, even a little better than they do. I think that this whole generation of students is beset with a profound uneasiness. I don't think that they have yet quite defined its source. I think I understand the reasons for their uneasiness even better than they do. What is more, I share their uneasiness.

What's bothering those students? Some of them tell you it's the Vietnam War. I think the Vietnam War is the most shameful episode in the whole of American history. The concept of War Crimes is an American invention. We've committed many War Crimes in Vietnam; but I'll tell you something interesting about that. We were committing War Crimes in World War II, even before the Nuremberg trials were held and the principle of war crimes stated. The saturation bombing of German cities was a War Crime. Dropping atom bombs on Hiroshima and Nagasaki was a War Crime. If we had lost the war, some of our leaders might have had to answer for those actions.

I've gone through all of that history lately, and I find that there's a gimmick in it. It isn't written out, but I think we established it by precedent. That gimmick is that if one can allege that one is repelling or retaliating for an aggression—after that everything goes. And you see we are living in a world in which all wars are wars of defense. All War Departments are now Defense Departments. This is all part of the double talk of our time. The aggressor is always on the other side. And I suppose this is why our ex-Secretary of State, Dean Rusk—a man in whom repetition takes the place of reason, and stubbornness takes the place of character—went to such pains to insist, as he still insists, that in Vietnam we are repelling an aggression. And if that's what we are doing—so runs the doctrine—anything goes. If the concept of war crimes is ever to mean anything, they will have to be defined as categories of acts, regardless of alleged provocation. But that isn't so now.

I think we've lost that war, as a lot of other people think, too. The Vietnamese have a secret weapon. It's their willingness to die, beyond our willness to kill. In effect they've been saying, you can kill us, but you'll have to kill a lot of us, you may have to kill all of us. And thank heavens, we are not yet ready to do that.

Yet we have come a long way—far enough to sicken many Americans, far enough even to sicken our fighting men. Far enough so that our national symbols have gone sour. How many of you can sing about "the rockets' red glare, bombs bursting in air" without thinking, those are *our* bombs and *our* rockets bursting over South Vietnamese villages? When those words were written, we were a people struggling for freedom against oppression. Now we are supporting real or thinly disguised military dictatorships all over the world, helping them to control and repress peoples struggling for their freedom.

But that Vietnam War, shameful and terrible as it is, seems to me only an immediate incident in a much larger and more stubborn situation.

Part of my trouble with students is that almost all the students I teach were born since World War II. Just after World War II, a series of new and abnormal procedures came into American life. We regarded them at the time as temporary aberrations. We thought we would get back to normal American life some day. But those procedures have stayed with us now for more than 20 years, and those students of mine have never known anything else. They think those things are normal. Students think we've always had a Pentagon, that we have always had a big army, and that we always had a draft. But those are all new things in American life; and I think that they are incompatible with what America meant before.

How many of you realize that just before World War II the entire American army including the Air Force numbered 139,000 men? Then World War II started, but we weren't yet in it; and seeing that there was great trouble in the world, we doubled this army to 268,000 men. Then in World War II it got to be 8 million. And then World War II came to an end, and we prepared to go back to a peacetime army somewhat as the American army had always been before. And indeed in 1950—you think about 1950, our international commitments, the Cold War, the Truman Doctrine, and all the rest of it—in 1950 we got down to 600,000 men.

Now we have 3.5 million men under arms: about 600,000 in Vietnam, about 300,000 more in "support areas" elsewhere in the Pacific, about 250,000 in Germany. And there are a lot at home. Some months ago we were told that 300,000 National Guardsmen and 200,000 reservists—so half a million men—had been specially trained for riot duty in the cities.

I say the Vietnam War is just an immediate incident, because so long as we keep that big an army, it will always find things to do. If the Vietnam War stopped tomorrow, with that big a military establishment, the chances are that we would be in another such adventure abroad or at home before you knew it.

As for the draft: Don't reform the draft—get rid of it.

A peacetime draft is the most un-American thing I know. All the time I was growing up I was told about oppressive Central European countries and Russia, where young men were forced into the army; and I was told what they did about it. They chopped off a finger, or shot off a couple of toes; or better still, if they could manage it, they came to this country. And we understood that, and sympathized, and were glad to welcome them.

Now by present estimates four to six thousand Americans of draft age have left this country for Canada, another two or three thousand have gone to Europe, and its looks as though many more are preparing to emigrate.

A few months ago I received a letter from the Harvard Alumni Bulletin posing a series of questions that students might ask a professor involving what to do about the draft. I was asked to write what I would tell those students. All I had to say to those students was this: if any of them had decided to evade the draft and asked my help, I would help in any way I could. I would feel as I suppose members of the underground railway felt in pre-Civil War days, helping runaway slaves to get to Canada. It wasn't altogether a popular position then; but what do you think of it now?

A bill to stop the draft was recently introduced in the Senate (S. 503), sponsored by a group of senators that ran the gamut from McGovern and Hatfield to Barry Goldwater. I hope it goes through; but any time I find that Barry Goldwater and I are in agreement, that makes me take another look.

And indeed there are choices in getting rid of the draft. I think that when we get rid of the draft, we must also cut back the size of the armed forces. It seems to me that in peacetime a total of one million men is surely enough. If there is an argument for American military forces of more than one million men in peacetime, I should like to hear that argument debated.

There is another thing being said closely connected with this: that to keep an adequate volunteer army, one would have to raise the pay considerably. That's said so positively and often that people believe it. I don't think it is true.

The great bulk of our present armed forces are genuine volunteers. Among first-term enlistments, 49 percent are true volunteers. Another 30 percent are so-called "reluctant volunteers," persons who volunteer under pressure of the draft. Only 21 percent are draftees. All re-enlistments, of course are true volunteers.

So the great majority of our present armed forces are true volunteers. Whole services are composed entirely of volunteers: the Air Force for example, the Navy, almost all the Marines. That seems like proof to me that present pay rates are adequate. One must add that an Act of Congress in 1967 raised the base pay throughout the services in three installments, the third installment still to come, on April 1, 1969. So it is hard to understand why we are being told that to maintain adequate armed services on a volunteer basis will require large increases in pay; that they will cost an extra $17 billion per year. It seems plain to me that we can get all the armed forces we need as volunteers, and at present rates of pay.

But there is something ever so much bigger and more important than the draft. That bigger thing, of course, is the militarization of our country. Ex-President Eisenhower warned us of what he called the military-industrial complex. I am sad to say that we must begin to think of it now as the military-industrial-labor union complex. What happened under the plea of the Cold War was not alone that we built up the first big peace time army in our history, but we institutionalized it. We built, I suppose, the biggest government building in our history to run it, and we institutionalized it.

I don't think we can live with the present military establishment and its $80-$100 billion a year budget, and keep America anything like we have known it in the past. It is corrupting the life of the whole country. It is buying up everything in sight: industries, banks, investors, universities; and lately it seems also to have bought up the labor unions.

The Defense Department is always broke; but some of the things they do with that $80 billion a year would make Buck Rogers envious. For example: the Rocky Mountain Arsenal on the outskirts of Denver was manufacturing a deadly nerve poison on such a scale that there was a problem of waste disposal. Nothing daunted, they dug a tunnel two miles deep under Denver, into which they have injected so much poisoned water that beginning a couple of years ago Denver began to experience a series of earth tremors of increasing severity. Now there is a grave feat of a major earthquake. An interesting debate is in progress as to whether Denver will be safer if that lake of poisoned water is removed or left in place. (N.Y. Times, July 4, 1968; Science, Sept. 27, 1968).

Perhaps you have read also of those 6000 sheep that suddenly died in Skull Valley, Utah, killed by another nerve poison—a strange and, I believe, still unexplained accident, since the nearest testing seems to have been 30 miles away.

As for Vietnam, the expenditure of fire power has been frightening. Some of you may still remember Khe Sanh, a hamlet just south of the Demilitarized zone, where a force of U.S. Marines was beleaguered for a time. During that period we dropped on the perimeter of Khe Sanh more explosives than fell on Japan throughout World War II, and more than fell on the whole of Europe during the years 1942 and 1943.

One of the officers there was quoted as having said afterward, "It looks like the world caught smallpox and died." (N.Y. Times, Mar. 28, 1968.)

The only point of government is to safeguard and foster life. Our government has become preoccupied with death, with the business of killing and being killed. So-called Defense now absorbs 60 percent of the national budget, and about 12 percent of the Gross National Product.

A lively debate is beginning again on whether or not we should deploy antiballistic missiles, the ABM. I don't have to talk about them, everyone else here is doing that. But I should like to mention a curious circumstance. In September, 1967, or about 1½ years ago, we had a meeting of M.I.T. and Harvard people, including experts on these matters, to talk about whether anything could be done to block the Sentinel system, the deployment of ABM's. Everyone present thought them undesirable; but a few of the most knowledgeable persons took what seemed to be the practical view, "Why fight about a dead issue? It has been decided, the funds have been appropriated. Let's go on from there."

Well, fortunately, it's not a dead issue.

An ABM is a nuclear weapon. It takes a nuclear weapon to stop a nuclear weapon. And our concern must be with the whole issue of nuclear weapons.

There is an entire semantics ready to deal with the sort of thing I am about to say. It involves such phrases as "those are the facts of life." No—they are the facts of death. I don't accept them, and I advise you not to accept them. We are under repeated pressure to accept things that are presented to us as settled—decisions that have been made. Always there is the thought: let's go on from there! But this time we don't see how to go on. We will have to stick with those issues.

We are told that the United States and Russia between them have by now stockpiled in nuclear weapons approximately the explosive power of 15 tons of TNT for every man, woman and child on earth. And now it is suggested that we must make more. All very regrettable, of course; but those are "the facts of life," We really would like to disarm; but our new Secretary of Defense has made the ingenious proposal that now is the time to greatly increase our nuclear armaments so that we can disarm from a position of strength.

I think all of you know there is no adequate defense against massive nuclear attack. It is both easier and cheaper to circumvent any known nuclear defense system than to provide it. It's all pretty crazy. At the very moment we talk of deploying ABM's, we are also building the MIRV, the weapon to circumvent ABM's.

So far as I know, the most conservative estimates of Americans killed in a major nuclear attack, with everything working as well as can be hoped and all foreseeable precautions taken, run to about 50 millions. We have become callous to gruesome statistics, and this seems at first to be only another gruesome statistic. You think, Bang!—and next morning, if you're still there, you read in the newspapers that 50 million people were killed.

But that isn't the way it happens. When we killed close to 200,000 people with those first little, old-fashioned uranium bombs that we dropped on Hiroshima and Nagasaki, about the same number of persons was maimed, blinded, burned, poisoned and otherwise doomed. A lot of them took a long time to die.

That's the way it would be. Not a bang, and a certain number of corpses to bury; but a nation filled with millions of helpless, maimed, tortured and doomed persons, and the survivors of a nuclear holocaust will be huddled with their families in shelters, with guns ready to fight off their neighbors, trying to get some uncontaminated food and water.

A few months ago Sen. Richard Russell of Georgia ended a speech in the Senate with the words: "If we have to start over again with another Adam and Eve, I want them to be Americans; and I want them on this continent and not in Europe." That was a United States senator holding a patriotic speech. Well, here is a Nobel Laureate who thinks that those words are criminally insane. (Prolonged applause.)

How real is the threat of full scale nuclear war? I have my own very inexpert idea, but realizing how little I know and fearful that I may be a little paranoid on this subject, I take every opportunity to ask reputed experts. I asked that question of a very distinguished professor of government at Harvard about a month ago. I asked him what sort of odds he would lay on the possibility of full-scale nuclear war within the foreseeable future. "Oh," he said comfortably, "I think I can give you a pretty good answer to that question. I estimate the probability of full-scale nuclear war, provided that the situation remains about as it is now, at 2 percent per year." Anybody can do the simple calculation that shows that 2 percent per year means that the chance of having that

full-scale nuclear war by 1990 is about one in three, and by 2000 it is about 50–50.

I think I know what is bothering the students. I think that what we are up against is a generation that is by no means sure that it has a future.

I am growing old, and my future so to speak is already behind me. But there are those students of mine who are in my mind always; and there are my children, two of them now 7 and 9, whose future is infinitely more precious to me than my own. So it isn't just their generation; it's mine too. We're all in it together.

Are we to have a chance to live? We don't ask for prosperity, or security; only for a reasonable chance to live, to work out our destiny in peace and decency. Not to go down in history as the apocalyptic generation.

And it isn't only nuclear war. Another overwhelming threat is the population explosion. That has not yet even begun to come under control. There is every indication that the world population will double before the year 2000; and there is a widespread expectation of famine on an unprecedented scale in many parts of the world. The experts tend to differ only in the estimates of when those famines will begin. Some think by 1980, others think they can be staved off until 1990, very few expect that they will not occur by the year 2000.

That is the problem. Unless we can be surer than we now are that this generation has a future, nothing else matters. It's not good enough to give it tender loving care, to supply it with breakfast foods, to buy it expensive educations. Those things don't mean anything unless this generation has a future. And we're not sure that it does.

I don't think that there are problems of youth, or student problems. All the real problems I know are grown-up problems.

Perhaps you will think me altogether absurd, or "academic," or hopelessly innocent—that is, until you think of the alternatives—if I say as I do to you now: we have to get rid of those nuclear weapons. There is nothing worth having that can be obtained by nuclear war: nothing material or ideological, no tradition that it can defend. It is utterly self-defeating. *Those atom bombs represent an unusable weapon. The only use for an atom bomb is to keep somebody else from using one. It can give us no protection, but only the doubtful satisfaction of retaliation.* Nuclear weapons offer us nothing but a balance of terror; and a balance of terror is still terror.

We have to get rid of those atomic weapons, here and everywhere. We cannot live with them.

I think we've reached a point of great decision, not just for our nation, not only for all humanity, but for life upon the Earth. I tell my students, with a feeling of pride that I hope they will share, that the carbon, nitrogen and oxygen that make up 99 percent of our living substance, were cooked in the deep interiors of earlier generations of dying stars. Gathered up from the ends of the universe, over billions of years, eventually they came to form in part the substance of our sun, its planets and ourselves. Three billion years ago life arose upon the Earth. It seems to be the only life in the solar system. Many a star has since been born and died.

About two million years ago, man appeared. He has become the dominant species on the Earth. All other living things, animal and plant, live by his sufferance. He is the custodian of life on Earth. It's a big responsibility.

The thought that we're in competion with Russians or with Chinese is all a mistake, and trivial. Only mutual destruction lies that way. We are one species, with a world to win. There's life all over this universe, but in all the universe we are the only men.

Our business is with life, not death. Our challenge is to give what account we can of what becomes of life in the solar system, this corner of the universe that is our home and, most of all, what becomes of men—all men of all nations, colors and creeds. It has become one world, a world for all men. It is only such a world that now can offer us life and the chance to go on.

Mr. HANSEN. Mr. President, I compliment the distinguished senior Senator from Arizona for the very informative and dispassionate and reasoned statement he has just made.

I know that a great many Senators have already made up their minds as to what their positions shall be. For those who may not have yet arrived at their position, I am sure they will find useful the remarks of the distinguished Senator, who has the capacity to take a cool and analytical approach to any problem and to weigh the merits and demerits of a proposal and then determine what will best serve this country.

The Senator has once again demonstrated his ability to apply logic, reason, and good judgment to a very difficult problem.

I compliment the Senator very sincerely.

Mr. FANNIN. Mr. President, I thank the Senator. I know that he has given a great deal of thought to the matter. I have heard him express his position on the subject eloquently.

I am pleased that the Senator has come to the conclusion, as I have, that we must support our President and that as the Commander in Chief of our Armed Forces he is entitled to this support. I am very proud that we have seen fit to get behind him on this issue as well as on other issues.

I expressed my deep thanks to the distinguished Senator from Wyoming.

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

Mr. FANNIN. I yield.

Mr. STENNIS. Mr. President, undoubtedly the Senator from Arizona has made a contribution in this matter. He has pitched it not only a high plane, but also on the one solid foundation upon which all this question rests: What is necessary for the defense of our Nation? What is necessary to defend our people? That is what it really comes down to. This is merely a protection for our arsenal.

I recall seeing pictures in history books of Indians putting up their barricades, and the colonists would have their barricades. I do not think either blamed the other, or ever did, for putting up a barricade to protect themselves against attack. That is what the ABM boils down to, and it will be a successful barricade.

Mr. FANNIN. Mr. President, I am highly honored that the distinguished Senator from Mississippi has seen fit to make his remarks. He is widely recognized as one of the most informed men in our Nation on the subject of the protection of our country. As chairman of the Committee on Armed Services, the country owes him a debt of gratitude. I have had the privilege many times of discussing a number of these problems with him. I know well his knowledge, his sincerity of purpose, and the tremendous amount of time he devotes to this subject.

I express my thanks to the distinguished Senator.

Mr. STENNIS. I thank the Senator.

SUMMING UP ON SAFEGUARD

Mr. SYMINGTON. Mr. President, with respect to the debate that is now going on incident to the Safeguard ABM, I ask unanimous consent that a thoughtful editorial published in the St. Louis Post-Dispatch of July 8 be printed in the RECORD.

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

THE SUMMING UP ON SAFEGUARD

As Senate debate opens on deployment of the Safeguard antiballistic missile system, the country has before it a good summary of the argument in the majority and minority reports of the Armed Services Committee.

The majority calls ABM "essential for the nation's security." The minority, headed by Senator Symington of Missouri, believes the system would not contribute to our security "in any substantial fashion."

Without ABM, says the majority, Soviet weaponry may place in doubt the second-strike capability of "a large proportion" of our strategic deterrent forces. Pointing to the enormous surplus of nuclear power we already possess, the minority holds that even after an attack by Russia we would have enough forces left to "destroy the Soviet Union 50 times over."

The minority questions the technical feasibility of the ABM system, noting that the highly complex radar and computer components have not even been tested singly, and that in combination there is even greater doubt that they would function successfully under conditions of a nuclear attack. The majority rests its case on blind faith that technology can surmont any obstacles.

We think the minority has much the better of the argument. Perhaps its strongest point is one to which the majority offers no rebuttal at all—namely, that whatever protection might be afforded to our Minuteman missiles by the expenditure of billions of dollars on Safeguard could be completely overcome by just a few months' added production of Soviet offensive missiles. In other words, the "security" to be purchased with Safeguard is a costly illusion. It would not actually protect our land-based missiles if the Soviets were determined to knock them out; yet even if these were knocked out, we would still have far more than enough sea-based missiles, European-based missiles and bombers to deliver a crushing retaliatory blow.

The majority falls backs on the contention that a decision to deploy Safeguard will strengthen our negotiating position in arms talks with the Soviets. But the tactics of escalation to gain negotiating leverage have never worked in 20 long years of arms talks, and there is no reason to suppose they would work now. The whole history of the arms race is one of escalation on one side inducing escalation on the other. The way to break the cycle is for one side to refrain from an act of escalation which can be forgone without impairing its strategic position.

Such is the case with ABM. When Senator Symington and his colleagues, all of whom have had the same access to secret information as the committee majority, tell us that our security would not be impaired by postponing deployment of the ABM, they deserve to believed.

A Senate vote against deployment would in our opinion strengthen Mr. Nixon's hand in the arms talks. It would express in the strongest possible way the readiness of the American people, if not of the military-industrial complex, to call a recess in the nuclear arms race which for so many years has bled our economy and militarized our foreign

policy. It would mark a historic turning point, a signal that the American people have decided to break the pattern of 20 years, during which everything the military establishment asked was freely granted with little debate and little question. It would tell the Soviets, and the world, that the military-industrial complex which has been able to escalate the arms race at will and plunge the nation into unsanctioned military adventures no longer exercises exclusive control over American policy.

For these reasons, and for the sake of a more sensible allocation of resources as between weaponry and social progress, the Senate should say "No" to Safeguard.

THE ABM—FIRST-STRIKE CAPABILITIES

Mr. TOWER. Mr. President, the American Enterprise Institute has, in my opinion, put out the best objective study concerning the merit and lack of merit of the proposed anti-ballistic-missile system. Entitled "The Safeguard ABM System," this special analysis is one of many reports issued by this nonpartisan research organization.

I, like all other Senators, have attempted to do as much research as possible on the ABM. Perhaps the most informative and controversial section of this analysis is the chapter dealing with first-strike capabilities. Whether or not the Soviet Union is gearing itself for a first-strike nuclear attack is a related question to the entire debate on the Safeguard system. If our information leads us to answer in the positive the deployment of the Safeguard system, protecting a portion of our ICBM and Minutemen forces is a mandatory step we must take to insure the safety of enough of our deterrent force so that we will be able to launch a second-strike retaliatory attack.

Particularly enlightening to me was the section within this chapter written by Department of Defense Research Chief John S. Foster, Jr. Mr. Foster stated that the Soviet SS–9 and the FOBS, the fractional orbital bombardment system, are offensive weapons not conducive to retaliatory attack. Furthermore, Mr. Foster and others writing in this same chapter take note of the complicated and advanced Soviet civil defense system, which is geared to evacuate city residents to rural areas. Such an evacuation procedure can only be taken as a Soviet belief and fear of a retaliatory attack.

These arguments and many others are discussed back and forth in this penetrating and informative analysis. As I stated before, the first-strike question has great relevance to the debate over the military procurement bill, as well as to the debate over the Safeguard ABM system. For these reasons I ask unanimous consent that the above-mentioned section of the American Enterprise Institute's analysis of the Safeguard system be printed in the RECORD.

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

THE SAFEGUARD ABM SYSTEM

FIRST STRIKE

Along with its traditional renunciation of aggression, the United States carries among its prime articles of strategic doctrine a firm policy against employing a nuclear first strike against any adversary. First strike in the nuclear age has come to mean a surprise nuclear attack sufficient to destroy enough of the enemy's retaliatory force to render it virtually impotent.

As the May, 1969, study of the American Security Council pointed out in referring to the United States' nuclear forces:

"Not only do we have no *objective* which requires our initiating an attack against the Soviet Union, but we have carefully tailored our nuclear arsenal to exclude all weapons *designed* to initiate such an attack, or with which we could even credibly threaten such an attack. We have no hundreds of missiles with 25 megaton warheads. We have no orbital or fractional orbital nuclear bombardment systems whose utility is solely to deprive defensive forces of sufficient warning time to survive a surprise attack. We have neither the *capability* nor the *intent* of initiating nuclear war against the Soviets."

The Nixon decision on Safeguard, as the President has pointed out, was a further indication of no-first-strike intent. No preparations were made to protect major American cities even from a "broken-back" attack by Soviet forces that might be crippled in an American first strike.

Experts disagree about Soviet intentions to develop a first-strike capability.

Defense Secretary McNamara in his statement of September 19, 1967, generally discounted the possibility of a Soviet first strike:

"It would not be sensible for either side to launch a maximum effort to achieve a first-strike capability. It would not be sensible because the intelligence-gathering capability of each side being what it is, and the realities of lead-time from technological breakthrough to operational readiness being what they are, neither of us would be able to acquire a first-strike capability in secret."

Defense Secretary Laird, however, regarded the possibility that the Soviet Union was developing a first-strike capability as a real danger for the mid-1970s:

"I do not believe that the Soviet Union would be foolish enough, in this year 1969, or 1970, to go with the first strike, and I want to make that very clear. But, as Secretary of Defense, I must consider why they are going forward with the deployment of an SS–9 with such a large massive warhead. If they are developing a retaliatory strike, they don't need that kind of a warhead to hit our cities. They don't need that kind of missile system.

"It only leads me to believe that they are developing a capability to go after our missile bases and to knock out our deterrent force. It is important for us to have a creditable deterrent. What I am interested in doing is preserving the peace and protecting our people and preventing nuclear war. We have been successful thus far. We have to keep our guard up, and this is what I have been talking about before the committees the last two days." [1]

Senator Henry M. Jackson of Washington, in a speech on March 17, 1969, spoke in similar terms of the gravity of the Soviet first-strike threat:

"Moreover, the Soviets are moving fast toward parity with us in terms of nuclear missiles. By the end of this year Moscow will have deployed as many—or more—land-based ICBM's than we will have, and with a substantially greater megatonnage. The Soviets are deploying the Fractional Orbital Bombardment System (FOBS)—which is a first-strike oriented weapons system. The Soviets are producing Polaris-type nuclear submarines on a series, assembly-line basis, each with 16 ballistic missiles. Meanwhile, we are witnessing a far-ranging expansion of other Soviet naval activity, and the Soviet navy is quite evidently in the Mediterranean to stay." [2]

America's long-time disarmament chief, William C. Foster, acknowledged the possibility the Soviet Union might be seeking a first-strike capability in several of its weapons. In the April, 1969, *Foreign Affairs* he outlined steps that could lead to a first strike:

"Several of the weapons systems now being contemplated for deployment in the next few years could increase the risk of war by enhancing the temptation to strike first during a crisis situation.

"The Soviets, for example, have been testing a Fractional Orbital Bombardment System (FOBS). This weapon differs from a 'normal' ICBM chiefly in that it travels at a lower altitude and can take a longer and supposedly less detectable route to its target, via the Southern Hemisphere. . . . Its main purpose would appear to be for use in a surprise first strike against soft targets, such as strategic bomber airfields. Thus, a large-scale FOBS deployment would clearly be in violation of a fundamental 'rule,' which has been tacitly observed in recent years, against the development of weapons which might appear to increase directly the incentive to strike first.

"Another weapons system that would be inconsistent with that fundamental rule is a large-scale Ballastic Missile Defense system (BMD). A BMD system, if presumed to be effective by its possessor, might incline him to calculate that he could launch a massive counter-force strike against enemy land-based strategic forces and then defend himself against unacceptable losses from the enemy's retaliatory attack.

"Thus a large-scale BMD, by permitting its possessor to perceive an enhanced potential for a first strike, could increase his incentive to strike first in a crisis situation. At the same time a power confronting an adversary with a large-scale BMD might in a crisis situation feel impelled to strike first because a sudden, massive first strike with unimpaired offensive forces would have a better chance of penetrating missile defenses than would a retaliatory strike with a partially destroyed offensive force.

"The MIRV or Multiple Individually-Targeted Re-Entry Vehicle, which makes it possible for a missile to deliver separate warheads to several widely separated targets, is another complicating development in nuclear technology. If, in addition to possessing large-scale BMD systems, both sides also possessed large-scale MIRV systems—such as the United States and presumably the Soviets have been developing—there could be an additional incentive to strike first in a crisis situation. The rationale for this is simple enough. Suppose, for example, that a large portion of each side's ICBM force had, let us say, 5 MIRV warheads in each missile. Then the side which strikes first could hope, at least in theory, to destroy up to 25 enemy warheads (in 5 enemy missiles) with each of its attacking missiles. Clearly, this could be viewed as a reason for wishing to strike first."

Challenges to these interpretations of Soviet intentions and capabilities have been made by many critics of the ABM. Most of the arguments made against the first-strike hypotheses are incorporated in the following two excerpts:

"Jeremy J. Stone: A large-scale Soviet attack against American cities is plainly and simply not rational, since the American response is primed to destroy the Soviet Union in return. The Soviet leadership is aware of this. That nuclear war is mutual suicide has attained the status of a cliché with both super-powers. Wide-scale nuclear attacks on American forces are so unlikely to succeed, and so dangerous in any case, that it is very hard to imagine a Soviet leader, or Soviet committee, attempting them.

Footnotes at end of article.

"One can talk of war occurring through escalation. But it still requires, at some stage, that one major power launch nuclear weapons against the other. This will be, and can be expected to be perceived as, a self-destructive act. For the foreseeable future, war calculations will not seem promising; moreover, leaders are unlikely to believe them if they do seem so. And there is ample evidence in the three decades since World II of great-power caution in treating events that might risk general nuclear war.

"For these reasons, among others, nuclear war between the United States and the Soviet Union has become a low-probability event—possible and well worth worrying about because of its enormous consequences, but still unlikely. Because it has this character, concern with 'getting through the next few years' has gradually been transmuted into concern with maintaining nuclear peace and national security over the next decades. In short, the world situation now warrants paying attention to the medium- and long-term problems attendant upon proposed policies relating to nuclear year." [3]

"Senator Joseph Tydings: A Soviet missile attack on the United States would be 'irrational' because it would be suicidal. Regardless of the destruction wreaked on the United States, the U.S.S.R. would also be obliterated in the process. However, to assume that such a Soviet attack might also be 'irrational' enough to be less than 'all-out' defies reason. Why should any Soviet leader send only a few missiles over when he knows the United States will retaliate with its full second strike force? Even men as mad as Hitler were never guilty of such thoughtless accommodation to their enemies. If the Soviets did attack, it would certainly be with full force, which by the Pentagon's own reckoning would render the proposed Safeguard system useless.

"As for accidental attack, I assume it would consist of one or two missiles that unintentially 'got away.' Since all missiles are programmed to specific destinations, it is clear that such a missile would either be directed toward a large city or toward a missile site.

"If the former were the case, the Safeguard system would only protect Minneapolis theoretically and might even prove inadequate here owing to the fact that this city is beyond the range of our Sprints. If this enemy missile were targeted at a missile site, at most we would simply lose a few of our 1000 ICBM's, and few lives would be lost. It is hardly worth the vast expense of an ABM system to insure against the loss of a few drastically less expensive ICBM's

"The final justification offered by the Pentagon in support of the Safeguard is the most serious. It is based on the claim that our second-strike capability is being threatened by the Soviets and that measures must be taken to protect portions of our second strike force.

"If in fact our retaliatory capability is in question, we must act immediately to restore it. The Soviets must never doubt our ability to inflict unacceptable damage to their society in response to a preemptive attack. This is the very substance of our deterrent strategy. If our retaliatory capability is in question, additions to our offensive forces, not dubious defensive missiles, ought to be our strategy.

"However, there is no evidence that our second-strike capability is being threatened or that Moscow doubts its effectiveness.

"Last month, before the Senate Foreign Relations subcommittee on Disarmament, Secretary of Defense Laird declared that the Russians "are going for a first strike capability—there is no question about that." This came as a shock to those of us in Congress who are acutely interested in this Nation's defense posture. Only 2 months before, outgoing Defense Secretary, Clark Clifford, had announced: The U.S. 'shall continue to have, as far into the future as we can now discern, a very substantial qualitative lead and distinct superiority in numbers . . . and overall combat effectiveness of our strategic forces.'

"He added that the 'most pessimistic' military estimates credit the U.S. with the ability to destroy 40 percent of the Soviet population and 75 percent of their industry even after an all-out attack by the 'highest expected threat' the Soviets could launch in the future. And presumably by 'future,' he meant more than the 8 weeks between the time of his leaving and Mr. Laird's testimony before Congress.

"The National Intelligence Estimate—the consensus view of the Defense Intelligence Agency, the State Department, and the Central Intelligence Agency—denies the existence of any first-strike plans on the part of the Kremlin or any signs that such plans are in the making. In addition, the Secretary of State of this administration, Mr. Rogers, reconfirmed this view in a recent press conference, declaring that he was not aware of any Soviet intentions to develop a first-strike capability.

"The arithmetic of the situation casts further doubts on Mr. Laird's contention. Both we and the Soviets each have slightly in excess of 1,000 operational ICBM's. Let us suppose that Moscow initiated a preemptive strike against the United States and destroyed every one of our Minutemen in their hardened and dispersed sites—a virtual impossibility given what we know about the launch probabilities, megatonnage and accuracy of Soviet missiles. This hypothetical exercise also requires the further doubtful assumption that we chose not to launch our ICBM's in retaliation during the grace period after our radars detected this massive Soviet assault and before the enemy missiles actually struck.

"Our retaliatory forces would still contain 656 submarine-launched Polaris missiles that are invulnerable to enemy attack and 480 B-52 bombers each carrying four nuclear bombs and a nuclear-tipped Hound Dog missile with a range of 700 miles once it is launched from the parent plane. This is a total of more than 3,000 nuclear warheads. According to former Secretary of Defense McNamara's estimates, it would take no more than 400—not 3,000—nuclear warheads to damage the Soviet Union beyond recognition and repair.

"Mr. Laird bases his claims about Soviet intentions to develop a first-strike capability on the deployment of 200 Russian SS9 missiles. We have known about these missiles with large warheads for several years, and our intelligence evaluations have considered them part of the Soviet second-strike force designed to destroy our cities in a retaliatory attack. Suddenly, without explanation the Secretary of Defense has decreed that they are now first-strike weapons.

"Even accepting this questionable turnabout, the SS9 provides no reason for deploying an anti-ballistic-missile system in this country. Assuming these missiles possess the accuracy and launch probability estimated for our own Minutemen missiles, all 200 SS9's with huge multi-megaton warheads would destroy only 90 of our 1,000 land-based ICBM's. The Soviets would require more than 2,000 of these SS9's armed with 20 megaton warheads to destroy our entire Minutemen force—and this would still leave us with 656 submarine-launched missiles and our intercontinental bombers with their 2,400 nuclear warheads with which to retaliate.

"Finally, the credibility of Mr. Laird's contention that Moscow has first-strike designs is undermined by his recommended response. He is calling for a limited ABM system that will not "provoke" the Soviets. If, in fact, the Soviets are intent on developing the capability to destroy us and our ability to retaliate, and if the ABM is a workable system, a workable defense, should we not proceed immediately with a "heavy system" to protect our people and all our missiles? Why are we worried about provoking a nation which supposedly already has decided to go all out to annihilate the United States? How can they be further provoked?

"In addition, spokesmen for the administration have indicated U.S. readiness to abandon the Safeguard if the Russians will give up their limited ABM deployment around Moscow. Secretary of State Rogers informed the Foreign Relations Committee only several weeks ago:

" 'Suppose we started our talks in a few months and the first thing that's said by the Soviet Union is, "Let's do away with defensive missiles." We'd have no problem. We'd be delighted.'

"These are Secretary of State Rogers' words:

" 'If we truly believed the Soviets were forging ahead with the development of a first-strike capability, such a concession would be suicidal. We would be playing directly into Moscow's hands. One is forced to conclude that Mr. Laird does not take his own cries of "wolf" as seriously as he would have us receive them.'

"In summary, the Pentagon's claim that the Safeguard is necessary to preserve our second-strike capability is unconvincing." [4]

Dr. William G. McMillan, a nuclear weapons expert at the University of California, Los Angeles, responded to some of these criticisms in his testimony before the Senate Preparedness Subcommittee:

"For some years I have followed closely the growth of the Soviet ABM systems. By my reckoning there have been three systems involved: the first, partially deployed around Leningrad and then apparently abandoned; the second, deployed around Moscow and now approaching operational status; and the third or Tallinn system, very extensively deployed throughout the Soviet Union, and which appears to me likely to have a considerable ABM potential.

"I find very unpersuasive the argument that the Soviets are building in the Tallinn development yet another SAM antiaircraft system to the neglect of a defensive system aimed at what they must surely regard as the more current threat of ICBM's and SLBM's.

"By the counterforce effort I refer to the current Soviet development of multiple warheads for their SS–9 missile. To me the evidence as I understand it points very strongly, if not unequivocally, towards a MIRV—i.e., a multiple independently targeted reentry vehicle-system designed against the U.S. land-based Minuteman system.

"To impart some feeling for the strength of my own conviction on these two intelligence issues, I would strongly support spending a substantial fraction of our Defense budget to assure that neither of these Soviet developments be allowed to degrade our strategic deterrent.

"Put differently, I am most certainly not willing to gamble the survival of our Minuteman force that such an interpretation is wrong.

"In addition to the question of capability, Intelligence must concern itself with the question of intent. Here the writing of such high-level Soviet military planners as Marshal Sokolovsky abound with references to the need for a preemptive strategic first-strike capability. They tell themselves they must develop it, and now we see that development in progress. How much more notification do we need?

"In this focusing on the survivability of Minuteman one often encounters the rebut-

Footnotes at end of article.

tal—'Well, there is always Polaris.' This seems to me a hazardous position. The whole point of the mix of strategic weapons systems—Minuteman, Polaris, Poseidon, B52 Bombers—is to have such diversification that our deterrent could never be totally negated. I am sure that if we are willing to write off Minuteman as a component of our deterrent forces, we would not have any difficulty inducing the Soviets then to focus their full counter-force genius against our submarine and bomber forces. In fact, I fully expect there has already been long established a Soviet group charged with developing specific means of countering such elements of our deterrent. To them, Polaris may not look like 600 missiles, or 6,000 warheads if given a ten-fold MIRV multiplication, but rather as only 41 boats to be neutralized. Certainly we know the Soviets are engaged in large-scale ASW developments. And our 600 B–52 bombers may be viewed as a much smaller number of airfields to be attacked—for which they may think their Fractional Orbital Bombardment System (FOBS) is well suited" [5]

What first-strike force would be necessary to neutralize the United States' deterrent? The Chayes-Wiesner report released by Senator Kennedy in May claimed it would have to be substantially larger than the force the Pentagon estimated. The Chayes-Wiesner book said:

"With our Minutemen in hardened silos, it would take at least two attacking ICBM's to be reasonably sure of destroying one Minuteman."

Defense Department Research Chief John S. Foster, Jr., however, called on recent United States experience to reach the judgment that Moscow would need many fewer attacking missiles to succeed in a first strike:

"An ICBM with three independently aimed warheads can attack three silos. The U.S. has designed, but not deployed, a system which allows a missile to signal the launch-control point if it has launched its re-entry vehicle properly. With this system, the control point could reprogram another missile to make up for failures. For example, a missile system having a 20% failure rate and carrying 3 re-entry vehicles per missile, would require only 420 missiles to attack 1000 silos. If the yield of each re-entry vehicle was a reasonable 5 MT and the accuracy a reasonable ¼ of a mile, about 95% of the silos could be destroyed. This would mean 50 of the 1000 Minutemen survive. It would be foolish to attack half of the silos twice as the book advised, rather than all of them at once."

Those who hold that the possibility of a planned Soviet first strike must not be lightly dismissed make the following arguments in support of their position:

1. The importance of surprise in nuclear warfare—that is, a first strike—figures repeatedly in Soviet doctrinal writings. One example frequently quoted is an article by Marshal A. A. Grechko, now the defense minister, published in *Red Star*, February 23, 1961. This article emphasized the following points:

"(a) Suddenness (or surprise) is crucial to success in modern war.

"(b) Technological surprise may be equally crucial.

"(c) The initial phase of the war will be of decisive importance.

"(d) Soviet forces will employ nuclear weapons as their main armament."

Several other quotations from Soviet military writings relating to the question of the first strike appear in the section on doctrine.

2. The SS–9 and fractional orbital missiles simply make no sense as retaliatory weapons. The suborbital missile is clearly structured for surprise attack. The SS–9 combines a much more powerful missile and more powerful warhead than is required for destroying even the largest cities. For purposes of simple retaliation, the SS–9 would be irrationally expensive. As counterforce weapons, however, directed against United States strategic air bases and ICBM complexes, they do make sense.

3. The Soviet Union places heavy emphasis on civil defense, including the evacuation of Soviet cities, which could be taken as a signal of expectation of a retaliatory nuclear blow.

Joanne Levey, a specialist in Soviet civil defense, wrote in the March–April, 1969, issue of *Survive*, an American journal of civil defense:

"Unclassified Soviet military literature abounds in articles on all areas of civil defense; thus, to read a fair amount of this material is one way of getting at least a layman's sense of the Soviet civil defense program—it's scope, its quality, and its emphasis. Such a reading, admittedly, does not reveal the exact number of Soviet shelters or their effectiveness. Yet even in areas such as these, certain clear-cut inferences may be drawn. For example, the abundance and extent of shelters is inferred when numerous articles instruct people to go to the nearest shelter on receipt of the "Air Alert" signal and indicate further that such shelters exist everywhere that people live and work so that when they hear the signal, they may take cover quickly.

* * * * *

"Civil defense training in the Soviet Union is compulsory and universal. Everyone is exposed to it—school children in grades five through nine, both in classrooms and in summer camps, pre-draft-age men in military-sport camps and in educational institutions, industrial workers at their places of employment, and members of collective farms. There is multiple exposure in that civil defense is publicized at movies, on radio and television, and in magazines, newspapers, and factory publications. Civil defense courses are tailored to the needs and ability of the trainees. Farm children, for instance, are taught how to protect cattle, forage, food and water supplies as well as themselves. Factory employees learn rescue and reclamation operations and ways of reducing the vulnerability of their shops. All Russians are trained to identify and make the appropriate response to the seven warning signals (Air Alert, All Clear from Air Alert, Threat of Radioactive Contamination, Radioactive Contamination, Chemical Attack, Bacteriological Contamination, and Threat of Flooding). They are also instructed on how to respond to surprise attack and to the preattack government order to evacuate their cities. Instructions are specific and concrete. For example, if at home when the "Air Alert" is given, citizens are told to get together individual protective equipment (gas mask or dust mask, raincoat, and rubber boots), close the windows, turn off heat, gas, stoves, and lights; take the previously prepared supply of food, water, and personal documents, and head quickly for the nearest shelter, warning their neighbors (who may not have heard the signal) on the way out.

"Soviet civil defense training for male youth and adults puts emphasis on going into disaster areas almost immediately after attack to perform rescue and reclamation operations. They are taught to use cranes, bulldozers, and other heavy equipment to dig people out of caved-in shelters, to extinguish fires, to administer first aid, and to evacuate the injured. Training exercises for these complicated operations are realistic with actual protective clothing and heavy equipment being used. Realism extends in other program areas to the simulation of chemical warfare agents from inexpensive materials available in any drugstore and to the practice evacuation of the mothers and newly delivered babies of a maternity home to a kindergarten 37 kilometers away.

* * * * *

"Preattack evacuation of large segments of the urban population to rural areas under certain conditions of crisis escalation is an important plank in the Soviet civil defense platform. Industrial workers in cities are to remain on the job and take refuge in special shelters at or near their place of work; but non essential workers, school and preschool children, and retired people are to be transported to the country. Upon arrival, the evacuees are to assist their rural hosts in constructing hasty fallout shelters on sites that have already been surveyed for this purpose. Plans for evacuation are detailed, including, for example, time schedules for departure to collecting points; the presence of a doctor or nurse on each evacuation train (or with every convoy of trucks); instructions on what each family should bring (depending on climate and season); and special evacuation passes with a stub and a detachable slip for each person."

4. Possession of a first-strike capability does not necessarily mean that the Soviet Union would engage in a first strike. The capability would put the Soviet Union in a position to play the game of political blackmail more effectively than it did at the time of the Berlin ultimatum or the Cuban missile crisis.

Several critics of the ABM, while holding that a first strike is highly improbable, have nevertheless conceded that under certain circumstances the Soviet Union might be tempted or impelled to launch a first strike.

Dr. George W. Rathjens suggests:

"It is conceivable that one of the superpowers with an ABM system might develop MIRVs to the point where it could use them to destroy the bulk of its adversary's ICBM force in a preemptive attack. Its air and ABM defenses would then have to deal with a much degraded retaliatory blow consisting of the sea-launched forces and any ICBMs and aircraft that might have survived the preemptive attack.

"The problems of defense in such a contingency would remain formidable. They would be significantly less difficult, however, than if the adversary's ICBM force had not been seriously depleted. In fact, the defense problem would be relatively simple if a large fraction of the adversary's retaliatory capability were, as is true for the United States and to a far greater degree for the U.S.S.R. in its land-based ICBM's, most of which would presumably have been destroyed.

"It may seem unlikely that either superpower would initiate such a preemptive attack in view of the great uncertainties in effectiveness (particularly with respect to defenses) and the disastrous consequences if even a comparatively small fraction of the adversary's retaliatory force should get through. With both MIRVs and an ABM system, however, such a preemptive attack would not seem as unlikely as it does now." [6]

Dr. Franklin A. Long, former science adviser in the Arms Control and Disarmament Agency, has warned that an effective ABM might tempt its possessor to believe in his own invulnerability and thus might become an encouragement to adventurism:

"A different and more perturbing possible consequence is that a strong BMD system may lead its possessor to contemplate a first strike with his nuclear missile forces. (Against this is the argument that a conservative posture will lead a nation to derogate its own BMD capabilities and hence be very hesitant to carry out programs which, for success, postulate a fully effective BMD)." [7]

Conflicting estimates of the effectiveness of anti-missile defense have sometimes appeared in the Soviet press.

Soviet General Pavel A. Kurochkin, head of the Frunze Military Academy, had electrified the Western defense community on Feb-20, 1967, when he announced at a Moscow press conference that "detecting missiles in time and destroying them in flight is no

Footnotes at end of article.

problem." [8] If this were true, the Soviet Union might have been approaching the point about which Dr. Long later was to warn, the point at which a first strike against the United States might be ordered because the Soviet BMD was judged strong enough to ward off the American counterblow.

Two days later, however, the Soviet Union's civil defense chief, Marshal Vasily I. Chuikov, indicated that no guarantee for Soviet cities' protection against nuclear missile attack was available. The Soviet armed forces had "first class military equipment and perfect rocket nuclear weapons able to destroy any aggressor," he said in a television address on the eve of the 49th anniversary of the Soviet Army and Navy. "But unfortunately there are no means yet which would guarantee the complete security of our cities and most important objects from the blows of enemy weapons of mass destruction."

"In practice it is impossible to intercept completely all modern planes and, even more so, rockets launched through space. A certain number of them may reach the target." [9]

On the same evening *Izvestia* carried an article by the then First Deputy Minister of Defense, Andrei A. Grechko, saying that "the modern means of anti-aircraft defense may be relied upon to hit any plane and many types of rockets." [10] This carried the strong hint that Moscow defenses could not destroy *all* types of rockets.

An official Soviet commentary on the nature and effectiveness of Soviet civil defense measures appeared in the January, 1969, issue of *Science and Life*. Written by the same Marshal Chuikov, head of the Soviet civil defense establishment, the article said:

"In our country, everything possible is being done to build reliable means enabling us to protect lives in a possible war. It is well known that the task of defense of the population can be accomplished by two methods—by evacuation and dispersal of the population out of the regions which would probably be struck by the enemy, or by sheltering them in special defense installations. There are no other possibilities, but even these two give us a huge advantage over other countries, especially those of Western Europe. Our country has lots of space and a developed transportation network, our cities are surrounded by ample green belts. All this enables us, on short notice, to take people out of the cities and regions which are probable targets for the enemy into rural locations and thus sharply reduce possible losses.

"Take for example city 'A'. If today the average density of population in this city is 7,000 people per square kilometer, after the execution of dispersal and evacuation it would be lowered, on the average, to 700 to 800 people per square kilometer. In other words, the average would be lowered by eight to ten times. This means that after dispersal and evacuation, a nuclear explosion of the same magnitude would cause losses eight to ten times lower than before the implementation of these measures."

In his testimony before the Gore Subcommittee on May 21, 1969, Dr. Eugene Wigner, nuclear physicist at Princeton University, stressed the potential of city evacuation for nuclear blackmail in crisis situations. Here are some excerpts from his statement.

"The tactic I am most afraid of is not an actual attack. It is, rather, the threat of an attack, preceded by the evacuation of cities. If the USSR and U.S. armaments developed in the way the present trends indicate, I greatly fear that we would have to accede to whatever demands accompany the threat.

"If the civil defense plans of the USSR, in particular its evacuation program, are carried out—and I cannot see what might prevent this—our deterrent power will be gravely degraded and may become insufficient.

"The particular form of civil defense which plays a prime role in the USSR planning, the evacuation of the cities, was found objectionable to those participating in a civil defense study. I am referring to the Little Harbor Study, the participants in which, including myself, expressed opposition to evacuation plans because they felt such plans are 'provocative.' The time needed for the actual evacuation is long, of the order of a day at least. Hence, evacuation can be carried out in time only if the time of the confrontation is known well ahead of time. Since this is the case only for the party which initiates the confrontation, evacuation is most useful as a measure supporting aggression.

"The evacuation of the cities could decrease the fatalities which an opponent can inflict by a very considerable factor. I calculated that, assuming evacuation of the cities of the USSR into circles with 50-mile radii, our present missile power, including that on submarines, could cause a fatality level of about 9½ million if (a) all our missiles were used against the population, none against the military targets, (b) if the ballistic missile defense of the USSR were completely ineffective, (c) if we suffer no losses whatever from a first strike and (d) if all our submarines are on station. Naturally, though only a fraction of the numbers often quoted, 9½ million is an extremely high level of fatalities. It is based, however, on extreme assumptions and, of course, we do not know the lives of how many people a possible bellicose leadership of an opponent may be willing to sacrifice in order to assure permanent freedom from 'imperialist war plotters'."

FOOTNOTES

[1] Meet the Press, March 23, 1969.

[2] Senator Henry M. Jackson, *op. cit.*

[3] Adelphi Papers, Institute for Strategic Studies, 1968.

[4] *Congressional Record*, April 25, 1969, pp. 10411–10412.

[5] *Congressional Record*, April 29, 1969, p. 10654.

[6] George W. Rathjens, "An ABM Doesn't Turn Off Easily," *The Washington Post*, March 30, 1969.

[7] Dr. Franklin A. Long, Cornell University, "Strategic Balance and the ABM," *Bulletin of the Atomic Scientists*, December, 1968.

[8] Associated Press dispatch from Moscow, February 20, 1967.

[9] Stephen E. Nordlinger, *Baltimore Sun* correspondent, February 23, 1967.

[10] *Ibid.*

CORRECTION OF STATEMENT

Mr. GOLDWATER. Mr. President, in reading the CONGRESSIONAL RECORD relative to the debate on the floor of the Senate on July 11, 1969, in which I participated, I notice that on page 19289 I indicated we have had tested intercepts with the Sprint and the Spartan. Actually, these intercepts were made with our Nike-Zeus in 1962 and 1963. No nuclear warheads were used.

I just wanted to correct the RECORD because it was a mistake on my part to mention the Sprint or the Spartan as having been tested. The Sprint has been tested, but not against any reentry vehicles. These tests are planned to commence in 1970 at the Pacific test site.

The PRESIDING OFFICER. The correction will be made.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I would just like to commend the distinguished Senator from Arizona for correcting the RECORD. I was concerned about some of of this material because I know it was not possible.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the speech by the distinguished senior Senator from California (Mr. MURPHY) tomorrow, the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 1 hour.

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

ORDER FOR RECOGNITION OF SENATOR CURTIS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, following the speech of the distinguished Senator from Wisconsin (Mr. PROXMIRE), the Senator from Nebraska (Mr. CURTIS) be recognized for not to exceed 30 minutes.

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

ORDER FOR RECOGNITION OF SENATOR DOMINICK TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, as close to the hour of 2 o'clock tomorrow as possible, the distinguished Senator from Colorado (Mr. DOMINICK) be recognized for not to exceed 20 minutes.

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

GREAT LAKES-ST. LAWRENCE SEAWAY MILITARY CARGO TEST PROGRAM IS PROVING SUCCESSFUL

Mr. PROXMIRE. Mr. President, on July 8, 1969, a number of eastern Senators wrote to the Secretary of Defense protesting the continuance of a test program of shipping military cargo via the Great Lakes and the St. Lawrence Seaway.

The letter suggests that the test program is diverting cargo from more efficient routes and that the result is higher shipping costs. Nothing, Mr. President, could be further from the truth. The traditional method of routing military cargo, whereby products manufactured in the Midwest are carted to the east coast for shipment, has diverted cargo; the present program is designed to redress this situation.

Officials at the Defense Department estimate that $100,000 in shipping costs will be saved this year. This estimate is based on the experimental quantity of 80,000 to 90,000 tons of cargo; as the program moves into normal operational status, with Midwest-manufactured military cargo carried via the St. Lawrence Seaway on a regular basis, this should result in savings of hundreds of thousands of dollars annually.

Before turning to the specifics of the letter written by my east coast colleagues, it will be useful to briefly review the history of our efforts to get this program underway. The Great Lakes have consistently received short shrift when it has come to military cargo. For years, cargo that was manufactured in the

Midwest, and which could have been placed on ships in immediately adjacent Great Lakes ports for carriage out the seaway, has been transported across more than 1,000 miles of land by truck or rail to be placed on ocean-going vessels in east coast ports.

It does not take a Ph. D. in economics to see that using the rail-plus-ship routing instead of a single mode of transportation is bad business. But it has been done this way because the lines servicing the Great Lakes have been mostly foreign-flag carriers, and the Pentagon has not been able to place military cargo on foreign-flag vessels because of the Cargo Preference Act.

Why have not the American-flag carriers sought out military cargo business in the Great Lakes? Simply because it is easier and more convenient for them to pick up cargo at east coast ports. As long as the Pentagon has been willing to transport cargo cross country to the east coast, there has not been any incentive for American-flag lines to send ships into the Great Lakes to get the business.

The only loser in this travesty has been the American taxpayer. He has been footing the bill for all the unnecessary costs of bringing Midwest-manufactured cargo to distant east coast ports for ocean carriage.

In 1962, the Defense Department studied this problem and concluded that significant cost savings could be achieved by shipping cargo out of Great Lakes ports. American-flag shipping was encouraged to go after this cargo. The 1962 report also concluded that if private shipping did not seek out this business then the military should use its own ships to carry cargo via the Great Lakes route.

This report sat on the table for 6 years, and nothing was done to implement it. Then, in 1968, the Defense Department sought the advice of the U.S. Comptroller General on how to take advantage of the cost savings that could result from seaway routings. The Comptroller General noted that the Cargo Preference Act prohibited the Pentagon from using foreign-flag ships for military cargo, and urged that an effort be made to get American-flag ships to come into the lakes for military cargo. Failing this, the Comptroller General advised the Pentagon to use its own control ships to pick up military cargo at Great Lakes ports.

It was precisely to take advantage of these cost savings—savings which both the Pentagon and the Government's chief financial watchdog were confident could be achieved—that the present test program was instituted. After years of waste, and years of diverting cargo, we now have an opportunity to redress this imbalance.

In light of this background, I am amazed that my colleagues from the east coast would attack this test program so presumptuously and so vigorously. Their letter to Secretary Laird charges that cargo is being diverted from the east coast to Great Lakes ports in order to make the test program work. Coming from those who have for so long benefitted from just this type of diversion in reverse, this is a surprising charge.

Mr. President, I ask unanimous consent to have the letter printed at this point in the RECORD.

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

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., July 8, 1969.

Hon. MELVIN R. LAIRD,
Secretary, Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: At a time when nonessential defense expenditures must be kept at a minimum, it is disturbing to read that the Defense Department is operating a shipping service to the Great Lakes ports contrary to economic good sense.

Reports indicate that the Great Lakes area simply can not provide the Military Sea Transport Service vessels with sufficient cargo. The first ship sailed only two-thirds full and it is likely that the other vessels involved will do so also. We have been advised that in order to find sufficient cargo military traffic has been artificially routed through the St. Lawrence Seaway from points as far away as Georgia and Maryland. Moreover, these ships may well return empty because retrograde cargo returning to the U.S. is not moved inland.

Since the Seaway was first opened in 1958, efforts have been made to route military cargo through ports on the Great Lakes. These efforts have not been a commercial success. Three civilian lines attempted to provide U.S. flag service into the Lakes area and were unable to do so because the amount of cargo generated simply did not pay for the extremely high costs incurred by the ships being tied up for so long in the Seaway.

We believe that MSTS can benefit from the experience of these shipping lines. We believe further that our Atlantic coast ports can provide MSTS with excellent, economic all-year service.

While the shipping service to the Great Lakes ports may be described as a test program, surely economic feasibility studies were available to indicate what the actual results would in fact be.

We urge you to review the situation personally and discontinue this MSTS operation.

Best wishes.

Sincerely,

JOSEPH D. TYDINGS, U.S. Senator; EDWARD W. BROOKE, U.S. Senator; CLIFFORD P. CASE, U.S. Senator; CHARLES MCC. MATHIAS, U.S. Senator; ABRAHAM RIBICOFF, U.S. Senator; WILLIAM B. SPONG, JR., U.S. Senator; J. CALEB BOGGS, U.S. Senator; HARRY F. BYRD, U.S. Senator; THOMAS J. DODD, U.S. Senator; CLAIBORNE PELL, U.S. Senator; MARGARET CHASE SMITH, U.S. Senator; HARRISON A. WILLIAMS, U.S. Senator.

Mr. PROXMIRE. Mr. President, the letter to Secretary Laird opens with the declaration that nonessential defense expenditures should be kept at a minimum. I wholeheartedly agree. Beyond this simple truism, however, I find that virtually every other statement that is made in the letter is either completely untrue, or a distortion of existing facts.

First, the letter states that the Great Lakes cannot provide MSTS—the shipping arm of the Defense Department—with sufficient cargo. It states that the first ship in the test program sailed only two-thirds full, and that others probably will do so, also.

The fact is that the first ship in the program left the Great Lakes with 6,539 measurement tons—MT—which was its full capacity. The second ship had 6,722 MT on board, and the third ship had 7,767 MT, both figures representing full capacity. On each occasion, the Pentagon had to leave behind some 1,000 extra MT that could not be taken because the ship was fully loaded.

Second, the letter states that in order to find sufficient cargo, traffic has been artificially routed through the St. Lawrence Seaway from points as far away as Georgia and Maryland.

The fact is that although one shipment of cargo was routed from Maryland to the Great Lakes during the first week of the test program, over three-fourths of the cargo on the first shipload originated in Great Lakes States, and that proportion has increased steadily. On the fourth shipload—the most recent to leave for abroad—every item of cargo on the ship came either from Great Lakes States or points westward, and this will continue to be the case for all future shiploads.

Third, the letter states that ships participating in the test program may well return empty because retrograde cargo returning to the United States is not moved inland.

The fact is that although the first ship had no retrograde on its return ship, the second ship returned with 1929 MT of retrograde cargo, and the third ship returned with 730 MT of retrograde. Since the normal rate of retrograde for all oversea Pentagon shipments is only 10 percent—this includes the east coast—the Midwest is more than holding its own, with 2,659 MT of retrograde for 21,028 MT shipped overseas thus far—a rate of better than 12½ percent.

Fourth, the letter states that since the seaway opened, efforts have been made to route military cargo through ports on the Great Lakes, and these efforts have not been a commercial success.

The fact is that this is the first sustained test to compare costs between Great Lakes Seaway shipping and line-haul plus ocean-shipping embarking at the east coast. The only previous experience was 2 years ago, when DOD shipped 170,000 tons of prefabricated housing overseas which had been manufactured in the Midwest. The material was shipped via the lakes-seaway route precisely because it was cost favorable.

Fifth, the letter states that while the shipping service to the Great Lakes ports may be described as a test program, surely economic studies were available to indicate what the actual results would in fact be.

The fact is that such a study was made by the Pentagon in 1962, and concluded that significant cost savings could be achieved by shipping cargo out of Great Lakes ports and encouraging American-flag shipping to go after it. As I mentioned earlier, the 1962 report also concluded that if private shipping did not seek out this cargo then the military should use its own ships for Great Lakes-seaway carriage. In addition, the 1968 Comptroller General's report, which I also referred to earlier, advised that in the absence of private shipping the Pentagon ought to use its own control ships to pick up military cargo at Great Lakes ports.

The present test program is designed precisely to test out—and take advantage of—these economic forecasts.

Finally, the letter states that the Defense Department is operating a shipping service to the Great Lakes ports contrary to economic good sense, and urges DOD to review the situation and discontinue this MSTS operation.

The fact is that although some money was lost on the first shipment, due to the inevitable costs of initiating any new program, estimates show that $5,000 in costs was saved on the second shipment, and as the program hits its stride, about $10,000 should be saved on each shipload. Overall, in its first year, it is estimated that the test program will save the taxpayer more than $100,000 in shipping costs.

Mr. President, the point-by-point rebuttal outlined above forms the substance of a letter which Senator HART and I wrote to Secretary Laird last Friday. The letter was written in order to set the RECORD straight on this very worthwhile program, so that something which promises to save the taxpayer hundreds of thousands of dollars in coming years would not be nipped in the bud without having a chance to prove itself.

Mr. President, this test program for military cargo shows every sign of becoming a resounding success. In the words of my east coast friends, "at a time when nonessential defense expenditures should be kept at a minimum," this program represents a significant step in the right direction. The Pentagon at last is showing an awareness of the need to trim its costs—in this area, at least—and a firm resolve to do something about it.

This program was borne of that resolve. It deserves the support of every Member of the Senate.

VIETNAM

Mr. DIRKSEN. Mr. President, on July 11, President Thieu of South Vietnam made a speech in which he outlined certain considerations as a basis for negotiations. The President of the United States commented on the speech and indicated that they certainly deserved support, and deserved accent and emphasis from time to time.

The emphasis in these proposals are varied. The first one was that there was a bombing halt and that we kept our word; that we agreed to sit down and confer, and that included not only Hanoi but the National Liberation Front.

Surely on that kind of reasonable basis some negotiations ought to be managed and, in fact, should prove fruitful as guidelines for those meetings in Paris at the present time.

I point out, secondly, that we did not permit frustration or disappointment to take us away from the conference table in Paris. We have remained right there, and along with it we have refrained from resuming bombing, even when there was very substantial demand for it, and despite the fact that there was very considerable provocation under which we could have been goaded into a resumption of the bombing.

President Thieu also offered to meet the National Liberation Front for private talks without any preconditions as to a political settlement. In other words, "Come and sit down at the table. We impose no preconditions of any kind. Let us rationalize this situation and let us see whether we can come to some kind of conclusion."

Still another item that he managed to advance was that the focal point of all agreements was simply in this question of self-determination, which could be undertaken by means of free elections very freely conducted.

The President of the United States has commented at length upon these proposals by President Thieu. But the point of emphasis I want to make is simply this. There is and there must be an end to concession. At some point of time there has to be some action. I think the word has to be gotten to Hanoi and the National Liberation Front that concessions will run out and that they cannot expect that if they repudiate and rebuff first one concession after another that this will willy-nilly continue forever, because it will not.

I think that should be made plain to the authorities in Hanoi, to the Hanoi representatives in Paris, and to the representatives of the National Liberation Front as well. But, over and over, I think we must now emphasize that, despite frustration, we are going to insist on some kind of action and maybe, at long last, they will give attention to and pay some heed to the affirmative attitude which is developing in this country.

U.S. PEACE SEARCH IS SINCERE

Mr. BENNETT. Mr. President, I applaud the efforts of the distinguished minority leader to place the current status of the Vietnam peace negotiations in proper prospective. The advocates of a total unilateral American withdrawal have done a disservice to the cause of peace by failing to support the efforts of President Nixon and President Johnson before him, both of whom have sought, to make political adjustments in order to bring about meaningful and successful peace negotiations in Paris.

The United States and South Vietnam, by their actions, have convinced all right-thinking people that they are sincere in their quest for peace. When these two nations involved in a conflict against a third withhold their most powerful weapon in the form of air attacks on North Vietnamese warmaking capabilities, they have, I think, made a major effort toward peace.

Now the President of the United States based in large measure upon the improvement in South Vietnamese forces and the relative allied position, has begun a carefully planned and phased withdrawal of American troops. Both President Nixon and President Thieu of South Vietnam have publicly advocated and endorsed an internationally supervised free election in South Vietnam, and both leaders have declared their willingness to accept the outcome of that free election. At the same time, we have had no clear indication that North Vietnam, which initiated and has controlled this war from the beginning, has made any comparable concession. Hopefully, they may be in the process of preparing to do so. But, Mr. President, if there is to be a successful negotiated settlement in Paris, North Vietnam must realize that it will take a responsible effort by both sides.

Speaking of responsibility, I think it is time, here in the United States, that the major critics of the war realize that Saigon and Washington have already gone the extra mile. I think it is high time that they stopped demanding total capitulation and unilateral withdrawal, and openly admit that the United States has made a sincere effort for peace. I think it is time they stopped misleading Hanoi into believing that if the North Vietnamese just hang on long enough, a certain minority segment of American public opinion can force a humiliating defeat upon the allied free nations.

It is past the time when opponents and critics of the war should rally behind the administration, and play a responsible role in convincing Hanoi that Washington and Saigon have made significant peace efforts, and that the American people are united in their determination to withhold any further concessions until there is a reciprocal move by North Vietnam. If, in light of these past moves by the United States, these critics cannot support the President, I think the least they can do at this critical stage is to remain silent.

Mr. SCOTT. Mr. President, I should like to address by comments also to the need for a common front in the United States. We have spoken of, and we have read about popular fronts, of unifying Vietnam, and of unifying other countries. I should like to see the time come when we could approach the position of unifying the voice of the United States.

Throughout the past years, particularly 1966, 1967, and 1968, many suggestions were made, in the utmost good faith, by critics of the war as to what should be done.

In this body, we have the highest respect for those who might be denominated outside of it as hawks or doves or whatever. But what is difficult to accept in our efforts to proceed toward peaceful solutions, are these people—I have no reference to any in this body—who cannot be defined as either hawks or doves but rather as parrots, those who would parrot the demands of the aggressor, those who would parrot the threats of the opposition, those who would parrot the claims of Hanoi and who then come along and say, because Hanoi wants it, that it is a good and just thing and we in America should do it.

I cannot buy that.

The critics have made many points—and many of them are good points—over the years as to what is wrong with the war in Vietnam.

Of course, what is most wrong, in my opinion, is that we are still there. I think that American public opinion accepts that.

But the critics have been saying that certain things must be done. They say that we should renounce reliance on a military solution.

On May 12 the President did that.

They say that we should offer to withdraw our American forces—and I was one of those who said it.

We have done that. There will be more

to be withdrawn in an orderly phased program if met with a reciprocal attitude on the part of the other side.

They say that we should offer to withdraw United States and allied forces in 12 months under international guarantees and emphasize only our desire to secure the right of the people of Vietnam to determine their own future without outside interference.

On May 14, with the support of President Thieu, the President of the United States said that.

The critics say that South Vietnam and the United States should be ready to accept any political outcome arrived at through free elections.

We have agreed to do that.

The critics say that free elections should be either internationally supervised or internally supervised.

We have agreed to do that.

Accordingly one wonders why some people in this country seem to feel an obligation to get on the far outside of whatever it is the Government of the United States is doing and shout at the top of their lungs that we should be doing more.

We are moving further and faster and better and more effectively and more truly in the interests of peace than anyone has done in this war up to date.

Now the critics say, "Do more." But if we were to do more, we would run the white flag of total surrender up the mast, and we would parrot what Hanoi says.

It seems to me that in doing all that we can, and doing it humanely, reasonably, and in keeping with the few suggestions of the most vocal critics themselves, we have indeed moved farther toward the end of the road, toward the place where peace abides than has ever seemed to be possible before.

Therefore, in conclusion, my appeal is, as the President has pointed out, that the various elements in the United States have an obligation to endorse the proposals of the United States.

I say to those critics: "It will not hurt you, it will not wound you, it will not destroy you to say that the United States is doing its level best, that the United States wants to get out of the war. It wants an honorable solution. Now, what is wrong with an honorable solution? It wants to achieve these things. It has made specific, concrete proposals, which, in the eye of public opinion, are surely reasonable and just and proper and timely."

Therefore, it seems to me that none of us in this country ought at any point from now on out to put ourselves in the posture of the parrot; and none of us ought to take any position which would encourage Hanoi to believe that it can further manipulate U.S. opinion—as the Romans said, "cui bono?"

I say there is an obligation. We have reached a point in this country in our debate where criticism has to be responsive to be respected. Criticism will be respected as long as it is responsive. But to be a parrot is to be an outcast in the aviary of opinion. Let us be hawks, let us be doves, let us be eagles, let us be owls; but let us say to the parrots, "No encouragement to Hanoi other than our advocacy that you believe we are making very honest, open, decent, and indeed formidable, overtures to bring an end to this dreadful war."

FREE AND FAIR ELECTIONS IN SOUTH VIETNAM—THE REASONABLE ROAD TO PEACE

Mr. HRUSKA. Mr. President, I wish to join the distinguished minority leader (Mr. DIRKSEN) in his compeling and convincing statement on the peace proposals made by President Nixon and South Vietnamese President Thieu.

The war in South Vietnam is being fought by the United States for reasons of high principle as well as for purposes for honoring national commitments and protecting national security. Those who would call our involvement immoral would choose to ignore the consequences for millions of South Vietnamese people if the United States unilaterally withdrew from that ravaged land. Those who would call the Government of South Vietnam militaristic and undemocratic would choose to ignore the elections that were held and the Constitution that was adopted. They must consider as well the type of totalitarian control that would be imposed by a complete Vietcong victory. Those who would call our commitment irrelevant to the future of Southeast Asia would ignore the designs of Peking and Hanoi to expand communism in that area of the world. The attempted coup in Indonesia is a clear example of that design. The terrorist guerrilla warfare of increasing savagery in Laos, Thailand, and the Philippines are other examples of that design. Only the firm resolve by the United States has prevented a tragic and irreversible chaos of Communist terrior in Southeast Asia.

This is not to say that there is not room for honest debate about how the United States became involved in the war, and the manner in which the war was conducted. These questions, however, are questions of means, and not questions of ends.

The American commitment has unquestionably become a burden. Inflation is a serious challenge to the health of our economy. The loss of over 30,000 American lives in South Vietnam makes that war the third largest in American history. Domestic needs have reached crisis proportions in our cities, in our environment, in our educational system, in housing, in jobs, in health, and in hunger.

The question then becomes, as President Nixon said in his May 14 address to the Nation, "What do we do now?" In my opinion, President Nixon and President Thieu have put forth peace proposals which are eminently reasonable and could be the basis for a lasting peace in Southeast Asia. Significant concessions have been made. Our President and our allies have realistically accepted the fact that our full objective cannot be attained, and that certain conditions of peace must be negotiated. Our President and our allies are willing to accept greater risks in achieving our ends.

President Nixon has stated in good faith and with firm resolve his priority objective of ending the Vietnam war. He set forth on May 14 an eight-point plan for peace which includes the renouncement of a military solution, the offer of withdrawal of United States and allied forces within 12 months under international guarantees, and emphasis on the central goal of guaranteeing the people of South Vietnam the right to freely determine their own future.

These are reasonable goals which deserve the support and commendation of all people who share the worthy ends for which the United States became involved in this prolonged conflict.

The comprehensive proposal of President Thieu on July 11 delineates a reasonable program by which free elections can be held and the will of the South Vietnamese people determined. This is the heart of our objectives, and if obtained, would be a vindication of the American troops who have fought and died for the principle of freedom.

Now the time has come when thoughtful men should pause and listen for Hanoi to respond in kind. If the United States and South Vietnam will take increased risks for their ends, then Hanoi can do no less if the peace of the South Vietnamese people means as much to them as to us.

I call on all American citizens to pause and listen—those who seek a lasting peace, and not short-sighted retreat; those who seek meaningful procedures for the South Vietnamese people to express their will, and not an imposition of terroristic control; and those who seek for the ends obtained to come as close as possible to the ends sought and for which American troops died. It would be well for all these to pause and listen. The proposals of President Nixon and President Thieu deserve that much, at the least.

Mr. TOWER. Mr. President, I would like to associate myself with the remarks that have been made in the Senate by the Senator from Illinois (Mr. DIRKSEN). I think that the administration has bent over backwards in an attempt to reach a negotiated settlement on the Vietnam war. The Hanoi regime has steadfastly rejected every reasonable overture we have made toward peace.

It should be apparent to everybody that Hanoi is convinced that impatience on the part of the American people will force us to capitulate in our efforts to defend self determination in Southeast Asia. I fear Hanoi believes that if they remain adamant and unreasonable, they will gain complete victory without any need for compromise on their part.

The Nixon administration has given, in my opinion, all that America can afford to give in behalf of peace for South Vietnam. We can, in my opinion, give no further. As I see it, it is now solely up to Hanoi to negotiate sincerely and honestly in behalf of peace.

I call upon all Americans who desire peace to make it clear to Hanoi that the American people are in support of our Government's efforts to attain peace and that the burden of peace now lies soley with the Hanoi regime.

This Nation has taken many steps toward peace in Southeast Asia.

Last October 31, 8½ months ago, we halted all bombing of North Vietnam. Before we took such action, we had reason to believe the North Vietnamese

would take a step of its own toward peace if we halted the bombing. They did not do so.

Meanwhile we have remained at the negotiating table in Paris and we have refrained from resuming the bombing of North Vietnam. But the North Vietnamese have continued to violate the demilitarized zone and have continued to shell South Vietnamese cities.

Since the bombing halt, North Vietnam has reconstructed its railroads and bridges, repaired its supply lines, rebuilt its marshalling yards, been able to resume its logistical operations all over the country, and dispersed them, and has, of course, built up a considerable logistic capability with which to supply its fighting forces in South Vietnam. The North Vietnamese have opened up new lines. They have opened up new lines of communications through Laos and Cambodia.

Last May 14, President Nixon set forth a very generous and rational offer for a negotiated peace. With eloquent clarity, he stated our minimum objective in South Vietnam. He stated that our only desire is to insure that the people of South Vietnam have the opportunity to determine their own political future.

Although President Nixon, in that speech, made it eminently clear that we will stay in South Vietnam until this minimum objective is achieved, the Hanoi regime appears to me to have taken the attitude that even this minimum objective is negotiable.

Mr. President, I want to tell President Nixon and tell all Americans that I am one Senator who believes that single minimum objective is not negotiable.

I believe it is time the Hanoi regime realized that it has extracted from the United States all the concessions that can be obtained from us, and that now it is their turn to settle down to serious and meaningful negotiations.

We are now beginning to withdraw some of our troops from South Vietnam. We have told Hanoi—we have told the whole world—that it is our every hope to withdraw more troops.

At the recent Midway conference, President Thieu and President Nixon stated clearly that this side was ready to accept any, and I emphasize the word any, political outcome which is arrived upon through free elections among the South Vietnamese people.

President Thieu has now offered a program by which free elections can take place. If Hanoi wants peace, we ought to be able to expect to hear from them at least another program for free elections so that negotiations can move forward.

Frankly, I have come to believe that the Hanoi regime desires no peace which does not result from our complete unilateral and unconditional withdrawal from South Vietnam.

I want the American people to tell Hanoi that that opportunity simply does not exist. When Hanoi truly believes that we will not, in the end, simply capitulate, I believe North Vietnam will then, and only then, begin to seriously talk peace.

I believe that the majority of the American people do not want their Nation to capitulate to all the demands of North Vietnam. I also believe that the majority of the American people desire peace at the earliest possible date.

The only reconciliation for these two majority views, is for all of us to show a united stand for our single, nonnegotiable objective: self-determination for the people of South Vietnam.

When Hanoi becomes convinced that we have conceded all we are going to concede, knowing themselves that they cannot achieve a military victory in the face of American determination, I believe they will then seriously negotiate, and that peace in Vietnam will then—and not until then—be in sight.

Mr. PERCY. Mr. President, will the Senator yield for a question?

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

Mr. PERCY. I ask the distinguished Senator from Texas whether or not he knows of a single instance of a Senator who has called publicly for unilateral withdrawal of American forces from Vietnam?

Mr. TOWER. There may have been some. I cannot name one offhand.

Mr. PERCY. I could not name a single one, either; and I wonder whether or not Hanoi has misread the signals from the Senate Chamber and whether, when Senators have criticized our policy in Vietnam for one reason or another, Hanoi has not interpreted that as a desire just simply to pull up and get out.

Mr. TOWER. There are, of course, a lot of people who advocate just pulling up and bugging out. As I say, I do not know of any in the Senate; perhaps some Senator has advocated it. I cannot name anyone.

The point is that Hanoi could certainly get that impression from some statements that have been made in the Senate; and I would hope that every individual Senator would take the opportunity to declare himself in opposition to unilateral withdrawal. I think that would go a long way toward convincing Hanoi that while we are rational, reasonable men, willing to make concessions, at the same time we mean business, and we are not just going to pick up and bug out.

Mr. PERCY. I should like to say that I have been critical of certain of our policies in Vietnam in past years, but if anyone thought that I would tolerate or be a party to America just up and getting out, he certainly would be misreading my criticism of the past; and I really do not know of any Senator—and I have talked to many of them—who has been critical of policy in Vietnam, who would himself say that he would be for just pulling up and getting out of Vietnam at this stage.

I know that many Senators called for negotiations, and I joined in that call for negotiations, but I anticipated that there would be negotiating, that there would be discussion of the problem by all parties to the conflict, and that we would not just have Hanoi and the NLF sit there and not even respond in any intelligent manner. That is not negotiation.

Mr. TOWER. I think it would be a very salubrious thing if other Senators who have been critical of the conduct of the war, or of our participation in it—and may I say I have been critical of aspects of it myself; I think possibly all of us, even those of us who support the basic policy, have been critical at one time or another of some aspect of it—but if every other Senator would avail himself of the opportunity the distinguished and able Senator from Illinois has, and make it clear, make it plain to friend and foe alike, that there is not widespread sentiment for unilateral withdrawal in this country, it would be very helpful.

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

Mr. PERCY. I would be happy to yield, but the floor is held by the Senator from Texas.

Mr. TOWER. I yield to the Senator from California.

Mr. MURPHY. I should like to point out in response to the fine statement made by the Senator from Texas, that 2 years ago, when I was in Vietnam, while I cannot make reference exactly to any statement of any particular Member of this body who directly said "Let us pull out and leave," I know there were many statements that clearly indicated the possibility, and that such statements, taken out of context, were being used as propaganda by Hanoi. The statements were being taken off of North Vietnam's drifters, and there was not any question but that statements made in this Chamber had been taken out of context, without getting the full meaning, and used by Hanoi; and at that time I spoke to one of my fellow Senators and told him, on my return, that his statement, along with others, had been so used. He had been very critical of the administration policy.

I think that I can make the same statement that the Senator from Illinois has just made, because it was evident and obvious, and well known to intelligent people at that time, that Hanoi knew they had no possible chance of winning a military victory, and they had said some time previous to that that their hope was not to win South Vietnam but to win in Washington. They hoped that, through propaganda and through sometimes unfortunate reporting of the true conditions out there, they would split and so divide the feelings of the American people that we would get tired of the war, and Lord knows we have every right to be tired. It should have been over long ago.

I have heard it said here, just within the last few days, that we could not win a military victory in Vietnam. That was simply not the fact. We could have won a military victory on many occasions. We were not permitted to win a military victory by some of the civilians who were giving the orders to our military people. That has dragged it out and created an unfortunate situation.

But those in the Hanoi Government, since then, have worked on the basis that they hoped to divide and weaken the determination of the American people, and thereby win the only victory they can win.

I recall when, not too many years ago, we saw almost the same technique in Laos. The Senator from Texas will recall, I am sure, when we almost forced the Laotian Government to take in

members of the Communist Party, and thereby destroyed the determination of that government at that time. This is not a new condition; it is an old condition. It is what has been known as the troika system, that has been employed by the Russians for a great many years, even before they had a Communist government. It was a system of getting three people to sit down at a table; you control two of the three, and pretty soon you control the whole play.

I merely interject these remarks because it was so evident at the time I visited there that this was a tactic and that remarks made in the Senate had been taken out of context and twisted into propaganda by the Hanoi Government to convince their people at one time that if they would hang on long enough the American people would be divided and give in and that they would finally at long last obtain the objective with which they started out.

I thank the Senator.

Mr. TOWER. Mr. President, actually we did make mistakes in Laos relating to the troika. And there are apparently Communists there who hold portfolios in the Government. They are in the hills and leading the aggression against the Government. Actually, it is a nucleus government, in effect, legally and technically advising the Government. And the Pathet Lao could not hold 10 square miles in Laos if it were not for the presence of the North Vietnamese troops there.

Mr. MURPHY. Mr. President, if we look at the matter in retrospect, as we maintain the fidelity of the original Laotian Government, this situation could not have been forced upon them. But for the unfortunate, mistaken decision by some of our foreign policy managers, we would not now be faced with the unfortunate condition of the sanctuary which pertains and which has now caused great embarrassment to us. We find that the North Vietnamese at times of stress run to Laos to resupply, refurbish, rest, come back, and kill more American and allied troops.

These mistakes snowball. Over the years we have learned we must learn from the past, and it is the only way I know by which to make decisions in the future.

This is the reason I am so pleased that the Senator from Illinois has been so implicit in stating the fact that they should not be misled.

Mr. TOWER. Mr. President, I do not know of any Senator—although some Senator may have said it—that advocated an immiment pullout. Some of the action has been of the type that would convince Hanoi that this is ultimately what would happen, because this kind of opposition, if it continues in this country, will mean that eventually public sentiment would mount against the administration to the exent that that would be the policy.

There is no question that they have misunderstood some things that have been said by opponents of the war and people who have been critical of the war. And they do in their propaganda broadcasts quote comments made by public officeholders in this country. They do it in Paris, where they get a lot of publicity.

As a matter of fact, Ambassador Lodge told me they quoted extensively from the comments of one gentleman who held office here last year. They did so until the Ambassador reminded them that the gentleman had been defeated. They then changed their tactics.

They do use statements, if not to convince the rest of the world, to convince their own people that they should not tire of the war because the Americans will tire of the war and will get out if they are patient.

Mr. MILLER. Mr. President, apropos of the statement by the Senator from Illinois—and I do appreciate it—I think there is a point to be made that it is not just a simple case of any single Member of the Senate or the House of Representatives saying for all to hear, "I am for unilateral withdrawal."

I do not know of anyone who would make that statement. However, there are subtleties in what is said which can, as the Senator from Texas pointed out, lead to reflex action by the enemy in the belief that is what is being advocated.

For example, the President of the United States recently ordered a withdrawal of 25,000 combat troops from Vietnam. What happened? Immediately some Members of Congress came out and criticized this call as tokenism and said it was too few. They indicated that if they had anything to do with it, it might have been 50,000 or 100,000.

The words of former Secretary of Defense Clifford to the effect that if he had anything to do with it, he would take all combat troops out by the end of 1970 had a bad effect.

The people who make such remarks never say, "I am for unilateral withdrawal." They always say, "I am for an honorable end of the war." They would not be caught short on that point.

What they suggest causes a reaction on the part of the other side, which is the very thing that the Senator from Illinois says we should avoid.

Those who talk about some kind of a withdrawal and who depreciate the President's decision to withdraw 25,000, while they never say anything about being against an honorable settlement of the war and never say they are for unilateral withdrawal, never seem to say anything about what will happen to the troops remaining behind.

I am quite sure that the combat troops who might come out of Vietnam according to the Clifford statement would be very happy. However, I am not so sure that the troops remaining behind would be happy if they were to stand greater risk of casualties and a prolongation of the war.

The worst failure is the failure on the part of people like Clifford to say anything about the prisoners of war in North Vietnam. I do not know why they fail to say anything about it.

Mr. TOWER. Hanoi will not even give us the names. We have only asked them to give us the names.

Mr. MILLER. The Senator is correct. Some of the people sounding off do not talk about the prisoners. They talk about pulling out the combat troops and they forget about the prisoners of war in North Vietnam.

I do not think we should forget about them. We have some from my State who are prisoners of war. They fail to mention them. They say, "We are for taking out some of our troops." However, they forget about our prisoners of war in North Vietnam.

It is that fear that leads to a certain reaction on the part of the North Vietnamese that there is in fact a unilateral withdrawal in mind.

It may be false, but it is being used, and I think that is what the Senator from Texas is getting at.

I thought it well to bring out this point.

No Senator will stand on the floor and say, "I am for a dishonorable withdrawal or unilateral withdrawal." I do not think it will happen that way.

Mr. TOWER. Mr. President, I think the Senator from Illinois is one who has provided a service by underscoring the point that Hanoi sometimes misinterprets criticism. I am hopeful that the distinction will be drawn by other people.

Mr. PERCY. Mr. President, will the Senator yield for a comment and a question?

Mr. TOWER. Mr. President, I yield.

Mr. PERCY. Mr. President, I would not be surprised if Hanoi did not read the American people correctly.

I think at this particular point we ought to make it eminently clear that when we called for negotiations, we meant negotiations. This means that something has to be put on the table by them, and something has to be put on the table by us. Then we will discuss it and try to resolve it. Neither side is going to get everything it wants.

We thought that when the representatives of Hanoi showed up in Paris, they had as their objective to find a political settlement rather than a military settlement, because they knew that they could not win a military settlement. We knew that, and we emphasized it time and time again to them. But we have been willing to say that we were not going to seek a military solution of this conflict, because the cost is far too great in humanity—loss of life—and in loss of treasure. Let us find a political settlement.

I think that every Senator has an obligation to clarify what he means by calling for negotiations, and that none of us means, by negotiations, to withdraw or pull out unilaterally, or precipitately, as Hanoi apparently believes we may mean.

The distinguished Senator from Texas has said that some people—I am not exactly certain of his words—would have us pull up and get out without regard to any responsibilities or aftermath as a result of such a decision.

The distinguished Senator, more than all other Senators on our side of the aisle, has spent a good deal of time on college campuses. College campuses are known to have been critical of our policy in Vietnam, so I should like to ask the Senator, who has talked with college students, Does any more than a small minority of college students today believe we should unilaterally, precipitately, pull up and get out without any regard for what may follow?

Mr. TOWER. It is my belief that they

are a minority—a highly vocal minority—and I think they get an inordinate amount of publicity. I imagine that many of the representatives of the media feel that they give a balanced presentation when they report what the unilateral withdrawal advocates say, on the one hand, and then report what people who feel otherwise say. I do not think there is any more advocacy of unilateral withdrawal among younger people than there is among older people. Actually, probably more advocates of unilateral withdrawal will be found among middle-aged people who have teenaged sons than will be found on college campuses.

But the college groups are a highly vocal group, many of them using Vietnam as the rallying cry for resorting to vandalism and violence, destruction and disruption. It is, of course, a highly dramatic way to underscore their point, but Hanoi reads it as meaning that the American people are about ready to take to the streets and take to the barricades and believes that civil war is about to begin in this country. Perhaps that is going to a little ridiculous length. I do not believe they think that, but they could conceivably get the impression that there is that much disruption.

Mr. PERCY. All of us go to college campuses, and I have been to a great many. In answering questions from students about Vietnam, I took a position very strongly against unilateral withdrawal regardless of consequences. I said that we cannot simply do a thing like that. I want negotiations, but we are not going to say we are going to negotiate and then precipitately pull out. We do not intend to do that. I do not think the President intends to do that. He does not intend to. I was not booed.

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

Mr. PERCY. I yield.

Mr. TOWER. I hope the Senator will accompany me the next time I make a speech at the University of California at Berkeley. I might be better received than I was the last time I was there.

Mr. PERCY. I spoke on Sproul Steps.

Mr. TOWER. I did, too.

Mr. PERCY. I had 7,000 students there. There were a few scattered comments when I made an answer similar to the one I have just given. But, overwhelmingly, I think even that campus would not have called for it.

I have gone to a great many campuses. I finished, a month ago, a tour of 10 campuses in Illinois alone. At each campus I asked for a show of hands on how they stood on the choice of escalating the war to try to win a military victory; unilaterally withdrawing; or gradually drawing down our forces, but working always with the confidence that by so doing there would be a response on the other side in Vietnam and we would make progress in Paris with negotiations. A very small number wanted to try to win a military victory. I would say an equally small number were for unilateral withdrawal. That was on 10 campuses in Illinois within the last 60 days. Overwhelmingly the students of Illinois supported the present policy of this administration to negotiate in good faith, with sensible, reasonable, flexible terms, making presentations, presenting ideas and thoughts for discussion, and planning for drawing down and lessening the conflict, but waiting for that response and also waiting for decent negotiation by the other side that will recognize that this must be a negotiated political settlement; because both have said "let us try to find a way to end it over the conference table."

I think Hanoi has misread completely the attitude of the American public, whether it be U.S. Senators or college students, and I think that this colloquy this afternoon has been helpful.

Mr. TOWER. I am convinced they have misread it, and I wish there were some way we could get the message to them.

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

Mr. TOWER. I yield.

Mr. MURPHY. One point of confusion has been brought about by some organizations that are extremely busy—they seem to be well financed, get widespread publicity, and there are several of them—which have for many years said that they thought we should withdraw, that we should get out, that the whole thing is immoral, that there is no basis for it, that we should not have been there in the first place. I think the publicity that some of these organizations have been able to achieve perhaps has helped Hanoi get the impression that there is great division in this country. There is not any great division in this country. I think the division in this matter is as the distinguished Senator from Texas and the distinguished Senator from Illinois have said. It is on about the same basis as the troublemakers versus the good students in the universities.

The time has come when the proportions of this division should be clearly and definitely pointed out. It should be pointed out clearly and definitely that the great majority of the American citizens are completely in favor of the plans laid down by our President and that they have confidence in his ability, his knowledge, his determination, and his courage. If the colloquy this afternoon is as clearly reported and spread as wide as some of the reports from this floor, I think it will have a great effect on bringing the North Vietnamese and the Communists to the negotiating table much quicker and make the day come much quicker when they will start reducing their troops so that we can reduce ours with some degree of safety.

Mr. STEVENS addressed the Chair.

Mr. TOWER. Is the Senator seeking the floor in his own right?

Mr. STEVENS. Yes.

Mr. TOWER. Then, let me yield to the Senator from Tennessee.

Mr. BAKER. I thank the Senator for yielding.

Mr. President, I have been impressed by the colloquy this afternoon as much as or more than I have been impressed by any debate or colloquy or speech on the floor of the Senate relating to foreign affairs since I became a Senator.

I believe that the distinguished junior Senator from Illinois and the distinguished junior Senator from Texas and all the others who have participated in this colloquy have done a great service not only to the United States of America but to the other people of this world and the prospects for peace that are interrelated with the hopes and aspirations of all people of good will. If ever there was an opportunity to use the Senate of the United States as a forum to convey to Hanoi the reasonable and limited objectives of this Nation's policy, to underscore the fact that we do in good conscience and in good faith want to negotiate a settlement, that we do not seek a military victory in that troubled area of the world, that we will go only so far, and that they had better take us seriously and reciprocate, the Senate has served as that forum today.

I believe that in the days to come there is a real opportunity—and in my mind an obligation—for other Senators to underscore the determination of the United States to negotiate in good faith. But good faith entails negotiations by both parties to this conflict.

If the Senator will permit me, I should like to make this final remark: A summary of what has gone previously might be useful. Not only have we halted the bombing; not only have we gone to the conference table and remained at the conference table despite extraordinary measures by the North Vietnamese and the Vietcong to shell civilian Vietnamese population centers, to rehabilitate their supply lines and whatnot; not only has President Thieu offered private talks with the other side looking to a political settlement; not only has the President of the United States proposed a cogent and intelligent peace plan; not only have we withdrawn 10 percent of our combat forces unilaterally from Vietnam; not only have President Nixon and President Thieu offered to accept any government which might come from free elections by all the people of South Vietnam; but also, the President of the United States, in a televised press conference, has given the world substantial reason to believe that if there is some reciprocity on the part of Hanoi and the Vietcong, substantially greater unilateral troop withdrawals will be undertaken.

Notwithstanding all these things, we have not had a single response from Hanoi or the Vietcong, with the single exception of appearing in Paris ostensibly to negotiate a peace settlement.

In summary, I hope that this colloquy indicates that it takes two to negotiate. Having taken all these steps, we can and we should receive some response from Hanoi and the Vietcong if we are to continue in our efforts to bring peace by political means rather than military means.

I thank the Senator for yielding.

Mr. MUNDT. Mr. President, I congratulate the Senator from Texas and the Senator from Illinois on the very fine, constructive approach they have enunciated on this very difficult problem of what to do about the war in Vietnam.

It seems to me that Congress, in a sense, has to share the responsibility for the failure to bring the enemy to the conference table because politicians some-

times engage in the art of hyperbole and in enthusiasm for some particular point of view we are likely to make some statements that probably would not be made if we were going to write them to our constituents or to make a sober and well-reasoned report of a position we are supporting.

I think it would be helpful if each Senator and each Member of the House of Representatives made a resolution in his own mind that before speaking out in connection with the war in Vietnam and before suggesting how to bring this war to an enduring end without capitulation, would carefully examine every paragraph and every sentence of his manuscript to be sure that not a single sentence or paragraph could be lifted from context and quoted in the Communist press as indicative of the fact that the will to survive has disappeared in this country and that the United States is ready to accept a devastating defeat and call it quits.

I make a habit of reading some of the comments in the Communist press. As the author of the Smith-Mundt Act and in connection with our overseas information programs I suppose I spend more time than the average Senator reading foreign press reports that come back to the United States. I have been shocked at the number of times men whom I know to be patriotic Senators and Representatives are quoted by the press overseas in the exact language they have used, but lifted from context to give the clear implication that if that Congressman or that Senator had his way he would call back all the troops, capitulate, and deliver South Vietnam entirely over to the enemy. Those who get themselves so quoted, must, of course, accept responsibility for the results.

I think we might do another thing. It might be a good idea if we had some substitute or followup to the Gulf of Tonkin resolution, perhaps some round-robin letter to be signed by all Senators and Representatives would be sufficient. Such a round-robin letter or sense-of-the-Congress resolution should simply make it clear that all Senators and Congressmen supporting it continue to oppose a unilateral pullout in Vietnam under conditions associating such a pullout with an abject defeat of our military efforts. I dare say that such a pronouncement would have the support of 90 percent of the Senators and Representatives.

The statement would simply be to the effect that we are not in favor of unilateral withdrawal, that we would like to bring the war to an enduring conclusion and enter into negotiations on a flexible basis; but that we are not going to unilaterally pull out or cut off funds for the boys who continue fighting.

I think Congress does have a responsibility to back up the determination of the vast majority of people in this country and the President, the Secretary of State, and the Secretary of Defense, to make it crystal clear that we are not capitulationists, that we are not going to cut and run, that we are not going to pull out our troops summarily and leave those who are still there under the American flag to be decimated by the enemy and we are not going to turn the country over to the successful Communist victor from Hanoi.

There are things we could do. There are things we should do to make clear statements, because there is no question that sometimes statements made by certain Members of this body are lifted out of context and help prolong the stalemate in Paris and give false hope to the men in Hanoi.

This country has repeatedly been drawn into foreign wars by miscalculation on the part of the enemy. The Kaiser miscalculated the attitude of the United States in defending its own citizens going overseas in a flag ship of its own nationality. Finally came the catastrophe involving the *Lusitania*. Because of this miscalulation by the enemy we were soon involved in war.

The same thing happened in connection with World War II. The Japanese entirely miscalculated the will and attitude of this country to maintain itself and its position and finally attacked us deliberately at Pearl Harbor. Again a miscalculation by the enemy soon had us in a war.

I think miscalculation on the part of the enemy in Hanoi is now prolonging this war. They know they cannot win. I shuddered when I read that former Secretary of Defense Clark Clifford had said we cannot win the war militarily. He does not know because we have never tried. I have discussed this matter with many competent military authorities in this administration and the previous administration. They think we could win the war if we decided to spend the money and to make the sacrifices, but we have not tried.

If I were running the propaganda mills of Hanoi what more could I ask than to have a former Secretary of Defense tell the world we cannot win militarily. We should be careful about statements of this type. Former Secretary of Defense Clifford is a fine and patriotic man. He did a fine job when he was in the Pentagon, and he has a right to counsel his successor about mistakes he thinks he made as Defense Secretary along with recommendations against repeating them. But to tell the world that this country could not defeat, if we tried to do so, 18 million people in one-half a country—in that one-half of a country which does not have a single production complex, which cannot build a tank, which cannot build a plane, which cannot produce big ammunition, which cannot build modern electronic equipment, that has to rely entirely on handouts from Communist allies to continue the war—and for him to pronounce that we cannot win a war against such an enemy it seems to me is to run up a white flag in advance to every potential enemy because if we do not have the stuff to win against one-half of Vietnam how can we defend ourselves against Russia or China? Or, perhaps on some unfortunate future date, against them both?

Mr. President, when we make these statements they are lifted out of context by the men in Hanoi and used to fortify our enemy to continue fighting in Vietnam and to continue stalling in Paris.

Dr. Walter Judd, who was formerly in the House of Representatives, used to say, "You cannot hurry the East. The one thing they have in surplus is patience." They see television and they see banners unfold indicating 5,000 students are saying, "Get out of Vietnam now." That is pleasing material to someone in Hanoi; it provides the fuel needed for their propaganda machinery.

Therefore, if all of us in public life resolved that not one syllable, not one word, not one sentence, not one paragraph is going to be uttered by any of us that might give aid and comfort to the enemy, that would very definitely help shorten the war.

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

Mr. MUNDT. I yield.

Mr. TOWER. We could win merely with the resources we have there now. It should be demonstrated to the world that the United States is acting with restraint, which is precisely what we have been doing, and with increasing restraint; and now we have said we were willing to seek free elections with the National Liberation Front, the North Vietnamese, and the Vietcong, or whatever, participating. Now it is time for the world to stop criticizing the President. This is all we have asked.

Mr. MUNDT. Mr. President, the Senator is correct. In many committees in which I have sat, and in the Pentagon, I do not know of anybody who has said we could not win the war except Mr. Clifford, and he said it only after he got out of his position of authority. We elected not to spend the Treasury and the lives, or make the sacrifices required to win the war because there is nothing over there we want. We do not want to assume the responsibility for that entire area of the world. We just want to retain for the South Vietnamese the right of self-determination.

If we make it crystal clear by a round robin letter, by a sort of revision of a Gulf of Tonkin sense of the House and the Senate resolution that we are not going to pull out we would find out just how many would vote against that. There would not be very many who would vote against such a proposal, perhaps none. We could also advance meaningful negotiations in Paris which have been stalemated primarily by those who are on the homefront in America, not the military front in Vietnam. I think it is time to disabuse the minds of those in Hanoi from prolonging the war on the basis of their miscalculations. We have suffered enough loss of life and treasury in our country's history by miscalculation of the people of other countries.

Mr. TOWER. I thank the Senator, and I yield the floor.

Mr. MILLER. Mr. President, I am deeply concerned over the drift of the debate on the war in Vietnam. It seems that whenever the United States or South Vietnam advances a proposal, for settlement of this conflict, it is immediately denounced—not so much by Hanoi—that is to be expected up to a point—as by some people in our own country.

How far are we to go in our conces-

sions to Hanoi without receiving something in return? To hear some of the critics, we should be the ones to make all the concessions and the other side none. If the war is to be settled honorably, the North Vietnamese must get rid of the idea that if they reject all proposals by the allies, we will always come forward with still more concessions, and the critics should understand this.

The political settlement offered by President Thieu is a case in point. "A fraud," cries Hanoi, and the cry is parrotted by some in this country. It seems to be forgotten that we in the United States have an obligation to support reasonable proposals—and Thieu's proposal is one. And those who criticize the proposal without giving it the benefit of a careful study only add to Hanoi's mistaken belief that it can manipulate U.S. public opinion to suit its purpose.

President Nixon, on July 11, said President Thieu's proposal "deserves the support of all who seek peace." I agree. And I believe all objective observers agree too.

Is it not about time that those who have a reflex impulse to denounce us at every turn realize that we have made many important concessions and are still awaiting concessions from the other side?

Is it not about time that the other side puts forward a fair and reasonable position, one that provides a basis on which negotiations could proceed?

The President, in his statement of July 11, said:

> If the other side genuinely wants peace, it now has a comprehensive set of offers which permit a fair and reasonable settlement. If it approaches us in this spirit, it will find us reasonable. Hanoi has nothing to gain by waiting.

Perhaps now is the time to enumerate again the concessions we have extended to the other side. On July 11, President Nixon set them out clearly, so that there would be no mistake.

First. We halted the bombing of North Vietnam last October, and we have agreed to sit down at the conference table with the NLF, as well as the governments of Hanoi and Saigon.

Second. We remained at the table and refrained from resumption of the bombing, despite Hanoi's shelling of South Vietnamese major cities, its violation of the DMZ, and its refusal to deal with the Saigon government.

Third. President Thieu, on March 25, offered to meet with the NLF for private talks without preconditions on a political settlement.

Fourth. With President Thieu's support, President Nixon on May 14, put forward an eight-point plan for peace. Those points are worth repeating:

As soon as agreement can be reached, all non-South Vietnamese forces would begin withdrawals from South Vietnam.

Over a period of 12 months, by agreed-upon stages, the major portions of all United States, allied, and other non-South Vietnamese forces would be withdrawn. At the end of this 12-month period, the remaining United States, allied, and other non-South Vietnamese forces would move into designated base areas and would not engage in combat operations.

The remaining United States and allied forces would move to complete their withdrawals as the remaining North Vietnamese forces were withdrawn and returned to North Vietnam.

An international supervisory body, acceptable to both sides, would be created for the purpose of verifying withdrawals and for any other purposes agreed upon between the two sides.

This international body would begin operating in accordance with an agreed timetable and would participate in arranging supervised cease-fire.

As soon as possible after the international body was functioning, elections would be held under agreed procedures and under the supervision of the international body.

Arrangements would be made for the earliest possible release of prisoners of war on both sides.

All parties would agree to observe the Geneva accords of 1954 regarding Vietnam and Cambodia, and the Laos accords of 1962.

Continuing with the concessions we have made:

Fifth. The President, on June 8, announced the withdrawal of 25,000 U.S. combat troops, a withdrawal now taking place.

Sixth. Both President Nixon and President Thieu, at Midway, declared their readiness to accept any political outcome arrived at through free elections.

Seventh. And now, President Thieu has offered a concrete program by which free elections can be held and the will of the South Vietnamese people can be determined.

And what has Hanoi offered in return to indicate a willingness to negotiate a settlement.

Nothing. Let me repeat, Nothing.

If those, both here at home and elsewhere who are so quick to condemn us, apply their voices to a condemnation of Hanoi for doing nothing to bring peace, the war they say they want to end would end sooner.

Mr. MUNDT. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. I am happy to yield to the Senator from South Dakota.

Mr. MUNDT. Mr. President, the Senator has just mentioned the seven specific steps which we have taken in this country, steps of good faith and good intention, whereby we are willing to open up negotiations on a flexible basis and consider any alternative terms the enemy might want to bring up.

We have failed as a country to convince the presidium in Hanoi, and the leaders of communism, that they cannot sit back with the crapshooter's hopeful formula of "seven come eleven," anticipating an eighth concession, or a ninth concession.

Perhaps the time has come to make clear that we have run out of concessions to make, that there is not much more that we can offer, that we cannot offer them anything more than the seven combined steps—unless, of course, we say we offer to accept defeat or offer to pay reparations to Hanoi as a victor.

Someplace, we have to come to the point that we say, "This is the package" and to keep repeating it until every schoolboy around the world knows what we have offered. Then put the "bee" on the other side and say, "What have you got to offer? What are you willing to do?" As long as they can, hopefully, expect an eighth, a ninth, a tenth, or an eleventh concession, they would have to be members of a knucklehead club in Hanoi not to sit there patiently twiddling their long-nailed fingers, expecting that we will finally run out on our obligations over there, throw in the sponge, pull out unilaterally, and accept, for the first time in American history, a perilous military defeat.

Accordingly, I say again, that we in Congress, the President, and the State Department, should assume some responsibility in presenting a united front to convince Hanoi that "This is it. We want peace. We want to negotiate. But it is time for you now either to come in with your negotiating alternatives or come in with any criticisms or amendments to ours, or stand before the world committed to the fact that you want war to the end and a complete military victory."

So far as the United States is concerned, let us say to them with one mighty American voice, "You are not going to get it."

Mr. MILLER. Mr. President, I thank my colleague for those comments. The Senator is correct. The problem is, however, that certain people in Government have at previous times indicated that a concession was being made, and that that was about the end of the road. As the Senator from South Dakota has pointed out, those up north in Vietnam just sat back, patiently waited, and kept saying, "No." Then came along another concession.

The President of the United States made it quite clear when he set forth those eight points as the basis for negotiation, that that was "it."

He also indicated that the withdrawal of 25,000 troops was a substantial gesture to see what the other side would be willing to reciprocate with as to a withdrawal of their forces.

At the same time, the President made it very clear that a U.S. withdrawal would not jeopardize our own forces who remained behind.

I can understand how, after conferring with General Abrams and our other field commanders, he could draw that conclusion, because the South Vietnamese undoubtedly have increased their power, their firepower, and their training; and so the withdrawal of 25,000 American troops has been accompanied by an improvement in the South Vietnamese forces and would not cause any more jeopardy.

But, as I said earlier, there are some critics in this country who disdain President Nixon's withdrawal of 25,000 troops by saying, "It should have been 50,000. It should have been 100,000." The other side will be waiting now, hoping that, if they wait long enough, it will be followed by another 25,000 or 50,000.

I am sure it is distressing to the President, and I am sure it is very distressing to our negotiators, because the people

on the other side of the conference table are smiling and saying, "There is no hurry. All we have to do is wait a little longer and there will be another concession."

It is going to take more than statements like that of the Senator from South Dakota and that of the Senator from Iowa and those of other Members of the Congress that "this is it" to persuade North Vietnam that it is really it.

I think one of the best things that could happen would be for the critics to stop criticizing the United States; to praise the United States for coming forward with the concessions it has already made; and then really let a blast go at the other side for not making any concessions and not coming forward to give any indication of a willingness to negotiate a peaceful settlement.

If the critics would transfer from the United States to North Vietnam their unhappiness, if the critics would stop criticizing the United States and start criticizing North Vietnam for the fact that its North Vietnamese troops are in South Vietnam—the South Vietnamese troops are not in North Vietnam—and criticize the leaders in North Vietnam for doing nothing at all, as I pointed out in my statement, that is really meaningful by way of reaching a peaceful settlement, I think the war would end much sooner than it would otherwise. Those critics are the very ones who say they want the war to end, but, because of the way they are handling their misplaced criticism, are only prolonging the war.

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

Mr. MILLER. I yield.

Mr. MUNDT. I think the Senator has made a very good point. It should be emphasized.

People both in and out of the Government criticize the South Vietnamese for the election they held. They held that election because the western world urged them to do so. The election was monitored by Members of the Senate and by the American committee of monitors. They reported that there were more protections against dishonest elections in Saigon than are provided in any big city in the United States.

The thing that always disturbs me is that the same people who criticize the election machinery in South Vietnam never mention the fact that they do not have any elections at all in North Vietnam. They do not know the meaning of the word. These carping critics seem to think that a dictatorship there is sweet and holy and good, but even when we have a democratic process in South Vietnam, they criticize the South Vietnamese for the way they conducted the election.

Mr. MILLER. It is the double standard.

Mr. MUNDT. It is indeed the double standard.

I would like to reinforce what the Senator said; that it is important that somewhere along the line we make up our minds that we are out of concessions: "This is it, Mr. Hanoi, now what are you going to do about it?"

We used to have an old expression in the horse trading country. Two farmers are trading horses. They sit down on a work bench in the shade. They are horse trading. They start whittling on sticks. They used to say that the farmer who quits whittling first gets the worse horse.

It is about time we stopped making concessions. We ought to ask what the other people are going to do. It is about time we got across to the world the seven steps that the Senator has talked about, which are honest. They are concessions, but they are concessions which a strong country like the United States can make. We are not concerned with saving face. We believe, as Americans, that we can win; that we can, if we must, get a military victory; but what we want is an honest, enduring peace without any further bloodletting. What we want is a peace which is enduring and fair to both sides and one which protects the integrity of South Vietnam. We have, somehow or other, failed to tell our story.

I can well understand, as one who comes from horse-trading country, that if the other fellow says, "Now, start trading horses," and then he says after a short session of whittling on his stick, "I will throw in a saddle, I will throw in a bridle, I will throw in spurs, I will give you a wagon, I will give you a blanket for your horse, I will also throw in an extra $10." I ask you would not the other fellow be pretty silly if he started trading before he finished talking. With everything coming his way, he would want to find what the last offer actually was.

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

Mr. MUNDT. I yield.

Mr. MILLER. That is a very excellent example. In addition to that, we have the problem of one of the whittlers, one of our so-called friends there, who keeps making signs and giving indications to the whittler, that if he will keep whittling, the other whittler will keep making concessions. That is going to encourage the other whittler to keep going.

So we have people in our own country, not to mention people on the other side of the water, who keep criticizing the United States, never saying anything about the other side, pulling the double standard, and at the same time saying they want an end to the war. They are just prolonging the war they assert they want to stop.

Mr. MUNDT. I think if we made clear to the world that this is the package, that this is it, that we are not going to make another concession every Monday at noon, so they know that it is not a case of all they have to do is wait until next Monday noon to get an additional concession. We would be surprised how fast Hanoi would change its stubborn attitude and start meaningful negotiations in Paris.

I read an editorial recently in the Economist, a pro-British publication, which for the first time took the American side on this issue. It said that the Americans have made concession after concession after concession and that it is now time for world opinion to turn on Hanoi and say, "When are you going to make your offer? What is your proposal? What is your basis for ending the war, or are you looking for a bloody war of extermination?"

I thank the Senator for yielding.

Mr. MILLER. I thank the Senator.

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

Mr. MILLER. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I join the Senator from Iowa and other Senators who have spoken. I agree with the Senator from Iowa, who has clearly stated that we have made many reasonable concessions. They started with an end of the bombing and continue the recent offer made by President Thieu. I feel, however, we must share some of the blame and responsibility for those who feel we cannot continue to go the extra mile every time. The critics are much more vocal in their statements on the Senate floor and the floor of the House of Representatives and elsewhere. Some of us have failed to use our best efforts to combat unwarranted criticism. This may be the reason the critics receive undue attention from the media. There may be another reason for this.

I would guess that if the people could watch television in North Vietnam every night—which, of course, the people in North Vietnam cannot do, because the news is suppressed—if our people could see the slaughter and inhuman treatment and what happens to their prisoners and to South Vietnamese civilians and generally learn more about the atrocities committed by the enemy, then perhaps the American people would give more support to our President.

This colloquy has been most helpful to me as a junior Member of the Senate. I would hope that it might be reported as widely as much of the criticism has been reported, because my impression today was that, of whatever persuasion, Senators have stated there should be no unilateral withdrawal and that we should not surrender in Vietnam. I share that view. I doubt that many Americans, regardless of their age, color, or persuasion, or politics, would want us to surrender in Vietnam just to get out.

It has been described—and I have described it myself—as the most tragic war in American history. But we are there. The war was escalated by President Kennedy and again by President Johnson. Now, for the first time in the history of that war, President Nixon is bringing Americans back alive, but the war and the suffering continues. Perhaps it is only 25,000. Some feel it should have been 50,000. Some believe it should have been 100,000.

The point is, as has been repeated here, it is time for the American people to unite. Certainly Members of the Senate and the House of Representatives should be in the forefront and let Hanoi know that, to a man in this Chamber, we are not about to unilaterally withdraw, or make more unilateral concessions, and that we are concerned, as we were when we first entered Vietnam, in wanting to preserve the right of the South Vietnamese to self-determination.

That has been our only aim in South

Vietnam. We are not the aggressor. But to read some of the editorials and to hear some of the critics, one would think it was our war, that we were the aggressors, that we were the real enemy.

There are some in this Chamber who know a little about war. We know some of the tragedies of war. We know some of the consequences of war. We despise it as much as anyone.

But if we intend to leave Vietnam with honor, then I think it is our obligation, our duty, and our responsibility as Americans first to support the President of the United States.

Mr. MILLER. I thank my colleague for that excellent statement. I think he has a very good point, that somewhere along the line the constructive people, those who are not being critical for the sake of being critical, those who recognize the problem and are trying to face up to it constructively, have, perhaps, been a little too silent.

For a number of years, I was highly critical on this very point, because, as I stated, there is only one person in the United States who can command the prestige and the national audience that the President can command. For a long time, I exhorted former President Johnson to get on national television and take the American people into his confidence, and tell them what the situation was and what we were trying to do. It never happened.

But I am thankful that we now have a President who did appear on national television, and laid out the cards on the table for all Americans to see what we were advocating, and what we were advancing by way of a negotiated settlement, so there would be no doubt in the minds of the people.

Now, I think it is up to us to support the President and to speak out. I think it is up to the critics to exercise a little restraint, and perhaps to transfer some of their criticism to North Vietnam, where it really belongs now. If they do, I am satisfied that the other side will get away from the idea that all they have to do is wait and keep whittling, as the Senator from South Dakota stated, and they will end up with the prize.

Mr. President, I yield the floor.

Mr. SCHWEIKER. Mr. President, I am pleased to join the minority leader and others in expressing the view that important, positive steps have been taken by this administration as a matter of policy and by President Nixon on a personal basis to bring about peace in Vietnam.

As early as May 1967, I advocated a plan to achieve negotiations that would bring about an end to the war. Basically, it involved a gradual deescalation on several fronts by both sides and covered a wide range from a graduated bombing halt to the negotiations in Paris. The administration, I feel, is moving toward that deescalation.

The President's eight point plan for peace, presented with the support of President Thieu, followed by the announcement to withdraw 25,000 combat forces and the program by which free elections can be held in South Vietnam, are distinct, positive moves.

They represent, in my opinion, genuine, reasonable moves on our part that are clear and proper.

I have long advocated a de-Americanization of the fighting in South Vietnam and have backed substantial withdrawal of American troops and a gradual turning over of responsibilities. I, therefore, am pleased to see this administration begin to move toward that end.

Mr. STEVENS. Mr. President, I am pleased to be able to join with the minority leader and our able colleagues to support the action taken by President Nixon in his endorsement of the position of Vietnamese President Thieu in his call for free elections in South Vietnam.

From June 29 until July 4 of this year, I was in Vietnam with my good friend Senator HENRY BELLMON of Oklahoma. It was our privilege to be able to visit with our American forces in every area of South Vietnam as well as the forces of the South Vietnamese.

Mr. President, the impact of our visit on me was that the results of the pacification program in South Vietnam have not been fully appreciated here at home. For instance, 76.4 percent of the rural population of South Vietnam—10,783,300—now lives in areas under control of the Thieu government; another 11.8 percent of the rural population are in areas occupied by, but not completely controlled by, the Thieu government; and only 11.8 percent of their rural population are now in areas not controlled by the government. If all urban and rural areas are considered together, 84.2 percent of the total population—17,219,100—now live in pacified areas under complete South Vietnamese Government control while 8 percent live in areas occupied by, but not completely pacified by, the Thieu government and only 7.8 percent of the total population does not live in pacified areas.

The most significant reason that the Thieu government now has the control of the vast populated areas of South Vietnam is that there has been organized the Peoples' Self-Defense Force. By the end of May of 1969 1,360,272 individual South Vietnamese pledged their support of the Thieu government and agreed to become a member of this "home guard." Of that number 863,208 of these people have been trained and over 300,000 of them have been armed—mostly with automatic weapons.

Mr. President, as one of the young South Vietnamese colonels told me:

> A nation which does not have the support of its people does not arm its people; particularly it does not arm its people with automatic weapons.

The results of the total pacification program are shown in the election results in South Vietnam for 1969. I ask unanimous consent that these results be printed at the end of my statement, and I point out that 145 villages and 11,009 hamlets conducted free elections in June of 1969. In this year alone 794 villages and 4,461 hamlets have held free elections.

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

(See exhibit 1.)

Mr. STEVENS. It is obvious from these statistics why the North Vietnamese want to insist on a coalition government rather than await the outcome of free elections to determine to what extent Communist elements in South Vietnam should have membership in a new post free election government.

It is my feeling that it is only a matter of time—and a very short time at that—before the South Vietnamese will be able to completely defend themselves. When that time comes all of our troops will be able to come back home, and this, I feel, emphasizes the position taken by President Nixon. If there is to be peace in Vietnam, it will be because the North Vietnamese realize that they cannot win the war and that this Nation is united behind our President and his policies which are designed to bring our boys home alive while at the same time preserving the right of self-determination to the people of South Vietnam.

EXHIBIT 1

ELECTION RESULTS, JUNE 1969

	Village		Hamlet	
	Planned	Conducted	Planned	Conducted
I CTZ	38	68	125	190
II CTZ	23	18	328	300
III CTZ	12	13	135	137
IV CTZ	42	46	474	482
Total	115	145	1,062	1,109

OFF THE CUFF COMMENTS

(By Senator TED STEVENS)

Soon after becoming a member of the Senate it was apparent to me that almost every returning member of the Senate had visited Vietnam to see first hand the total effort there. Regardless of whether these members supported or opposed the war, each said a Vietnam trip was necessary to understand the country, the war, the pacification efforts, and particularly the work of the Agency for International Development (AID). (This Agency has made remarkable strides through measures to prevent inflation in Vietnam and to assist the civilian community—both in providing health care to injured civilians and assistance for economic growth.)

After discussing the subject with our good friend Senator Henry Jackson, from our neighbor State of Washington, and with the Department of Defense, Senator Henry Bellmon and I were authorized to travel to Vietnam and the Pacific Trust Territories for the Interior and Insular Affairs Committee, of which Senator Jackson is Chairman.

Before leaving Washington we were briefed by the staff of the Joint Chiefs of Staff (J.C.S.) on the Vietnam war situation—including troop locations, mission, casualties, enemy strength, and the South Vietnam capability. Also, we were briefed by A.I.D. Unfortunately, one absolute requirement was that we renew the shots we had received in World War II. I found that Senator Bellmon had been a 1st Lt. in the Marines in the Pacific—while I had served as a 1st Lt. in the Air Force in China. We had sore arms and rear ends for about a week prior to leaving because of those shots.

An Air Force C–141 took me from Dover Air Force Base in Delaware to Elmendorf in Anchorage, where Senator Bellmon, arriving from Oklahoma, joined me. We were greeted in Anchorage by Brig. Gen. F. J. Roberts, and Col. R. S. Culet, and after a brief meeting with my Anchorage secretary Barbara and her husband, Don Andrews, we left for Yakota, Japan.

It was 11:30 p.m. when we arrived in

Yakota—and we had lost a day going across the date line. Having two hours to wait for the C–141 to proceed to Phu Cat in Vietnam, Senator Bellmon and I wandered about the PX—which is open 24 hours a day.

We left Japan for Vietnam, scheduled to arrive at 6 A.M. Monday morning—and our plan is to go to Saigon for a briefing from General Creighton W. Abrams, Commander in Vietnam before noon in Saigon. We will be in the Mekong Delta with the units of the IV Corps by Monday afternoon.

OFF THE CUFF COMMENTS

(By Senator TED STEVENS)

SOUTH VIETNAM, 2D DAY

After visiting with Col. Harry Trimble and his men of the 37th Tactical Fighter Wing at Phu Cat, and inspecting the new version of the F–4, we left for Tan Son Nhut, Saigon's military airport. Escorting Senator Henry Bellmon and me from Phu Cat through the balance of our Vietnam trip was Lt. Col. George A. Custer, III.

George, who long ago became steeled against comments about his "last stand" and shed his hair to escape being called "Yellow Hair" was able to get us in and out of each installation we visited with a minimum of difficulty.

In Saigon, we moved into the "White House"—a white compound for transients. We hurried immediately to a briefing being given for General Creighton W. Abrams, Commander of the Military Assistance Command, Vietnam (MACV). He is referred to as COMUSMACV. General Abrams, a man obviously dedicated to his job, emphasized that he believed the South Vietnamese had "turned the corner" and were able now to assume a greater role in the defense of their country. It was, however, my conclusion that the burdens and tensions of command in this conflict were really taking their toll from General Abrams.

Senator Bellmon and I were also briefed by the Commanding Officer of our Naval Forces in Vietnam (COMNAFORV), Admiral Zumwalt, and at lunch we were joined by his Deputy Admiral Flanigan. Strangely, the delta area of Vietnam has given rise to a new form of naval activity—the Riverine Force. Admiral Flanigan explained for us the network of rivers and canals which are the traditional "highways" of South Vietnam. And, we immediately left for Ben Luc—a base for Game Warden, the code name for the River Patrol Force. Traveling in a UH–1 helicopter (a "Huey") to the Tien River, my first feeling was we were over the Kuskokwim Delta in the summertime—but this flat delta area was cultivated and filled with green rice paddies. At Ben Luc we saw the "Monitor"—an armored steel small river patrol boat with a turret that obviously reminds you of its famous predecessor.

Next the "Huey" took us to the U.S. Benewah, anchored in the MeKong river. The Benewah is an APB which is the command post for the River Assault Flotilla—comprised mainly of fast PBR's (River Patrol Boats) which escort the ACT's (Armed Troop Carriers).

Here at the Benewah we met units of the VNN—the Vietnamese Navy—units trained this year, which were replacing American naval units in the Riverine Force.

And, to prove to us the capability of the PBR's the VNN took us out on the river for a short trip. In the quick briefing given us at the river, VNN and U.S.N. personnel pointed out that it was only a matter of time before South Vietnamese forces could perform not only the patrol activity but also maintain the maintenance and repair functions.

Our next stop was Binn Thuy where we visited the 74th VNAF (Vietnamese Air Force) Wing, commanded by an aggressive young Colonel Anh. This wing is now equipped with Cessna A–37 jets and O–1 twin engine prop observation planes. Colonel Anh proudly told us his unit was up to 100% strength and was flying almost 170% of the sorties programmed for his wing. The A–37, a small twin jet, carries a tremendous load—yet it is so small I could stand on the ground and look into the cockpit. This plane, I predict, will find its way into Alaskan civilian flying—mainly because it can cruise in excess of 300 knots on one engine—and uses two engines only on take off, climb and when landing.

One thing at Binn Thuy struck me—the maintenance and repair of every single vehicle, whether it was a jeep, T–37, crane or fork lift—showed this was an on the ball outfit. I remembered my days as a pilot in World War II in China—maintenance and repair at an advance base is tough for anyone. This VNAF operation was so good that the 74th Wing had just received a U.S. Presidential citation for their performance.

We left Col. Anh and flew in our "Huey" to Soccer Field, at Can Tho, where we spent the night with General Wetherill and the IV Corps headquarters staff. It had been a long day—this was Monday night and I had last been in bed on Friday, the night before I left Washington, D.C. (having lost Sunday going across the dateline).

The day had left me with many impressions—the strongest of which was that I had not known how capable and well trained the South Vietnamese were. And, I now understood President Nixon's comments when he announced the withdrawal of 25,000 troops. These troops were being replaced by Vietnamese, trained by U.S. forces, and equally capable of defending this troubled country. I went to bed with the feeling that the U.S. is not involved in fighting an interminable war—and that it really is only a matter of time before Vietnamese forces will replace all our fighting men.

OFF THE CUFF COMMENTS

(By Senator Ted Stevens)

VIETNAM, 3D DAY

On Tuesday morning, Senator Bellmon and I joined the General Staff of IV Corps for its morning briefing. Significantly, the bulk of this briefing concerned pacification efforts—the formation of peoples forces (P.F.) and regional forces (R.F.) and the reopening of hamlets and villages previously abandoned by friendly South Vietnamese. No significant incidents were reported except the movement of a North Vietnamese regiment to a position opposite IV Corps just across the border in Cambodia.

Our first stop Tuesday was My Tho—the headquarters of the 7th ARVN Division. We were met by General Nguyen Thanh Hoang. On the way we flew over a portion of the contested area of the Mekong Delta. General Hoang and his Senior American Advisor Col. Tansey, seemed confident that the build up of local political organizations—hamlet and village councils—provided the deterrent necessary to prevent the Viet Cong or the North Vietnamese from taking the initiative in this area.

Through this 7th Division we learned of the arming of the people of this area. Not only carbines, which are semiautomatic, but also our M–16 automatic rifles had been issued to over 101,000 men. This represents the Peoples Self Defense Force (PSDF)—and in and of itself demonstrates the increasing confidence of the Thieu government in the people and vice versa, for these guns have been issued to Catholic, Buddist and Cao Dai alike. The PSDF is the South Vietnamese "home guard"—an almost limitless source of reserve strength.

We had lunch that day with the NCO's of the U.S. Advisory team assigned to the 7th ARVN Division. Apparently, a Newsweek article had been written about this area—because several of the sergeants asked me what I thought about it. Unfortunately, neither Henry nor I had read the article, issued last week, but it demonstrated to each of us that the men of the U.S. forces here were informed—very current in their exposure to public opinion at home. These NCO's were as Senator Bellmon put it "evangelists for the U.S. effort in South Vietnam". Only one expressed any reservation about the ability of the 7th ARVN Division to defend this area of South Vietnam—the area from which the 9th U.S. Infantry Division is being withdrawn in accordance with President Nixon's decision to commence withdrawal of troops.

Our "Huey" helicopter lifted us from My Tho to Cu Chi where we discussed the withdrawal with Col. Homer Long. Significantly again, our conversation was about the success of the pacification effort: The 25th U.S. Infantry is being reassigned because its job is done and it has been done well. The South Vietnamese have reformed their Provincial government, organized and trained its army, and organized and armed its home guard.

Major General Ellis Williamson joined us in Cu Chi and went with us as we traveled by "Huey" again to Duc Hoa, where we were briefed by Major General Nguyen Xuan Thinh, Commander of the 25th ARVN Division. This Division, which patrols the Cambodian border, faces the greatest threat today. We were shown aerial photographs of North Vietnamese troops just across the Cambodian border. And, for the first time, our briefings included reference to substantial enemy and ARVN loses due to engagements in the past few days. General Thinh, however, has confidence in his ability to meet North Vietnamese invasion, and his opinion was shared by Col. George Robbins, his senior advisor.

We met with the Chief of the local province, Col. Hanh, in Bao Trai, and the Province Senior Advisor, Lt. Col. Bremer. Despite the continuing military engagements in the area, pacification, primarily due to the PF, RF, and PSDF programs, was proceeding at a rapid pace, we went to Rung Tre where U.S. Captain Dewese of the 27th Infantry and the 494th R.F. Company had established protection for an area formerly occupied by NVA. This small group—one U.S. rifle company and one Vietnamese RF company had, in the past three weeks, "pacified" the area. What they had done sounds simple—traveling at night, they had searched out the North Vietnamese in the area and had cleared their district of enemy troops. Then they had repaired the homes in the hamlets, and encouraged the villagers to return. In pouring rain, this young U.C. Captain spoke to us of "his" hamlets, his district—and as we walked through these hamelts his accomplishments were obvious. School was full, the elders—and they really were ancient men—were planning new public buildings to replace those destroyed in the war, and most important, the rice fields were in the process of being restored and replanted.

From Rung Tre we went, again by "Huey" to Fire Support Base (FSB) Jackson. It was hard to realize that we were only 8 to 10 miles from Cambodia—and that the area in between was almost a no-man's land. In this Boa Trai Province we visited another hamlet, spoke with the District Chief Major Ai and inspected the 1st ARVN Armored Cavalry, commanded by Lt. Col. Ty. Without doubt, these were first rate, well trained troops. And all of the U.S. advisors were outspoken about the effectiveness of this ARVN force if properly equipped and supplied.

Our "Huey" lifted us away from these front line troops and deposited us on the heliport of the American Embassy in Saigon. There we met Ambassador Ellsworth Bunker—a silver haired, soft spoken man who spoke of peace and the hope for the future of Vietnam. Senator Bellmon and I found Ambassador Bunker to be a man of inspiration—a man with an insight brought about a vast knowledge of the history of

this Southeastern Asian area and the potential of the people once peace is restored.

We completed the day by having dinner wtih General Abrams, his son Captain Abrams, Ambassador Bunker and members of the General's staff. Our frank, personal exchange with these men set the stage for our visit on July 2 with the U.S. Marines who have the prime responsibility for I Corps—the area just South of the DMZ in South Vietnam.

OFF THE CUFF COMMENTS

(By Senator TED STEVENS)

VIETNAM, 4TH DAY

DaNang, in Quang Nam Province, lies in the center of a small peninsula on the coast of the South China Sea. We had left Saigon's Tan Son Nhut airfield at 6:30 a.m. in a small plane—and were greeted at DaNang by Lt. Gen. H. Nicherson, Jr., commander of I Corps. General Nicherson is a marine, and his staff was one of the best I've ever met. We joined the morning briefing at 8:15 a.m. and found there was sporadic activity the night before just south of DaNang.

Most importantly, this briefing dealt with the increasing effectiveness of the VNAF (South Vietnamese Air Force) and the expanding Combined Action Program. The VNAF, in the I Corps area, under the command of Lt. General Lam, has made the transition to A-37 jets and has accelerated its training program to the point that it provides substantial support for ground troops and reconnaissance activities for I Corps.

The Combined Action Program (CAP) is designed to utilize the facilities of both U.S. and South Vietnamese forces—and effectively combines a unit of each so that the Vietnamese are being trained while performing their mission. General Nicherson explained to Senator Bellmon and me that the CAP mission was primarily defensive—a CAP team works with the local forces (RF or PF companies) to establish defenses for each village. Pacification in this area just south of the DMZ has been most difficult because the North Vietnamese have had easy access to it through infiltration. And most of the village people had fled from their homes in the TET offensive of 1968.

But, with CAP activity almost 70 percent of these villages had been re-established.

After visiting General Lam's office we flew by helicopter to Hill 37, about 40 miles south of DaNang. There we were told of the activities of the 1st Marine Division which operates in the river valley from Hoi An to the Laotian Border. This valley, a fertile agriculture area, had almost been abandoned because of enemy activities. However, working with the Corps of Engineers, and using the CAP approach, the 1st Marine Division had reopened the roads, re-established villages in the area, and was finishing up the task of pushing a North Vietnamese element out of the valley. While we were on Hill 37 an "arclight" mission—6 B52's—bombed the hills about 8 miles away, an area where the North Vietnamese unit was holed up.

Hill 37 is one of three artillery positions which command the Thee Bon valley. The area is now protected by the 51st ARVN regiment—another combat ready organization commanded by Colonel Throng Tan Thuc. Despite the continuing fighting in this area, a "county fair" to stimulate interest in new varieties of rice and vegetables available for planting was being held just four miles from the area of the B-52 strike.

One of the most interesting demonstrations we witnessed was the LSA operation—the logistic support area—at Hill 55. Here, through the use of "palletized" cargo, supplies were prepared for shipment to troops in the field by helicopter flying cranes and chinook helicopters. These supplies included water and fuel in huge plastic bags, and even ice cold beer and coke which an enterprising NCO had packed in the styrefoam containers that had been packed around artillery ammunition for shipment to Vietnam.

We witnessed another interesting demonstration when the 7th Marines showed us how a "Lob Bomb" works. This bomb was devised by enemy guerrilla forces—and is just what the name describes, an explosive device which is "lobbed" into our sites by a small detonation, the effect of which is similar to a football player making a place kick. The first detonation lifts the bomb and lobs it into its target.

At lunch I met four young Alaskans stationed at or near Hill 55. These young marines, two from Fairbanks, one from Bethel and one from Anchorage, were alerted by a notice on their bulletin boards of our visit—and were interested in the North Slope oil boom, the attitude of Congress towards the Vietnam war, and what was happening at the University of Alaska.

From Hill 55 we flew by "Huey" to CAM LO, and I was surprised to meet April Johnson, a friend of Larry Fanning, Publisher of the Anchorage Daily News. She asked me what Senator Bellmon and I thought we could gain by such a short visit to Vietnam. I told her five days didn't seem short to me. When Wally Hickel and I inspected the coal mines in Pennsylvania we were at the mines about six hours, and I thought we learned more in those six hours than we could have learned through hours of testimony in a hearing. And, I still feel that this is true—in five days we visited all four Corps areas of Vietnam, talked with GI's, Generals, South Vietnamese elements of every type and description, saw the navy riverine forces being turned over to the VNN, inspected the new A-37 jets, and, most important, we saw the people of the country from North to South, coast to border, on the ground and from the air, in hamlet, village, air base, on rivers and in cities. And, if we are to know what is involved as the issues of defense appropriations and the AID program come up in the Senate, this five days was well spent, in my opinion.

From Cam Lo we went to Gia Dang, a new fishing village, formed by residents of several destroyed areas. North of Gia Dang we could see the Cruiser *Boston*, patrolling the waters south of the DMZ. Residents of this area told us, through interpreters, that they had lived in caves and hidden along the beach until the pacification program brought defense to the area. Now, some 80 boats, manned by small weathered men, with big smiles, and the look of the sea, go to fish daily. A new road, built to the Province Capital at Quang Tri has opened a vast new market to these people. They had pride in their new hondas, new outboard motors, new fish nets, and their new homes with aluminum roofs—and well they might because this village was self supporting and their income was close to $200 (U.S.) per month per family—a tidy sum in Vietnam.

Senator Henry Bellmon was fascinated by a liquid produced here—Nuoc Mam. This is made from the juice of fermented salted fish, and although it is reported to contain enormous protein and vitamin values, it is slightly less sweet smelling than decayed limburger cheese. Henry's fascination led to a present of a full bottle of Nuoc Mam, given to him by General Lam—I hope he keeps it in Oklahoma.

Hue' is the capitol of Thua Thien province. Located on the railbelt, which used to join Saigon with Hanoi, Hue' is making a comeback from the Tet offensive of 1968. In fact, my impression was that the reaction of all South Vietnamese, regardless of religious, ethnic or regional differences of the past, to the bloody battles of that 1968 offensive was probably the most significant cause of solidarity behind the national government of President Thieu.

Hue is surrounded by level plains—full now of rice paddies under cultivation—solidly protected by the armed home guard (PSDF) assisted by Marine and Vietnamese Ranger Combined Action Teams. And, in Hue the Chinese ancestry of the Vietnamese people is apparent. Ancient sunken gardens, and the ruins of a walled fortress, containing a citadel of the ancient capital, made me think of Peking and the Summer Palace there as I saw it in 1945 just before leaving China. We flew over this area—and wondered how soon it would be before tourists from all the free world would be lured here and to the endless miles of white sandy beaches along the coast line as we returned to DaNang.

General Nicherson's quick mind put a sparkle in his eye as he prodded Senator Bellmon and I to discuss inflation, the problems of our separate states, and our impressions of Vietnam. He had stayed with us all day—and had given us the good news that at Ben Het the ARVN had routed the North Vietnamese.

Henry, as an ex-marine, had obviously enjoyed the day. And as I went to bed it seemed to me that anyone who believes we should abandon South Vietnam before the South Vietnamese are ready to defend themselves should talk to the villagers of Gia Dang or the marines at Hill 37. They have seen this war at its worst—and now their hope for peace depends entirely upon the ability of the ARVN to deter renewed aggression from the North.

OFF THE CUFF COMMENTS

(By Senator TED STEVENS)

SOUTH VIETNAM, 5TH DAY

Having visited the other three corps areas, we left DaNang early Thursday morning for Plei Ku. This is the headquarters of II Corps—it is the largest corps area in South Vietnam, borders on both Cambodia and Laos on the west and has almost one half the South Vietnam coastline for its eastern border.

Senator Henry Bellmon and I were interested in this area because it was the area where intense fighting had taken place in the past three weeks—and Ben Het, the forward artillery post which had been beseiged by the North Vietnamese had been released only two days ago.

In PleiKu, we were briefed on the situation in the whole corps area. North Vietnamese enter this area from several directions—from the Ho Chi Minh trail and from the Cambodian sanctuary recently established by the North Vietnamese. Yet, once again the briefing concerned, mainly, the pacification program. This II Corps area embraces 12 provinces of South Vietnam—and only 5 of them, those on the western borders, were concerned primarily with military operations. The Commanding General of II Corps explained to us the problems encountered by his South Vietnamese troops—they have, he said, been shelled by North Vietnamese artillery firing from Cambodia.

But, he was extremely proud of the 42nd ARVN Regiment, which had defeated the 16th Regiment of the North Vietnamese army in a decisive encounter around Ben Het. Senator Bellmon and I had not realized the background of this encounter.

In 1967 and again in 1968, there had been substantial fighting in the Ben Het area. In late 1968, responsibility for ground troops in this area had been assigned to the 42nd ARVN Regiment. When the 1969 battle commenced, the North Vietnamese commander in Cambodia, we were told, had written to the ARVN Regimental Commander and demanded his surrender. This North Vietnamese had stated that the American had abandoned the ARVN, that they were outnumbered and would be overrun.

It was a battle of the Bulge type of demand. And, the ARVN responded to it by dig-

ging in around Ben Het, and bringing up reserves. No U.S. ground forces were used in this battle.

So we could talk to the men directly involved, Senator Bellmon and I ask to be flown to Ben Het—it was no longer under fire, although several small engagements had been reported that morning about 8 miles from Ben Het.

This outpost is the last on the South Vietnamese road #14 which goes through the Montagnard area of South Vietnam. Proud, small mountain people, the Montagnards had been brought into the war by Special Forces personnel who sought their help to stop the flow of supplies from North Vietnam over the Trail. And, as we flew from PleiKu to Ben Het in another "Huey" helicopter we saw the Montagnard villages—newly established—along the road. Stationed about every mile on this road were parked tanks, half tracks, or personnel carriers of the ARVN regiment. They were taking no chances that remnants of the North Vietnamese Regiment could break through to either Kantum, which is at the junction of the South Vietnamese main roads—#14 and #58, or to PleiKu.

The Ben Het fortifications were located on three hills—and had two batteries of 155 howitzers which also had one 175 mm gun. It was the monsoon season and the mud came up over our boots. We were met in a tracked vehicle by two young U.S. Captains. One had been there just 18 days—he had come in in the middle of the battle, and was still very much keyed up. The artillery captain told us how the post had been defended—at times, we were told, the artillery pieces were fired at point blank range into the North Vietnamese who tried to take the position. Both Captains warmly praised the ARVN ground troops which had protected the post—three perimeters had been set up, the farthest out being manned by ARVN, the next by ARVN and the inner by the artillery and camp support forces.

The shelling of this post, we were told, was fantastic—and the damage caused was evident. Every vehicle had flat tires, shattered windshields, and evidence of the air drops abounded everywhere.

During the battle, it was discovered that the North Vietnamese had tunneled under the post—and it was necessary for the defenders to sweep away the enemy from the tunnel so that it could be destroyed.

An indication of the intensity of the fighting was demonstrated by the B–52 air strikes which delivered bombs within a mile of the outer perimeter of Ben Het.

The significance of Ben Het was that South Vietnamese troops met and defeated a well supplied North Vietnamese force. And, the command decisions were made by South Vietnamese. As we left Ben Het, we were told that intelligence reports indicated that the enemy had withdrawn to Cambodia and the front line ARVN troops were being relieved.

At Kontum Senator Bellmon and I had a chance to visit with lads from our respective states who are serving with the 2nd Brigade of the 4th Infantry Division. This was at "Mary Lou"—a Fire Support Base near Kontum. (Each of these FBS areas is named by the commanding officer with his wife's first name).

The "Highlander" Division gave each of us an HK–47—the Chinese made automatic rifle used by the North Vietnamese in this area. And, we were shown the most amazing array of weapons taken from the enemy—mortars, machine guns, anti-aircraft rifles, and automatic rifles and pistols of every size and description. Each of these showed—through markings and serial numbers—their origin. I can't read Russian, Czechoslovakian or Chinese, but I can recognize Chinese characters, and the Russian letters—and no doubt rests in my mind that the information given us of the origin of those weapons was correct.

We flew from the Kontum area to Cheo Reo in Phu Ban Province next. This province has no U.S. ground troops—and has only a small advisory team of U.S. people working on pacification projects. We were shown the new water system, a new hospital, a new housing area, experimental fruit tree farms and so many projects it's hard to remember all of them. Obviously, the war was almost over here in Phi Bar Province.

A U 21 flew us to Nha Trang where we spent our last night in South Vietnam with Lt. Gen. Corcoran. At dinner that night Henry Bellmon and I talked with General Corcoran about the future of South Vietnam, the readiness of its forces, and the stability of its government.

This war has been a tough war for all Americans—it has been brutal on our men here in Vietnam, and most of our conversations with these men, regardless of rank, involved their questioning of us about attitudes at home.

Barring an immediate new offensive from the North, this war is about over. We have not won the war—but we have given the South Vietnamese time to train and arm themselves to resist further attack.

We have returned home with confidence that President Nixon's withdrawal policy is sound—and with the conviction that even if there is dissension at home, the American forces in South Vietnam know why they are there. One thing surprised me—that was the number of men serving a second assignment to South Vietnam. Almost half the men I talked with, personally, had been there before and had volunteered to return.

I earnestly hope that the next time I go back it will be when peace has come to Vietnam—when our troops have all returned home—and the beautiful, proud people of South Vietnam are once again restored their fertile, productive land into farms of every size and description.

S. 2624—INTRODUCTION OF THE CUSTOMS COURT ACT AND CUSTOMS ADMINISTRATIVE ACT OF 1969

Mr. HRUSKA. Mr. President, on behalf of myself and the senior Senator from Maryland (Mr. TYDINGS), chairman of the Subcommittee on Improvement of Judicial Machinery, I introduce a bill to improve the judicial machinery in the Customs Courts by modernizing the present court procedures and by updating the related administrative processes in the Bureau of Customs. Passage of the bill will help the U.S. Customs Court to cope more effectively with the sharp increase that has occurred in its workload in the past few years.

The rise in the number of cases received by the Customs Court can be attributed to a number of factors. These include: First, a significant increase in imports into the United States during each of the past few years; second, a new set of tariff schedules; and third, a more aggressive attitude by the American importers and manufacturers in challenging customs decisions. Each of these has undoubtedly increased the work of the Bureau of Customs and eventually, of the Customs Court.

However, a major contributor to the court's mounting caseload are the present laws which require the Bureau of Customs and the Customs Court to follow procedures that have long since become outmoded and wasteful. These provisions, some of which date back to 1890, hamper the court in making maximum use of its resources of judicial manpower, compel the court to perform unnecessary tasks and prevent the Bureau of Customs from disposing administratively of many matters that do not require judicial determination.

A few pertinent statistics provide a vivid picture of the problems which beset the U.S. Customs Court. In fiscal year 1963, the court received about 35,000 new cases. By fiscal year 1968, it was receiving over 108,000 cases. In this same period, the court increased its rate of termination of cases from an annual average of 32,000 during the period between fiscal year 1963 and fiscal year 1966 to more than 43,000 in fiscal year 1968.

Thus, despite the substantial rise in its case termination rate, the court has been faced with a growing accumulation of pending cases. In fiscal year 1963 these amounted to 186,452; in fiscal year 1964 to 199,650; in fiscal 1965 to 218,926; in fiscal year 1966 to 245,123; in fiscal year 1967 to 343,065; and in fiscal year 1968 to 404,932.

By December 31, 1968, the number of pending cases had risen to 431,348. By March 31, 1969, there were 439,278 cases pending.

Among the major defects in presently required statutory procedures are the following:

First. When a single entry of merchandise presents both appraisement and classification questions, neither the Bureau of Customs nor the court can review both issues in a single proceeding. The appraisement issue must first be pursued. The classification issue can be disposed of only after the appraisement issue has been finally determined.

Second. The Bureau of Customs lacks authority to correct administratively any errors of appraisement. Filing an appeal for reappraisement by the importer automatically divests the Bureau of jurisdiction and places the matter before the Customs Court. Thereafter, any modification of appraised values can only be remedied in a judicial proceeding before the court.

Third. The importer has unrealistically short periods of 30 days in appraisement matters and 60 days in classification matters in which to decide whether to litigate the Bureau of Customs decision by appealing the appraisement or protesting the classification. In many cases, importers file appeals or protests as protective measures.

Fourth. The Bureau of Customs must automatically refer appeals for reappraisement and denials of protests to the Customs Court for disposition without regard to whether or not the importer intends to litigate.

Fifth. The court lacks statutory authority to charge a filing fee for commencing actions. The absence of a filing fee eliminates one restraining factor that might otherwise deter importers from bringing unnecessary and unwarranted cases into court.

Sixth. Protest cases, which constitute about 60 percent of all customs cases, must be decided by a three-judge division of the court, even though appraisement cases, which present no greater difficulties, are decided by a single judge.

Seventh. Single-judge decisions of appraisement cases are subject to review by a three-judge division of the court.

Eighth. All decisions in the court must be in writing and must contain a statement of the reasons for the decision, and the facts on which it is based.

Ninth. Single judges trying classification cases in ports outside of New York, have no power to decide, but must return the hearing record to New York for decision by a three-judge division which may sometimes not even include the judge who heard the case.

The proposed bill will modernize procedures in the Bureau of Customs and the Customs Court by changing these statutory provisions in the following respects:

First, the Bureau of Customs in liquidating an entry, will decide at one time all issues relating to the dutiability of the merchandise, including appraisement and classification.

Second, the importer will have 90 days to decide whether he wishes to protest the Bureau of Customs decision and get further administrative review. This will give the importer enough time to consider his case fully and decide whether it would be in his interest to seek administrative review. This should reduce the number of protests filed, under the pressure of time, as a protective measure by the importer.

Third, the Bureau of Customs will have 90 days from the date of liquidation to reliquidate the entry on its own initiative. This authority provides additional time in which the Bureau of Customs can correct errors in classification and provides new authority to correct errors in appraisement. Use of this new authority may obviate the need for an importer to litigate for this purpose.

Fourth, if the Bureau of Customs denies the protest in whole or in part, the importer will have 180 days in which to decide whether or not to have the administrative decision reviewed by the court. This should be sufficient time for the importer to reach a fully considered decision on whether or not to litigate. It should eliminate many cases that now go on the court's dockets as protective appeals or protests because the present 30 or 60 days' provisions are too short to permit the importer to make informed judgments.

Fifth, the importer will be able to obtain accelerated disposition of his protest by filing a written request with the Bureau of Customs at any time after 90 days have elapsed from the date of protest. If the Bureau of Customs does not allow or deny his protest in whole or in part within 30 days thereafter, it will be deemed denied on the 30th day following receipt of request. The importer will then have the right to commence an action in the court.

Sixth, any protest which has not been allowed or denied by the Bureau of Customs or which has not been deemed denied after a request has been received for accelerated disposition, will be deemed denied after 2 years have elapsed from the date the protest was filed. The importer will then have a right to commence an action in court.

Seventh, automatic referral of all appeals for reappraisement and all denials of protest to the Customs Court will be eliminated.

Eighth, an importer wishing to obtain judicial review of decisions of the Bureau of Customs will be required to commence an action by filing a summons in the Customs Court.

Ninth, there will be a single judicial proceeding in the court in which all issues, including both appraisement and classification, will be taken up. The importer will be able to include in one cause of action all his entries of merchandise which present common issues. The court, however, will have authority to order actions consolidated or severed, as circumstances warrant.

Tenth, the court will have authority to fix a filing fee for commencing an action but the amount may not exceed that in the U.S. district court. Whether a fee is to be charged, and the amount thereof, will lie in the court's discretion. The imposition of a fee, however, could induce potential litigants to consider carefully whether they wished to bring suit. Litigants could also minimize the impact of the fee by consolidating numerous importations involving the same issues into a single cause of action. The effect of a filing fee, therefore, could be to reduce substantially the number of cases brought in the Customs Court each year.

Eleventh, all cases in the Customs Court will normally be tried by a single judge, thereby increasing the judicial manpower available for hearing and deciding cases.

Twelfth, the chief judge will have the authority, on application or on his own initiative, to designate three-judge trials when there is a cause of action that either raises a constitutional question, or, has broad or significant implications in the administration or interpretation of the customs laws. The use of a three-judge trial will provide a means for obtaining carefully considered decisions in landmark or other important issues.

Thirteenth, in contested cases, the judge will be able to support his decision by either a statement of findings of fact and conclusions of law or by an opinion stating the reasons and the facts upon which his decision is based. This option will modify the present requirement that in every case the judge must write a decision with a statement of the reasons therefore and the facts on which the decision was based.

Fourteenth, cases in ports outside of New York will be tried in the same manner as cases in New York and the trial judge will have full authority to hear and decide the case.

Fifteenth, appeals from all cases will go directly to the Court of Customs and Patent Appeals. This will relieve the Customs Court of its present burden of having to set up three-judge divisions to hear appeals from single-judge decisions in appraisement cases.

It is my hope that this bill will be promptly and favorably considered by the Congress and enacted into law so as to permit speedy and effective adjudication of customs disputes.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill prepared by staff, together with the transmittal letter to the Vice President from the Department of Justice, and the text of the bill itself, be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the section-by-section analysis, the transmittal letter, and the text of the bill will be printed in the RECORD, in accordance with the Senator's request.

The bill (S. 2624) to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes, introduced by Mr. HRUSKA (for himself and Mr. TYDINGS), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2624

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

TITLE I—JUDICIAL ACTIONS IN CUSTOMS CASES

SHORT TITLE

SEC. 101. This title may be cited as "The Customs Courts Act of 1969".

APPEALS FROM CUSTOMS COURT DECISIONS—JURISDICTION

SEC. 102. Section 1541 to title 28 of the United States Code is amended to read as follows:

"§ 1541. Appeals from Customs Court decisions.

"(a) The Court of Customs and Patent Appeals has jurisdiction of appeals from all final judgments or orders of the United States Customs Court.

"(b) When a judge in the Customs Court, in issuing an interlocutory order, includes in the order a statement that a controlling question of law is involved as to which there is substantial ground for difference of opinion and that an immediate appeal from its order may materially advance the ultimate termination of the litigation, the Court of Customs and Patent Appeals may, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: *Provided, however,* That neither the application for nor the granting of an appeal hereunder stays proceedings in the Customs Court unless a stay is ordered by a judge of the Customs Court or by the Court of Customs and Patent Appeals or a judge of that court."

APPEALS FROM CUSTOMS COURT DECISIONS—PROCEDURE

SEC. 103. Section 2601 of title 28 of the United States Code is amended to read as follows:

"§ 2601. Appeals from Customs Court decisions.

"(a) A party may appeal to the Court of Customs and Patent Appeals from a final judgment or order of the Customs Court within sixty days after entry of the judgment or order.

"(b) An appeal is made by filing in the office of the clerk of the Court of Customs and Patent Appeals a notice of appeal which shall include a concise statement of the errors complained of. A copy of the notice shall be served on the adverse parties. When the United States is an adverse party, service shall be made on the Attorney General and the Secretary of the Treasury or their designees. Thereupon, the Court of Customs and Patent Appeals shall order the Customs Court to transmit the record and evidence taken, together with either the findings of

fact and conclusions of law or the opinion, as the case may be.

"(c) The Court of Customs and Patent Appeals may affirm, modify, vacate, set aside, or reverse any judgment or order of the Customs Court lawfully brought before it for review, and may remand the cause and direct the entry of an appropriate judgment or order, or require such further proceedings as may be just under the circumstances. The judgment or order of the Court of Customs and Patent Appeals shall be final and conclusive unless modified, vacated, set aside, reversed, or remanded by the Supreme Court under section 2106 of this title."

PRECEDENCE OF AMERICAN MANUFACTURER, PRODUCER OR WHOLESALER CASES

SEC. 104. Section 2602 of title 28 of the United States Code is amended to read as follows:

"§ 2602. Precedence of American manufacturer, producer or wholesaler cases.

"(a) Every proceeding in the Court of Customs and Patent Appeals arising under section 516 of the Tariff Act of 1930, as amended, shall be given precedence over other cases on the docket of such court, except as provided for in paragraph (b) of this section, and shall be assigned for hearing at the earliest practicable date and expedited in every way.

"(b) Appeals from findings by the Secretary of Commerce provided for in headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (19 U.S.C. 1202) shall receive a preference over all other matters."

DUTIES OF CHIEF JUDGE; PRECEDENCE OF JUDGES

SEC. 105. Section 253 of title 28 of the United States Code is amended to read as follows:

"§ 253. Duties of chief judge; precedence of judges.

"(a) The chief judge of the Customs Court, with the approval of the court, shall supervise the fiscal affairs and clerical force of the court.

"(b) The chief judge shall promulgate dockets.

"(c) The chief judge, under rules of the court, may designate any judge or judges of the court to try any case and, when the circumstances so warrant, reassign the case to another judge or judges.

"(d) Whenever the chief judge is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the judge next in precedence who is able to act, until such disability is removed or another chief judge is appointed and duly qualified.

"(e) The chief judge shall have precedence and shall preside at any session which he attends. Other judges shall have precedence and shall preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age."

SINGLE-JUDGE TRIALS

SEC. 106. Section 254 of title 28 of the United States Code is amended to read as follows:

"§ 254. Single-judge trials.

"Except as otherwise provided in section 255 of this title, the judicial power of the Customs Court with respect to any action, suit or proceeding shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges."

PUBLICATION OF DECISIONS

SEC. 107. Section 255 of title 28 of the United States Code is redesignated as section 257 and is amended to read as follows:

"§ 257. Publication of decisions.

"All decisions of the Customs Court shall be preserved and open to inspection. The court shall forward copies of each decision to the Secretary of the Treasury or his designee and to the appropriate customs officer for the district in which the case arose. The Secretary shall publish weekly such decisions as he or the court may designate and abstracts of all other decisions."

THREE-JUDGE TRIALS

SEC. 108. There shall be a new section 255 of title 28 of the United States Code as follows:

"§ 255. Three-judge trials.

"(a) Upon application of any party to a cause of action, or upon his own initiative, the chief judge of the Customs Court shall designate any three judges of the court to hear and determine any cause of action which the chief judge finds: (1) raises an issue of the constitutionality of an Act of Congress, a proclamation of the President or an Executive Order; or (2) has broad or significant implications in the administration or interpretation of the customs laws.

"(b) A majority of the three judges designated may hear and determine the cause of action and all questions pending therein."

TRIALS AT PORTS OTHER THAN NEW YORK

SEC. 109. There shall be a new section 256 of title 28 of the United States Code as follows:

"§ 256. Trials at ports other than New York.

"(a) The chief judge may designate any judge or judges of the court to proceed, together with necessary assistants, to any port or to any place within the jurisdiction of the United States to preside at a trial or hearing at the port or place.

"(b) Upon application of a party and for good cause shown, or upon his own initiative, the chief judge may authorize a judge of the court to preside at a trial or hearing in a foreign country."

JURISDICTION OF THE CUSTOMS COURT

SEC. 110. Section 1582 of title 28 of the United States Code is amended to read as follows:

"§ 1582. Jurisdiction of the Customs Court.

"(a) The Customs Court shall have exclusive jurisdiction of civil actions instituted by any person whose protest pursuant to the Tariff Act of 1930, as amended, has been denied, in whole or in part, by the appropriate customs officer, where the decision, including the legality of all orders and findings entering into the same, involves: (1) the appraised value of merchandise; (2) the classification and rate and amount of duties chargeable; (3) all charges or exactions of whatever character within the jurisdiction of the Secretary of the Treasury; (4) the exclusion of merchandise from entry or delivery under any provisions of the customs laws: (5) the liquidation or reliquidation of an entry, or a modification thereof; (6) the refusal to pay a claim for drawback; and (7) the refusal to reliquidate an entry under section 520(c) of the Tariff Act of 1930, as amended.

"(b) The Customs Court shall have exclusive jurisdiction of civil actions brought by American manufacturers, producers or wholesalers pursuant to section 516 of the Tariff Act of 1930, as amended.

"(c) The Customs Court shall not have jurisdiction of an action unless (1) either a protest has been filed, as prescribed by section 514 of the Tariff Act of 1930, as amended, and denied in accordance with the provisions of section 515 of the Tariff Act of 1930, as amended, or if the action relates to a decision under section 516 of the Tariff Act of 1930, as amended, all remedies prescribed therein have been exhausted, and (2) except in the case of an action relating to a decision under section 516 of the Tariff Act of 1930, as amended, all liquidated duties, charges or exactions have been paid at the time the action is filed.

"(d) Only one civil action may be brought in the Customs Court to contest the denial of a single protest. However, any number of entries of merchandise involving common issues may be included in a single civil action. Actions may be consolidated by order of the court or by request of the parties, with approval of the court, if there are common issues."

REPEAL OF SECTION 1583—REVIEW OF DECISIONS ON PROTESTS

SEC. 111. Section 1583 of title 28 of the United States Code is repealed.

TIME FOR COMMENCEMENT OF ACTION

SEC. 112. Section 2631 of title 28 of the United States Code is amended to read as follows:

"§ 2631. *Time for commencement of action.*

"(a) An action over which the court has jurisdiction under section 1582(a) of this title is barred unless commenced within one hundred and eighty days after:

"(1) the date of mailing of notice of denial in whole or in part, of a protest pursuant to the provisions of section 515(a) of the Tariff Act of 1930, as amended; or

"(2) the date of denial of a protest by operation of law pursuant to the provisions of sections 515(b) or 515(c) of the Tariff Act of 1930, as amended.

"(b) An action over which the court has jurisdiction under section 1582(b) of this title is barred unless commenced within thirty days after the date of mailing of a notice sent pursuant to section 516(c) of the Tariff Act of 1930, as amended."

CUSTOMS COURT PROCEDURE AND FEES

SEC. 113. Section 2632 of title 28 of the United States Code is amended to read as follows:

"§ 2632. Customs Court procedure and fees.

"(a) A party may contest denial of a protest under section 515 of the Tariff Act of 1930, as amended, or the decision of the Secretary of the Treasury made under section 516 of the Tariff Act of 1930, as amended, by bringing a civil action in the Customs Court. A civil action shall be commenced by filing a summons in the form, manner and style and with the content prescribed in rules adopted by the court.

"(b) There may be a filing fee payable upon commencing an action. The amount of the fee shall be fixed by the Customs Court but shall not exceed the filing fee for commencing a civil action in a United States district court. The Customs Court may fix all other fees to be charged by the clerk of the court.

"(c) The Customs Court shall provide by rule for pleadings and other papers, for their amendment, service, and filing, for consolidations, severances and suspensions of cases, and for other procedural matters.

"(d) The Customs Court, by rule, may consider any new ground in support of a civil action if the new ground: (1) applies to the same merchandise that was the subject of the protest; and (2) is related to the same administrative decision contested in the protest.

"(e) All pleadings and other papers filed in the Customs Court shall be served on all the adverse parties in accordance with the rules of the court. When the United States is an adverse party, service of the summons shall be made on the Attorney General and the Secretary of the Treasury or their designees.

"(f) Upon service of the summons on the Secretary of the Treasury or his designee, the appropriate customs officer shall forthwith transmit the following documents to the United States Customs Court as an official record of the civil action: (1) consumption or other entry; (2) commercial invoice; (3) special Customs invoice; (4) copy of protest; and (5) copy of denial of protest, in whole or in part, if any denial has been issued."

PRECEDENCE OF AMERICAN MANUFACTURER, PRODUCER OR WHOLESALER CASES

SEC. 114. Section 2633 of title 28 of the United States Code is amended to read as follows:

"§ 2633. Precedence of American manufacturer, producer or wholesaler cases.

"Every proceeding in the Customs Court arising under section 516 of the Tariff Act of 1930, as amended, shall be given precedence over other cases on the docket of the court, and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way."

NOTICE

SEC. 115. Section 2634 of title 28 of the United States Code is amended to read as follows:

"§ 2634. Notice.

"Reasonable notice of the time and place of trial before a judge of the Customs Court shall be given to all parties to any proceeding, under rules prescribed by the court."

BURDEN OF PROOF; EVIDENCE OF VALUE

SEC. 116. Section 2635 of title 28 of the United States Code is amended to read as follows:

"§ 2635. Burden of proof; evidence of value.

"In any matter in the Customs Court:

"(a) The decision of the Secretary of the Treasury, or his delegate, is presumed to be correct. The burden to prove otherwise shall rest upon the party challenging a decision.

"(b) Where the value of merchandise is in issue:

"(1) Reports or depositions of consuls, customs officers, and other officers of the United States and depositions and affidavits of other persons whose attendance cannot reasonably be had, may be admitted in evidence when served upon the opposing party in accordance with the rules of the court.

"(2) Price lists and catalogs may be admitted in evidence when duly authenticated, relevant, and material.

"(c) The value of merchandise shall be determined from the evidence in the record and that adduced at the trial whether or not the merchandise or samples thereof are available for examination."

ANALYSIS OF IMPORTED MERCHANDISE

SEC. 117. Section 2636 of title 28 of the United States Code is amended to read as follows:

"§ 2636. Analysis of imported merchandise.

"A judge of the Customs Court may order an analysis of imported merchandise and reports thereon by laboratories or agencies of the United States."

WITNESSES; INSPECTION OF DOCUMENTS

SEC. 118. Section 2637 of title 28 of the United States Code is amended to read as follows:

"§ 2637. Witnesses; inspection of documents.

"(a) In any proceeding in the Customs Court, under rules prescribed by the court, the parties and their attorneys shall have an opportunity to introduce evidence, to hear and cross-examine the witnesses of the other party and to inspect all samples and all papers admitted or offered as evidence, except as provided in subsection (b) of this section.

"(b) In an action instituted by an American manufacturer, producer or wholesaler, the plaintiff may not inspect any documents or papers of a consignee or importer disclosing any information which the Customs Court deems unnecessary or improper to be disclosed."

DECISIONS; FINDINGS OF FACT AND CONCLUSIONS OF LAW; EFFECT OF OPINIONS

SEC. 119. Section 2638 of title 28 of the United States Code is amended to read as follows:

"§ 2638. Decisions; findings of fact and conclusions of law; effect of opinions.

"(a) A decision of the judge in a contested case shall be supported by either (1) a statement of findings of fact and conclusions of law or (2) an opinion stating the reasons and facts upon which the decision is based.

"(b) The decision of the judge is final and conclusive, unless a retrial or rehearing is granted pursuant to section 2639 of this title or an appeal is made to the Court of Customs and Patent Appeals within the time and in the manner provided in section 2601 of this title."

RETRIAL OR REHEARING

SEC. 120. Section 2639 of title 28 of the United State Code is amend to read as follows:

"§ 2639. Retrial or rehearing.

"The judge who has rendered a judgment or order may, upon motion of a party or upon his own motion, grant a retrial or a rehearing, as the case may be. A party's motion must be made, or the judge's action on his motion must be taken, not later than thirty days after entry of the judgment or order."

REPEAL OF SECTIONS 2640, 2641, 2642—REHEARING OR RETRIAL; FRIVOLOUS PROTEST OR APPEAL; AMENDMENT OF PROTESTS, APPEALS, AND PLEADINGS

SEC. 121. Sections 2640, 2641 and 2642 of title 28 of the United States Code are repealed.

EFFECTIVE DATE

SEC. 122. (a) This title shall become effective on January 1, 1970 and shall thereafter apply to all actions and proceedings in the Customs Court and the Court of Customs and Patent Appeals except those involving merchandise entered before the effective date for which trial has commenced by such effective date.

(b) An appeal for reappraisement timely filed with the Bureau of Customs before the effective date, but as to which trial has not commenced by such date, shall be deemed to have had a summons timely and properly filed under this title. When the judgment or order of the United States Customs Court has become final in this appeal, the papers shall be returned to the appropriate customs officer to decide any remaining matters relating to the entry in accordance with section 500 of the Tariff Act of 1930, as amended. A protest or summons filed after final decision on an appeal for reappraisement shall not include issues which were raised or could have been raised on the appeal for reappraisement.

(c) A protest timely filed with the Bureau of Customs before the effective date of enactment of this Act and which is disallowed, as to which trial has not commenced by such date, shall be deemed to have had a summons timely and properly filed under this title.

(d) All other provisions of this Act shall apply to appeals and disallowed protests deemed to have had summonses timely and properly filed under this section.

MISCELLANEOUS AMENDMENTS

SEC. 123. (a) The analysis of chapter 11 of title 28 of the United States Code, immediately preceding section 251 of such title, is amended by striking the caption of section 254 and substituting therefor the caption, "Single-judge trails.", by striking the caption of section 255 and substituting therefor the caption "Three-judge trials." and by adding the following captions at the end of the analysis of that chapter:

"256. Trials at ports other than New York.
"257. Publication of decisions."

(b) The analysis of chapter 93 of title 28 of the United States Code, immediately preceding section 1541 of such title is amended by striking the caption of section 1541 and substituting the caption "Appeals from Customs Court decisions."

(c) The analysis of chapter 95 of title 28 of the United States Code, immediately preceding section 1581 of such title, is amended to read as follows:

"Sec.
"1581. Powers generally.
"1582. Jurisdiction of the Customs Court."

(d) The analysis of chapter 167 of title 28 of the United States Code, immediately preceding section 2601, is amended to read as follows:

"Sec.
"2601. Appeals from Customs Court decisions.
"2602. Precedence of American manufacturer, producer or wholesaler cases."

(e) The analysis of chapter 169 of title 28 of the United States Code, immediately preceding section 2631 of such title, is amended to read as follows:

"Sec.
"2631. Time for commencement of action.
"2632. Customs Court procedure and fees.
"2633. Precedence of American manufacturer, producer or wholesaler cases.
"2634. Notice.
"2635. Burden of proof; evidence of value.
"2636. Analysis of imported merchandise.
"2637. Witnesses inspection of documents.
"2638. Decisions; findings of fact and conclusions of law; effect of opinions.
"2639. Retrial or rehearing."

TITLE II—ADMINISTRATIVE PROCEEDINGS IN CUSTOMS MATTERS

SHORT TITLE

SEC. 201. Titles II and III of this Act may be cited as "The Customs Administrative Act of 1969."

AMENDMENT OF SECTIONS

SEC. 202. Unless otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or provision of the Tariff Act, the reference shall be considered to be made to a section or provision of the Tariff Act of 1930, as amended (19 U.S.C. 1202 et seq.).

EFFECTIVE DATE

SEC. 203. Titles II and III of this Act shall take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, the appraisement of which has not become final before the date of enactment and for which an appeal for reappraisement has not been timely filed with the Bureau of Customs before January 1, 1970.

APPRAISEMENT, CLASSIFICATION AND LIQUIDATION PROCEDURES; COLLECTIONS AND REFUNDS; LIMITATIONS

SEC. 204. (a) Section 500 of the Tariff Act (19 U.S.C. 1500) is hereby amended to read as follows:

"SEC. 500. APPRAISEMENT, CLASSIFICATION AND LIQUIDATION PROCEDURES.

"The appropriate customs officer shall, under rules and regulations prescribed by the Secretary—

"(a) appraise merchandise in the unit of quantity in which the merchandise is usually bought and sold by ascertaining or estimating the value thereof by all reasonable ways and means in his power, any statement of cost or costs of production in any invoice, affidavit, declaration, or other document to the contrary notwithstanding;

"(a) ascertain the classification and rate of duty applicable to such merchandise;

"(c) fix the amount of duty to be paid on such merchandise and determine any increased or additional duties due or any excess of duties deposited;

"(d) liquidate the entry of such merchandise; and

"(e) give notice of such liquidation to the

importer, his consignee, or agent in such form and manner as the Secretary shall prescribe in such regulations."

(b) Section 488 of the Tariff Act (19 U.S.C. 1488) is repealed.

(c) Section 505 of the Tariff Act (19 U.S.C. 1505) is amended to read as follows:

SEC. 505. PAYMENT OF DUTIES.

"(a) DEPOSIT OF ESTIMATED DUTIES.—Unless merchandise is entered for warehouse or transportation, or under bond, the consignee shall deposit with the appropriate customs officer at the time of making entry the amount of duties estimated by such customs officer to be payable thereon.

"(b) COLLECTION OR REFUND.—The appropriate customs officer shall collect any increased or additional duties due or refund any excess of duties deposited as determined on a liquidation or reliquidation."

REPEAL OF SEPARATE APPRAISEMENT PROCEDURE; VOLUNTARY RELIQUIDATIONS

SEC. 205. Section 501 of the Tariff Act (19 U.S.C. 1501) is amended to read as follows:

"SEC. 501. VOLUNTARY RELIQUIDATIONS.

"A liquidation made in accordance with section 500 or any reliquidation thereof made in accordance with this section may be reliquidated in any respect by the appropriate customs officer on his own initiative, notwithstanding the filing of a protest, within 90 days from the date on which notice of the original liquidation is given to the importer, his consignee or agent. Notice of such reliquidation shall be given in the manner prescribed with respect to original liquidations under section 500(e)."

DUTIABLE VALUE

SEC. 206. Section 503 of the Tariff Act (19 U.S.C. 1503) is amended to read as follows:

"SEC. 503. DUTIABLE VALUE.

"Except as provided in section 520(c) (relating to reliquidations on the basis of authorized corrections of errors) or section 562 (relating to withdrawal from manipulating warehouses) of this Act, the basis for the assessment of duties on imported merchandise subject to ad valorem rates of duty or rates based upon or regulated in any manner by the value of the merchandise, shall be the appraised value determined upon liquidation, in accordance with section 500 or any adjustment thereof made pursuant to section 501 of the Tariff Act: *Provided, however,* That if reliquidation is required pursuant to a final judgment or order of the United States Customs Court which includes a reappraisement of imported merchandise, the basis for such assessment shall be the final appraised value determined by such court."

PROTESTS

SEC. 207. Section 514 of the Tariff Act (19 U.S.C. 1514) is amended to read as follows:

"SEC. 514. FINALITY OF DECISIONS; PROTESTS.

"(a) FINALITY OF DECISIONS.—Except as provided in section 501 (relating to voluntary reliquidations), section 516 (relating to petitions by American manufacturers, producers, and wholesalers), section 520 (relating to refunds and errors), and section 521 (relating to reliquidations on account of fraud) of this Act, decisions of the appropriate customs officer, including the legality of all orders and findings entering into the same, as to—

"(1) the appraised value of merchandise;

"(2) the classification and rate and amount of duties chargeable;

"(3) all charges or exactions of whatever character within the jurisdiction of the Secretary of the Treasury;

"(4) the exclusion of merchandise from entry or delivery under any provision of the customs laws;

"(5) the liquidation or reliquidation of an entry, or any modification thereof;

"(6) the refusal to pay a claim for drawback; and

"(7) the refusal to reliquidate an entry under section 520(c) of this Act,

shall be final and conclusive upon all persons (including the United States and any officer thereof) unless a protest is filed in accordance with this section, or unless a civil action contesting the denial of a protest, in whole or in part, is commenced in the United States Customs Court in accordance with section 2632 of title 28 of the United States Code within the time prescribed by section 2631 of that title. When a judgment or order of the United States Customs Court has become final, the papers transmitted shall be returned together with a copy of the judgment or order to the appropriate customs officer, who shall take action accordingly.

"PROTESTS

"(b)(1) IN GENERAL.—A protest of a decision under subsection (a) shall be filed in writing with the appropriate customs officer designated in regulations prescribed by the Secretary, setting forth distinctly and specifically each decision described in subsection (a) as to which protest is made; each category of merchandise affected by each such decision as to which protest is made; and the nature of each objection and reasons therefor. Only one protest may be filed for each entry of merchandise, except that where the entry covers merchandise of different categories, separate protests may be filed for each category. In addition, separate claims with respect to any one category of merchandise that is the subject of a protest are deemed to be part of a single protest. A protest may be amended under regulations prescribed by the Secretary any time prior to the expiration of the ninety day period in which the protest could have been filed under section 514 of this Act. Except as otherwise provided in section 557(b) of this Act, protests may be filed by the importer, consignee, or any authorized agent of the person paying any charge or exaction, or filing any claim for drawback, or seeking entry or delivery, with respect to merchandise which is the subject of a decision in subsection (a).

"(2) TIME FOR FILING.—A protest of a decision, order, or finding described in subsection (a) shall be filed with such customs officer within ninety days after but not before—

"(A) notice of liquidation or reliquidation, or

"(B) in circumstances where subparagraph (A) is inapplicable, the date of the decision as to which protest is made.

"(c) LIMITATION ON PROTEST OF RELIQUIDATION.—The reliquidation of an entry shall not open such entry so that a protest may be filed against the decision of the customs officer upon any question not involved in such reliquidation."

REVIEW OF PROTESTS

SEC. 208. Section 515 of the Tariff Act (19 U.S.C. 1515) is amended to read as follows:

"SEC. 515. REVIEW OF PROTESTS.

"(a) ADMINISTRATIVE REVIEW AND MODIFICATION OF DECISIONS.—The appropriate customs officer shall review a protest filed in accordance with section 514 of this Act and may allow or deny such protest in whole or in part. Thereafter, he shall remit or refund any duties, charge, or exaction found to have been assessed or collected in excess, or pay any drawback found due. Notice of the denial of any protest shall be mailed in the form and manner prescribed by the Secretary of the Treasury.

"(b) REQUEST FOR ACCELERATED DISPOSITION OF PROTEST.—A request for accelerated disposition of a protest filed in accordance with section 514 of this Act may be filed in writing with the appropriate customs officer any time after ninety days following the filing of such protest. For purposes of section 1582 of title 28 of the United States Code, a protest which has not been allowed or denied in whole or in part within thirty days following receipt of a request for accelerated disposition shall be deemed denied on the thirtieth day following receipt of such request."

"(c) CONSTRUCTIVE DENIAL OF PROTEST.—Any protest which has not been allowed or denied in whole or in part in accordance with paragraph (a) of this section and which is not deemed to be denied in accordance with paragraph (b) of this section, shall be deemed denied after two years have elapsed from the date the protest was filed in accordance with section 514 of this Act."

PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS OR WHOLESALERS

SEC. 209. Section 516 of the Tariff Act (19 U.S.C. 1516) is amended to read as follows:

"SEC. 516. PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, OR WHOLESALERS—VALUE AND CLASSIFICATION.

"(a) The Secretary shall, upon written request by an American manufacturer, producer or wholesaler, furnish the classification, and the rate of duty, if any, imposed upon designated imported merchandise of a class or kind manufactured, produced, or sold at wholesale by him. If such manufacturer, producer or wholesaler believes that the appraised value is too low, that the classification is not correct, or that the proper rate of duty is not being assessed, he may file a petition with the Secretary setting forth (1) a description of the merchandise, (2) the appraised value, the classification, or the rate or rates of duty that he believes proper, and (3) the reasons for his belief.

"(b) If, after receipt and consideration of a petition filed by an American manufacturer, producer or wholesaler, the Secretary decides that the appraised value of the merchandise is too low, or that the classification of the article or rate of duty assessed thereon is not correct, he shall determine the proper appraised value or classification or rate of duty, and notify the petitioner of his determination. All such merchandise entered for consumption or withdrawn from warehouse for consumption more than thirty days after the date such notice to the petitioner is published in the weekly Customs Bulletin shall be appraised or classified or assessed as to rate of duty in accordance with the Secretary's determination.

"(c) If the Secretary decides that the appraised value or classification of the articles or the rate of duty with respect to which a petition was filed pursuant to subsection (a) is correct, he shall so inform the petitioner. If dissatisfied with the decision of the Secretary, the petitioner may file with the Secretary, not later than thirty days after the date of the decision, notice that he desires to contest the appraised value or classification of, or rate or duty assessed upon, the merchandise. Upon receipt of notice from the petitioner, the Secretary shall cause publication to be made of his decision as to the proper appraised value or classification or rate of duty and of the petitioner's desire to contest, and shall thereafter furnish the petitioner with such information as to the entries and consignees of such merchandise, entered after the publication of the decision of the Secretary at such ports of entry designated by the petitioner in his notice of desire to contest, as will enable the petitioner to contest the appraised value or classification of, or rate of duty imposed upon, such merchandise in the liquidation of one such entry at such port. The Secretary shall direct the appropriate customs officer at such ports to notify the petitioner by mail immediately when the first of such entries is liquidated.

"(d) Notwithstanding the filing of an action pursuant to section 2632 of title 28 of the United States Code, merchandise of the character covered by the published decision of the Secretary (when entered for consumption or withdrawn from warehouse for consumption on or before the date of publication of a decision of the United States Customs Court or of the United States Court of

Customs and Patent Appeals, not in harmony with the published decision of the Secretary) shall be appraised or classified, or both, and the entries liquidated, in accordance with the decision of the Secretary and, except as otherwise provided in this chapter, the final liquidations of these entries shall be conclusive upon all parties.

"(e) The consignee or his agent shall have the right to appear and to be heard as a party in interest before the United States Customs Court.

"(f) If the cause of action is sustained in whole or in part by a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, merchandise of the character covered by the published decision of the Secretary, which is entered for consumption or withdrawn from warehouse for consumption after the date of publication of the court decision, shall be subject to appraisement, classification, and assessment of duty in accordance with the final judicial decision in the action, and the liquidation of entries covering the merchandise so entered or withdrawn shall be suspended until final disposition is made of the action, whereupon the entries shall be liquidated, or if necessary, reliquidated in accordance with the final decision.

"(g) Regulations shall be prescribed by the Secretary to implement the procedures required under this section."

REFUNDS AND ERRORS

SEC. 210. Section 520(c) of the Tariff Act (19 U.S.C. 1520(c)) is amended by—

(a) striking the words "the Secretary of the Treasury may authorize a collector to" and substituting the words "the appropriate customs officer may, in accordance with regulations prescribed by the Secretary,";

(b) striking the word "appraisement," wherever it appears in paragraph (1); and

(c) deleting "sixty" and substituting "ninety" and deleting "ten" and substituting "nine" in paragraph (1).

TITLE III—MISCELLANEOUS AMENDMENTS

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 301. The Tariff Act of 1930, as amended (19 U.S.C. ch. 4), is further amended as follows:

(a) Section 305 (19 U.S.C. 1305) is amended by—

(1) striking the word "collector" in the first paragraph and inserting in lieu thereof "appropriate customs officers"; and

(2) striking the term "the collector" where it first appears in the second paragraph and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" wherever it thereafter appears in the paragraph and inserting in lieu thereof "such customs officer."

(b) Sections 311, 315, 432, 434, 438, 441, 443–447, 449–450, 452–455, 457, 485, 490, 492, 496, 521, 555, 562, 584, 586, 609, 613, and 614 (19 U.S.C. 1311, 1315, 1432, 1434, 1438, 1441, 1443–1447, 1449–1450, 1452–1455, 1457, 1485, 1490, 1492, 1496, 1521, 1555, 1562, 1584, 1586, 1609, 1613, and 1614) are amended by striking the word "collector" wherever it appears in the sections and inserting in lieu thereof "appropriate customs officer".

(c) Section 401 (19 U.S.C. 1401) is amended by—

(1) striking subsections (h), (i) and (j);

(2) redesignating subsections (k), (l), (m) and (n) as subsections (h), (i), (j) and (k), respectively, and amending redesignated subsection (i) to read as follows:

"(i) OFFICER OF THE CUSTOMS: CUSTOMS OFFICER.—The terms 'officer of the customs' and 'customs officer' mean any officer of the Bureau of Customs of the Treasury Department (also hereinafter referred to as the 'Customs Service') or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the Customs Service."

(3) adding a new subsection (l) to read as follows:

"(l) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury or his delegate."

(d) Section 402a (19 U.S.C. 1402) is amended by—

(1) striking the word "appraiser" wherever it appears in the section and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the word "APPRAISER'S" in the heading of subsection (b) and inserting in lieu thereof "CUSTOMS OFFICER'S".

(3) striking the words "subject to review in reappraisement proceedings under section 501" and inserting in lieu thereof "subject to protest in accordance with section 514".

(e) Sections 448, 493 and 608 (19 U.S.C. 1448, 1493, and 1608) are amended by striking the term "the collector" where it first appears in each section and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" wherever it thereafter appears in each section and inserting in lieu thereof "such customs officer".

(f) Section 451 (19 U.S.C. 1451) is amended by—

(1) striking the word "collector" where it appears the first time in the section and inserting in lieu thereof "appropriate customs officer";

(2) striking out the word "collector" where it appears the second time in the section and inserting in lieu thereof "such customs officer"; and

(3) striking the word "collector" where it appears the third time in the section and inserting in lieu thereof "appropriate customs officer".

(g) Section 467 (19 U.S.C. 1467) is amended by striking the words "collector of customs" and inserting in lieu thereof "appropriate customs officer".

(h) Section 482 (19 U.S.C. 1482) is amended as follows—

(1) Subsection (e) is amended by striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer"; and

(2) Subsection (f) is amended by striking "collector of customs or the person acting as such, or by his deputy" and inserting in lieu thereof "appropriate customs officer".

(i) Section 484 (19 U.S.C. 1484) is amended as follows—

(1) Subsection (a) is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer";

(2) Paragraph (1) of subsection (c) is amended by striking the term "the collector" where it first appears in the paragraph and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" where it thereafter appears in the paragraph and inserting in lieu thereof "such customs officer";

(3) Paragraph (2) of subsection (c) is amended by striking the term "The collector" and inserting in lieu thereof "The appropriate customs officer" and by striking the term "the collector" wherever it appears in the paragraph and inserting in lieu thereof "such customs officer";

(4) Subsection (g) is amended by striking the term "collector or the appraiser" and inserting in lieu thereof "appropriate customs officer";

(5) The second and third sentences of subsection (j) are amended by striking the word "collector" and inserting in lieu thereof "customs officer"; and

(6) The fourth sentence of subsection (j) is amended by striking the term "a collector" and inserting in lieu thereof "a customs officer" and by striking the terms "the collector" and "such collector" and inserting in lieu thereof "such customs officer".

(j) Section 491 (19 U.S.C. 1491) is amended by striking the words "by the appraiser of merchandise and sold by the collector" and inserting in lieu thereof "and sold by the appropriate customs officer".

(k) Section 499 (19 U.S.C. 1499) is amended as follows—

(1) The first sentence is amended by striking the word "appraiser" and inserting in lieu thereof "appropriate customs officer";

(2) The second sentence is amended by striking the term "The collector" and inserting in lieu thereof "Such officer";

(3) The fifth sentence is amended to read: "Such officer may require such additional packages or quantities as he may deem necessary.";

(4) The sixth sentence is amended to read: "If any package contains any article not specified in the invoice and, in the opinion of the appropriate customs officer, such article was omitted from the invoice with fraudulent intent on the part of the seller, shipper, owner, or agent, the contents of the entire package in which such article is found shall be subject to seizure, but if no such fraudulent intent is apparent, then the value of said article shall be added to the entry and the duties thereon paid accordingly.";

(5) The seventh sentence is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer"; and

(6) The last sentence is amended by striking the words "appraiser's return of value" and inserting in lieu thereof "appraisement" and by striking the words "value returned by the appraiser" and inserting in lieu thereof "appraisement".

(l) Section 502 (19 U.S.C. 1502) is amended by striking the words "appraiser, deputy appraiser, assistant appraiser, or examiner of merchandise" and inserting in lieu thereof "customs officer".

(m) Section 506 (19 U.S.C. 1506) is amended as follows:

(1) Paragraph (1) is amended by striking the term "the collector" where it first appears in the paragraph and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" where it thereafter appears in the paragraph and inserting in lieu thereof "such customs officer"; and

(2) Paragraph (2) is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

(n) Section 509 (19 U.S.C. 1509) is amended by striking the term "Collectors and appraisers" and inserting in lieu thereof "Customs officers".

(o) Section 510 (19 U.S.C. 1510) is amended by—

(1) striking the words "or a division of such court," the first time they appear;

(2) striking "or an appraiser, or a collector" and inserting in lieu thereof "or a customs officer";

(3) striking "an appraiser" and inserting in lieu thereof "a customs officer, or";

(4) striking the words "or a division of such court," the second and third times they appear; and

(5) striking "or appraiser or collector" and inserting in lieu thereof "or customs officer".

(p) Section 511 (19 U.S.C. 1511) is amended by—

(1) striking the words "or an appraiser, or person acting as appraiser, or a collector" and inserting in lieu thereof "or an appropriate customs officer";

(2) striking the term "the collectors" and inserting in lieu thereof "customs officers"; and

(3) striking the term "the collector" and inserting in lieu thereof "the appropriate customs officer".

(q) Section 512 (19 U.S.C. 1512) is amended by—

(1) striking the word "collector" and inserting in lieu thereof "customs officer"; and

(2) striking the word "collectors" and inserting in lieu thereof "customs officers".

(r) Section 513 (19 U.S.C. 1513) is amended by striking the word "COLLECTOR'S in the heading thereof and inserting in lieu thereof "CUSTOMS OFFICER'S" and by striking the words "collector or other" wherever they appear in the section.

(s) Sections 523 (19 U.S.C. 1523) is amended by striking the word "collectors' " and inserting in lieu thereof "customs officers' ".

(t) The fifth sentence of section 557(b) (19 U.S.C. 1557(b)) is amended by striking the words "an appeal for reappraisement under section 501" and inserting in lieu thereof "a protest contesting an appraisement decision in accordance with section 514".

(u) Section 560 (19 U.S.C. 1560) is amendby striking the words "collector or other".

(v) Section 563 (19 U.S.C. 1563) is amended by—

(1) striking the term "collectors of customs" and inserting in lieu thereof "appropriate customs officers"; and

(2) striking the word "collector" and inserting in lieu thereof "customs officer".

(w) Section 564 (19 U.S.C. 1564) is amended by striking the term "collector of customs" and inserting in lieu thereof "customs officer".

(x) Section 565 (19 U.S.C. 1565) is amended by—

(1) striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the word "collector" wherever it thereafter appears in the section and inserting in lieu thereof "customs officer".

(y) Section 595 (19 U.S.C. 1595) is amended by striking the words "collector of customs or other".

(z) Section 602 (19 U.S.C. 1602) is amended by—

(1) striking the word "COLLECTOR" in the heading and inserting in lieu thereof "CUSTOMS OFFICER"; and

(2) striking the word "collector" where it first appears in the section and inserting in lieu thereof "appropriate customs officer" and by striking the word "collector" wherever it thereafter appears in the section and inserting in lieu thereof "customs officer".

(aa) Section 603 (19 U.S.C. 1603) is amended by—

(1) striking the word "COLLECTOR'S" in the heading thereof and inserting in lieu thereof "CUSTOMS OFFICER'S"; and

(2) striking the words "collector or the principal local officer of the Customs Agency Service" and inserting in lieu thereof "appropriate customs officer".

(b) Section 604 (19 U.S.C. 1604) is amended by striking the word "collectors" and inserting in lieu thereof "customs officers".

(cc) Section 605 (19 U.S.C. 1605) is amended by—

(1) striking the word "collector" and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the word "collector's" and inserting in lieu thereof "customs officer's".

(dd) Section 606 (19 U.S.C. 1606) is amended by striking the words "collector shall require the appraiser to" and inserting in lieu thereof "appropriate customs officer shall".

(ee) Sections 607 and 610 (19 U.S.C. 1607 and 1610) are amended by—

(1) striking the words "returned by the appraiser"; and

(2) striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

(ff) Section 612 (19 U.S.C. 1612) is amended as follows:

(1) The first sentence is amended by striking the term "the collector" where it first appears and inserting in lieu thereof "the appropriate customs officer"; by striking the words "by the appraiser"; by striking the term "the collector" where it thereafter appears and inserting in lieu thereof "such officer"; and by striking the words "within twenty-four hours after receipt by him of the appraiser's return";

(2) The second sentence is amended by striking the term "the collector" and inserting in lieu thereof "such officer"; and

(3) The third sentence is amended by striking the word "collector" and inserting in lieu thereof "customs officer".

(gg) Section 617 (19 U.S.C. 1617) is amended by striking the word "collector" and inserting in lieu thereof "customs officer" and by striking the words "or customs agent".

(hh) Section 618 (19 U.S.C. 1618) is amended by striking the words "customs agent, collector, judge of the United States Customs Court, or United States commissioner," and inserting in lieu thereof "customs officer".

(ii) Section 623 (19 U.S.C. 1623) is amended by striking the term "collectors of customs" and inserting in lieu thereof "customs officers".

(jj) Section 641 (19 U.S.C. 1641) is amended by striking the words "collector or chief" wherever they appear and substituting therefor "appropriate".

(kk) Section 648 (19 U.S.C. 1648) is amended by striking the term "Collectors of customs" and inserting in lieu thereof "Customs officers".

SEC. 302. The last paragraph of so much of section 1 of the Act of August 1, 1914, as relates to the Customs Service, as amended (38 Stat. 623, 19 U.S.C. 2), is amended to read as follows:

"The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs-collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead. The President is authorized from time to time to change the location of the headquarters in any customs-collection district as the needs of the service may require."

SEC. 303. Section 2 of the Act of March 4, 1923, as amended (19 U.S.C. 6), is amended by—

(a) striking the first and second sentences and inserting in lieu thereof the following:

"Any officer of the customs service designated by the Secretary of the Treasury for foreign service, shall, through the Department of State, be regularly and officially attached to the diplomatic missions of the United States in the countries in which they are to be stationed, and when such officers are assigned to countries in which there are no diplomatic missions of the United States, appropriate recognition and standing with full facilities, for discharging their official duties shall be arranged by the Department of State."; and

(b) striking the words "and employees" in the last sentence of the section.

SEC. 304. Section 2619 of the Revised statutes, as amended (19 U.S.C. 31), is amended to read as follows:

"A bond to the United States may be required of any customs officer for the true and faithful discharge of the duties of his office according to law."

SEC. 305. Section 2620 of the Revised Statutes, as amended (19 U.S.C. 32), is amended to read as follows:

"The amounts, conditions for filing, and procedures for the approval of bonds required of customs officers shall be set forth in regulations prescribed by the Secretary of the Treasury."

SEC. 306. Section 8 of the Act of August 24, 1912, as amended (19 U.S.C. 50), is amended by striking the term "Collectors of customs" and inserting in lieu thereof "Customs officers".

SEC. 307. Section 2654 of the Revised Statutes, as amended (19 U.S.C. 58), is amended by striking the word "Collectors" and inserting in lieu thereof "Customs officers".

SEC. 308. Section 251 of the Revised Statutes (19 U.S.C. 66) is amended by striking the word "collectors" and inserting in lieu thereof "customs officers".

SEC. 309. Section 3 of the Act of June 18, 1934, as amended (19 U.S.C. 81c) is amended by—

(a) striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer"; and

(b) striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

SEC. 310. The Act of June 28, 1916 (19 U.S.C. 151) is amended by striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer".

SEC. 311. Section 202(a) of the Act of May 27, 1921 (19 U.S.C. 161(a)) is amended by striking the word "report".

SEC. 312. Section 208 of the Act of May 27, 1921 (19 U.S.C. 167) is amended by striking the term "the collector" where it first appears in the section and inserting in lieu thereof "appropriate customs officer" and by striking the term "the collector" wherever it thereafter appears in the section and inserting in lieu thereof "such customs officer".

SEC. 313. Section 209 of the Act of May 27, 1921, as amended (19 U.S.C. 168, is amended by—

(a) striking the words "appraiser or person acting as appraiser" where they first appear in the section and inserting in lieu thereof "appropriate customs officer";

(b) striking the words "report to the collector" where they first appear in the section;

(c) striking the words "each appraiser or person acting as appraiser" and inserting in lieu thereof "such customs officer"; and

(d) striking the words "and report to the collector".

SEC. 314. Section 210 of the Act of May 27, 1921, as amended (19 U.S.C. 169), is amended by—

(a) striking the words "appraiser or person acting as appraiser" and inserting in lieu thereof "appropriate customs officer";

(b) striking the term "the collector" and inserting in lieu thereof "such customs officer"; and

(c) striking the words "appeal and" and "appeals and".

SEC. 315. Section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 26), is amended by striking ", and any customs officer who may be designated for that purpose by the collector of customs,".

SEC. 316. Section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267), is amended by—

(a) striking the words "inspectors, storekeepers, weighers, and other"; and

(b) striking the term "collector of customs" wherever it appears in the section and inserting in lieu thereof "appropriate customs officer".

SEC. 317. Section 3111 of the Revised Statutes (19 U.S.C. 282) is amended by striking the words "other or" and by striking the words "a collector or other" and inserting in lieu thereof "an".

SEC. 318. Section 3126 of the Revised Statutes (19 U.S.C. 293) is amended by striking out "collectors" and inserting in lieu thereof "appropriate customs officers".

SEC. 319. Sections 2863 and 3087 of the Revised Statutes, as amended (19 U.S.C. 341 and 528), are amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

SEC. 320. The Act of June 16, 1937 (19 U.S.C. 1435b) is amended by—

(a) striking the words "collector of customs, or any deputy collector of customs

designated by him" and inserting in lieu thereof "appropriate customs officer"; and

(b) striking the words "jointly by the Secretary of Commerce and".

REPEALS

SEC. 321. The following laws are hereby repealed:

(a) Section 2613 of the Revised Statutes, as amended (19 U.S.C. 5);

(b) The last paragraph of so much of section 1 of the Act of July 5, 1932, as relates to the Bureau of Customs (47 Stat. 584, 19 U.S.C. 5a);

(c) Section 3 of the Act of March 4, 1923 (19 U.S.C. 7);

(d) Section 2629 of the Revised Statutes, as amended (19 U.S.C. 8);

(e) Section 2625 of the Revised Statutes, as amended (19 U.S.C. 9);

(f) Section 2630 of the Revised Statutes, as amended (19 U.S.C. 10);

(g) Section 2632 of the Revised Statutes, as amended (19 U.S.C. 11);

(h) The Act of February 6, 1907, as amended (19 U.S.C. 36);

(i) Section 2633 of the Revised Statutes (19 U.S.C. 37);

(j) Section 7 of the Act of March 4, 1923 (19 U.S.C. 51); and

(k) Sections 1 and 2 of the Act of August 28, 1890 (19 U.S.C. 63).

The material presented by Mr. HRUSKA follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., July 9, 1969.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: There is attached for your consideration and appropriate reference a draft bill "To improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes."

The bill represents the joint efforts of the Department of Justice and the Department of the Treasury. The Secretary of the Treasury joins with me in urging passage of the proposed legislation as promptly as possible.

In its preparation, these departments have consulted with and given careful consideration to the views and comments of members of the United States Customs Court and the Court of Customs and Patent Appeals and of representatives of the Federal Judicial Center, various importer groups, the Association of the Customs Bar, the Customs Committee of the Section on Administrative Law of the American Bar Association, and a considerable number of individuals concerned with customs procedures in the courts and in the Bureau of Customs. The bill has also been coordinated with and cleared by all executive branch agencies concerned.

Notable contributions to the proposed legislation have come from Mr. Justice Tom C. Clark, the Director of the Federal Judicial Center, and the Honorable Paul P. Rao, Chief Judge, United States Customs Court. They worked diligently to promote the widespread discussions which eventually led to acceptance by all parties of a set of general principles of procedural reforms in the customs courts and Bureau of Customs. These principles were developed by the Justice and Treasury Departments into a working draft which formed the basis of this proposal.

The attached draft legislation is a final refinement of all these efforts. It is designed to remove the statutory obstacles to effective judicial and administrative procedures in customs matters and thereby to improve the judicial machinery in the customs courts.

The section-by-section analysis of the draft bill, also attached, explains in detail the proposed changes.

The early introduction and consideration of this important legislation is requested.

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

Sincerely,

JOHN MITCHELL,
Attorney General.

SECTION-BY-SECTION ANALYSIS OF THE DRAFT BILL

INTRODUCTION

The proposed bill contains three titles. Its purpose is to improve the judicial machinery of the customs courts by modernizing the practices and procedures of the customs courts and the Bureau of Customs of the Department of the Treasury. The bill constitutes the first major restructuring of administrative and judicial review of initial Bureau of Customs decisions since the establishment of the Board of General Appraisers in 1890.

Title I sets forth various amendments to title 28 of the United States Code, relating to the jurisdiction and procedures of the Customs Court and the Court of Customs and Patent Appeals. Title II contains related amendments to the Tariff Act of 1930, as amended, which are designed to effect the purposes of Reorganization Plan No. 1 of 1965 in the administration of the customs laws and to dovetail Bureau of Customs procedures with the customs courts reforms set forth in title I. Title III contains miscellaneous technical and conforming amendments and repealers to the Tariff Act of 1930, as amended, and various related statutes.

In the Customs Court there are basically two types of cases: appeals for reappraisement of merchandise and protests against the classification of merchandise. These cases arise out of appeals and disallowed protests filed with the Bureau of Customs which are forwarded by the Bureau to the Customs Court for final disposition without any formal action or request for judicial review by the parties.

As of June 30, 1968, there were 176,539 pending reappraisement cases, and 228,393 protest cases, or a total of 404,932. This is more than double the number of cases pending on June 30, 1962. By December 31, 1968, the pending reappraisement cases had risen to 180,011 and the pending protest cases to 251,337, or a total of 431,348. By March 31, 1969, the total number of pending cases in the Customs Court had risen to 439,278. At the present rate of increase it is anticipated that the Customs Court will have nearly 475,000 cases on its docket by December 31, 1969 unless remedial legislative action is taken.

The enormous caseload of the Customs Court is primarily caused by the following requirements in existing law:

(1) All appeals for reappraisement and all denials of protests are automatically referred by the Bureau of Customs to the Customs Court for disposition, without regard to the intention of the importer to pursue litigation;

(2) If questions of appraisement and classification are both presented in a particular entry of merchandise, the importer cannot have all issues resolved in a single proceeding; he must first contest the appraisement issue and after this has been finally determined, if he is also dissatisfied with the classification, he must then contest that issue;

(3) The Bureau has no authority to correct its own errors of appraisements; these can only be remedied by the Customs Court;

(4) The importer is only given an unrealistically short period of time (30 and 60 days) to file an appeal to an appraisement or to protest a classification if he wishes to litigate the Bureau's decision. This causes a large number of protective appeals or protests to be filed by importers; and

(5) All protest cases, which constitute about 60% of all customs cases, must be decided by a three-judge division of the court. This is an uneconomical employment of judicial manpower.

Under the proposed bill, the Treasury Department will have authority to accomplish the following significant changes in operating procedures at the Bureau of Customs:

(1) Require one protest to be filed for each entry of merchandise, except that where the entry covers merchandise of different categories, a separate protest may be filed for each category;

(2) Permit administrative correction of errors by a reviewing customs officer under regulations prescribed by the Secretary, so as to obviate unnecessary recourse to the Customs Court;

(3) Extend the time for filing a protest from 60 to 90 days so as to reduce the number of protests filed as a protective measure to afford the importer the opportunity to study the situation while preserving his right to litigate;

(4) Mail notice of denial of protest to the importer;

(5) Make the denial of a protest by Customs final and conclusive unless a timely civil action is commenced in the Customs Court, thereby eliminating the automatic referral of all such matters to the Customs Court;

(6) Permit a party to obtain accelerated disposition of his protest, at any time after 90 days have elapsed from the date of filing the protest, by requesting the Bureau of Customs, in writing, to act on the protest within 30 days, and by deeming failure of Customs to act within that time a denial of the protest for purposes of enabling the party to seek judicial review;

(7) Provide that any protest, which has not been allowed or denied by the appropriate customs officer and which has not been deemed denied under a request for accelerated disposition, shall be deemed denied after two years have elapsed from the date the protest was filed. This will require the Bureau of Customs to take final action on the protest within the two year period or else automatically lose jurisdiction. The importer will be able to seek judicial review within 180 days thereafter.

These changes will help to modernize the administration of customs matters in the Bureau of Customs. However, a number of related changes in the laws applicable to the organization, jurisdiction and procedure of the Customs Court and the Court of Customs and Patent Appeals must also be made for an effective and comprehensive solution to the customs backlog problem. The enactment of title I of the proposed bill will accomplish these essential changes. Its principal features fall into the following categories:

(1) Commencing an action in the Customs Court

(a) A party dissatisfied with the administrative action of the Bureau of Customs will be able to obtain judicial review at any time within 180 days after the date of denial of his protest by filing a summons in the Customs Court. The 180 day period provides ample time for the importer to consider all aspects of his claim and to reach an informed decision on whether or not to seek judicial relief. This should keep off the court's dockets many cases that, under the present statutory time limit of 60 days, are filed simply as protective measures.

(b) All issues relating to the same category of merchandise in an entry will be raised in the same cause of action instead of litigating separately the issues of appraisement and classification. Entries involving common issues may be included in a single cause of action.

(c) The court will have authority to require the payment of a filing fee upon commencing an action and to fix its amount, so

long as it does not exceed the amount of the fee for commencing an action in the United States district court. If the court should establish a fee system, importers seeking to minimize costs will have a pecuniary inducement to consolidate all entries that raise a common issue into a single cause of action. This should reduce the number of cases filed in the court each year.

(2) Single-judge trial procedure.

(a) All customs cases, regardless of issues, will normally be tried by a single judge. The chief judge, on application or on his own initiative, will have authority to designate three-judge trials when he finds that a cause of action either: (i) raises an issue of the constitutionality of a federal statute, Executive Order or Presidential proclamation; or (ii) has broad or significant implications in the administration or interpretation of the customs laws. The use of the three-judge court, therefore, will be limited to landmark or other important cases. Since protest cases, which constitute about 60% of the court's business, are now tried by three-judge divisions, this new provision will enhance substantially the efficient utilization of the judicial manpower of the Customs Court.

(b) Appeals from all cases in the Customs Court will go directly to the Court of Customs and Patent Appeals. This will relieve the Customs Court of its present burden of setting up three-judge divisions to hear appeals from single-judge decisions in appraisement cases. This change in appellate procedure will not substantially increase the present workload of the Court of Customs and Patent Appeals.

Title II of the bill amends the Tariff Act to coordinate Bureau of Customs procedures with the proposed judicial reforms set forth in title I. Title III contains technical and conforming amendments and repealers.

TITLE I—JUDICIAL ACTIONS IN CUSTOMS CASES

Short title

Title I of the proposed bill is given the short title of "The Customs Courts Act of 1969" by section 101.

Appeals from custom court decisions—Jurisdiction

Section 102 amends section 1541 of title 28 of the United States Code, relating to the jurisdiction of the Court of Customs and Patent Appeals. The Court of Customs and Patent Appeals presently has authority to review legal questions in all protests and appeals for reappraisement cases, and fact questions in classification cases.

Section 1541(a) gives the Court of Customs and Patent Appeals appellate jurisdiction in customs cases patterned after the appellate jurisdiction of the Courts of Appeals. The Court of Customs and Patent Appeals will have authority to review all final judgments or orders of the Customs Court.

In addition, section 1541(b) gives the Court of Customs and Patent Appeals a new authority to hear appeals from interlocutory orders of the Customs Court. In its discretion, the Court of Customs and Patent Appeals may review interlocutory orders of the Customs Court when a judge of that court includes in the order a statement that a controlling question of law is involved, the determination of which may expedite the termination of the litigation.

Section 102 is patterned after sections 1291 and 1292 of title 28 of the United States Code, which is concerned with the jurisdiction of the Courts of Appeals.

Appeals from Customs Court Decisions—Procedure

Section 103 amends section 2601 of title 28 of the United States Code, which establishes the appellate procedure in the Court of Customs and Patent Appeals. The revision is more a matter of form than substance.

Section 2601(a) provides a sixty day period after entry of the judgment or order in which a party may appeal. The special 90 day period for appeals in cases arising in the Territories and Possessions has been deleted since, with modern means of communication, it is no longer needed.

Section 2601(b) provides for service of the notice of appeal on adverse parties. When the United States is the adverse party, service shall be made on the Attorney General and the Secretary of the Treasury, or their designees, rather than on the collector, the latter office having been abolished by Reorganization Plan No. 1 of 1965.

Section 2601(c) elaborates on the power of the court to affirm, modify, vacate, set aside or reverse any judgment or order of the Customs Court and to remand the cause or require such further proceedings as may be just under the circumstances. The provision for finality of the court's judgment or order remains substantially unchanged.

The requirement in the present law that all evidence taken by and before the Customs Court shall be competent evidence before the Court of Customs and Patent Appeals has been omitted as unnecessary. The Court of Customs and Patent Appeals has power and authority similar to other federal appellate courts; its decisions will be based upon the the record made before the lower court.

Precedence of American manufacturer, producer or wholesaler cases

Section 104 amends section 2602 of title 28 of the United States Code relating to the precedence of American manufacturer, producer or wholesaler cases in the Court of Customs and Patent Appeals. These are appeals arising under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), and appeals from findings by the Secretary of Commerce provided for in headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (19 U.S.C. 1202). The changes are a matter of form rather than substance.

Section 2602(a) requires the court to give precedence to cases arising under section 516 of the Tariff Act of 1930, as amended, over all other cases except those provided for in paragraph (b) of section 2602.

Section 2602(b) implements the provisions of headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (19 U.S.C. 1202). It requires that appeals from findings by the Secretary of Commerce relating to the entry of instruments and apparatus by an institution shall receive a preference over all other matters before the court.

Duties of chief judge; precedence of judges

Section 105 amends section 253 of title 28 of the United States Code relating to the duties of the chief judge and the precedence of judges. The revision is more a matter of form than substance.

Section 253(a) gives the chief judge, with the approval of the court, the authority to supervise the fiscal affairs and clerical force of the court. This represents no change from the provision in the present law.

Section 253(b) gives the chief judge authority to promulgate dockets.

Section 253(c) authorizes the chief judge, under rules of the court, to designate any judge or judges of the court to try any case and, when the circumstances so warrant, to reassign the case to another judge or judges.

Sections 253(d) and 253(e) contain the substance but not the form of the old provisions governing the precedence of the chief judge and other judges.

Single-judge trials

Section 106 amends section 254 of title 28 of the United States Code by deleting all provisions for appellate decisions of three judges in the Customs Court. All appeals from divisions of the Customs Court will, under the provisions of proposed section 1541 of title 28 of the United States Code, go directly to the Court of Customs and Patent Appeals.

Proposed section 254, title 28, states that, except as provided by section 255 of title 28 of the United States Code, all cases filed in the Customs Court shall be tried by a single judge.

Publication of decisions

Section 107 redesignates section 255 of title 28 of the United States Code as section 257 and amends the section to conform with changes made in the Tariff Act of 1930 as amended.

Three-judge trials

Section 108 adds a new section 255 to title 28 of the United States Code relating to three-judge trials. The substance of this provision is entirely new.

Section 255(a) authorizes the chief judge, upon application by any party to a cause of action, or upon his own initiative, to designate any three judges of the court to hear and determine any case when the chief judge finds that (1) it raises an issue of the constitutionality of an Act of Congress, a Presidential proclamation or an Executive Order; or (2) it has broad or significant implications in the administration or interpretation of the customs laws. The purpose of this provision is to permit broader representation of the court in deciding landmark or other important cases.

Section 255(b) states that, in any three-judge court, a majority of the judges designated may hear and determine the action and all questions pending therein.

Trials at ports other than New York

Section 109 adds section 256 to title 28 of the United States Code. It is partially a restatement of the third paragraph of existing section 254 of that title.

Section 256(a) authorizes the chief judge to designate a judge or judges to proceed to any port or to any place within the jurisdiction of the United States to preside at a trial or hearing at the port or place.

Section 256(b) allows the chief judge, upon application of a party and for good cause shown, or upon his own initiative, to authorize a judge to preside at a trial or a hearing in a foreign country. The parties on occasion have been seriously handicapped in the presentation of their cases because no provision presently exists for the conduct of a hearing in a foreign country. In important cases it would be useful for the court to have the evidence adduced through live witnesses rather than through affidavits, depositions, and interrogatories.

Jurisdiction of the customs court

Section 110 amends section 1582 of title 28 of the United States Code and restates the jurisdiction of the Customs Court as it presently appears in 28 U.S.C. 1582 and 1583. The language is essentially new.

Section 1582(a) gives recognition to the changes effected by Reorganization Plan No. 1 of 1965, and the clarifying language proposed in the revision of section 514 of the Tariff Act of 1930, as amended, as set out in section 207 of title II of the proposed bill.

Section 1582(b) gives the court jurisdiction over actions brought by American manufacturers, producers or wholesalers pursuant to section 516 of the Tariff Act of 1930, as amended.

Section 1582(c) provides that the Customs Court does not have jurisdiction of a case unless: (1) a protest has been filed and denied in accordance with sections 514 and 515 of the Tariff Act of 1930, as amended, or, if the decision relates to actions brought by American manufacturers, producers or wholesalers, pursuant to section 516 of the Tariff Act of 1930, as amended, all remedies prescribed therein have been exhausted; and (2) all liquidated duties were paid prior to the filing of the complaint. The provision for payment of liquidated duties does not apply to cases brought under section 516 of the Tariff Act, which provides for protests by

American manufacturers, producers, or wholesalers who challenge the classification or value of imported merchandise.

Section 1582(d) provides that only one civil action may be brought to contest the denial of a single protest. However, any number of entries of merchandise involving common issues may be included in a single action. Actions may be consolidated, if there are common issues, by order of the court or by request of the parties, with the court's approval.

Repeal of section 1583—Review of decisions on protests

Section 111 repeals section 1583 of title 28 of the United States Code which provides for the Customs Court's jurisdiction. The substance of section 1583 now appears in section 1582.

Time for commencement of action

Section 112 completely revises section 2631 of title 28 of the United States Code. If formerly set forth the procedures for appeal to the Customs Court in reappraisement disputes. The new section establishes the time for commencing an action in the Customs Court.

Section 2631(a) requires that a suit on a protest denied pursuant to section 515(a) of the Tariff Act of 1930, as amended, be brought within 180 days after the date of mailing of notice of its denial, in whole or in part, or within 180 days after the date of denial of a protest by operation of law pursuant to the provisions of sections 515(b) or 515(c) of the Tariff Act of 1930, as amended.

Section 2631(b) requires that actions by American manufacturers, producers or wholesalers pursuant to section 516 of the Tariff Act of 1930, as amended, be brought within 30 days after the date of mailing of a notice pursuant to section 516(c) of the Tariff Act of 1930, as amended.

CUSTOM COURT PROCEDURE AND FEES

Section 113 completely revises section 2632 of title 28 of the United States Code by establishing the procedure and fees in the Customs Court. The automatic referral of cases from the Bureau of Customs to the Customs Court is abolished.

Section 2632(a) provides that a party may contest a denial of a protest under section 515 of the Tariff Act of 1930, as amended, or a decision of the Secretary of the Treasury under section 516 of the same Act, by bringing a civil action in the court. The action is commenced by filing a summons in the form, manner and style and with the content prescribed by rules of the court.

Section 2632(b) authorizes the court to fix a filing fee, payable upon commencing an action, provided it does not exceed the amount of the filing fee charged in a United States district court. Whether a filing fee shall be charged and, if so, the amount thereof, is discretionary with the court. The court is also granted discretionary authority to fix all other fees to be charged by the clerk of the court.

Section 2632(c) gives the court authority to adopt rules for pleadings and other papers, for their amendment, service and filing, for consolidations, severances and suspension of cases, and other procedural matters.

Section 2632(d) retains the present authority of the court to provide by rule for consideration of any new ground in support of an action before the court if: (1) it applies to the same merchandise that was the subject of the protest; and (2) it is related to the same administrative decision contested in the protest.

Section 2632(e) requires all pleadings and other papers filed in the court to be served on all the adverse parties in accordance with the rules of the court. Where the United States is the adverse party, service of the summons is to be made on the Attorney General and the Secretary of the Treasury, or their designees.

Section 2632(f) is a new provision requiring the Secretary of the Treasury, or his designee, when served with a summons, to transmit forthwith to the court the following documents as an official record of the civil action: (1) consumption or other entry; (2) commercial invoice; (3) special Customs invoice; (4) copy of protest; and (5) copy of denial of the protest, in whole or in part, if any denial has been issued.

Precedence of American manufacturer, producer or wholesaler cases

Section 114 completely revises section 2633 of title 28 of the United States Code by providing for precedence in American manufacturer, producer or wholesaler cases arising under section 516 of the Tariff Act of 1930, as amended. Section 2633 is essentially the same as present section 2638 of title 28.

Notice

Section 115 completely revises section 2634 of title 28 of the United States Code by providing for reasonable notice of the time and place of trial before a judge of the Customs Court to be given to all parties, under rules of the court. This provision is essentially the same as section 2632 in the present title 28.

Burden of proof; evidence of value

Section 116 completely revises section 2635 of title 28 of the United States Code and sets forth the rules concerning burden of proof and evidence of value.

Section 2635(a) provides that the decision of the Secretary of the Treasury or his delegate is presumed to be correct and the burden to prove otherwise shall rest upon the party challenging the decision. This is a change in form rather than substance from the provision which appears in the present section 2633 of title 28.

Section 2635(b) provides that reports or depositions of consuls, customs officers, and other officers of the United States and depositions and affidavits of other persons whose attendance cannot reasonably be had, may be admitted in evidence when served upon the opposing party in accordance with the rules of the court, and that price lists and catalogs may be admitted in evidence when duly authenticated, relevant and material. The requirements for service of reports, depositions and affidavits on the opposing party, and for authenticity, relevancy and materiality of price lists and catalogs are new. The remainder of section 2635 (b) does not differ substantially from the provisions that appear in the present section 2633 of title 28.

Section 2635(c), requiring the value of merchandise to be determined from the evidence in the record and at the trial, whether or not the merchandise or samples thereof are available for examination, is substantially the same as the provision that appears in the present section 2631 of title 28.

Analysis of imported merchandise

Section 117, providing for analysis of imported merchandise, completely revises section 2636 of title 28 of the United States Code. It is essentially the same as the provision that appears in the present section 2639 of title 28.

Witnesses; inspection of documents

Section 118, providing for witnesses and inspection of documents, completely revises section 2637 of title 28 of the United States Code. It is substantially the same as the provisions that appear in the present section 2634 of title 28.

Decisions; findings of fact and conclusions of law; effect of opinions

Section 119 completely revises section 2638 of title 28 of the United States Code.

Section 2638(a) gives the judge in a contested case the option of supporting his decision by a statement of findings of fact and conclusions of law instead of requiring a written opinion stating the reasons and facts upon which a decision is based. This is a substantial change from the provision in the present section 2635 of title 28.

Section 2638(b) provides for the finality of the judges decision, absent rehearing or appeal. It differs from the existing section 2636(a) in that the new section relates to both classification and reappraisement cases, whereas the existing section refers only to reappraisement cases.

Retrial or rehearing

Section 120 completely revises section 2639 of title 28 of the United States Code. It contains substantially the same provision as appears in the present section 2640 of title 28 relating to retrial or rehearing. A thirty day period from the date of entry of the judgment or order is granted in which a party may move, or the judge may act on his own motion, for a retrial or rehearing.

Repeal of sections 2640, 2641, 2642—Rehearing or retrial; frivolous protest or appeal; amendments of protests, appeals and pleadings

Section 121 repeals sections 2640, 2641 and 2642 of title 28 of the United States Code.

The provisions of section 2640, relating to retrial or rehearing, are now found in section 121 of the bill, amending section 2639 of title 28.

The provisions of section 2641, relating to frivolous appeals and the imposition of fines in connection therewith, are no longer needed since protests are no longer automatically referred to the court. All actions in the court will now be commenced by a summons. The court's general powers over attorneys practicing before it should be sufficient for it to cope with frivolous actions.

Section 2642, relating to amendment of protests, appeals and pleadings, is unnecessary in view of the general rulemaking power given to the Customs Court by section 114 of this bill, amending section 2632 of title 28.

Effective date

Section 122 is a new provision and provides that title I becomes effective on January 1, 1970. A number of transitional provisions are included to cover importations prior to the effective date. Adequate time to institute the changes in procedures will be required. If consideration and passage of the bill takes longer than is presently anticipated, an appropriate change in the effective date will be necessary to allow for the time neded to implement the provisions of the bill.

Section 122(a) makes title I applicable to all actions and proceedings in the Customs Court and the Court of Customs and Patent Apepals except for those involving importations occurring before the effective date for which trial has commenced by the effective date. All such cases will be governed by the law in effect prior to January 1, 1970.

Section 122(b) deals with an appeal for reappraisement timely filed wtih the Bureau of Customs before the effective date but as to which trial has not yet commenced by such date. Since such an appeal is, under existing law, before the Customs Court, there will be no necessity for the party to file a summons as required by this title; instead a summons will be deemed to have been filed. After the decision of the Customs Court has become final in the reappraisement case, the papers will be returned to the appropriate customs officer to decide any remaining matters relating to the entry in accordance with section 500 of the Tariff Act of 1930, as amended. However, no protest or summons filed after such final decision can include issues which were raised or could have been raised on the appeal for reappraisement.

Section 122(c) deals with a protest timely filed with the Bureau of Customs before January 1, 1970 which is disallowed at any time but as to which trial has not com-

menced prior to the effective date. There will be no necessity for a summons to be filed in order to bring this case before the Customs Court. Instead, a summons will be deemed to have been timely and properly filed under title I.

Section 122(d) makes all provisions of title I other than those relating to filing of summonses applicable to cases covered by sections 122(b) and 122(c).

Miscellaneous amendments

Section 123 amends the analyses at the beginning of chapters, 11, 93, 95, 167 and 169 of title 28 of the United States Code to conform with the changes made in the various section headings contained in these chapters.

TITLE II—ADMINISTRATIVE PROCEEDINGS IN CUSTOMS MATTERS

Short title

Section 201 of this title provides that titles I and III may be cited as "The Customs Administrative Act of 1969."

Amendment of sections

Section 202 indicates that references to sections of the Tariff Act are deemed to refer to sections or provisions of the Tariff Act of 1930, as amended (19 U.S.C. 1202 et seq.), unless otherwise provided.

Effective date

Section 203 provides that the amendments made by titles II and III shall take effect with respect to articles entered, or withdrawn from warehouse, on or after January 1, 1970. This conforms with the January 1, 1970 effective date for title I.

Appraisement, classification and liquidation procedures; collections and refunds; limitations

Section 204 amends sections 500, 488 and 505 of the Tariff Act.

Section 204(a) of this title amends section 500 of the Tariff Act by (1) deleting the allocation of specific customs functions to appraisers, assistant and deputy appraisers and examiners, most of which were set forth in the present provisions because of the separation of the offices of appraiser and collector before the reorganization of the Customs field service prescribed in Treasury Department Order No. 165–17 (T.D. 56464, 30 F.R. 10913), dated August 10, 1965, and (2) substituting an enumeration of the general customs functions of appraisal, classification, liquidation, and notice to be performed by "the appropriate customs officer" designated by the Secretary or his delegate. Under the proposed amendment, such customs officer is required, in accordance with regulations to be issued by the Treasury Department, to (a) appraise the value of merchandise in the unit in which such merchandise may be bought or sold; (b) ascertain the classification and rate of duty applicable to such merchandise; (c) fix the amount of duty payable or refundable; (d) liquidate the entry; and (e) give notice of such liquidation to the importer, consignee or agent in the form and manner prescribed by the Secretary in such regulations.

Under existing law the liquidation of an entry, which is the final administrative determination of duties due, must await a final appraisement. A separate notice of appraisement is given and the appraisement may be challenged by an appeal for a reappraisement to the United States Customs Court. An appraisement becomes final if no appeal is filed within 30 days after notice, or, if an appeal is filed, when the court decision on the appeal becomes final.

Under proposed new section 500 and 501 and amended section 503 of the Tariff Act, customs officers will make a final liquidation of duties due, on the basis of their administrative determination of the appraised value, the applicable rate of duty, and the final amount of duty payable. However, the determination of the appraised value will no longer be subject to a preliminary adjudication prior to liquidation.

Under the proposed amendments the importer will continue to be advised of administrative changes in appraised value which are reflected in the notice of final liquidation, and his right to challenge the appraised value determination will be preserved. It will, however, be consolidated in a single procedure for protesting all decisions on which the liquidation is based under amendments proposed to be made to section 514 of the Tariff Act. These amendments are discussed more fully below. This change will implement consolidated customs procedures in effect under Reorganization Plan No. 1 of 1965 and permit the Bureau of Customs to make these procedures fully effective.

Except for the deletion of the requirement under existing law for the issuance of a separate formal notice of appraisement described in the preceding paragraph, the amendment of section 500 of the Tariff Act is not intended to eliminate any requirement imposed by existing law. For example, it is anticipated that the Secretary's regulations will make clear that the performance of the statutory appraisal function under amended section 500 will continue to entail, where appropriate, the ascertaining of "the number of yards, parcels or quantities of merchandise ordered or designated for examination" as well as "whether the merchandise has been truly and correctly invoiced", as is required of the appraiser under section 500 of existing law.

Such ministerial functions as these were set forth in the present provisions to designate the officers who are to perform them, and not as a statutory requirement for their performance. With the abolition of the separate officers of appraiser of merchandise and collector of customs, there is no longer any need for such administrative detail to appear in the statute. If the proposed amendment of section 500 is adopted, these substantive functions will still have to be performed to the extent required by other provisions of law.

Section 204(b) of this title repeals section 488 of the Tariff Act, which directs a collector to cause the appraisal of entered merchandise. This function will become the direct responsibility of the customs officer designated under the proposed amendment set forth in section 204(a) of this title.

Section 204(c) of this title amends section 505 of the Tariff Act by deleting reference to (1) receipt by a collector of various reports which will no longer be prepared and (2) the performance of certain functions in connection with the liquidation of an entry. The remaining text is reworded without substantive change. The deleted provisions have been more appropriately incorporated in the general description of functions set forth in section 204(a) of title II.

Repeal of separate appraisement procedure; voluntary reliquidations

Section 205 of this title amends section 501 of the Tariff Act, which describes the separate notice of appraisement procedure and appeals for reappraisement (by either the consignee or the collector) to the United States Customs Court applicable under existing law prior to classification of the merchandise and final liquidation of the entry. The existing provision is inconsistent with the consolidated customs procedures governing appraisement and classification contemplated under Reorganization Plan No. 1 of 1965 and Customs Delegation Order No. 22 (T.D. 56470).

This section proposes that section 501 of the Tariff Act be amended to provide that a liquidation made by the appropriate customs officer in accordance with section 500 of the Tariff Act, as amended by section 204(a) of title II, may be reliquidated voluntarily by a reviewing customs officer in any respect within 90 days from the date on which notice or the original liquidation is given to the importer, consignee or agent. For example, this provision would authorize a reliquidation during the specified period on the basis of the determination of an increase or decrease in the original appraised value of the merchandise, or a determination that the classification assigned to merchandise on its first liquidation was in error. Proposed new section 501 of the Tariff Act further provides that notice of such reliquidation shall be given in accordance with the rules governing notice of original liquidations.

The major change encompassed by this amendment is that it allows customs officers to correct erroneous appraisements (within the time limit allowed) whether the error is discovered by the officer himself or brought to his attention by an interested party. To the extent that this provision authorizes adjustment of rates of duty or other matters embraced by a liquidation under existing law, it is merely declaratory of existing law. Under existing law, final appraisement decisions must be appealed to the United States Customs Court by the collector as well as the importer, and may not be revised by the Bureau of Customs. Adoption of this provision will avoid cluttering the court with appraisement matters which do not involve controversy but where the court has been involved merely because the Bureau of Customs has lacked the authority to correct its own recognized errors in appraisement. Another change is permitting more than one voluntary reliquidation. No adjustments under this section may be made more than 90 days after notice of the original liquidation has been given, however.

Dutiable value

Section 206 of this title revises section 503 of the Tariff Act further to reflect consolidated procedures applicable to voluntary modification or protest and judicial review of customs decisions covering both appraisement and classification. The proposed amendment is intended to make clear that except as provided in section 520(c) of the Tariff Act (relating to reliquidations authorized to correct certain errors manifest from the record) or in section 562 of the Tariff Act (relating to withdrawal from manipulating warehouses), the basis for assessment of duties on imported merchandise subject to ad valorem rates of duty, including rates which are dependent in any manner on the value of the merchandise, shall be the latest determination of value upon which a final assessment of duties is based. Thus, if a liquidation under section 500 of the Tariff Act (as proposed to be amended by this bill) by the appropriate customs officer become final, without modification by such officer, the original appraised value shall be the basis for assessment of duties.

However, if the customs officer should modify, pursuant to section 501 of the Tariff Act (as proposed to be amended by this bill), his prior determination of value and reliquidate the entry accordingly, the revised appraisement would constitute the basis for assessment of duties. Similarly, if a final determination of the United States Customs Court should require modification of an appraisement, the final appraised value as determined in accordance with the decision of the Customs Court would constitute the basis for assessment of duties.

Protests

Section 207 of this title substantially modifies section 514 of the Tariff Act. It extends the time for filing protests against decisions of customs officers and extends the scope of any such protest to cover decisions as to the appraised value of merchandise.

Section 514(a) has been reorganized in its form of presentation in order to clarify the

categories of decisions and findings (including appraisement) by the appropriate customs officer which, in the absence of a proper protest, shall become final 90 days after the giving of notice. The revised presentation of categories is without substantive effect.

Section 514(a) also provides that administrative decisions set forth in section 514(a) shall be final and conclusive on all persons, including the United States and any officer thereof, unless a protest is filed in accordance with this section and, in the event that such a protest is denied in whole or in part, unless a civil action contesting such denial is commenced in the United States Customs Court in accordance with section 2632 of title 28 of the United States Code within the time prescribed by section 2631 of that title.

The provision for independent judicial procedures departs from existing law, under which protests denied in whole or in part are referred automatically to the Customs Court. In so doing, it brings customs procedures more closely into line with the administrative procedures of other agencies whose final decisions are usually subject to redetermination only in circumstances when the party adversely affected initiates an independent judicial action for that purpose.

Section 514(b)(1) is amended to specify what shall be contained in the protests required to be filed in writing with the appropriate customs officer, how many are to be filed and how they may be amended. Although only one protest may be filed for each entry of merchandise, if the entry covers merchandise of different categories, separate protests may be filed for each category. In addition, if separate claims are filed with respect to any one category of merchandise that is the subject of a protest, they shall all be deemed to be part of a single protest. A protest may be amended, under regulations prescribed by the Secretary, at any time within the 90 day period in which the protest could have been filed under this section.

Section 514(b)(2) extends the time for filing protests against decisions of customs officers from 60 days to 90 days after notice of decision is given.

Section 514(c) precludes the filing of a protest against the decision of a customs officer on a reliquidation of an entry upon any question not involved in the reliquidation.

Review of protests

Section 208 of the title modifies section 515 of the Tariff Act, which sets forth procedures for administrative and judicial review of protests against a collector's decision with respect to the classification of merchandise.

Section 515(a), which would apply to the appraisement as well as the classification aspects of a decision by a customs officer, requires a review of a protest by the appropriate customs officer. Under existing law, review by the collector is required within 90 days after the date on which a protest is actually filed. This time limit is no longer imposed in view of the new provision in section 515(b) for obtaining accelerated disposition of a protest.

The proposed bill eliminates the provision in existing law for automatic referral to the United States Customs Court, together with accompanying documents or exhibits, of all protests reviewed by the Bureau of Customs which are denied. As previously indicated, under section 112 and 113 of title I, amending sections 2631 and 2632 of title 28 of the United States Code, importers who desire judicial reconsideration of a protested administrative decision, to the extent that it has been upheld by reviewing customs officers, will be required to initiate proceedings in the Customs Court within 180 days of such denial by filing a summons.

The requirement of filing a summons will eliminate the sending to court of cases in which judicial review is really not sought but protests are entered at the administrative level to preserve the importer's rights while he studies the situation. At present there are thousands of such cases annually. Their elimination will be a great service to the Customs Bureau and the Customs Court and will not prejudice importers who will still be free to go to the court if they so desire.

Section 515(b) of the Tariff Act permits a protesting party to request prompt disposition of his protest at any time after 90 days following the filing of such protest. If no final action is taken by the Bureau of Customs within 30 days following such a request, the protest is deemed to be denied, and the protesting party will be free to file a summons in the Customs Court with respect to the protested issues.

Section 515(c) of the Tariff Act provides that any protest not disposed of under sections 515(a) or 515(b) shall be deemed denied after two years have elapsed from the date the protest was filed. This provision will require the reviewing customs officer to take final action on the merits of a protest within two years following the date on which it is filed without regard to whether an importer has requested its accelerated disposition. If such action is not taken within this maximum two year period, the Bureau of Customs will be divested of jurisdiction to take any further action on the protest and it would automatically be deemed denied at the end of this period. The importer, of course, will retain his right to seek consideration of his claims on the merits through action in the Custom Court.

Petitions by American manufacturers, producers or wholesalers

Section 209 of the title revises section 516 of the Tariff Act (dealing with appeal or protest by American producers, manufacturers or wholesalers) to reflect the consolidation of appraisal and classification procedures within the Bureau of Customs, but is not designed to have substantive effect on the rights of the parties under the existing law. A procedure for commencing a civil action by filing a summons directly in the Customs Court replaces the provision under existing law for the submission of a protest against an adverse decision by the Secretary, since at present such protests must be referred automatically to the Customs Court without administrative review. This provision has no application to procedures established under P.L. 89-651 for appeals by American manufacturers from certain decisions of the Secretary of Commerce.

Refunds and errors

Section 210 of this title amends section 520(c) of the Tariff Act (dealing with refunds and errors) by substituting "the appropriate customs officer" for "a collector" and by extending to 90 days (from 60 days under existing law) the period of time following a liquidation or exaction, when the liquidation or exaction is made more than 9 months (instead of 10 months) after the date of appraisement, entry or other customs transaction, during which a customs officer may be authorized to correct a clerical error or error in fact (or other inadvertence not amounting to an error in the construction of a law) adverse to the importer and manifest from the record, notwithstanding the failure of the importer to file a valid protest. Such extension of time is required by the greater volume of imports which must be processed in our ports and the greater complexity of individual transactions which now undergo a consolidated administrative procedure, in the course of which an obvious clerical error or mistake of fact might not be detected prior to a final post-liquidation review of the entire record.

TITLE III—MISCELLANEOUS AMENDMENTS—TECHNICAL AND CONFORMING AMENDMENTS

Section 301 of this title eliminates all specific references to appraisers and collectors and their assistants and to other customs officers bearing specific titles wherever such references appear in the Tariff Act (other than references which are revised in connection with other substantive changes proposed in separate amendments in title II), and substitutes a reference to "appropriate customs officer" or "officer of the customs". This provision, in effect, implements the authority granted to the Secretary of the Treasury under Reorganization Plans No. 1 (1965) and No. 26 (1950), which allow the Secretary to delegate and redelegate performance and responsibility for any of the functions of the Customs Service. This change will assure that the statute remains consistent with whatever delegations pattern may from time to time be adopted for the most efficient employment of customs officers.

Sections 302 to 320, inclusive, amend provisions of existing law other than the Tariff Act to the extent that they have been rendered obsolete by current or past administrative reorganizations of the Bureau of Customs.

Section 302 amends the Act of August 1, 1914, c. 223, § 1, 38 Stat. 623, as amended by Act of May 29, 1928, c. 901, § 1(19), 45 Stat. 987 (19 U.S.C. 2), to strike any reference to the office of the collector of customs. The Act, as amended, will continue to provide for the designation of customs-collection districts, ports of entry, and headquarters for such customs-collection districts.

Section 303 amends the Act of March 4, 1923, c. 251, § 2, 42 Stat. 1453, as amended by Acts of January 13, 1925, c. 76, 43 Stat. 748; May 28, 1926, c. 411, § 1, 44 Stat. 669; June 17, 1930, c. 497, title IV, §§ 518, 649, 46 Stat. 737, 762; and June 25, 1948, c. 646, § 39, 62 Stat. 992 (19 U.S.C. 6), to strike any reference to specific officers of the customs. The section, as proposed to be amended, will continue to provide authority for the designation of customs officers for foreign service. The Secretary of State will continue to have authority to reject the name of any officer so designated.

Section 304 amends Rev. Stat. § 2619, as amended by Acts of February 27, 1877, c. 69, § 1, 19 Stat. 245; July 31, 1894, c. 174, § 4, 28 Stat. 205; March 2, 1895, c. 177, § 5, 28 Stat. 807; Aug. 24, 1912, c. 355, § 1, 37 Stat. 434; and June 17, 1930, c. 497, title IV, § 523, 46 Stat. 740 (19 U.S.C. 31), to strike any reference to specific customs officers and specific forms and amounts of bonds. The Act of March 2, 1895, 28 Stat. 807, which amended this provision and the provision discussed in section 305, superseded by inference and necessity the requirement of a specific bond form, but the statutory language regarding the forms and amounts of these bonds has not been specifically repealed heretofore. The section, as amended, will continue to provide that a bond to the United States may be required of any customs officer for the true and faithful discharge of his duties.

Section 305 amends Rev. Stat. § 2620, as amended by Acts of July 31, 1894, c. 174, § 4, 28 Stat. 205; March 2, 1895, c. 177, § 5, 28 Stat. 807; and June 17, 1930, c. 497, title IV, § 523, 46 Stat. 740 (19 U.S.C. 32), to strike any reference to specific officers of the customs. The section, as proposed to be amended, will continue to provide that the Secretary of the Treasury shall set forth in regulations conditions for the filing of bonds under section 31 of title 19 of the United States Code, appropriate amounts, and procedures for their approval.

Section 306 amends the Act of August 24, 1912, c. 355, § 8, 37 Stat. 487, as amended by Act of June 6, 1939, c. 185, 53 Stat. 810 (19 U.S.C. 50), which provides that postmasters and collectors of customs and certain other

government officials may administer certain oaths to expense accounts. The amendment will strike any reference to collectors of customs.

Sections 307–319, inclusive, eliminate all specific references to appraisers and collectors and their assistants and to other customs officers bearing specific titles whereever such references appear in existing legislation other than the Tariff Act and substitute a reference to "appropriate customs officer" or "officer of the customs". These provisions, in effect, implement the authority granted to the Secretary of the Treasury under Reorganization Plan No. 1 of 1965 and No. 26 of 1950, which allow for the Secretary to delegate and redelegate performance and responsibility for any of the functions of the Customs Service. These changes will assure that these statutes remain consistent with whatever delegation pattern may, from time to time, be adopted for the most efficient employment of customs officers.

Section 320 amends the Act of June 16, 1938, c. 362, 50 Stat. 303, 1946 Reorg. Plan No. 3 §§ 101–104, 60 Stat. 1097 (19 U.S.C. 1435b), which provides that, in certain circumstances, in order to expedite the dispatch of vessels operating on regular schedules, the collector may receive reports of arrival and entry and give clearance for such vessels under regulations prescribed jointly by the Secretary of Commerce and by the Secretary of the Treasury. The proposed amendment will strike reference to joint issuance of regulations by the Secretary of Commerce, inasmuch as Reorganization Plan No. 3 of 1946 transferred the duties assigned to the Secretary of Commerce by this statute to the Commissioner of Customs.

Repeals

Section 321 enumerates specific provisions which are repealed. These provisions deal with the tenure, powers and duties of named Customs officials whose positions or functions have been abolished or reconstituted by the Secretary of the Treasury or his delegate pursuant to Reorganization Plans No. 1 of 1965 and No. 26 of 1950.

Reorganization Plan No. 1 of 1965 and Treasury Department Order No. 165–17, issued pursuant thereto, abolished all field offices of the Bureau of Customs to which appointments are required to be made by the President and transferred to the Secretary of the Treasury all functions vested by statute in Bureau of Customs personnel since the effective date of the last similar transfer of such functions, authorized under Reorganization Plan No. 26 of 1950. These reorganization plans are vested in the Secretary of the Treasury, with the authority to redelegate the performance of any customs functions. Measures taken pursuant to these plans have consolidated the responsibility for operations at the various ports of entry in district directors acting under the supervision of a regional commissioner. In addition, these measures have rendered obsolete the following statutory provisions, which are repealed by section 321:

(a) Rev. Stat. § 2613 as amended by Act of September 21, 1922, c. 356, title IV, § 523, 42 Stat. 974 (19 U.S.C. 5), provides that collectors, comptrollers, and surveyors shall be appointed for a term of four years.

(b) Act of July 5, 1932, c. 430, title I, § 1, 47 Stat. 584 (19 U.S.C. 5a) abolished, except at the Port of New York, the offices of surveyor and appraiser, together with those of their assistants and deputies, and transferred the duties of such officers to such persons as the Secretary of the Treasury shall designate.

(c) Act of March 4. 1923, c. 251, § 3, 42 Stat. 1453 (19 U.S.C. 7) authorized collectors, comptrollers, surveyors, and appraisers to appoint assistants, subject to the approval of the Secretary of the Treasury, and also authorized the collector at New York, subject to the approval of the Secretary, to appoint a solicitor to the collector.

(d) Rev. Stat. § 2629, as amended by Acts of March 3, 1905, c. 1413, § 1, 33 Stat. 983, and March 4, 1923, c. 251 § 4, 42 Stat. 1453 (19 U.S.C. 8), provides that in case of a vacancy in the office of the collector, comptroller, surveyor, or appraiser the principal assistant to such officer shall give bond when required, act as such officer, and receive the compensation of such office until the vacancy is filled, and also provides that vacancies in the office of such principal assistants and solicitor shall be filled by the promotion or transfer of a trained and qualified customs officer.

(e) Rev. Stat. § 2625, as amended by Act of March 4, 1923, c. 251, § 3, 42 Stat. 1453 (19 U.S.C. 9), provides that in the case of the disability of a collector, the duties vested in him shall devolve on his assistant or, if there be no assistant, upon the comptroller of the same district, or if there be no comptroller, they shall devolve upon the surveyor at the port designated as the district headquarters, if any there be.

(f) Rev. Stat. § 2630, as amended by Acts of March 4, 1923, c. 251, §§ 2, 3, 42 Stat. 1453, and January 13, 1925, c. 76, 43 Stat. 748 (19 U.S.C. 10), provides that in case of occasional and necessary absence, or sickness, any collector may exercise his powers and perform his duties by deputy.

(g) Rev. Stat. §2632, as amended by Act of June 17, 1930, c. 497, title IV, §523, 46 Stat. 740 (19 U.S.C. 11), provides that in case of occasional or necessary absence, or sickness, and not otherwise, comptrollers and surveyors may respectively exercise and perform their functions, powers, and duties through a deputy.

(h) Act of February 6, 1907, c. 471, 34 Stat. 880, as amended by Acts of March 4, 1923, c. 251, §2, 42 Stat. 1453, and January 13, 1925, c. 76, 43 Stat. 748 (19 U.S.C. 36), provides that deputy collectors shall have authority to receive entries, collect duties and to perform any or all functions prescribed by law for collectors.

(i) Rev. Stat. §2633 (18 U.S.C. 37) provides that the Secretary of the Treasury may clothe any deputy collector at a port other than the district headquarters with all the powers of his principal appertaining to official acts.

(j) Act of March 4, 1923, c. 251 § 7, 42 Stat. 1454 (19 U.S.C. 51) provides that, except in the case of laborers, no compensation fixed under provisions of that Act shall be greater than 30 per centum in excess of the existing law. Compensation of such employee is now provided for in Part III of title 5, United States Code.

(k) Act of August 28, 1890, c. 812, §§1, 2, 26 Stat. 362 (19 U.S.C. 63) provides that customs employees paid on a per diem basis shall have the leave of absence privileges provided by the Act of March 3, 1883, 22 Stat. 564. Leave privileges of such employees are now provided for in Part III of title 5, United States Code.

Mr. HRUSKA. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point a statement by the Senator from Maryland in connection with the introduction of the bill, together with certain accompanying material.

There being no objection, the statement and accompanying material were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOSEPH D. TYDINGS

Mr. TYDINGS. Mr. President, I am pleased to join with the senior senator from Nebraska, my colleague on the Improvements in Judicial Machinery Subcommittee in sponsoring this bill to change the outmoded procedural provisions in the law that now hamper the courts in dealing effectively with the rising volume of customs cases. These reforms in judicial administration in the Customs Court and the Court of Customs and Patent Appeals are long overdue.

The Customs Court is an Article III court of record consisting of nine judges, with offices located at the port of New York. It was established in 1926 as the successor to the Board of General Appraisers. The Board was an administrative tribunal created in 1890 and it exercised quasi-judicial functions in reviewing appeals from decisions in the Bureau of Customs.

Unfortunately, when the Customs Court was created in 1926, Congress was content to change the name from Board of General Appraisers to Customs Court, without essentially changing its powers, procedures or duties. As a result, the Customs Court continues to function in many respects as though it were an administrative tribunal reviewing the actions of the Bureau of Customs. This anomalous situation accounts in great part for the court's difficulties in keeping up with its current workload.

The principal weaknesses in the organization, functions and procedures of the Customs Court are:

1. Automatic referral of all cases from the Bureau of Customs;

2. Absence of any requirement that the litigant take some specific action to invoke the jurisdiction of the court;

3. Lack of express authority to impose a filing fee for commencing an action;

4. Existence of two separate and distinct procedures for trial of reappraisement and protest cases;

5. Use of three-judge tribunal to decide protest cases;

6. Use of three-judge tribunal to review single-judge decisions in appraisement cases;

7. Need to prepare written opinion in all cases, with a statement of reasons and the facts on which the decision is based;

8. Lack of power of single judges hearing classification cases in ports outside of New York to decide the case.

This bill will change these outdated provisions of law and will provide the Customs Court with judicial powers and procedures exercised by other federal courts.

The bill will make comparable changes in procedures in the Bureau of Customs to conform with these revised judicial processes. The overall result should be a faster and more effective determination of customs disputes.

Briefly, there will no longer be any automatic referral of cases to the court. A litigant will be required to commence an action by filing a summons and by paying a filing fee, if the court, in its discretion, has so determined. There will be no distinction between appraisement and classification cases. All cases will be tried by a single judge unless a constitutional question or an issue involving broad and significant implications in customs law or procedures is raised. If the chief judge finds either of these conditions are present, he will have authority to designate a three-judge panel to hear the case. In contested cases, the judge will have the option of supporting his decision by either a statement of findings of fact and conclusions of law or by an opinion stating the reasons and facts upon which his decision is based. All appeals will go directly to the Court of Customs and Patent Appeals.

A legislative proposal to modernize the procedures in the Customs Court and the Bureau of Customs was first introduced as S. 4194 in the 90th Congress. Thereafter, widespread consultations and discussions took place between the Government and the

bench, bar and importing industry under the sagacious guidance and encouragement of Mr. Justice Tom C. Clark, the Director of the Federal Judicial Center and the Honorable Paul P. Rao, Chief Judge of the United States Customs Court.

Among those who were consulted and who presented views and comments were: the members of the United States Customs Court and the Court of Customs and Patent Appeals; the Department of Justice and the Department of the Treasury; various importer groups; the Association of the Customs Bar; the Customs Committee of the Section on Administrative Law of the American Bar Association; and a considerable number of individuals concerned with customs procedures in the courts and in the Bureau of Customs.

The bill introduced today is a final refinement of all these collaborative efforts. Its passage will result in a substantial improvement in the judicial procedures in the customs courts and will provide the importers and the Government with more effective machinery for disposing of customs disputes.

COMPARISON OF PROVISIONS IN REVISED BILL, 91ST CONGRESS AND S. 4194, 90TH CONGRESS

REVISED BILL, 91ST CONGRESS	S. 4194, 90TH CONGRESS
Title I	*Title I*
Sec. 101. Date Changed to 1969.	Sec. 1.
Sec. 102. Substantially unchanged.	Sec. 2.
Sec. 103. Substantially unchanged.	Sec. 3.
	Sec. 4. Omitted.
Sec. 104. Clarifies provision.	Not in S. 4194.
Sec. 105. Clarifies power of chief Judge.	Not in S. 4194.
Sec. 106. New language for single judge trial.	Sec. 5.
Sec. 107. Language change only.	Sec. 6.
Sec. 108. New provision for three-judge trials.	Not in S. 4194.
Sec. 109. Language changes only.	Sec. 8.
Sec. 110. Language changes only except for clarification in Sec. 1582(d).	Sec. 9.
Sec. 111. Repeals section on appellate jurisdiction.	Sec. 10.
Sec. 112. Language changes only.	Sec. 20.
Sec. 113. Substantive changes: (a) summons instead of complaints, (b) Discretionary power to impose filing fee; (c) Power to order consolidations, severances, suspensions and other procedural matters; (d) Power to consider new grounds in support of an action; (e) Service on adverse parties; and (f) Requirement for Secretary of the Treasury to transmit to court an official record.	Sec. 11.
Sec. 114. Restatement of Sec. 2638.	Not in S. 4194.
Sec. 115. Restatement—no change.	Sec. 12.
Sec. 116. Changed to provide for service on opposing party. Reference to admission of copies of official documents deleted as unnecessary because of a court's power to so provide by rules.	Sec. 13.
Sec. 117. No change in substance.	Sec. 18.
Sec. 118. No substantive change.	Sec. 14.
Sec. 119. No substantive change.	Sec. 15.
Sec. 120. No substantive change.	Sec. 19.
Sec. 121. Sec. 2640—covered by Sec. 120; Sec. 2641—unnecessary, can be dealt with by court under its rules; Sec. 2642, now part of Sec. 113, amending Sec. 2632(d).	Sec. 21.
	Sec. 16. Omitted—Related to appellate term.
	Sec. 17. Omitted—Related to appellate term.
Sec. 122.—Unchanged except for effective date.	Sec. 22.
Sec. 123.—Reflect changes in section headings.	Sec. 23.
Title II	
Sec. 201. Unchanged except for date.	Sec. 1.
Sec. 202. Unchanged.	Sec. 2.
Sec. 203. Unchanged except for date.	Sec. 3.
Sec. 204. Sec. 500(b) and Sec. 505(b) clarified.	Sec. 5.
Sec. 205. Unchanged except for minor clarification in first sentence of Sec. 501.	Sec. 6.
Sec. 206. Unchanged.	Sec. 7.
Sec. 207. Minor changes clarifying Sec. 514(a)(2), Sec. 514(a)(3), last two sentences in Sec. 514(a), Sec. 514(b)(1) and Sec. 514(c).	Sec. 8.
Sec. 208. Substantive changes: (1) Eliminate 90-day review requirement; (2) Provide for mailed notice of denial of protest; and (3) Provide for constructive denial of protest after two years.	Sec. 9.
Sec. 209. Minor changes in Sec. 516(d) and (e).	Sec. 10.
Sec. 210. Unchanged.	Sec. 11.

COMPARISON OF PROVISIONS IN REVISED BILL,

REVISED BILL, 91ST CONGRESS—Continued
Title III
Sec. 301(a). Correction.
Sec. 301(b). Correction.
Sec. 301(c). Correction.
Sec. 301(d). Correction.
Sec. 301(e). Correction.
Sec. 301(f). Correction.
Sec. 301(g). Correction.
Sec. 301(h). Correction.
Sec. 301(i). Correction.
Sec. 301(j). Correction.
Sec. 301(k). Correction.
Sec. 301(l). Correction.
Sec. 301(m). Correction.
Sec. 301(n). Correction
Sec. 301(o). Correction.
Sec. 301(p). Correction.
Sec. 301(q). Correction.
Sec. 301(r). Correction.
Sec. 301(s). Correction.
Sec. 301(t). Revises wording in new section.
Sec. 301(u). Correction.
Sec. 301(v). Correction.
Sec. 301(w). Revises wording in new section.
Sec. 301(x). Revises wording in new section.
Sec. 301(y). Correction.
Sec. 301(z). Correction.
Sec. 301(aa). Correction.
Sec. 301(bb). Correction.
Sec. 301(cc). Correction.
Sec. 301(dd). Correction.
Sec. 301(ee). Correction.
Sec. 301(ff). Correction.
Sec. 301(gg). Correction.
Sec. 301(hh). Correction.
Sec. 301(ii). Correction.
Sec. 301(jj). Correction.
Sec. 301(kk). Correction.
Sec. 302. Correction.
Sec. 303. Correction.
Sec. 304. Correction.
Sec. 305. Correction.
Sec. 306. Correction.
Sec. 307. Correction.
Sec. 308. Correction.
Sec. 309. Correction.
Sec. 310. Correction.
Sec. 311.
Sec. 312. Correction.
Sec. 313. Correction.
Sec. 314. Correction.
Sec. 315. Correction.
Sec. 316. Correction.
Sec. 317. Correction.
Sec. 318. Correction.
Sec. 319.
Sec. 320. Correction.
Sec. 321. Correction.

THE NEED TO MODERNIZE CUSTOMS PROCEEDINGS PROBLEM

Over the past few years, the United States Customs Court has been faced with a sharp increase in its workload. In FY 1963, it received about 35,000 new cases. By FY 1968, over 108,000 new cases were received. In this same period the court has increased its rate of termination of cases from an annual average of 32,000 during the FY 1963–FY 1966 period to more than 43,000 in FY 1968.

Despite the substantial rise in its case termination rate, the court has been faced with a growing accumulation of pending cases. In FY 1963 these amounted to 186,452; in FY 1964, to 199,650; in FY 1965, to 218,926; in FY 1966, to 245,123; in FY 1967, to 343,065; and in FY 1968, to 404,932. By December 31, 1968 the number of pending cases had risen to 431,348. By March 31, 1969, 439,278 cases were pending.

CAUSES

Among the primary contributing factors for the court's rising workload are the outmoded statutory provisions which govern the

91ST CONGRESS AND S. 4194, 90TH CONGRESS—Continued

S. 4194, 90TH CONGRESS—Continued

Sec. 4(b), Title II.	
Sec. 4(b), Title II	
Sec. 4(a), Title II.	
Sec. 4(b), Title II.	
Sec. 4(b), Title II.	
Sec. 4(b), Title II.	
Sec. 4(b), Title II.	
Sec. 4(b), Title II.	
Sec. 4(b), Title II.	
Sec. 4(d), Title II.	
Sec. 4(e), Title II.	
Sec. 4(b), Title II.	
Sec. 4(b), Title II.	
Sec. 4(b), Title II.	
Sec. 4(b), Title II.	
Sec. 4(b), Title II.	
Sec. 4(b), Title II.	
Sec. 4(f), Title II.	
Sec. 4(b), Title II.	
Sec. 4(g), Title II.	
Sec. 4(g), Title II.	
Sec. 4(b), Title II.	
Sec. 4(h), Title III.	
Sec. 4(b), Title III.	
Sec. 4(l), Title III.	
Sec. 4(b), Title III.	
Sec. 4(b), Title II.	
Sec. 4(j), Title II.	
Sec. 4(k) and 4(l), Title II.	
Sec. 4(m), Title II.	
Sec. 4(n), Title II.	
Sec. 4(b), Title II.	
Sec. 4(b), Title II.	
Sec. 4(o), Title II.	
Sec. 4(b), Title II.	
Sec. 2(a), Title III.	
Sec. 2(b), Title III.	
Sec. 2(c), Title III.	
Sec. 2(d), Title III.	
Sec. 2(l), Title III.	
Sec. 2(e), Title III.	
Sec. 2(e), Title III.	
Sec. 2(e), Title III.	
Sec. 2(e).	
Sec. 2(e), Title III.	
Sec. 2(f), Title III.	
Sec. 2(g), Title III.	
Sec. 2(h), Title III.	
Sec. 2(e) and 2(l), Title III.	
Sec. 2(j), Title III.	
Sec.	
Sec. 2(e), Title III.	
Sec. 2(k), Title III.	
Sec. 1, Title III.	

procedures for deciding customs cases at both the administrative and the judicial levels. These archaic procedures compel the Bureau of Customs and the Customs Court to engage in time consuming, inefficient and unnecessary practices.

The Customs Court is an Article III court of record consisting of nine judges, with offices located at the Port of New York. It exercises exclusive jurisdiction over the appeals for reappraisement and the protests of all other decisions of the Bureau of Customs.

The Customs Court was established in 1926 as the successor to the Board of General Appraisers, an administrative tribunal created in 1890 to review appeals from decisions in the Bureau of Customs. Unfortunately, Congress for the most part was content merely to change the name without any essential change in the court's functions, powers or duties. As a result, the Customs Court continues to function, in many respects, as though it were an administrative tribunal reviewing the actions of the Bureau of Customs. This anomalous situation accounts, in great part, for its difficulties of judicial administration.

Among the major defects in the laws governing customs determinations in the Bureau of Customs and the Customs Court are the following:

1. Appeals for reappraisement and denials of protests must be automatically referred by the Bureau of Customs to the Customs Court for disposition, regardless of whether the importer has any intention to litigate the case.

2. When a single entry of merchandise presents both appraisement and classification questions, neither the Bureau nor the court can review both issues in a single proceeding. The appraisement issue must first be pursued. Only after it has been finally determined, can the classification issue be disposed of.

3. The Bureau of Customs lacks authority to correct administratively any errors of appraisement. The filing of an appeal for reappraisement by the importer automatically divests the Bureau of jurisdiction and places the matter before the Customs Court. Any correction of errors therefore can only be remedied in a judicial proceeding before the court.

4. The importer has an unrealistically short period of time (30 and 60 days) in which to decide whether to litigate the Bureau's decision by filing an appeal to an appraisement or protesting a classification. This causes a large number of protective appeals or protests to be filed by importers.

5. There is no provision authorizing the Customs Court to charge a filing fee for commencing an action. No pecuniary restraint is exercised on importers to deter them from bringing unwarranted and unnecessary cases into court.

6. Protest cases, which constitute about 60% of all customs cases, must be decided by a three-judge division of the court, even though these cases are no more difficult than the appraisement cases which are decided by a single judge. The result is an uneconomical employment of judicial manpower.

SOLUTIONS

The proposed bill will modernize the procedures in the Bureau of Customs and in the Customs Court so as to permit efficient and speedy disposition of customs matters. The key features of the bill are the following:

1. The Bureau of Customs will liquidate an entry (deciding at that time all issues relating to the entry, including appraisement and classification), and will give notice of the liquidation by mail to the importer.

2. The importer will have 90 days in which to decide whether he wishes to protest the decision and secure administrative review. This lengthier time limit should provide sufficient opportunity for the importer to review the matter and decide whether any useful purpose would be served by obtaining administrative review. It should thus obviate the need to file a protest as a protective measure.

3. The Bureau of Customs will have 90 days from the date of liquidation to reliquidate the entry on its own initiative. This will relieve the importer, in many cases, of the need to go to Customs Court to correct administrative errors or to require the Bureau of Customs to conform administrative actions to decisions reached in cases subsequently decided by the Customs Court.

4. If the Bureau of Customs denies the protest, in whole or in part, the importer will have 180 days in which to decide whether or not to go to court. This should be sufficient time for the importer to reach a considered decision on whether or not to litigate. It would eliminate many cases that are now on the court's docket simply because the present 60-day provision has caused the importer to file a protective appeal or protest.

5. The importer will be able to obtain an accelerated disposition of his protest by filing a written request with the Bureau of Customs at any time after 90 days have elapsed from the date of filing the protest. If the Bureau of Customs does not allow or deny his protest, in whole or in part, within the next 30 days, it will be deemed denied on the thirtieth day following receipt of the request. The importer will then have the right to commence an action in the Customs Court at any time within the next 180 days.

6. Any protest which has not been allowed or denied by the Bureau of Customs, or which has not been deemed denied following a request for accelerated disposition, will be deemed denied after two years have elapsed from the date the protest was filed. The importer will then have the right to commence an action in the Customs Court within the next 180 days.

7. Automatic reference of all appeals for reappraisement and all denials of protest to the Customs Court will be eliminated. If an importer wishes to obtain judicial review he will be required to file a summons in the Customs Court.

8. There will be a single judicial proceeding in which all issues, including both appraisement and classification, will be taken up. The importer will be able to include in one cause of action all entries of merchandise presenting common issues. The court, however, will have authority to order actions consolidated or severed as circumstances warrant.

9. The court will have authority to fix a filing fee for commencing an action but the amount may not exceed the filing fee for commencing a civil action in the United States district court. The charging of a fee and the amount thereof will be within the court's discretion. However, a fee would induce litigants to consider more carefully whether they wished to bring suit and would help to persuade litigants to consolidate numerous importations involving the same issues into one cause of action. A fee for commencing an action would reduce substantially the number of cases brought before the Customs Court each year.

10. All cases in the Customs Court will normally be tried by a single judge. This will increase the judicial manpower available for hearing and decided cases, since approximately 60 per cent of all cases in the Customs Court are now heard by a three judge trial division.

11. The chief judge will have the authority, on application or on his own initiative to designate three-judge trials when he finds that a cause of action either (1) raises a constitutional question or (2) has broad or significant implications in the administration or interpretation of the customs laws. The use of a three-judge court will provide a means for obtaining carefully considered decisions in landmark or other important cases.

12. In contested cases the judge will be able to support his decision by either a statement of findings of fact and conclusions of law or by an opinion stating the reasons and facts upon which his decision is based. This will eliminate the present requirement that in every case, the judge must write a decision with a statement of the reasons therefor and the facts on which the decision is based.

13. Outport cases will be tried in the same manner as other cases and the judge will have full authority to hear and decide the case.

14. Appeals from all cases will go directly to the Court of Customs and Patent Appeals. This will relieve the Customs Court of its present burden of having to set up three-judge divisions to hear appeals from single-judge decisions in appraisement cases.

ADJOURNMENT UNTIL 11 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of July 11, 1969, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 46 minutes p.m.) the Senate adjourned until Tuesday, July 15, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 14, 1969:

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

TO BE LIEUTENANTS

David M. Wilson
John C. Albright
Bruce L. Keck

TO BE ENSIGNS

Michael L. Adams
Pressley L. Campbell
John P. Campton
Garry W. Elliott
David J. Goehler
Lowell R. Goodman
Tom Gryniewicz
Gerald B. Mills
Joseph J. Morley
Larry A. New
Albert E. Theberge, Jr.
John E. Thomasson

IN THE COAST GUARD

The following-named temporary officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant (junior grade):

George A. Blann
David A. Carter
Harry W. Clarke
Armand L. Chapeau
Michael J. Blaschum
Bruce T. Collings, Jr.
David A. Bailey
Kermit Johnson
Freddie R. Lewis
Frederick K. Patterson
Paul L. Hooper, Jr.
Jack L. Conerly
Joseph F. Gall
James V. Sorce, Jr.
Billy R. Warren
Gary L. Hutchens
Richard J. Burke
Gary R. Wilkins
Charles A. Vedder
Charles H. Lancaster
Marvin L. Beaty
Dwight C. Broga III
William L. Engleson, Sr.
William E. Jones
Gerald T. Victor
Donald W. Troutt
Dewain D. Clark
Joseph J. Kennedy
Warren W. Johns
Kenneth L. Norton
George F. Cole
Charles M. Montanese, Jr.
Walter D. Eddowes III
Dixon C. Elder
Jon J. McNutt
Jay D. Crouthers
Robert J. Opezio
Ray C. Gregory
Robert P. Reichersamer
Peter L. Ehrman
Nevin A. Pealer
Kenneth G. Coder
Daniel K. Mazurowski
William G. Bradford III
Richard G. Hendrickson
John G. Carroll, Jr.
Barry E. Chambers
Edward M. Goodwin III
Joseph T. Oskolski
James L. Middleton
Keith E. Nichols
Oscar F. Poppe, Jr.
Michael F. Keating
Henry C. Post
Edwin A. Coolbaugh
Dillard J. Tucker

The following-named Reserve officers to be permanent commissioned officers in the Coast Guard in the grade of lieutenant commander:

Domenic A. Calicchio
Howard E. Snow

The following-named Reserve officers to be permanent commissioned officers in the Coast Guard in the grade of lieutenant:

William R. Arnet, Jr.
Patrick A. Wendt
Milton C. Richards, Jr.

The following-named officer to be a permanent commissioned warrant officer in the Coast Guard in the grade of chief warrant officer, W–4.

Herman J. Lentz

The following-named officers of the Coast Guard for promotion to the grade of lieutenant:

George A. Blann
Gary E. Johnson
Larry A. Cochrun
Gerald J. Kane
David A. Carter
Harry W. Clarke
Armand L. Chapeau
Michael J. Blaschum
Bruce T. Collings, Jr.
David A. Bailey
Kermit Johnson
Freddie R. Lewis
Frederick K. Patterson
Paul L. Hooper, Jr.
Jack L. Conerly
Joseph F. Gall
James V. Sorce, Jr.
Billy R. Warren
Gary L. Hutchens
Richard J. Burke
James B. Ellis II
Charles W. Gower
Gerald D. Sickafoose
Stephen L. Anthony
John H. Hanna III
Robert J. Faucher
Harold E. Millan, Jr.
John C. Maxham
John F. Milbrand
Steven L. Benson
Dennis J. Shaw
Michael C. Grace
Thomas G. Deville
Richard E. Peyser
Thomas M. Dunn
Joseph R. Hoosty
Robert S. Duncan, Jr.
Philip J. Grossweiler
John C. Carney, Jr.
Thomas R. Dickey
Kenneth E. Williams
Edward A. Hemstreet
William K. May
Harry H. Dudley
Jose E. Rodrigues
Gary B. Johnson
Nesbit C. Lofton
Robert W. Mueller
Jerald H. Heinz
Donnie D. Polk
Jonathan Collom
William E. Fox, Jr.
Harry W. Tiffany
William H. Stockton II
Benjamin M. Chiswell III
Peter A. Gabele
Kenneth J. Allington
John G. Busavage
Robert C. Byrd
Donald H. Van Liew
Paul A. Flood
John E. Lord
Paul B. Withstandley II
Charles O. Laughary, Jr.
Anthony C. Alejandro
John E. Shkor
Joseph O. Bernard
Stanley Winslow
Leslie M. Meekins
Eric J. Stuat
Dennis R. Freezer
Dougles W. Crowell
John R. Felton
Douglas F. Gehring
Gary L. Cousins
Donald B. Wittschiebe
Donald F. Murphy
Edward J. Barrett
Roswell W. Ard, Jr.
Ronald J. Marafioti
Richard P. Oswitt
Michael T. Bohlman
John E. Byrnes, Jr.
John L. Parker
John D. Bannan
Raymond E. Beyler, Jr.
Alphons A. Melis III
Walter L. John
Thomas H. Robinson
Gerald L. Underwood
Adrian W. Longacre
Vernon C. Hipkiss
David A. Jones
Patrick V. Kauffold
Jeffery J. Hamilton
William A. Kucharski, Jr.
Earl A. Blanton
Raymond A. Ross
Robert J. Philpott
Richard W. Wright
Philip J. Cardaci
Ronald C. Mers
William H. Hawley III
Stephen A. Kull
Michael W. Taylor
William A. Lehmann
Raymond B. Freeman
Jack S. Webb
Paul E. Busick
Furman S. Baldwin, Jr.
Anthony R. Carbone
Kenneth C. Hollemon
Robert G. Keary
Robert L. Barnes
Allan P. Fulton
Leo A. Morehouse, Jr.
Harvey G. Knuth, III
Imanis J. Leskinovitch
Edwin M. Cox
Harold F. Hoppe
Warren E. Miller, Jr.
Donald A. Winchester
Theodore B. Kichline
James T. Read
Merle J. Smith, Jr.
Dennis W. Parker
Gary R. Wilkins
Charles A. Vedder
Charles H. Lancaster
Marvin L. Beaty
Dwight C. Broga, III
William L. Engleson, Sr.
William E. Jones
Gerald T. Victor
Donald W. Troutt
Dewain D. Clark
Joseph J. Kennedy
Warren W. Johns
Kenneth L. Norton
George F. Cole
Charles M. Montanese, Jr.
Walter D. Eddowes III
Dixon C. Elder
Jon J. McNutt
Jay D. Crouthers
Robert J. Opezio
Ray C. Gregory
Robert P. Reichersamer
Peter L. Ehrman
Nevin A. Pealer
Ronald D. Blendu
Kenneth G. Coder
Daniel K. Mazurowski
William G. Bradford, III
Richard G. Hendrickson
John G. Carroll, Jr.
Clifford E. Clayton, Jr.
Barry E. Chambers
Edward M. Goodwin III
Joseph T. Oskolski
James L. Middleton
Keith E. Nichols
Oscar F. Poppe, Jr.
Michael F. Keating
Henry C. Post
Edwin A. Coolbaugh
Dillard J. Tucker
Marcus L. Lowe

EXTENSIONS OF REMARKS

A EULOGY TO DWIGHT DAVID EISENHOWER

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, the passing away of President Dwight David Eisenhower has been mourned by millions all over the world. Old and young alike, people of every race, have experienced a deep sense of personal loss. Eisenhower knew no boundaries in his love for mankind; he sought not just the peace of a nation but the peace of the world. For a few moments in time the world rests in peace as all men join together to grieve the death of this great man. Perhaps this is the highest tribute that can be paid to Eisenhower. Although his career was military in character, his life was devoted in actuality to his hope for peace among men.

I welcome the opportunity to express, as others have, my own love and deep admiration of Dwight David Eisenhower. I speak for many Americans whose unspoken thoughts are easily read in their sad faces as they recall their memory of this wonderful man.

Our beloved Ike played an important role in my own life—he was a significant influence on my personal direction. While I was a student in college, I followed every step of his distinguished career. I quickly grew to love that warm smile and reassuring tone of voice which drew people to him wherever he went. His art of leadership was unique. Every national or international problem was attacked by him as if it were his own personal problem. His patience was boundless, and his high degree of perseverance to solve the Nation's problems was exemplary. Eisenhower made me proud of America. He inspired me with his contagious zeal to serve America.

The accomplishments of Eisenhower are countless. The diversity of these contributions seem truly remarkable. The world can ill afford to loose such a brilliant soldier and statesman as he was. The Republican Party is proud to have had this giant of a man lead us for so