Fifty major banks and their gain in profit for the first half of 1969—Continued

	Percent
U.S. Trust, New York	18.7
National Westchester	18.0
Lincoln First, Rochester	15.1
First National, Boston	12.0
Cleveland Trust	16.6
National City, Cleveland	12.9
First National, Dallas	15.7
Girard, Philadelphia	19.8
Mellon, Pittsburgh	10.0
Union American, Los Angeles	14.9
Wells Fargo, San Francisco	12.2
Crocker Citizens, San Francisco	12.7
Bankamerica, San Francisco	13.1
Republic, Dallas	19.1
Harris, Chicago	13.2
Virginia National	15.1
Southeast Bancorp	16.2
First Union Bancorp	9.9
Wachovia, Winston-Salem	15.2
Chase Manhattan	8.6
Continental Illinois, Chicago	11.0
Chemical Bank	9.2
First Chicago	6.8

SOME SMALL BANKS CUT PRIME RATE

MAYWOOD, Ill. August 5.—"We checked the other banks and they all think we are crazy," said the president of a small bank in Chicago's suburbs yesterday after trimming the prime interest rate to 8 per cent from 8½ per cent.

"But we think rates are too high and we feel they are going to come down. And if we are going to do it later, we may as well do it now," Peter D. Giachini, president of Maywood-Proviso State Bank, said.

Maywood-Proviso was one of a small number of suburban banks that trimmed the prime interest rate—that charged large and most credit-worthy clients—without creating much of a ripple in banking circles on Wall Street.

Last Wednesday it took only a rumor that Morgan Guaranty Trust Co. of New York was about to cut its prime rate to send the stock market sharply and abruptly upward. Morgan Guaranty subsequently denied any such plan.

But Morgan Guaranty is a large enough bank for stock speculators to regard as a probable leader in any downward movement in the prime rate that would signal an approaching end to fiscal and monetary restraints and the resumption of business expansion.

The larger banks around the country tended to ignore the cuts by Maywood-Proviso and other small banks like Wynnewood State Bank in the Dallas suburbs—just as they ignored the number of widely scattered small banks that did not follow the majority of commercial banks up to 8½ per cent last June 10.

[From the Wall Street Journal]

TWO SMALL BANKS CUT PRIME RATE TO 8 PER CENT BUT MAJOR INSTITUTIONS DISCOUNT THE MOVE

Two small suburban banks reduced their "prime" lending rate to 8% from the record 8½% but the move was discounted by large banks, which usually lead in making changes in this key interest charge.

Major banks said they saw no immediate prospect for a change in the prime rate, although some money-market rates have eased slightly in recent weeks. They said there have been no indications of any relaxation of the stringest monetary policies being imposed on the banking system by the Federal Reserve Board.

Wynnewood State Bank, in suburban Dallas, announced it's lowering its prime rate to 8% to its most credit-worthy customers. W. David Long, president, said: "We can see a visible shrinking in the demand for hard goods and appliances. This factor, together with the current stock market decline and the easing of loan demand, evidences a sufficient cooling off of the economy during the past 60 days to warrant the reduction of our prime rate to qualified customers.

Maywood-Proviso State Bank, a small bank in suburban Chicago, also announced a reduction in its rate to 8%. "We feel rates are going to come down and, if we are going to do it later, we may as well do it now," said Peter D. Giachini, president.

LENDING LIMITS CITED

Bankers said it isn't at all unusual for local banks to be more responsive to local credit conditions than they are to national demand.

Smaller banks have lending limits that keep them from being significant suppliers of funds to the large national corporations that usually are considered prime customers. The Wynewood bank, for example, has a lending limit of $415,000 to a single customer. The limit at Maywood-Proviso is $142,500.

Even larger regional banks sometimes don't hitch their rate structures to the widely publicized prime rate, bankers noted. For example, a survey of larger banks taken nationally last month by the Federal Reserve Board showed some differences among the banks.

The board received responses from 336 banks and found that 309 were charging the prime rate, which was raised to 8½% from 7½% on June 9. Of the 309, 27 banks charged the 8½% prime rate only to national corporations. Their most credit-worthy local businesses could get loans at 7½% to 8%, a situation bankers call a "split rate."

Three banks had minimum lending charges of more than 8½%—one was at 9½% and two at 8¾%. Twelve banks charged a minimum of 8%, nine were at 7.5% and three had no specific minimum rate.

The Midland National Group of four banks in Milwaukee, for example, didn't follow the point increase in June and have maintained their prime rate at 7½%. John Kelly, president, said the banks since have increased outstanding loans "by about $5 million. We've heard from a lot of brokerage houses and a lot of finance companies, and even some conglomerates looking for our cheap money."

However, Mr. Kelly stressed, "we're mainly taking care of our regular customers."

The Midland National Group has assets of $138 million and deposits of $129 million.

OTHER RATES EASE

Recently, there has been some speculation about the possibility of a reduction in the prime rate because of changes in other short-term interest rates. For example, rates on commercial paper have dropped below the prime rate. This means large corporations can issue their promissory notes directly to investors or through dealers and pay less interest than banks would require, thus easing the upward pressures on bank credit demand. However, bankers say loan demand generally remains strong and money-market interest rates haven't yet dipped far enough for a long enough period to bring down the prime rate.

"There are modest indications the money market is reaching a plateau, but not enough to make any changes," said Edwin S. Jones, president of First National Bank in St. Louis. A spokesman for Wells Fargo Bank in San Francisco said demand for real estate and business loans is as strong as ever and the bank sees no prospect of reducing its prime rate.

The Wynnewood bank's action "doesn't mean anything" in terms of influencing the major banks' prime rate, said Vinson Grice, executive vice president of United California Bank in Los Angeles. "Obviously, the prime rate isn't too high in terms of other short-term interest rates," he said.

SENATE—*Wednesday, August 6, 1969*

(Legislative day of Tuesday, August 5, 1969)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by Hon. HERMAN E. TALMADGE, a Senator from the State of Georgia.

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

O Thou Sovereign Lord of life and of history, judge of men and nations, whose covenant is to bless those who desire to know and to do Thy will, help us this day that by prayer and study we may know and do Thy will. By the illumination of Thy spirit make us precise in analysis, accurate in expression, pure in motive, and wise in decision.

O Lord, grant us Thy grace and wisdom more perfectly "to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Enable us to "put on the whole armour of God; to be strong in the Lord and the power of His might," and to deploy the strength of our true character, so that as a people we may send forth missiles of friendship and good will to all mankind.

In Thy holy name we pray. Amen.

(At this point a disturbance occurred in the gallery. The Presiding Officer directed the Sergeant at Arms to preserve order.)

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 6, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HERMAN TALMADGE, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. TALMADGE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, August 5, 1969, be approved.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I yield myself one-half minute, out of the time allotted, to ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

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

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

U.S. MARSHAL

The assistant legislative clerk read the nomination of Albert A. Gammal, Jr., of Massachusetts, to be U.S. marshal for the district of Massachusetts.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, for the information of the Senate, none of the regular committees will be permitted to meet during the session of the Senate this afternoon.

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 ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT 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 for the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 101 of the Senator from Michigan.

Who yields time?

Mr. MANSFIELD. Mr. President, I ask unanimous consent to take out of the time of both sides the time for a quorum call; and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, do I correctly understand that the time is to be charged to both sides?

Mr. MANSFIELD. To both sides, yes.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Who yields time?

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from Virginia.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized for 15 minutes.

Mr. BYRD of Virginia. Mr. President, the Senate has been debating for 5 weeks the military procurement authorization bill. Most of the discussion has centered around whether or not the United States should deploy an anti-ballistic-missile defense system.

I think these discussions have been good.

I think the debates on both sides of the question have been illuminating and well handled. I wish to mention particularly the speech made yesterday by the distinguished Senator from Alaska (Mr. GRAVEL). I thought it was a well handled address.

I did not agree, and I do not agree with his conclusions, but I think his speech was somewhat typical of the excellent presentations that have been made on both sides of the question.

Mr. President, yesterday the distinguished senior Senator from Maine introduced an amendment as a substitute for the Cooper-Hart amendment.

The amendment offered by the Sen- from Maine presents a clear-cut issue to the Senate.

The amendment introduced by the Senator from Maine would knock out all funds dealing with an anti-ballistic-missile defense system.

Those Senators who feel that this Nation should not have an ABM program will now have the opportunity to vote on this clear-cut issue.

All the other amendments which have been offered, including, particularly, the amendment offered by the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Michigan (Mr. HART), do not present as clear cut an issue. But the Senator from Maine has given the Senate an opportunity to register in a clear-cut way its approval or disapproval of an ABM system.

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

Mr. BYRD of Virginia. I am on limited time but I will be glad to yield very briefly to the Senator from Tennessee. I would like to finish my remarks but I yield very briefly to the Senator.

Mr. GORE. I withdraw the request.

Mr. BYRD of Virginia. Mr. President, I wish to comment briefly now as to whether or not it would be in the best interest of our Nation to deploy an anti-ballistic-missile defense system.

First, we must consider what the proposed system will do and what it will not do.

The missile defense system is not an offensive weapon. It is purely a defensive one.

It is not a warmaking weapon. Its only use is to protect the United States in the event of attack. If the United States is not attacked then this weapon would not be used.

It does not add to our Nation's offensive potential but it does add to our Nation's protection.

President Nixon believes that the Safeguard system will strengthen the hand of the United States in any arms control talks with the Soviet Union. I believe that history teaches us that the Russians respect strength.

In speaking of the Soviet Union, what evidence is there to suggest that the United States should not be on the alert as to Soviet capabilities? We all know that in 1962 the Soviet Union brought offensive missiles to the island of Cuba, 90 miles off our shores.

We all know that the Soviet Union is the major supplier of major weapons for the North Vietnamese, and they have been for 4 years.

We all know that it was the Soviet Union that stood behind Nasser when he provoked hostilities with Israel in 1967.

We all know of the brutal invasion of Czechoslovakia by the Soviet Union in 1968.

We all know that in 1969 the Soviet Union further tightened the screws on Czechoslovakia.

So, Mr. President, I say that in this uncertain world of violence and instability it is important for our Nation to attempt to develop some defense against nuclear weapons.

Before it is completed the ABM system will be a costly one. Balanced against the cost is this: In this imperfect world of international violence and instability, can we afford not to develop some defense against nuclear attack?

Those who have discussed the ABM, and most of the expert witnessess testifying in regard to the ABM on both sides of the question, agree that the Soviet Union has been and is substantially increasing its offensive capability.

The evidence seems conclusive that with the SS–9 the Soviets have the capability to knock out land-based strategic U.S. missiles.

Basically, the United States is relying on a strong offensive capability as the best deterrent against aggression. But if U.S. missile sites are knocked out, the U.S. retaliatory power is decreased.

Those who oppose deployment of the ABM system seem to put considerable faith in the possibility of arms control talks.

Most of those who oppose deployment of the ABM system feel that the Soviets have no intention of using its giant SS–9's to attack U.S. missile sites.

But, Mr. President, no one really knows what Russia's intentions are.

Most seem agreed, however, as to the magnitude of Russia's growing capability. To me, this is the most significant evidence obtained from the multitude of testimony in regard to the ABM system.

Another fact recognized by all scientists is that a long leadtime is required for deployment of a defensive system. There is a difference of opinion as to the precise number of years, but all scientists agree that the leadtime is substantial.

Thus, if the United States is to have an ABM defensive system by 1975, the deployment must begin now. None can say whether world conditions will be better or worse 6 years from now. All of us hope that, somehow, the statesmen of the world will find a formula for world peace. But there is no evidence to suggest that such a formula is in sight.

Last year, I voted for substantial reductions in non-Vietnam defense costs, and will do so again this year. I favor a reduction of $2 billion in the pending military procurement legislation. I have reached the conclusion, however, that it would be unwise to eliminate funds for the development of a system to protect the United States in the event of nuclear attack.

Mr. STENNIS. Mr. President, the Senate is out of order. May we have order in the Chamber.

The ACTING PRESIDENT pro tempore. The Senate will please be in order.

Mr. JACKSON. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. JACKSON. I commend and highly compliment the able Senator from Virginia for an excellent analysis of the problem. I think the record he has made in his speech regarding the nature of the adversary is, indeed, very important in any Senator's coming to a conclusion on a vote on this important issue.

I must say that the able Senator from Virginia has put his finger right on the problem. We have spent a lot of time talking about the technical aspects of the ABM system but we have not had the kind of discussion, in my judgment, as to the nature of the adversary.

How can we really make a decision when we have not had that kind of presentation that I think is so essential. The Senator from Virginia has made a real contribution in this area in analyzing the kind of adversary we are up against.

I think that this point, as well as the points he is now making add immeasurably to this debate, and to the confidence of those Senators who really want to make sure that we are making the right move in trying to protect our deterrent so essential to the peace of the world.

Mr. BYRD of Virginia. Mr. President, I am very grateful to the Senator from Washington for his remarks.

Mr. TOWER. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. TOWER. I should like to associate myself with the remarks of the Senator from Washington in commending the Senator from Virginia on his speech.

We should understand there is every reason to believe that the Soviet Union is not trying to achieve parity in terms of arms but, indeed, superiority.

Does not the distinguished Senator from Virginia think that since this evidence is very present, indeed, that we had better be considering how we will maintain our superior defense posture in the midseventies?

Mr. BYRD of Virginia. I quite agree with the distinguished Senator from Texas.

The ACTING PRESIDENT pro tempore. The time of the Senator from Virginia has expired.

Mr. STENNIS. Mr. President, does the Senator from Virginia desire more time?

Mr. BYRD of Virginia. Five minutes.

Mr. STENNIS. Mr. President, I yield 5 additional minutes to the Senator from Virginia.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized for 5 minutes.

Mr. BYRD of Virginia. Mr. President, I should like briefly to summarize my position in regard to the ABM system and at the same time attempt to summarize the statements which have been made on both sides of this controversy.

First, I think we should be aware that the Senate, last year, under a Democratic President, agreed to proceed with the deployment of an ABM defensive system.

Why should it not now agree when we have a Republican President?

Number 2, the scientific community is sharply divided on the deployment of an ABM system, as to whether it can be accomplished and whether an effective system can be developed.

We know that many scientists, such as Dr. Teller, who developed the hydrogen bomb, feel that it can be developed. The entire world has just witnessed a demonstration of what Americans can do when, on July 20, we landed 2 men on the moon. Thus, I am willing to give the benefit of the doubt to the scientific community, those who feel that an effective system can be developed.

Third, most agree—perhaps all agree—that the Soviet Union has been and is substantially increasing its defensive capability.

Fourth, the ABM is purely and solely a defensive weapon. It cannot be used for offensive purposes.

Fifth, the evidence is that the Soviets with the SS–9 have the capability—we do not know what the intentions are—but the Soviets have the capability to knock out U.S. missiles.

Sixth, a long leadtime is required for the deployment of a defensive system. There is a difference of opinion as to the precise number of years, but all seem agreed that the length of time is substantial.

Seventh, those who oppose deployment of the ABM seem to put considerable faith in arms control talks. Well, the President of the United States is the only man, through his representatives, who can speak for the United States at the oncoming arms control talks.

The President of the United States is convinced that the deployment of an ABM system would strengthen his hand when the talks are held.

Thus, while I have had doubts concerning the ABM proposal, I have decided to resolve those doubts in favor of defense.

In such technical and complex matters as the ABM, it is not possible to be certain whether we are right—either those who take the position I take, or those who take the contrary position—none of us can be certain that we are right.

So while I have doubts concerning the ABM proposal, I have decided to resolve the doubts in favor of defense.

In the light of world developments, I have concluded it would be wise to support the Commander in Chief in his firm belief that our missile bases must be protected against foreign attack.

In recent years, the world has made great strides in almost every line of endeavor—in medicine, in scientific achievements, in space.

But in learning to live in peace with one another, the nations have made little progress. During the past quarter of a century, the United States has been involved in three major wars.

Until a more peaceful world is at hand, it seems to me we have little choice but to spend the necessary funds in an effort to deter an attack on the 200 million people in the United States.

In such complex and technical matters as the ABM deployment question, it is not possible to be certain, but it is possible to be prudent. I support prudence.

Mr. COOK. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. If I have any time left, I shall be glad to yield to the Senator from Kentucky.

The PRESIDING OFFICER (Mr. BAYH in the chair). The time of the Senator from Virginia has expired.

Mr. STENNIS. Mr. President, I am sorry; I cannot yield right now. I yield myself 2 minutes on the amendment.

Mr. President, a great deal has been said from time to time to the effect that we must vote for the Cooper-Hart amendment; otherwise Congress would not be exercising control over this program. In other words, if the bill as written now is passed, it will be "goodby" as far as Congress is concerned. There has been a great deal in the press on that, and statements have been made on the floor in various ways to that effect.

Mr. President, that impression, or statements to that effect, are just in total error. The big purpose of the authorization bill is the requirement that these matters have to come here to be authorized. There is a double control over it, through appropriations. That applies in the other body with the same force and effect. That matter is clear-cut, very positive and definite, as to what it means. It will have to be authorized and appropriated before any further use is made of it. I just wanted to state that for emphasis.

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

Mr. STENNIS. I want to be courteous

to the Senator. I do not have much time. I yield to him.

Mr. FULBRIGHT. The Senator makes reference to what, as the Senator knows, I said exactly—not exactly, but partly. I think I made clear in my remarks, both in my prepared remarks and my extemporaneous remarks, that this is the first time an important military request has been debated on the floor of the Senate. I did not say, and I did not mean to say, it had not been examined carefully in the Armed Services Committee.

One of the embarrassing things for me in this whole matter is that I have the greatest respect for the Senator from Mississippi; and certainly I always have had, and still do, for the Senator from Georgia. I know they have done their best. They are great patriots, and they have done a good job in their committees. But I have been in the Senate 25 years. The Senator has said there has been supervision, and so forth; but it has not taken place on the Senate floor. I have never witnessed or participated in a serious debate on it.

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

Mr. STENNIS. I yield 1 minute.

Mr. FULBRIGHT. The Senator from New York raised an important matter. As the Senator from New York and I said yesterday, this is the very core of this matter. The most important matter involved in this debate is whether or not the Senate has the power, the will, and the determination to resist all of the influences brought to bear on the Members of the Senate. I mean legitimate influences. I mean from their constituents, from the great industries in the various States. I do not discount these influences and I do not in any way criticize them. I know I am subject to them just as well as anyone else. It is a fact of life in this great industrial Nation that the United States has become. I am not saying it in a critical way. But it is a serious matter.

I do not believe the Senator can cite a single case in which a serious challenge has been made on the floor of the Senate to any military program, involving, since World War II, over $1 trillion—more than $1,000 billion. I have never heard a serious debate take place on it. This is the first time. That is the only point I make, and I do not think the Senator will disagree with it.

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

Mr. STENNIS. Mr. President, I yield one-half minute.

The Senator from Arkansas is discussing a wholly different matter from what I brought up. I merely brought up that the passage of the bill as written will still leave control of all this program in the hands of the Congress except the part that is in the bill. That is all. I do not complain about what the Senator has said. Of course, we will have control over it. Whether we have in the past exercised it is beside the issue.

Mr. FULBRIGHT. Of course, the Constitution gives us control. I am saying Congress has not exercised it. This is the first opportunity I have seen to exercise it. I agree that the Constitution gives us the power.

Mr. McINTYRE. Mr. President, will the Senator yield me time for a comment on that point?

Mr. STENNIS. Mr. President, I cannot yield any more just now. I just do not have the time. I dislike not to yield.

Mr. McINTYRE. Mr. President, will the Senator from Michigan (Mr. HART) yield to me briefly?

Mr. HART. Mr. President, I yield 1 minute.

Mr. STENNIS. Mr. President, I yield 1 minute.

The PRESIDING OFFICER. The Senator from New Hampshire has been yielded 1 minute. The Chair will let the Parliamentarian determine where that 1 minute came from.

Mr. McINTYRE. Mr. President, I have a comment on the question of control, because my distinguished chairman has just said that control over the whole ABM system is something that we on the Armed Services Committee, through the authorization bill, do exercise. And yet I know—and he must know—that under the experience we have had, if we do not express our senatorial decision putting strict control on the system on the record, then as we take up the authorization bill next year the system will be coming in the back door. We are not exerting the type of control that we in the Senate and the Congress should exercise over this massive new system. So I disagree seriously with my chairman on the question of control.

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

Mr. STENNIS. Mr. President, I do not believe it is possible to carry on debate on controlled time in this way. We can come back to it later.

Mr. COOPER. Mr. President, I yield myself some time from our time, but I want to comment on two points.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOPER. Mr. President, in responding to the Senator from Mississippi, I want to say that when we speak about future control over this system, through appropriation and review, I doubt that it will be effective. We will make the essential decision today.

The second point I make is that last year the Senator from Michigan (Mr. HART), I, and other Senators offered the amendment with the primary purpose of opening up the defense budget to debate in the Senate and in the country. Debate upon the military appropriation bill has been opened in the Senate and the Congress, and for the first time an opportunity has been provided for all Members to exercise their judgment and responsibility.

On those two points I must disagree with the Senator from Mississippi.

Mr. HART. Mr. President, I yield myself 1 minute.

Before it is lost in the more wide-ranging debate, I think some comment should be made with respect to the point the Senator from Virginia made at the outset. He began, it will be recalled, by saying the amendment offered by the Senator from Maine (Mrs. SMITH) now gave us a clear-cut choice. Those who do not want the anti-ballistic-missile system now have the opportunity to say so and make it stick by adopting that amendment.

I think it clarifies—and helpfully—our alternative courses but the two courses earlier available have been clear. There are three now. The first is provided by the committee recommendation that we deploy an antiballistic missile labeled the "Safeguard." The second is the Cooper-Hart amendment, which says that we shall research and develop what we would hope might be an effective anti-ballistic-missile system, but we shall not undertake to deploy a doubtful system. The third is the proposal now by the Senator from Maine. This in effect abandons any effort to develop, through research and underwriting, a testing program to obtain an effective ABM system.

Those choices are clear cut. It would seem to me that the complexity of the anti-ballistic-missile technique and the relative ease of neutralizing any anti-ballistic-missile system now attainable, argues for research and against deployment. The alternative means now available to our deterrent strike force are, both in time and cost, within reach and much more prudent and effective than the deployment of a doubtful system.

I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, I wish to point out that the amendment offered by the distinguished senior Senator from Maine may go further than she intends, because it would not only prevent testing, research, evaluation, and development, procurement of an ABM, but it would also prohibit testing, research, development, evaluation, or procurement of "any part or component of such system."

This would prevent the testing, evaluation, and procurement of such parts and such components as may be necessary for other missile developments when those same components and those same parts would be used in any possible ABM deployment. Many of these missile parts and components are identical with those used in other systems, and there are many other such weapons systems under evaluation and under study, and have been for the past decade, and will doubtless be, and should be, for the next decade.

So it would seem to me that if the amendment of the senior Senator from Maine were confined purely and strictly to deployment of the Safeguard anti-ballistic missiles, then we might consider accepting it; but so long as it applies to and prohibits testing, evaluation, procurement, or research and development of "any part or component of such system," then it goes too far, and cannot be accepted. We must proceed with evaluation, testing, and research in many fields, including parts and components that may or may not be used in the ABM missiles.

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

Mr. HART. I yield to the Senator from New Hampshire.

Mr. McINTYRE. The remarks of the Senator from Michigan overlooked an amendment that will be offered either today or tomorrow by me. That amendment, it seems to me, reaches a common

ground, because it retains control in Congress of the ABM system, and at the same time recognizes the possibility of the threat, and gives us a chance, if we want one, a year from now or possibly later, to move to deploy the ABM system.

Mr. HART. Mr. President, if there is time left, I shall react only to the point of saying I would be much more comfortable if we did not begin installing the machinery at the two proposed sites of the system, which would happen under the McIntyre amendment.

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

Mr. HART. I yield 1 minute to the Senator from Kentucky.

Mr. COOK. I wanted to get into the record, in respect to the reliance of the Senator from Virginia on Dr. Teller, that I spent 1 day with Dr. Teller in the presence of the junior Senator from Alaska, and the next day spent quite some time with Dr. Teller, together with the Senator from California, the Senator from Ohio (Mr. SAXBE), and the Senator from Kansas (Mr. DOLE).

I wish to express at this time, with reference to this reliance, that I came away less convinced after those 2 days of discussions with Dr. Teller than I was before.

I might further state for the record that I know of no time whatsoever that Dr. Teller was ever against the expenditure of massive funds, or ever against the deployment of any major missile system that the Defense Department wanted. He is the same distinguished scientist who said, about a month or so ago, that he was delighted that man could walk on the moon, because we might well use the moon as a source for atomic and hydrogen explosions in the future. I just wanted to get that into the record.

Mr. HART. Mr. President, I yield 5 minutes to the Senator from Kansas.

Mr. PEARSON. Mr. President, I wish to respond to a point that has been developed in this debate and reiterated many times. It is a minor theme, perhaps, rather than a major theme, but it has recurred very often in the colloquy on the Senate floor. It has not been reduced to a cliche; it is a point seriously made in a serious debate, but it takes the expression that the construction and deployment of the ABM is essential because we must keep our options open, or, expressed in another way, that we must give the President a second button.

I think every Member of this body would agree that it is desirable to have as many alternatives as possible, and have them available at all times. But the question arises as to whether or not the construction and deployment of the ABM really will keep our options diverse and usable. It may in fact close some of the avenues open to us. The decision to deploy may be one that will prevent us from taking other courses in the future; that will prevent us from increasing our Polaris fleet, the strongest part of our deterrent; that will prevent or block off the prospect of hardening to a greater degree our missile sites, or going to mobile launches, or increasing our offensive capability, or even, in fact, relying upon the superiority in numbers we now have at all strategic force levels.

It does seem to me that it might be reasonable to assume that to continue on the course urged by the proponents here would overcommit us to a single type of response, rather than opening up more avenues or more alternatives to us.

I am troubled by the associated argument of keeping our options open, which, as I have said, takes the form of proposing that we give the President a second button. Under the Safeguard system, the perimeter acquisition radar, extending some 2,000 or 2,500 miles out, can pick up a missile coming across the globe at perhaps 17,000 miles per hour.

Mr. FULBRIGHT. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PEARSON. That, I think the authorities indicate, gives us a time of about 10 minutes to react. Our radar tracks it, runs it through a computer, makes a decision as to a possible target, relays this information to the missile site radar, where the tracking is continued, and the guidance system for the Spartan and the Sprint is put into motion.

If we have a blackout condition, it could take away 5 minutes. If we have an FOBS condition, it could limit the time to 3 minutes. If we have a launch in a submarine off the shore, it may be a little later time. It may be that under all these conditions, as a practical or sensible matter, we are not going to give the President another button to push, because there simply would not be time to do it.

He may be on a very valuable trip in Western Europe or Asia, such as President Nixon has just made with great advantage to this country.

But perhaps, really, what it will amount to will be similar to the very honest, courageous position that a distinguished Senator on this side of the aisle took some years ago in a campaign in which he faced up to the practicalities of nuclear exchange in Western Europe and indicated that it might be necessary to delegate some authority for the use of nuclear weapons. This is precisely what may well be the result, and, it seems to me, may be the only result, in this instance.

I bring this to the attention of the Senate in relation to the minor point relating to the second-button concept and the idea of keeping our options open.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the time for the quorum call to be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Who yields time.

Mr. HART. I yield myself 2 minutes.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HART. Mr. President, as we approach the vote on this amendment, I think it is in order that it be made very clear that there is not a partisan division on this question, and there should not be a partisan division on an issue of this character.

A year ago, a Republican Senator from Kentucky and a Democratic Senator from Michigan sought to persuade the Senate to say "No" to a Democratic President who wanted to deploy an anti-ballistic-missile system. We were beaten. I think that even those who a year ago advocated that system now agree that it was a mistake.

In any event, they are now here with a new one, and this year a Republican Senator from Kentucky and a Democratic Senator from Michigan seek to persuade the Senate to say "No" to a Republican President who wants to deploy the same machinery that they advertised as great for city defense last year, but now say it is magnificent for defense of Minuteman missiles.

The division is clear on both sides. There are those on my side of the aisle who have a deep conviction that this is an unwise proposal. There are those on the Republican side who share that conviction. There are those on the Republican side who are convinced that our security requires that we go forward with deployment. There are those on my side who share that conviction.

Whatever the outcome, it ought not be read by the country or by nations that observe our actions and react to them as a partisan debate or a partisan issue. It involves people and sanity in a nuclear age.

The PRESIDING OFFICER. Who yields time? The time will be running equally on both sides.

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield me 5 minutes?

Mr. STENNIS. I yield 5 minutes to the Senator from Georgia.

Mr. TALMADGE. Mr. President, a few years ago, I was one of the Senators who voted against the ratification of the Nuclear Test Ban Treaty. One of the most impelling reasons why I voted against the ratification of that treaty was that the Russians had fired nuclear missiles at nuclear missiles. The United States had not. In other words, the Soviet Union at that time was dealing from knowledge. The United States of America at that time was dealing from ignorance. As a result of the knowledge the Soviet Union gained from those experiments, they have at least partially deployed an anti-ballistic-missile system around Leningrad and Moscow. They evidently thought it would work, from the experimentation they had done, or they would not have deployed this system.

At the present time, we have eminent scientists who say that the system will not work. We also have eminent scientists who say that the system will work. So the scientists themselves are divided on the issue. But we must also remember, Mr. President, that when we were discussing whether to build an atomic bomb, many scientists said, "No, don't build it; it won't work."

The same situation was true when it came to the thermonuclear bomb. The

same situation was true when it came to the Polaris submarine. Think of what the defense posture of our country would be today had we not gone forward with the development of those weapons systems.

Assuming for the sake of argument that the system will not work, what have we lost? A few billion dollars. Assuming that the system will work, and we fail to utilize it, we are gambling with the security of this Nation. We are gambling with the lives of 204 million people in the United States. We are gambling with civilization itself.

Mr. President, when you have an issue where we are gambling the future of the country on the one hand and gambling money on the other hand, as far as the Senator from Georgia is concerned, there is but one way to resolve the issue and that is in favor of our country continuing to exist and protecting our people.

We hear a great deal of talk about national priorities. What is the greatest national priority any nation can have? The greatest national priority is to exist, to continue. What is the greatest priority we can have in this Nation? It is to protect the lives of our citizens. That is the issue we are talking about as far as the Senator from Georgia is concerned, and on that issue I am unwilling to gamble the fate of our country.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for 5 minutes?

Mr. HART. I yield.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, I think the distinguished Senator from Georgia has presented in a very concise and a very effective manner the essence of the case for the ABM. I would only like to make a few observations about his presentation.

By and large, the scientists I have heard who oppose the ABM do not say it will not work under optimum conditions. Rather, they raise serious doubts that it will be effective in wartime conditions; that is, with the enemy actually exploding nuclear bombs over the radars, and so on. They raise that kind of question. They do not say it will not work under the ideal conditions that such things as the Apollo worked when there was no effort to thwart it.

My recollection is that those who opposed the hydrogen bomb, like Dr. Oppenheimer, did not say we could not make a hydrogen bomb. I think they were quite convinced we could. They had been the principal scientists in the development of the atomic bomb. Their position was that we did not need it, that it was a dangerous thing, and that on policy grounds we should not do it. I do not recall that they said we could not do it technically.

I did not say, Mr. President, you could not make an ABM which under optimum conditions would shoot down incoming missiles, especially if they come from Vandenberg Air Base. However, when it comes to programing a computer to deal with an almost infinite variety of situations that would be involved in a belligerent situation, at least as of now it is quite impossible even to program the computer, assuming you had a computer able to deal with that kind of complexity.

But that is not the main point. I agree with the Senator as to his priorities. The No. 1 priority is the preservation of the United States. In that sense I do not mean just physical preservation; I mean the society of which our Constitution is our basic charter. That is what we are really talking about. It is not just the physical existence of this piece of real estate, but the kind of society that I believe all Members of this body are devoted to.

This is where the critical difference comes in. I think the Senator and those who advocate his position are talking about a specific means as being indispensable to the preservation of this system. This is where we part company. I believe, and I believe most of the Members who heard the testimony believe, there are better ways and more effective ways to protect our physical security than building Safeguard. We believe this is a very secondary or dubious way to do it. For example, the Senator from Missouri, who is one of the best qualified men in this body, who is a Senator who has been a Cabinet member as Secretary of the Air Force, with long experience in the armed services, and who is from a family having long experience in the armed services, has made very clear his views about the ineffectiveness of this particular system. He suggests that if this is a very major matter of protection of our physical security, we should have a mobile Minuteman.

We have had not only the views of the Senator from Missouri, but we have had testimony, if one does not care what it may cost, that if we are prepared to spend $10 billion, $20 billion, $100 billion then we are saying that this Safeguard system is about the most inefficient and least likely way to provide effective security that we can think of. We are not saying, "Do not have regard for the military security of the United States."

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

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. HART. I yield.

Mr. FULBRIGHT. Mr. President, in other words, the Senator from Missouri and I agree it would be much less expensive and much more effective if, instead of trying to protect the static Minuteman with the obsolete concept developed under the old Nike-Zeus and Sentinel systems, we had a mobile Minuteman system and moved them around, in the same way we move the Polaris around under the water. This would keep the enemy from knowing where they are and nullify the concept of destroying them, which is the job of the ABM.

We had testimony to the effect that defending the Minuteman, this particular ABM system is already obsolete. The ABM could easily be overcome with a multiplicity of weapons. Being static they can be targeted, and the accuracy of ICBM's is improving.

What we disagree about, and I do respect the judgment of the Senator from Georgia, is not the ultimate security of our country. We are saying that this system is not a proper system or appropriate system; that it could lead to incalculable cost. We believe we have had experience with other missile systems which have proved to be completely ineffectual and have been abandoned at great cost. Furthermore, we are concerned with other circumstances involving difficulties with our financial situation and our economy. We believe these circumstances should be taken into account when the Senate passes judgment in this particular case.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield to me for 3 minutes?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from North Carolina.

DEPLOYMENT OF ABM

Mr. ERVIN. Mr. President, Dr. Emil John Pawlowski, the eminent Massachusetts psychiatrist, who has visited relatives behind the Iron Curtain, is a good judge of the minds of men. In his recent book entitled "Path to Permanent Peace," he has made some trenchant observations which are highly relevant to the proposal now being debated by the Senate.

I invite the attention of the Senate to certain of these observations which appear on pages 95, 102, 103, and 104 of his book:

> It is an admitted fact, but not accepted by all, that the Communists want to rule the whole world. Their policy has been to gain victory through subversion, and not from all-out war. However, if they thought they could beat the United States, their strongest enemy, without too much difficulty, they would in all probability wage a war against us. Many people in the United States do not recognize, or do not want to recognize, the seriousness of the Communist threat to our country and our way of life. They would hestitate to go to war unless we were openly attacked, and some, not even then. Perhaps the greatest deterrent to an all-out war between the Communists and the free peoples of the world is the atomic bomb. If it were not for the fact that both sides, including leaders, would lose in a nuclear war, we might have had a confrontation with Russia years ago. It is surely regrettable that the people of the world did not act early enough to have prevented Communism from becoming as strong as it is today.
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> A weak country is going to provoke immature, aggressive countries to try to exploit it. Even a country which might be of the same strength as that of an aggressor will invite attack from the immature, competitive, and jealous aggressor. It is necessary for a country to be strong, and to have the aggressor know that it is strong and will use its strength, if it wants to be left alone to live in peace. It must appear to the aggressor that it would be foolhardy to try to exploit the country.
>
> In the case of the United States coping with the Communists, there seems to be no longer any danger that they could overwhelm us without being destroyed, too—if we maintain our superiority. We could lose our superiority, however, because of corruption and collapse within our country. If this country continues with its pathological cultural

trends, condoning lack of discipline, dependency, laziness, moral decline, corruption, inadequate law enforcement, rioting, catering to the wealthy, unjustified labor strikes, bureaucracy, Socialism, and the stifling of people's opportunities for the utilization of their potentials in the search for security, there could, in fact, be internal weakening and collapse of the country. Whether or not the future generations of Communists might try to beat us in a war will depend upon our maturity, wisdom, and physical strength, and their maturity and wisdom. Had they believed that they could have conquered us without significant losses themselves, they, as aggressors, most probably would have tried to have done so by this time. We now have to repel their every aggressive action, all the while making ourselves overpoweringly stronger than they. We must surpass them not only militarily, but also with our maturity and wisdom, our arts and sciences, our government and way of life, and in all other areas, including space exploration. It is not that we should seek to advance ourselves based on comparing ourselves with them, but rather to realize our potentials to the limit so that we can safeguard our existence and the existence of all other free peoples as dignified human beings. So long as they want to make us slaves we have to oppose them in every respect, no matter what they say or do to try to distract us, as in the way of proposing troop withdrawals and truce talks. We believe they are wrong in what they are doing, and we have to admit that we are really at war with all Communists. However, we do not want to fight an all-out war. Our strength should discourage them from attempting to fulfill their neurotic ambitions at this time. We have to believe, and let the Communists know, that we are not afraid of war, even nuclear war, and that we will fight to our deaths to preserve our way of life. We should not be intimidated by them. Only those people who are emotionally immature and insecure would say: "Better Red than dead."

Although I have had the privilege of sitting for many years on the Senate Armed Services Committee, I do not consider myself a defense expert, and least of all an expert on such a highly technical weapon system as Safeguard. But I do have some long-term familiarity with that particular program and I have had the opportunity to participate with my colleagues on the committee in their deliberations on a number of annual Defense authorization bills. On the basis of that experience and in consideration of the additional points of view brought out during the current debate, it is my judgment that the weight of the evidence clearly favors the deployment of the Safeguard system at this time.

In reaching this judgment I have weighed to the best of my ability all of the arguments pro and con on each of the major questions involved in this controversy.

First. Could the Soviets by the mid-1970's acquire a capability sufficient to endanger our strategic deterrent? The weight of the evidence clearly indicates that they could—if they continue on their present course and we take no further action now to increase our presently planned strategic offensive forces or to improve their survivability. There is general agreement that the Soviets could by the mid-1970's acquire a force of SS–9 ICBM's and submarine-launched missiles large enough virtually to destroy our entire land-based missile and manned bomber forces in a surprise attack.

Some have argued that our Polaris/Poseidon forces alone would be a sufficient deterrent. They point out that the 31 planned Poseidon submarines carrying 16 missiles each with 10 warheads per missile represents a force of almost 5,000 warheads. But they neglect to point out that only somewhat more than half of these submarines would be on a station at any one time, that not all of the warheads could be expected to reach their targets, and that the Poseidon warheads are very small as these things are measured.

But most important of all they overlook the point that it would be the height of folly, considering what is at stake, to depend for our deterrent upon only one of the three major elements of our strategic offensive forces, no matter how invulnerable it may appear to be today. We have witnessed major technological surprises in the past and common prudence would dictate that we must do everything possible to hedge against them in the future.

Second. Will the Soviets continue on their present course? I am convinced that no one knows the answer to this question, but until we have evidence to the contrary we must assume that they will. The survival of not only our own Nation but that of the entire free world depends upon our clear and continued ability to deter a Soviet nuclear surprise attack upon ourselves and our allies. In this area of the defense program there is absolutely no room for error; all doubts must be resolved in favor of the continued adequacy of our deterrent. That is another reason why I would consider it foolish to rely for our deterrent on only our Polaris/Poseidon forces, or on any other single element of our strategic offensive forces. I really cannot see how any prudent person can disagree with that basic principle.

Third. Would the deployment of the Safeguard system offer the best choice in insuring the continued survival of that minimum force required for deterrence. Let me acknowledge at the outset that there are other ways to achieve that objective, but none of them in my judgment would serve our purpose as well. It has been suggested, for example, that we increase the size of our strategic offensive forces—deploy more Minuteman or build more ballistic missile submarines This course, I believe, would be highly provocative and undesirable at this particular time. It would inevitably stimulate the strategic arms race. Although we know full well that our strategic nuclear war policy is irrevocably based on deterrence, the Soviet planners, just as our own, must always consider capabilities and not just declared intentions. If we were to add to our strategic offensive forces at this time we would, in effect, be increasing our first-strike capabilities.

In contrast, the deployment of the Safeguard system would add absolutely nothing to those capabilities. I am sure that every Member of this body is aware that the Spartan and Sprint missiles are suitable for defense only and cannot be launched against the Soviet Union; and I am sure the Soviet planners know that, too. So there is a very great difference between the deployment of a defensive system such as Safeguard and the deployment of additional offensive weapons such as Minuteman missiles or ballistic missile submarines.

It has also been suggested that we move our land-based missiles into harder silos, instead of protecting them with ABM's. The Defense Department has already undertaken the development of such silos, but there are distinct physical limits to hardening. Furthermore, with continuing improvements in the accuracy of Soviet offensive missiles even these silos could become vulnerable to large warheads. Thus, it may become necessary both to super harden and to defend those missile silos if we want to maintain a survivable land-based missile capability in the future. And, if we wish to maintain a survivable manned bomber capability, it may also be necessary to disperse further our alert bomber forces and defend them with ABM's against a surprise attack by Soviet ballistic missile submarines.

Fourth. Will the Safeguard system work? This is perhaps the most controversial aspect of the Safeguard proposal. The experts themselves appear to be divided on this question. But it seems to me, on balance, that the weight of the evidence favors the conclusion that the Safeguard system will work well enough for the purposes intended. The Defense Department has been working on ABM defense for almost 15 years. A vast amount of knowledge and experience has been acquired. The major components of the system have been developed to a point where their characteristics and capabilities are well understood. Moreover, the objective here is to insure that a sufficient portion of our strategic retaliatory forces survive to enable us to strike a decisive retaliatory blow even after absorbing a Soviet surprise attack. The Safeguard system can achieve this objective even if it works at less than 100-percent effectiveness.

It has been suggested that the Soviets could overcome the presently planned Safeguard deployment by increasing the number of their offensive missiles. This is undoubtedly true, but if the Soviets choose to run this race we have no alternative but to run it with them—if we are determined to maintain our strategic deterrent in the future. Admittedly, it is becoming more and more difficult to maintain it, but this does not mean we must throw up our hands in despair. We have succeeded in deterring a Soviet nuclear attack thus far, and with proper foresight and firm determination we can continue to do so.

Fifth. Will the deployment of Safeguard endanger the forthcoming talks with the Soviets on the limitation of strategic armaments? I can find no evidence that it would. The Soviets have already deployed an ABM system around Moscow and certainly that is no impediment to us. The Soviet leaders themselves make a clear distinction between offensive and defensive systems. They do not consider their ABM system a threat to us, and from what they have said I would conclude that they would not consider our deployment of Safeguard a threat to them. Furthermore, the figures published

by the Defense Department clearly show that the deployment of a thin ABM defense, whether Sentinel or Safeguard, would reduce our fatalities from an all-out Soviet attack by only about 10 to 20 percent—from 110 to 120 million to 100 million. Therefore, their deterrent would be clearly unaffected by our decision to deploy Safeguard.

Mr. President, I have touched upon only the major issues related to the Soviet threat to our strategic offensive forces. There are two other purposes for which Safeguard is proposed—defense of our people against the potential Chinese Communist ICBM threat and defense against an accidental launch from any source. President Nixon has just recently reassured our Asian friends and allies that the United States will protect them against nuclear aggression. I submit that his hand would be greatly strengthened in this regard by the deployment of Safeguard. He would then be in a position to make good on his promise without risking the destruction of American cities once the Chinese Communists have achieved an ICBM capability. Repeated analyses by the Defense Department over the last few years have clearly established the fact that a thin ABM defense over the entire Nation could provide a very high level of protection for our population against the kind of ICBM threat Communist China is expected to be able to mount in the 1970's. And this same system could protect us against an accidental launch from any source.

For all of these reasons, the deployment of Safeguard should be started now. The program proposed by President Nixon is quite reasonable. Instead of the $1.8 billion requested in the January budget, he is asking for less than $800 million. And of that amount, more than half is for research and development, which I understand has the support of most of the Members of this body.

So what is at issue here is less than $400 million, most of which is for procurement. And may I remind the Senate that the production program has already been started with the approval of the Congress last year. If we fail to approve additional funds for this purpose now, the ongoing production program will have to be terminated, entailing the loss of several hundred million dollars and a delay in deployment of at least 2 years. It seems to me that it would be far more prudent and sensible at this particular stage to make the additional investment of less than $400 million and keep the program going for another year. By that time we should be in a much better position to evaluate the prospects for an agreement with the Soviet Union on the limitation of strategic armaments, as well as the potential Chinese ICBM threat.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks a convincing article entitled "ABM and the Liberals," written by Stewart Alsop which appears in the issue of Newsweek bearing a future date, namely, August 11, 1969.

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

ABM AND THE LIBERALS

(By Stewart Alsop)

WASHINGTON.—During the long debate on the ABM, it became more and more obvious that the anti-ABM senators and their allies in the liberal-intellectual community were not really attacking a weapons system—they were attacking a symbol. It also became more and more obvious that they had chosen the wrong symbol.

The attack on the ABM was basically a way of expressing the furies and frustrations generated by the war in Vietnam. But the ABM was in several ways a very bad symbol of what the liberals wanted to attack. As a result, they were forced to take positions which were both illogical and illiberal.

The liberals' first line of attack was that the system wouldn't work; and that even if it did, there was no need for it, because the Russians could not build the kind of offensive missile force which could really threaten our Minuteman retaliatory force. Neither senators, nor columnists, nor scientists from wholly different fields who like to see their names in the papers are capable of discussing certain complex technical subjects intelligently. But even in this arcane field, common sense is still useful, and in recent weeks two leading scientists made remarks to this reporter which sounded like common sense.

Some time before Neil Armstrong and Edwin Aldrin performed their moon-walking miracle, Dr. John Foster, chief Defense Department scientist, remarked that "of course, ABM is a much easier proposition, technically, than the moonshot." Surely this is common sense. Surely if we can put men on the moon we can build a workable missile defense.

COMMONSENSE

Dr. Albert Wohlstetter, a widely respected specialist in the nuclear-strategic field, made the other common sensible remark. When the ABM opponents say the Russians won't be able to build the kind of missile force which could knock out our Minuteman complex in a first strike, Dr. Wohlstetter remarked, they are assuming that the Russians several years from now won't be able to do what we know how to do right know. This, he added sensibly, is not a safe assumption to make.

The liberals' second line of attack has been that the ABM is just another expensive boondoggle of the "military-industrial complex." This line was best expressed by Tom Wicker, able columnist for the anti-ABM New York Times. The ABM, Wicker wrote, is an example of the "unlimited military expenditure in the quest of security," which has led the military to demand "more and more weapons . . . and more and more money to support them."

The notion that more and more money has been spent for more and more strategic weapons is an article of faith among the anti-ABM liberals. But it just doesn't happen to be true. In fact, as Dr. Wohlstetter points out, we are actually, allowing for inflation, spending about half as much for strategic forces now as we were in General Eisenhower's last year as President—$13.6 billion in 1959, as against an estimated $8 billion for 1970. The money has gone, not into more and more strategic weapons, but into the war.

ABM A RESPONSE

The liberals' third line of attack is that the ABM is aggressively "escalatory." This has been a hard line to maintain, simply because the wholly defensive ABM system could not hurt a single hair of a single Russian head. As Russian Premier Kosygin has said, such defensive weapons "are not the cause of the arms race." The ABM is, of course, a response to the rapidly growing (offensive) force of multi-megaton, multi-targeted Soviet S–99 missiles. The people who have really been spending "more and more money" for strategic weapons are the Russians. On this point the "intelligence community" is in a rare state of unanimity.

The last, and oddest, liberal line has been that the best response to the Russian offensive missiles is not defensive missiles but more American offensive missiles. If it turns out that the SS–9s are a real threat to the Minutemen, then build more Minutemen. And if nuclear war threatens, then all we have to do is "empty the holes"—fire our missiles before the Soviet missiles could knock them out. Thus have the liberals become rather surprisingly, advocates of the "massive retaliation" theory of the late John Foster Dulles.

The trouble with the theory that it would give a future President no choice between capitulation and a nuclear war which, according to the best estimates, would kill about a quarter of a billion Americans and Russians. The whole point of the ABM project is not simply to maintain what Winston Churchill called "the balance of mutual terror," but also to give a future President what John Kennedy called "a choice between Armageddon and surrender."

Obviously, there would be no choice if our cities were attacked. But the SS–9s are designed to hit the Minuteman complex, not the cities. The simple existence of a missile defense would make a "counterforce attack" on the Minuteman complex far less likely. If it came, a future President could choose to ride it out, in the knowledge that he retained the bargaining power inherent in a surviving retaliatory force.

THE ERRING GENERALS

Surely it is rather odd that the liberals should wish to deny this option to a future President. The main reason is that many liberals simply want a stick—any stick—with which to beat the "military-industrial complex."

Undoubtedly, the attitude of Congress, and of recent Presidents too, has been much too reverent toward the military. Almost all generals, as this reporter pointed out before it became fashionable to do so, are almost always wrong about all wars. This is so not because generals are bad people (most of them are able and honorable men) but because the process of getting to be a general endows a man with a built-in bias about wars. There has been no war in recent history about which almost all American generals have been wronger than the war in Vietnam.

Moreover, almost all generals are wasteful, and no generals are more wasteful than American generals, partly because America is rich. But the main reason generals are wasteful is that wars are wasteful. The worst of war's waste is in human lives, of course, for in all wars young men, who have done nothing to deserve death, die.

A war which is not won is intolerably wasteful. This explains the passion which has gone into the attack on the ABM, for it is essentially a protest against a tragic, unwon war. But it is simply not logical to protest against the war, and the generals who were wrong about it, by attacking the ABM. It is not logical to protest the loss of some 37,000 American lives by denying to a future President the option he may desperately need if he is to have a chance of saving 250 million lives. It is not liberal either.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question on his first remark?

Mr. ERVIN. I do not have any time to yield. The Senator from Arkansas might get time from the other side.

Mr. FULBRIGHT. I would like to make an observation on the Senator's first comment.

Mr. STENNIS. Mr. President, we are

going to reach a point, if I may respond, where those who wish to interrogate speakers will have to get time from their own side.

I am glad to yield 2 minutes to the Senator from North Carolina, if he so desires.

Mr. FULBRIGHT. If the Senator will just yield for an observation or perhaps a question.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from North Carolina, if he so desires.

Mr. ERVIN. Yes, Mr. President, I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. FULBRIGHT. The question raised by the Senator is what constitutes the strength of the United States. That is the question at issue. The Senator assumes that the only criterion of strength in the community is the number of weapons it owns. The point that those of us who oppose the ABM system make is that when we look at the difficulties this country is now experiencing, all the way from city riots, reflected even in our own Capital City recently, and in all the major cities nearly, as well as student riots, crime in the streets, and so forth, we are saying that to expend over $1,000 billion on weapons is weakening this country and is much more likely to make it subject to domination either by Fascist or Communist countries——

Mr. ERVIN. I believe the Senator from Arkansas is making a speech on my 2 minutes.

Mr. FULBRIGHT. Does not the Senator agree that just armaments alone are not the only criterion which makes our country strong?

Mr. ERVIN. Yes, it requires men who have the will to protect liberty as well as armaments to protect this country in the dangerous world in which we live at this moment. I am not willing to jeopardize the safety of my country by voting against the deployment of a defensive weapons system which is designed merely to save from destruction the retaliatory power of our Minuteman missiles.

Mr. President, I yield the floor.

Mr. FULBRIGHT. If the Senator will yield me 1 further minute——

Mr. HART. Mr. President, I yield 1 minute to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. FULBRIGHT. Mr. President, I still submit that the Senator is basing his comments on the assumption that the only source of strength and certainly the prime area of the concept of strength and security lies in armaments.

I say that armaments are only one aspect of it. I am not sure, under present conditions, that it is the most important one, because on the best authorities we have, we know that the strength of Russia and the strength of the United States where armaments are concerned is that each have enough to destroy the other more than once—in fact, anywhere up to 10 times over.

I say that the strength we now lack is in the unity of our people. What we need now is to reconcile the young people of this country, the city people of this country, and the rural people of this country, to the idea of returning the United States to what it used to be under more normal conditions.

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

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield me 30 seconds?

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 1 minute.

Mr. ERVIN. Two things are required to protect this Nation's liberty in this precarious world.

First, a people who are willing to keep their hearts in courage and patience and lift up their hands in strength.

Second, the weapons necessary to enable them to do these things.

It is the supreme duty of the Congress to make such weapons available to our country.

Mr. SYMINGTON. Mr. President, will the Senator from Michigan yield me time?

Mr. HART. Mr. President, I yield 3 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 minutes.

Mr. SYMINGTON. Mr. President, later on I shall make a short statement about what I believe is a mistake from the standpoint of national security; namely, deployment now of this Safeguard system. I am sorry the distinguished and able Senator from Georgia has left the Chamber as I would comment briefly on what he said about a previous decision.

It was in 1949 that, to the surprise of many people, the Soviets exploded their first nuclear weapon. It was a mission of the Air Force at that time to watch the air and winds therefore we are the first to know of it.

The question of how far we went with a hydrogen bomb was a political decision largely, not a military decision.

What worries me is the emphasis by ABM proponents about the vast technological capacity of the United States, which no one could deny, as a reason for going ahead with the system.

They talk about the glorious achievements of Apollo 11, which are so true; but I would hope they would go to a Cape Kennedy launching pad and see the type and character of effort being made there by our foremost scientists and engineers in order to accomplish one particular mission at a planned time and over a long period of weeks.

If they would do that, I doubt they would compare such a superb accomplishment with what might happen, all over the United States on an afternoon, comparable to December 7, 1941, no advance notice, with all these holes in the ground manned by sergeants, corporals, enlisted men, and junior officers.

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

Mr. HART. Mr. President, I yield 2 additional minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes.

Mr. SYMINGTON. Everything would have to work adequately so as to succeed in defending the country.

I have studied, to the best of my ability, the tremendous complexity of this system. We know one of the radars has never been built, and that the software to go into the computer has not yet entered the computer because it is admitted to be the most complicated computer in the history of mankind.

I would ask those who bring up the technological achievement argument to consider that we have no better laboratories than our automobile laboratories where they project new automobiles in the laboratory which are, in essence, perfect. But there have been major campaigns waged against these same automobile companies because of inadequacies in actual operation, a very small percentage of the fine cars put out.

I think this is comparable to the problem of hundreds of missiles which would have to operate suddenly, and there can be no such percentage of failure.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I suggest the absence of a quorum, with the time to be divided equally on both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HART. Mr. President, I yield 20 minutes to the able Senator from Massachusetts (Mr. BROOKE).

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 20 minutes.

THE ABM DECISION—DEADLOCK OR ACCOMMODATION?

Mr. BROOKE. Mr. President, the conclusion of this vital debate approaches. All of us sense that the decision before us is a momentous one, and the prolonged discussion of this matter is fully justified by the significance of the issue. Many Members have offered their analyses and advice on this question, and I do not presume to review all aspects of the subject at this late date. Rather, I propose to touch on only a few of the more critical features of the decision we face.

After much study, the conclusion to which I have been drawn is firm. I do not believe that the United States should commit itself to deployment of an antiballistic-missile system at this time.

This conclusion is based on a broad range of considerations. In my judgment, additional work should be done on the proposed Safeguard technology before any commitment to deploy a system is made. But the more important

factors are not technical or economic. The fundamental issue posed by Safeguard concerns the future course of the arms race, with all that implies for the security and well-being of both ourselves and the Soviet Union.

Before going forward with deployment of such technology, we should first explore the many dimensions of strategic weaponry in the proposed strategic arms limitation talks. The central question for those negotiations is clear: Are the United States and the Soviet Union prepared to recognize the requirements of mutual deterrence? Are they prepared to acknowledge and act upon the premise that neither side can engage in strategic deployments which jeopardize the capacity of the other to retaliate?

If agreement can be achieved on this fundamental principle of security in the nuclear age, there should be real possibilities for specific arrangements to stabilize the balance of forces between the two great powers. If there is no such agreement, I think we will enter the most dangerous competition in arms in the history of mankind. This is especially true with regard to the developing capability of both countries to deploy multiple warhead missiles capable of striking more than one target.

To President Nixon's great credit, his revision of the former Sentinel ABM proposal was based on a recognition of the realities and the requirements of mutual deterrence. In his March statement he stressed his awareness of the risks of provocative innovations in the strategic forces, and specifically rejected the options of deploying either a heavy city defense or more offensive weapons. Either action might appear to the Soviet Union as a threat to its retaliatory capacity.

No previous President has made so explicit a formulation of mutual deterrence as the pillar of American policy. If he acts consistently on this basis, and if the Soviets are prepared to do likewise, Mr. Nixon will have an unparalleled opportunity to curb the arms race and to negotiate a reasonable strategic arms agreement with the Soviet Union.

The long debate on ABM has left no doubt that such an agreement is the preferred objective of the vast majority of Senators and citizens. There are other points of consensus, too, which stand out in sharp relief to the division and controversy surrounding this issue.

There is consensus that the United States should continue intensive research and development on ABM systems, for possible use either in the event of mutual agreement to deploy such weapons or in the event of failure to reach any agreement on reducing the impending threat to our retaliatory forces. Such studious critics of Safeguard as Hans Bethe and Wolfgang Panofsky have made a point generally accepted in the technical community: Hard-point defense appears technically feasible and in principle could be a sensible response to a Soviet deployment of accurate MIRV's capable of attacking our Minuteman force. So there is no disagreement over the desirability of continuing a vigorous program to perfect such technology.

As a measure of this consensus, there is widespread willingness in the Senate to authorize for research, development, and testing the full amount requested by the administration for fiscal 1970, including those moneys requested to start deployment of the Safeguard weapons system. The central disagreement concerns the question of committing the United States now, in the immediate prelude to the expected SALT talks, to deploy this ABM system.

It is a common tendency in a hard-fought debate to lose sight of the qualifications and reservations attached to arguments and to treat judgments as more conclusive than they are in fact. The debate over the Safeguard system is no exception. My own examination of the technological pros and cons, drawing on a broad variety of technical opinion, has led me to a decidedly mixed verdict.

The technology involved has been very extensively studied. I believe the system is probably better than its harshest critics are willing to acknowledge, but not demonstrably good enough to justify a commitment to deploy. Most of the first-blush criticisms, such as its capacity to handle the blackout problem, have been thoroughly analyzed and it appears that they have been adequately resolved in theory. But it is admitted by all that major technical uncertainties remain to be resolved.

Three such uncertainties stand out: First, are the radars so vulnerable that the system can easily be defeated? Second, can the computers and their immensely complicated software be made to perform to the necessary standards? Third, can the many components be successfully integrated into a working, reliable system?

It is alleged that smaller, harder, cheaper, and more numerous radars would be preferable for the hard-point mission. But there are obvious difficulties in obtaining the desired performance from such simplified radars, and it is certain that it would be some time before such technology could be brought from the concept stage to working hardware.

The large, relatively soft, high-capacity radars proposed for Safeguard are closer to readiness than the alternatives being suggested, but that is of little value if they can be easily destroyed.

Whether their admitted softness to blast effects is a crucial vulnerability depends on whether they can be effectively defended, since even very large warheads would have to penetrate to fairly close ranges of a few miles to deliver such destructive overpressures. The survivability of the radars could be greatly enhanced, albeit at major costs, if additional radars are deployed beyond those now proposed. Redundant radars would permit the system to employ the so-called preferential mode of defense, protecting only certain radars while an attacking force would have to target all missile site radars. Speaking in general and on the assumption that the system worked as planned, preferential defense could be a large advantage to the system and could economize defensive missiles in roughly a 1-to-4 ratio to the offense. On balance, the vulnerability of the radars must be recognized as a very serious problem, although one which may be soluble.

The second major area of technological uncertainty, the computers and their programing, can also not be resolved definitively at this time. The task of perfecting these components is a demanding one, although systems approaching the scale of the Safeguard computers have been produced and are functioning.

The computer-software problem merges into the overall question of whether the myriad components can be assembled into a system that meets the incredibly great demands imposed on any ABM, even one designed exclusively for hard-point defense. No amount of paper analysis can resolve this question. It is, I submit, the essence of the technological doubts which have been raised by the Safeguard scheme. Moreover, it is the issue which will plague any ABM system.

All of these problems argue that, if the Safeguard system or a variant thereof is to be deployed at some time, the first order of business is a large-scale test and evaluation to determine the operational feasibility of such a system.

But the basic dilemmas affecting our decision are not really technological; they are political and strategic. The Senate and the House, in conjunction with the President, must weigh the various risks to our national security and determine the most prudent course. In this evaluation, military and technical estimates mingle with guesses and instincts about Soviet intentions, about the nature and feasibility of arms control negotiations, and about the impact on those negotiations of the decision we are about to make.

Will a decision to deploy Safeguard be a boon to the SALT talks, by demonstrating support for the President and a determination to protect our deterrent in case those talks fail? Or will such a decision prove a detriment to the negotiations, injecting an additional element of threat into an already tense situation? The President based his recommendation, one surmises, largely on the view that proceeding with ABM at this time would both encourage the Soviet Union to negotiate in earnest and provide a valuable fallback capability in case the talks should fail to produce results.

On this matter judgments can and do differ. I consider it arguable whether the Safeguard system would in fact induce the Soviets to negotiate more expeditiously. Whether it does depends heavily on unknown and largely unpredictable psychological factors in the Soviet leadership, as well as on the balance of contending forces within the Moscow hierarchy. To some Soviets the U.S. decision to proceed with ABM and other weapons may seem a valid reason for urgent diplomacy; to others it may be cited as a challenge to be met and a cause for delaying genuine negotiations.

On the record of Soviet attitudes toward defensive systems, it seems even more probable that U.S. deployment of an ABM, particularly a thin capability intentionally designed to leave American

cities hostage to Soviet retaliation, would be a matter of relative indifference. However, the President obviously considers the proposal an important ingredient in his approach to the SALT talks, and his judgment deserves careful consideration in our assessment.

To be skeptical of the positive value of ABM as an incentive to negotiations is not to conclude that a defeat for the President on this issue is likely to promote fruitful discussions. Indeed, it would be my view that either a rejection or an acceptance of the administration's proposal by a narrow margin could weaken the country's negotiating posture in the SALT talks.

Deep domestic division on matters at the heart of a diplomatic venture has never been an asset to the United States or any other democracy. It could well be that such evident cleavages in our body politic would tempt the Soviets to try to exploit the President's political vulnerability on this score by various maneuvers in the SALT talks.

The result could be diplomatic stalemate, on issues which must be promptly addressed with a minimum of propaganda, if we are to turn down the arms race and find a more secure basis for our strategic relationships.

It is this line of reasoning which our revered senior colleague from Vermont, Senator AIKEN, expressed so directly and vividly in his remarks some days ago. This Nation has a large interest in avoiding a razor-thin decision on such paramount questions. That is why I feel confident that Senator AIKEN captured the sentiment of both the Senate and the Nation in urging the President to modify his proposal. It is abundantly clear that there will be no consensus on the present recommendation. At this stage, while the outcome in the Senate is somewhat uncertain, we all know that there will not be a large majority, if indeed there is any majority at all, for deployment of Safeguard.

Our vote later today on the Cooper-Hart amendment will leave no doubt as to the opposition in this body to an immediate decision on deployment of the Safeguard system. I had hoped that prior to reaching this confrontation the administration would recognize the facts of the situation and seek a reasonable arrangement to defer that decision. It has failed to do so, despite numerous overtures from those opposed to deployment.

I am confident that the vote on this amendment will make its point with historic force: the President cannot proceed on the course he has proposed without adequate support in the Senate. Whatever the outcome of today's vote there will remain an urgent need to build a consensus on national policy concerning the ABM. So, in casting our vote today, all of us should be looking to this larger task.

In looking beyond this vote, our esteemed colleague from New Hampshire has already sketched out the essential elements of a reasonable accommodation. He has made clear that, whether the present amendment passes or fails, he intends to offer his proposal later this week.

Senator MCINTYRE's amendment would explicitly reserve to the Congress for later decision a commitment to deploy an ABM weapons system. It would specifically foreclose, pending later action, the installation of any operational missiles and the acquisition of any sites for deployment of such a system. Thus this plan would satisfy the central political point of concern to those of us who wish to defer any such decision. But at the same time this proposal would permit a start on testing and evaluation of the radars, computers, and associated electronics. It would authorize such testing at sites which could, if the progress of the technology and the evolution of international relations warrant, later become operational. Thus, it would meet the stated objective of the President to preserve the option of early deployment of an ABM defense for a portion of the Minuteman force.

I find much to commend this suggestion. The Soviet Union follows the debates in this Nation. They would scarcely fail to comprehend the measure of restraint shown by such a moderate decision in the Senate. And it should be especially evident to Moscow that further decisions on actual deployment of an ABM system will hinge directly on the results of the SALT talks. If any decision on this matter is likely to influence the Soviets favorably in the SALT talks, I would judge this combination of prudent preparation for possible deployment and obvious restraint short of immediate deployment would be most likely to do so.

Furthermore, by deferring any decision to deploy, but permitting test and evaluation of the electronic heart of the proposed system, the most critical technological questions may be worked out. If they are resolved satisfactorily, if the radars, computers, software, and other elements can be integrated effectively, our subsequent decisions can be made with higher confidence. If, in the meantime, improved radar technology and possibly smaller, less expensive missiles can be perfected, it may be possible to employ them. In any event, the overriding systems question, the issue applicable to any ABM system—namely, can such elements be put together in a working system—can be addressed in a more realistic way.

Shaking down and testing the technology now closest to operational status should significantly improve our capacity to pursue the next generation of such technology, if need be. I must say that I have always been troubled by the argument of those who answer the proponents of Safeguard by asserting that, first, the system will not work and, second, we will not let you prove whether or not it will work. Judgments vary on the workability of this system, and it behooves us neither to commit to its deployment, nor to constrain efforts to test it out short of actual deployment.

It is this kind of accommodation to which I believe the majority of the Senate is groping.

The remarkable leadership shown by Senator COOPER and Senator HART, who have been in the forefront of this effort for over a year, has paved the way for a sensible resolution of this matter. All Americans are in their debt. In advancing their amendment they have provided a clear focus for those of us who oppose a commitment to deploy an ABM at present. If an accommodation is eventually reached, their efforts will be largely responsible. If it is not possible to do so, the vote for their amendment, which I and many others will cast, will constitute the closest thing to a vote of no confidence on an issue of national security in recent American history, probably since the Senate's rejection of the League of Nations' Covenant.

That is an outcome devoutly to be avoided, if possible.

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

Mr. BROOKE. Mr. President, I ask for 5 additional minutes.

Mr. HART. Mr. President, I yield 5 additional minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 additional minutes.

Mr. BROOKE. Mr. President, a hazard in any debate of great moment is that issues of wisdom become transformed into matters of fundamental principle. We face today not a question of principle, but a complex matter of judgment. We are united on the central issues of principle. We are agreed that the security of the United States must be preserved. We are agreed that arms control negotiations with the Soviet Union should be pursued. We recognize that the ABM issue, as a major element in the thermonuclear balance, touches the peace and well-being not only of Americans but of all men on earth.

The Senate, then, must resolve this issue not in terms of some ideological commitment or aversion to the ABM, but in light of how best to serve the overriding concerns we all share in this realm.

The lesson of the last year's great debate on the ABM is, I believe, a decisive one. It is that Congress is beginning once more to recognize its responsibility and to assert its authority on the crucial questions of peace and security. The intense debate over the city-oriented Sentinel defense has already accomplished much of its purpose. The profound concerns which that proposal raised in this body and in the Nation undoubtedly contributed to its revision. It is already apparent that military systems can be changed or dropped, that Congress and the people can exert effective influence in these matters.

That seems a modest enough accomplishment for a system of self-government. But where questions are so inherently complex, where issues are so technical and information so shrouded in secrecy and uncertainty, it is no trivial feat for the Senate to perform as it has in developing the policy implications of ABM. The decision is still in doubt, but I believe the Nation has been well served by the manner in which the Senate has approached it. I hope that the Nation and the world will continue to be well served by the way in which we resolve it.

Mr. COOPER. Mr. President, will the Senator yield 1 minute?

Mr. HART. Mr. President, I yield 1 minute to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. COOPER. Mr. President, as always the Senator has made a very reasoned and balanced speech on the issue. There is much more that I could say if time would permit it, because of the efforts of the Senator in this field, particularly relating to MIRV.

The Senator has stated the chief point correctly. It is a question of Congress recognizing its responsibility and asserting its authority on the crucial questions of peace and security, and the fact that we should resolve this issue not in terms of some ideological commitment, but in light of how best to serve our overriding concerns at this time.

Mr. BROOKE. I thank the Senator from Kentucky.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I ask unanimous consent that the time consumed in a quorum call be divided equally between both sides, and I suggest the absence of a quorum.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished minority leader; the manager of the bill, the distinguished Senator from Mississippi; the authors of the pending amendment, the Senator from Kentucky (Mr. COOPER) and the Senator from Michigan (Mr. HART); and the distinguished senior Senator from Maine (Mrs. SMITH)—and I believe I speak with their full concurrence when I make the following unanimous-consent request—I ask unanimous consent that at 2 o'clock the amendment submitted by the distinguished senior Senator from Maine (Mrs. SMITH) to the amendment be laid before the Senate and made the pending business; that there be a time limitation of not to exceed 1 hour, the vote on the amendment to occur at 3 o'clock; and that the time between 2 o'clock and 3 o'clock be equally divided between the distinguished senior Senator from Maine (Mrs. SMITH) and the distinguished senior Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, on an amendment to the Cooper-Hart amendment, does not the Senator from Kentucky (Mr. COOPER) control the time? I raise this point as a question.

Mr. MANSFIELD. That can be worked out.

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—perhaps the distinguished majority leader could make a statement in explanation as to where that would leave the Senate after the Smith amendment is voted on, if it is not agreed to.

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

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, we would allow a little leeway, if necessary, to put in a quorum call to make sure the great majority of Members are in the Chamber around 3 o'clock when the Smith amendment would be disposed of. Then, the time taken out of the original agreement up to 1 hour would be used subsequent to the debate on the Smith amendment, before voting on the Cooper-Hart amendment.

Mr. STENNIS. Mr. President, approaching the matter the other way, whatever time each side has remained on the Cooper-Hart amendment when the Senator from Maine starts making her presentation on her amendment, would be remaining and available for use after the Smith amendment is disposed of, provided it is not agreed to.

Mr. MANSFIELD. The Senator has stated the situation far better than I could, and that is the way it would be.

Mr. PASTORE. Mr. President, reserving the right to object, I wish to inquire how much time is remaining on the Cooper-Hart amendment.

Mr. MANSFIELD. Roughly, 1 hour and 45 minutes.

Mr. HART. No.

Mr. PASTORE. Mr. President, once the hour is taken out for the Smith amendment, how much time will be allowed for the Cooper-Hart amendment?

Mr. MANSFIELD. One hour.

Mr. PASTORE. What is the remaining time? That is my question.

Mr. HART. Mr. President, may I inquire how much time remains on the pending amendment?

The PRESIDING OFFICER. The time remaining is from now to approximately 4 minutes after 3.

Mr. FULBRIGHT. How is the time divided?

Mr. STENNIS. Mr. President, may I inquire how much time is remaining on the Cooper-Hart amendment for the proponents of the amendment?

The PRESIDING OFFICER. The proponents have 44 minutes remaining.

Mr. STENNIS. Mr. President, how much time is remaining for those who oppose the Cooper-Hart amendment?

The PRESIDING OFFICER. The opponents have 62 minutes remaining.

Mr. STENNIS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, if we continue the debate, these figures would change according to how each side would make use of their time between now and 2 o'clock. Is that correct?

The PRESIDING OFFICER. The Senator is correct. The time remaining after 3 o'clock would depend on how each side uses its time between now and 2 o'clock.

Mr. MANSFIELD. Mr. President, in view of the developments, I ask unanimous consent, except for the 2 minutes which will be yielded to the distinguished junior Senator from Vermont (Mr. PROUTY), that at the conclusion of his remarks, and all remarks thereto, the Senate stand in recess until 5 minutes of 2 o'clock, at which time a quorum call, we hope, will bring all 100 Senators to the Chamber.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Vermont (Mr. PROUTY).

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. PROUTY. Mr. President, the crevice in this debate has spread out from here across the land and become a chasm of misunderstanding.

Tragically, outside this body the intricacies of the ABM issue were distorted by simplification. Labels and slogans prevailed over definitive analyses.

As the breadth of the gorge widened and antagonists drew further apart, their voices raised. Reason was lost in a barrage of invective. The essence of the pending vote disappeared in a fury of hyperbole.

At some point the acronym "ABM" lost its identity with a weapons system. It became instead a symbol of diverse dissatisfactions.

"Stop the ABM" became a frenzied incantation against the Defense Establishment, a form of punishment for miscalculation and mismanagement.

To others the ABM became a symbol of patriotism, the last bulwark of our Republic.

Where once there was an issue—to proceed with Safeguard as the President recommended or to modify his proposal—now there are a multitude of diverse causes rallying around a symbol.

Sadly, today many champions of these causes envision this Chamber as Armageddon with the forces of good and evil arrayed for the final battle.

I look to these people whose hopes and fears were conscripted into what they thought was to be the last struggle. For them, I condemn the delusion of simplifications, labels, and slogans.

Whatever position soon prevails, the greater consequences may lie in the folly of rallying to symbols rather than substance, of following slogans rather than reason. History is replete with proof that a nation's internal delusions may be more disastrous than external collusions.

Mr. MANSFIELD. Mr. President, to clear the record, the time between now and 5 minutes to 2 o'clock is not to be taken out of either side, is that correct?

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

Mr. MANSFIELD. Second, I ask unanimous consent that the distinguished senior Senator from Maine (Mrs. SMITH) be recognized at 2 o'clock p.m.

The PRESIDING OFFICER. Is that for the purpose of calling up her amendment?

Mr. MANSFIELD. Yes, Mr. President, for the purpose of calling up her amendment. As a matter of fact, I ask unanimous consent that the distinguished Senator's amendment to the amendment

be laid down now and made the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK: In lieu of the matter proposed to be added by amendment numbered 101, add the following:

SEC. 402. None of the funds authorized by this or any other Act may be used for carrying out, after the date of enactment of this Act, any research, development, testing, evaluation, or procurement of the anti-ballistic missile system known as the Safeguard system, or to carry out any research, development, testing, evaluation, or procurement of any part or component of such system.

Mr. HART. Mr. President, for purposes of clarification with respect to the time, do I understand correctly that the time between now and 5 minutes to 2 o'clock p.m., will not be charged to either side?

The PRESIDING OFFICER. The Senator is correct.

Mr. HART. And the time not yet used by either side will remain available to both sides when the Senate resumes at 3 o'clock p.m.?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mrs. SMITH. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

RECESS UNTIL 1:55 P.M.

The PRESIDING OFFICER. Without objection, the Senate will now stand in recess until 5 minutes before 2 o'clock p.m.

(At 1 o'clock and 24 minutes p.m., the Senate took a recess until 1:55 p.m. today.)

At 1:55 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. MCGOVERN in the chair).

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 Senate resumed the consideration of the 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. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. To which side does the Senator want the time charged?

Mr. MANSFIELD. Neither side, and with the understanding that the Senator from Maine (Mrs. SMITH) has the floor.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, I ask the Chair to order the Sergeant at Arms to clear the Chamber except for those attachés who have business on the floor. Senators would like to hear what is going on and not have to fight their way through a press of manpower in getting into the Chamber.

The PRESIDING OFFICER. The Sergeant at Arms will clear the Chamber, in accordance with the request of the Senator from Montana.

Who yields time?

Mr. MANSFIELD. Mr. President, I believe that the distinguished Senator from Maine, who has a half hour, has the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

How much time does the Senator desire?

Mrs. SMITH. Such time as necessary.

Mr. President, I am told that this morning my amendment was attacked on the claim that it went too far, for it would adversely affect the Nike X advance development.

Let me set the record straight. This simply is untrue. The adoption of my amendment will not affect Nike X advance development. The bill has $141 million for Nike X under a separate account. This amendment was approved by our committee and has nothing to do with the Safeguard system.

In addition to the R. & D. for Nike X advance development, the Army seeks $3 million for anti-ballistic-missile activities in research and development funds at White Sands Missile Range. This also has nothing to do with Safeguard.

Mr. President, I offer this amendment in the nature of a substitute to the Hart-Cooper amendment because I believe that the proposed Safeguard anti-ballistic-missile system is too vulnerable and too costly and would be a waste of resources at a time when we must carefully determine our national priorities.

Even the advocates of the Hart-Cooper amendment have at length expounded on their opposition to the Safeguard ABM system. Yet, the Hart-Cooper amendment is a partial approval of the Safeguard ABM system in that it proposes a compromise authorization for research, development, testing, evaluation and normal procurement incident thereto for the Safeguard ABM system.

I do not approve of such a compromise and such authorization for the Safeguard ABM system. It would be a "foot in the door" authorization for a system in which I have no confidence.

Why waste funds on research and development of a system in which you have no confidence? To do so is to beg the question.

Why not face the issue directly instead of obliquely? If you have no confidence in the Safeguard ABM system, then why vote for any kind of authorization for it in any manner?

Why vote for authorization of research and development of a system in which you have no confidence? Why vote to develop a system in which you have no confidence? Why vote to develop a system when you are opposed to deployment of such a system?

Mr. President, on the proposed ABM system, I find myself torn between the desire to grant to the President of the United States and the leader of my political party that which he feels is necessary and my own conscience that it is not only not necessary but would be an unwise application of resources.

The United States is the most resourceful Nation in the world. But our resources are not unlimited. We must face up to the fact that there are limits and that those limits dictate a conscientious effort to establish priorities.

As I see it, the purpose and mission of the proposed ABM basically is deterrence—to deter Russia from a miscalculation of attacking the United States because we would have sufficient defenses for our missile sites.

To the contrary, I think offensive strength is the better deterrent and as such rates national security priority over the proposed ABM system. For what really deters Russia from attacking us is our offensive arsenal.

That is what the Soviets respect the most—that is what has stayed their hand during each confrontation starting with the first Berlin crisis on through the Cuban missile crisis—that is what has preserved the peace for two and a half decades—and it is that which is most likely to cause the Soviets to engage in meaningful talks on arms limitations.

I keep hoping that arms limitations talks will ultimately be productive—that the Soviets will be reasonable, sincere, and constructive—that we can bequeath a peaceful world to succeeding generations—that we can find accommodation with honor and security for each other and for the world.

But I am like the "show-me" Missourian as I have watched the Soviets achieve a power status of first-class magnitude by developing devastating weapons in complete secrecy—boastfully parading them on so-called peaceful May Day repeatedly in great surprise to our best intelligence forces—and totally rejecting inspection procedures whether it be on the limited test ban or on nonproliferation of nuclear weapons.

And, Mr. President, I am convinced that the proposed Safeguard ABM system would be woefully inadequate against a massive Soviet attack on our country should the Russians decide to attack. Make no mistake about it, if the Russians decide to attack it will be a massive attack with full utilization of all of their devastating weapons on cities as well as missile sites.

There are those who seem to think that both the United States and Russia have reached a technological plateau and in this thinking tend to doubt the probability of the development of a system superior to the proposed ABM system.

I do not share this view. I do not

think that either of the two countries has reached a technological plateau. Instead I think that technology is progressing so rapidly and that the state of the art is changing so swiftly that the proposed ABM will be obsolete and outmoded before it is ever put in place.

I do not want our Nation and our people to have a $40 billion or $20 billion or even a $10 billion obsolete white elephant ABM system on our hands.

I am without scientific knowledge, training, or ability. I certainly cannot speak with authority. But I certainly can speak with conviction—and I am convinced that the proposed ABM would be not only a tragic waste of money but even more tragically a self-deluding maginot line false sense of security.

Instead I have greater confidence and faith in the ability of our scientists to develop a far more effective and far less costly system than the proposed ABM system.

I am sure that it is no breach of security when I say that I have great hopes that before too long a sufficiently powerful laser will be developed for the defense not only of our missile sites but as well of our people and our cities.

I have been dubious about the practicability of the proposed ABM system ever since it was first proposed. Frankly, it lacked credibility to me—both the system and the rationale for it.

I do not believe that we need have any fear of a nuclear attack on this country by Red China for many, many years. Red China simply does not have the capability to wage nuclear war against us and would not have for many, many years.

While I think the Russian Kremlin leaders—as differentiated from the Russian common man and woman—would destroy the United States without hesitancy if they thought it was to their advantage and they could do it without any great risk to Russia, I cannot see the men in the Kremlin contemplating that now.

Why? Because I am sure that the increasing defiance of law and authority in the United States by growing dissent that has degenerated into violence and the open advocacy of, and militancy for, anarchy—that this trend is increasing the confidence of the men in the Kremlin that they, and their system of communism, can complete a Communist conquest of the United States without the necessity of firing a shot.

Why then should they devastate the resources of this Nation with nuclear attack? Why would they want to destroy the American resources that they so avidly covet?

Why would they want to have the tremendous problem of rehabilitating and reconstructing a nuclear-devastated country when they are growing so confident from trends here that their own advocates among Americans will ultimately deliver this country to them?

No, Mr. President, I simply cannot buy the rationale of fear of the men in the Kremlin advanced in advocacy of the proposed ABM. I simply do not find it credible. And I have so told President Nixon.

For these reasons, I do not believe that we have to precipitously rush into a most dubious ABM system for fear that Russia is on the verge of attacking us—I do not believe that there is an imminent threat of such urgency as to preclude us from trying to develop a more effective and less costly system than the proposed ABM system within not too distant a future.

Reaching the decision that I have on the ABM has not been easy. As the ranking Republican on the Armed Services Committee, it is neither pleasant nor easy to oppose the Republican President on this issue.

In the past I opposed a Democratic President when he proposed the ABM. I opposed him on the proposed thin system—on the Sentinel system—because I felt it would be obsolete before it could be put in place—and because I felt that the claim that it was for defense against Red China was not credible.

I have felt a personal obligation as the top Republican on the Committee on Armed Services to try to see my way to supporting the Republican President on this issue—and I have listened intently in trying to find the proposed Safeguard ABM system to be sufficiently improved over the Sentinel ABM system and sufficiently credible to change and support the leader of my own political party.

But I remain unconvinced—and I cannot see my way to change my position because it is now a Republican President making the proposal instead of a Democratic President.

I respect the sincerity of those who have opposed the President on some of his selections for high Federal office and have successfully blocked him on those selections. I would hope that there would be a reciprocity of respect for my own sincerity in this ABM issue. I know that there is from President Nixon.

The more I study the history of the proposal of an ABM system the more evident becomes the lack of credibility and consistency of the rationale for it.

First, a thick ABM system was proposed on the basis of defending against Russia. Then when opposition developed to the proposed thick ABM because of its great cost, the shift was made to a thin ABM system on the basis of not defending against Russia but against Red China and on the rationale of cost effectiveness.

Thus, the first shift—from thick to thin—from defense against Russian attack to defense against Red Chinese attack.

Then sites were selected and plans started on the thin ABM sites in the defense of cities and population centers.

But then another rebellious tea party broke out in Massachusetts on the part of irate citizens of the locality of a proposed site in Massachusetts—and the political fat was in the fire.

And then came another shift in the theory and rationale of the ABM—the shift from the defense of cities and population centers to defense of the missile sites.

What has not been so apparent to many is another very decided shift—for now the talk in support of the proposed thin Safeguard ABM system is not for defense against Red China but rather for defense against Russia.

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. Visitors in the galleries are guests of the Senate and will be in order. Please keep the gallery doors closed. The Senate may proceed.

Mrs. SMITH. Mr. President, thus, the rationale for an ABM system has made the full circle in shifting on the factor of whom it is proposed to defend against for first it was the thick system to defend against Russia then it shifted to the thin Sentinel system to defend against Red China and now it is back to the thin Safeguard system to defend against Russia.

This shifting on against whom to defend—first Russia then Red China and then back to Russia—coupled with the shifting on what to defend—first the cities and population centers and now the missile sites—not only taxes one's credulity but even challenges one's imagination as to what the next shift will be by the advocates of the ABM.

Mr. President, I have read that retaliatory action has been taken against some of us who oppose the ABM system. I find that difficult to believe because no such action against me has even been hinted. Instead I have found President Nixon and members of his staff to be very patient and courteous and understanding about my opposition to the ABM.

On the other hand, Mr. President, it has been charged that opposition to the ABM is being used just to try to stop President Nixon. I think that is an unfair charge. In opposing the ABM, I am certainly not trying to stop President Nixon any more than are those in his own party who have opposed some of the administrative policies of his administration.

Mr. President, let me make it crystal clear that while I do not believe in the ABM, I do believe in America.

I do believe in our form of Government—but I do not believe in the ABM.

I do believe in our Republic—but I do not believe in the ABM.

I do believe in free enterprise—but I do not believe in the ABM.

I am for our American way of life—but I do not believe in the ABM.

The ABM is not an acid test of patrotism.

Mr. FULBRIGHT. Mr. President, will the distinguished Senator from Maine yield?

Mrs. SMITH. I yield.

Mr. FULBRIGHT. I wish to commend the distinguished Senator from Maine for one of the most perceptive speeches I have heard on the subject of the ABM. As the ranking minority member of the Committee on Armed Services, with a long history of interest in this matter, which she has outlined so lucidly, I think her speech makes one of the most persuasive cases I have heard anyone make with regard to this extremely important question.

I wonder whether I might ask the distinguished Senator this question: As the Senator knows, I have supported the Cooper-Hart amendment, but I share practically everything the distinguished Senator has said about the ABM, particularly the Safeguard ABM.

As I understand it, the distinguished Senator's amendment is confined to the Safeguard ABM—I am only inquiring now, I am not trying to put words in her mouth—let me ask my question a different way—is the Senator opposed to research and development in the field of radar development and computers, neither of which have been developed? In other words, I wonder whether the Senator really wishes to prohibit research in the general area of sophisticated radars and computers. To make it more specific, would it be acceptable to the distinguished Senator to provide for research and development on advanced radars and computers suitable for a sophisticated weapons system?

Would such research be inconsistent with the distinguished Senator's thought in her amendment?

Mrs. SMITH. The Senator from Maine would thank the distinguished chairman of the Foreign Relations Committee and in answer to his question would say that he may recall at the beginning, I said there was $141 million for the Nike X in the bill which I have supported and continue to support. No, my opposition to research and development is only insofar as the Safeguard system is concerned.

Mr. FULBRIGHT. I appreciate that very much. I am sympathetic with the distinguished Senator's statement on this subject. I am committed, of course, to support the Cooper-Hart amendment because I felt, up until now at least, that it was the only practicable way we might be able to restrain deployment of the ABM.

In all candor, I feel compelled to support the distinguished Senator's amendment with that understanding, because I think it has a great deal of merit to it. However, if that should fail, I will also be bound to support, as I am committed to support, the Cooper-Hart amendment because that is the only alternative I will have. But I appreciate very much the amendment of the distinguished Senator. I think that she has made one of the finest contributions to this debate that has been made so far.

Mrs. SMITH. I thank the distinguished Senator from Arkansas very much for his kind remarks.

The PRESIDING OFFICER. The galleries will please be in order. Visitors in the galleries are guests of the Senate, and the galleries will be in order.

The Senator from Maine has the floor.

Mr. AIKEN. Mr. President, will the distinguished Senator from Maine yield?

Mrs. SMITH. I yield.

Mr. AIKEN. Mr. President, I want to commend the distinguished Senator from Maine for having given the most logical and courageous speech which has been heard on this floor for a month.

Mrs. SMITH. I want to thank my distinguished colleague and friend from Vermont.

Mr. President, will the Chair please advise me as to the time remaining to me?

The PRESIDING OFFICER. The distinguished Senator from Maine has 4 minutes remaining.

Mrs. SMITH. Mr. President, I should like to hold that time.

Mr. STENNIS. Mr. President, as manager in charge of the time in opposition to the amendment offered by the distinguished Senator from Maine, I would want to be certain that insofar as possible those who wish to speak be recognized.

I yield to the Senator from Kentucky for such time as he may need, say, 6, 7, or 8 minutes.

Mr. COOPER. Mr. President, I should like to be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOPER. Mr. President, before I address myself to the amendment offered by the distinguished Senator from Maine, I should like to say that I do not believe a more eloquent speech has been made——

Mr. PASTORE. Mr. President, we must have order in the Senate if we are to hear the Senator from Kentucky.

The PRESIDING OFFICER. The point of the Senator from Rhode Island is well taken. Senators themselves must be in order if we are to preserve quiet in the Chamber. The Senate will please be in order.

The Senator from Kentucky may proceed.

Mr. COOPER. Mr. President, as I said before, before addressing myself to the amendment offered by the distinguished Senator from Maine, I should like to say that I do not believe we have heard a more eloquent speech during this debate than the one just made by the distinguished Senator from Maine. I agree wholly with her appraisal of the assumed threat which has been made the basis for the proposed ABM system. I like her concept of true security for this country.

We respect the distinguished Senator from Maine for her knowledge of defense and security matters from long experience as the ranking Republican member of the Armed Services Committee, we respect her also for the integrity, courage, and conscience which she has demonstrated so many times on the floor of the Senate.

Mr. CASE. May I associate myself with the sentiments just expressed by the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, I should like to address now myself to her amendment which is wholly consistent with the position she has taken during the years we have been discussing an ABM system.

I know that other Members of the Senate have told the Senator from Michigan (Mr. HART) and me that they would prefer that our amendment would halt all research and development and procurement respecting the Safeguard system. Some will undoubtedly vote for Senator SMITH'S amendment.

I find that the amendment of the Senator from Maine and the Hart-Cooper amendment are in agreement in several ways.

We who support the Hart-Cooper amendment, are in agreement with the position of the Senator from Maine (Mrs. SMITH) that the Safeguard ABM should not be deployed. We believe that it is not likely to prove an effective system for our country and will not enhance our security.

The amendments differ upon the question of providing funds for research and development, testing and evaluation. Our amendment seeks to determine if it is possible to build an effective *system* which might be needed if the grim threat which has been laid before the Senate day after day ever becomes a reality.

Listening to the colloquy between the chairman of the Foreign Relations Committee and the Senator from Maine, it occurred to me that our amendments may not be as far apart as it might seem. Her amendment refers only to Safeguard, and provides that no funds authorized by this or any other act may be used in any way with respect to the Safeguard system. Therefore the amendment might be interpreted to authorize continued research, development, evaluation, and testing only with regard to the design of the Safeguard system.

I ask a question to determine, if I can, if we are in agreement. Does the Senator's amendment prohibit any funds to be used in connection with any anti-ballistic-missile system, or is the Senator's amendment directed solely to funds for the Safeguard system?

Mrs. SMITH. The Senator from Maine will say, no, it is not unlimited. It is only to the Safeguard system.

Mr. COOPER. If the Senator's amendment should be amended so that it would provide funds for testing, evaluation, and research, and development could be used in an effort to design a more effective antiballistic missile, and amended to provide that funds could be used for that purpose, would such an amendment be consonant with the purpose of the Senator from Maine?

Mrs. SMITH. My amendment is confined to the Safeguard only, as I have said; and also, the distinguished Senator from Kentucky will recall that I said that there is $141 million in the bill for advanced development of anti-ballistic-missile systems, which I support.

Mr. COOPER. It has been suggested—and I cannot answer for other colleagues—that the Senator's amendment should be modified to provide that funds available in this bill or made available by prior acts could be so used——

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

Mr. COOPER. May I have 2 minutes?

Mr. STENNIS. Yes. I yield the Senator 2 minutes.

Mr. COOPER. Could be so used as I have suggested to design a system which might be effective. I ask, if that were done, would such an amendment be acceptable to the Senator from Maine?

Mrs. SMITH. I think the statement I have already made on the $141 million would be the answer to the Senator's question. I would even be willing to increase that amount.

Mr. COOPER. Would the Senator be willing to increase the amount to the sums which are proposed in the bill before us?

Mrs. SMITH. On what items?

Mr. COOPER. Only for research, development, testing, and evaluation of a system other than the proposed Safeguard anti-ballistic-missile system.

Mrs. SMITH. I am agreeable to increasing the funds for the Nike X system.

Mr. COOPER. I shall discuss the matter with my colleague the Senator from Michigan, and others to see if there is a possibility of bringing our amendments into some common ground; but if we cannot, again I want to say that the distinguished Senator from Maine has brought light upon this issue. I know there will be Senators who support our amendment, who, I believe, will vote for the amendment of the Senator from Maine. I would point out that there are only two opportunities to prohibit the deployment of the Safeguard anti-ballistic-missile system. The first opportunity will come on the vote upon the amendment of the Senator from Maine.

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

Mr. COOPER. May I have 1 minute?

Mr. STENNIS. I yield 1 minute more.

Mr. COOPER. If the amendment should fail, then I would hope that Senators who vote for the amendment of the Senator from Maine will recognize that the last opportunity to prohibit the deployment of the system—which is doubtful, which will not enhance our security, and which will inhibit our peace talks—will be on the vote on the Hart-Cooper amendment.

If we do not vote either for the amendment of the Senator from Maine or for the Hart-Cooper amendment, it will be understood by the administration that twice on this day the Senate of the United States has approved the deployment of the Safeguard anti-ballistic-missile system.

I have no quarrel—I am sure the Senator from Michigan (Mr. HART) does not—for any Senator who votes for the amendment of the Senator from Maine, but I do hope that those who do, know that it will be consistent and logical to vote for the Hart-Cooper amendment, if the amendment of the Senator from Maine should fail.

Mr. HART. Mr. President, will the Senator yield me 1 minute?

Mr. STENNIS. I yield 1 minute to the Senator from Michigan.

Mr. HART. I just want to say that I have listened to our colleague from Kentucky, coauthor of the amendment. I agree fully with everything he has said. As he has indicated, any Senator may well vote for the Smith amendment, but let us not blink the fact that if that amendment fails and the Cooper-Hart amendment is rejected, the Senate will have written the ticket and we deploy. If any Senator thinks that is the ultimate disaster, he should support one or the other of these amendments.

Mr. STENNIS. Mr. President, may I inquire how much time remains in opposition?

The PRESIDING OFFICER. The Senator from Mississippi has 19 minutes.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Tennessee (Mr. GORE).

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee for 4 minutes.

Mr. GORE. Mr. President, this has been one of the most hotly contested issues, one of the most important issues, in the history of the Senate. We struggle for the moment in the balance. It may be possible to achieve a majority will. Indeed, as the eloquent speech of the distinguished senior Senator from Maine (Mrs. SMITH) illustrates, the majority will of the Senate now appears against deployment of the ABM. I believe this to be true. If that be true, surely there is a way—parliamentarily—for this majority to express itself and to work its will. This is why I address the Senate, and more particularly the distinguished senior Senator from Maine, with whom I have had the honor to serve in both houses of Congress.

The Senator has significantly, if not modified, her stated intention which could be interpreted as in contravention of her amendment. The amendment, if I may take a moment to call attention to it, would prohibit research, development, testing, evaluation, or procurement of "any part or component of such system." As the Senator from Arkansas (Mr. FULBRIGHT) has pointed out, a significant component of an ABM deployment is radar. Another, and a most sensitive component, is computerization.

These systems are necessary in other weapons systems, both nuclear and nonnuclear. The able senior Senator from Maine has said that she favors—indeed, she says she has previously voted for—procurement and further research and development in these fields. This is very close to the will and the wish of the senior Senator from Tennessee.

But the only way the amendment can be made explicit is for the senior Senator from Maine to modify her amendment. Should the distinguished senior Senator from Maine be willing to modify her amendment so as to permit research, development, and evaluation of computer systems and radar systems, systems common not only to all models of anti-ballistic-missile systems, but to other missile systems, then widespread support of the amendment of the distinguished Senator from Maine might be possible.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I never cease to be impressed with the tremendous courage of the distinguished senior Senator from Maine. I can remember a time when, on this floor, she cast a vote against the ratification of the test ban treaty. There were very few of us who voted against that treaty. I can remember other occasions when she has asserted her great independence. I can state, at least for this proponent of the ABM system, that I shall always hold her in high regard for making such a positive, hard-hitting statement. She has, certainly, my deep admiration, and I shall continue to be proud to serve under her leadership as the ranking minority member of the Armed Services Committee.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I shall vote against the substitute offered by the distinguished Senator from Maine, and I should like to explain why. I do so because I am committed to continued research and development in the field of anti-ballistic-missile systems. But I should like to join my fellow Senators in expressing our admiration to the Senator from Maine for her courage and her foresight; and, although she has disclaimed any particular technical or scientific competence, I think she has demonstrated that she has something that perhaps the rest of us cannot share—womanly intuition—and also something I hope we all possess, exceedingly good judgment.

I only hope that if her amendment and any modifications thereof fail, she and others will support the Cooper-Hart amendment, because this would be far more than half a loaf—the cost of continuing research and development as against the estimated $40 billion figure that has been mentioned by some for deployment would be only 1 percent; so I think that she and others would achieve a 99-percent loaf in supporting the Cooper-Hart amendment.

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

Mr. PERCY. I do not have control of the time.

Mr. STENNIS. I yield the Senator from Illinois an additional minute, if the Senator from Kentucky wishes to respond.

Mr. COOK. I associate myself with the remarks of the Senator from Illinois.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 1 minute.

No one could possibly appreciate the fine sentiments of the Senator from Maine any more than I do, not simply because of our present situation, but because I have been there, as a member of the committee, all these years since the Senator from Georgia has been senior member of one group and the Senator from Maine, now the ranking member, formerly next to the ranking member, before the retirement of the former Senator from Massachusetts, Mr. Saltonstall.

I have seen honesty on both sides as the situation developed, one system after the other, with reference to missile development; and I appreciate so much her sentiments as well as, at the same time, the sentiments of the Senator from Georgia, the former chairman of the committee, who has worked so assiduously on the same proposition.

I know that this year, everything she says apropos of this matter——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself 1 additional minute—is not only true, but goes beyond bare truth. It has sincerity and deep concern behind it.

Of course, I would not support her in this amendment, because the vital issue here is with respect to the necessary, and I think absolutely necessary, further research.

Mr. JAVITS. Mr. President, will the Senator yield me 1 minute?

Mr. STENNIS. Yes; I shall be glad to yield to the Senator from New York in a moment, if my time has not expired. However, let me add this thought:

Mr. President, I have felt all the while that the real issue here is reflected by the Cooper-Hart amendment, and that that is the one that has been debated and should be decided.

I yield now to the Senator from New York.

Mr. JAVITS. Mr. President, I agree with the Senator from Mississippi that the Cooper-Hart amendment is the issue. It has been debated, and should be decided, because that issue is the symbolic as well as the practical one: Will or will not the Senate assert its power over this highly sophisticated escalation in the nuclear arms race?

I pay the Senator from Maine all homage for her position. While it is true we could exclude the Safeguard system, why exclude the ABM itself? It is as eligible for research as any other system. Later on in the day, it may possibly come to something. But I agree with the Senator from Mississippi that the issue before us is symbolic. The whole world regards the Cooper-Hart amendment as the issue, and our stand on that issue is the thing that will determine the policy of this country, perhaps for years to come.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, in my opinion, this relatively short talk by the distinguished senior Senator from Maine is just another reason for my being very proud to serve with her in the Senate. She is logical, she is persuasive, and she, as usual, evidences extreme intelligence with respect to the matter at hand.

I do have some hesitation to vote for her amendment, however, because some of the advocates have emphasized the importance of matching the Soviets in this field.

In this connection, in this country we were chasing missiles with the Nike-Hercules, and later with the Nike-Zeus, and then with the Nike X, and now, in effect, we have combined the Nike-Zeus with the Nike X in what was once called the Sentinel system, and is now called the Safeguard system; in summary, four efforts.

In the Soviet Union, there was an ABM system which they developed around Leningrad, well after we started work on our ICBM systems. Then later there was the Galosh system, which the Soviets have certainly decided not to go ahead with as planned, and now, they, too, are researching a further system which is comparable to our research and development in this ABM field.

There has been no deployment of that system on their part, and there would be, I hope, no deployment of this system at this time. Inasmuch as we all agree that the most important single blessing that could happen for mankind is some form of meaningful control of nuclear weapons and all they connote, I would hope that we could reach agreement on this roughly same plateau. That is the only reason I would vote against the amendment the distinguished senior Senator from Maine has proposed. I am for the Cooper-Hart amendment.

Mr. STENNIS. Mr. President, I had promised to yield to the Senator from Alaska. I now yield 1 minute to the Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. Mr. President, I have not participated in the debate. However, I think that we all owe a debt to the distinguished senior Senator from Maine.

She has presented the issue that has been presented by our mail—at least by my mail. My constituents are either for or against the ABM system. That is what she has presented to the Senate and to our people.

I think that the people from Alaska, as stated by the junior Senator from Alaska, are at least 2 to 1 for the ABM system.

For that reason, I shall vote against the amendment of the senior Senator from Maine and also the Cooper-Hart amendment.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 1 minute.

Mr. DOLE. Mr. President, while I do not support the amendment of the distinguished senior Senator from Maine, I certainly commend her.

As the Senator from Alaska (Mr. STEVENS) has just stated, the Senator from Maine has cleared the air with respect to the ABM vote.

Our mail is either anti- or pro-ABM. And each Senator now has the chance to vote for or against the ABM. The Senator from Maine has given each of us a clear-cut opportunity to express our position.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from New York.

The VICE PRESIDENT. The Senator from New York is recognized for 1 minute.

Mr. GOODELL. Mr. President, I appreciate the very sincere and deep conviction of the distinguished senior Senator from Maine on this issue.

I regret under the circumstances we face that I must oppose the amendment of the Senator from Maine. I intend to vote for the Cooper-Hart amendment.

Mr. President, after months of hard review in committees of the Senate, after long hours of debate in this Chamber, after weighing the many views of citizens concerned over this important issue, the time has come to make a decision.

The question before us can be stated briefly: Should Congress authorize the deployment of missile defense of two Minuteman complexes along with Kwajalein construction and Safeguard research and development at a cost of $759 million for fiscal year 1970?

This question, however brief; this proposal, however limited in initial objective, is complicated by the enormous issues that it introduces.

Nuclear war is the problem we are being asked to face. The Pentagon has told us to think the unthinkable and to guard against it.

Since nuclear weapons came into being, our aim has been to guard against their use in war. What has emerged then are several principles to guide against the horror of nuclear war. One is assured destruction capability. This calls for a military might capable of inflicting an unacceptable degree of damage upon any aggressor. It warns a potential enemy that nuclear aggression means suicide to the aggressor. The other principle is damage limiting capability. This calls for a military might capable of minimizing the effect of enemy weapons that could damage us.

These guides are familiar to us. Throughout the years, they have served to justify a vast buildup in weaponry with destruction potential capable of world annihilation.

Our capability has reached a point where we must now ask: How much destruction power is enough?

Varying estimates have been made on the current status of the nuclear arms race. What appears as constant in each is overkill.

Still, the Pentagon asks that we deploy an ABM. Still the Pentagon has plans for the multiple independently targeted reentry vehicle—MIRV. With MIRV, one missile can destroy several different targets such as enemy ICBM sites. With MIRV, the side that would strike first would have an advantage since one ICBM might be able to destroy several unfired ICBM's in place.

It has been pointed out in the course of debate, that if MIRV is deployed, it will be difficult for nuclear nations to know how many warheads another has. It will be difficult to know what country is where in the nuclear arms race.

Mr. President, if ABM and MIRV go unchecked, we will be in an arms race of proportions unknown in weapons history. We will be racing not only with the Russians and Red China but with ourselves as well.

Today, we are to decide whether to deploy the Safeguard ABM.

No matter what the limited scale of Safeguard which has been proposed, we simply cannot assume that there will be no Soviet response.

I fear what is in store is the inevitable action-reaction cycle.

A natural repsonse to an ABM deployment by the United States would be further Soviet MIRV development and possible deployment.

In turn our own efforts in MIRV capability would increase.

Then will both sides look to deploying land-mobile missiles?

Mr. President, escalating new elements of uncertainty can only weaken the stability of deterrence with resulting peril to the security of our country.

Rather than fill a "deterrent gap" as the Pentagon claims it will, ABM could unleash a weapons race spiraling beyond the possible control by nations.

Mr. President, the burden of proof for an ABM rests on the Pentagon. We have been told that it is needed to plug a "deterrent gap." Yet to date, there has been no confirmed evidence that such a gap exists. Over the years, we have been told of a "bomber gap"; then of a "missile gap." We found out later that there had been errors in estimates of Soviet strength and that the military strength of the United States had all along been in fact superior.

Unilateral armament is the net effect of so many of the Pentagon's programs. "Confirmed" and "possible" estimates of potential enemy capability in war planning seem to give way to what war-game strategists think is "possible." For the "possible," and for just another option in contingency planning, we have spent billions on weapons. Far too often, it appears that funds for weapons are merely spent on an arms race against ourselves.

So it is that over the years we have spent billions of dollars to fill gaps that have not existed. Weapons have come and gone. Billions of dollars have been spent on developing weapons destined to be obsolete on the production lines due either to challenges of comparative technological development or simply that a new idea seemed more promising in terms of military effectiveness. Initial cost estimates of military hardware have been left behind as extra costs have spiraled.

Large cost increases over initial cost estimates are still with us. The complete Safeguard is currently estimated to cost $11 billion; but it could be much more.

The arms race is still with us. If the Soviet response to Safeguard is to place MIRV's on the SS–9, will the ABM be obsolete? Will the Pentagon request a safer guard against estimated Soviet capability by requesting a thickened ABM? Cost for this type of ABM is beyond estimate.

Mr. President, the ABM debate has meant many things to each of us. Concern over ABM has spread over offensive weapons, such as MIRV's and the effects of both on SALT, the strategic arms limitation talks. Concern has extended to the entire Defense budget which now totals $80 billion or over half of the Nation's $144 billion controllable budget. There is growing feeling that with more commonsense, defense spending could be reduced without risk to national security and with savings in the billions.

Many of us feel that military spending decisions must be considered in the context of unmet human needs in our cities and in areas of rural poverty. We simply cannot afford to let our domestic priorities be distorted by limitless spending on costly military hardware of questionable usefulness.

There is growing skepticism over the way in which the Pentagon presents its requests for funds. Over and over again, military requests are presented as defensive-sounding programs when actually they are perilous and provocative, taking us up several more rungs on the "balance of terror" ladder.

Concern over ABM has spread to the question of popular control over Pentagon requests with an insistence that Congress carefully review military programs in terms of such questions as: Do we really need this program? And why are we pursuing this course of weapons program?

What is significant in all of this is that ABM has meant one thing to all of us. ABM has moved our thinking beyond what science has done; and beyond what the military wants to do with science and weaponry. ABM has moved our thinking to what America must do now for its future and that of humanity.

Security of this Nation, both at home and among nations, is and must continue to be our first and foremost priority in protest and in policymaking. It will not be achieved by the military scientists or in stages of false security derived from an ABM system.

Time still remains to take the risks of peace: in economic competition among nations, in social development within nations, in binding arms control agreements, and in international cooperation. Time still remains to pool the tremendous resources of scientific talent, both at home and throughout the world, to convert knowledge to kill to knowledge to preserve; to redirect creativity from warlike purposes to peaceful purposes; and to free the energies of man from a threatened world to a more livable world.

For these reasons, I shall vote against deployment of the Safeguard ABM in the next year.

Mr. STENNIS. Mr. President, how much time does the opposition have remaining on the amendment?

The VICE PRESIDENT. Each side has 4 minutes remaining.

Mr. STENNIS. Perhaps the Senator from Maine wishes to use some time.

The VICE PRESIDENT. Does the Senator from Maine wish to use some time?

Mrs. SMITH. Not right now.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Colorado.

The VICE PRESIDENT. The Senator from Colorado is recognized for 1 minute.

Mr. DOMINICK. Mr. President, I thank the Senator from Mississippi.

With all deference and fondness for my distinguished leader on the Armed Services Committee, I must say that I do not see how we can fruitfully support the amendment.

It is my own feeling that, with the threats that face us, we have to maintain the credibility of our second-strike retaliatory force and, unless we can do something of this nature, we will be forced, as I think the Senator from Maine herself has said, to put in a lot more offensive weapons which, in my opinion, would be more provocative in terms of increasing the arms race and would be less satisfactory in terms of public reaction to the nuclear problem we all face.

So, with all due respect for my good friend and distinguished leader in the Armed Services Committee, I am afraid I cannot support the amendment.

Mr. STENNIS. Mr. President, as far as I now know, no other speakers want time. If it is desired, I am ready to yield back the time.

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

Mr. STENNIS. Mr. President, I yield 2 minutes to the distinguished Senator from Arkansas.

The VICE PRESIDENT. The Senator from Arkansas is recognized for 2 minutes.

Mr. FULBRIGHT. Mr. President, I am very intrigued by the significance of the amendment of the Senator from Maine.

It strikes me that it is entirely consistent with what I have been saying against the deployment at this time of Safeguard and, I would say, any other system. This happens to be the one under consideration. However, at the same time the Senator from Maine is in favor of continued research in this field involving such things as sophisticated computers and radars which are an integral and indispensable part of any kind of system, whatever one may call it.

The Senator says that in another part of the bill there is authorization for Nike X. However, I take it from that statement that she is not for the deployment of the Nike X or any other weapon, but simply for research in the general field relating to this kind of weapons system.

I do not see any inconsistency in that with what I have been saying or with what other people who support the Cooper-Hart amendment have been saying. If I understand it correctly, it is entirely consistent.

If there is clarification needed in order to make that clear, I should think the Senator from Maine would be willing to do that. I certainly would.

The time is rather short in which to do that. However, as I understand what the Senator has said, I believe it is entirely consistent with what we have tried to do with the Cooper-Hart amendment. Therefore, as I have said, I shall support the amendment. If it fails, I shall support the Cooper-Hart amendment.

Mr. STENNIS. Mr. President, I respectfully say that I do not intend to use any more time now. However, I understand I have 1 more minute remaining.

The VICE PRESIDENT. The Senator is correct.

Mr. GORE. Mr. President, will the Senator from Maine yield?

Mrs. SMITH. I am glad to yield to the Senator from Tennessee.

The VICE PRESIDENT. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I wonder if the distinguished senior Senator from Maine is agreeable to modifying her amendment as follows:

On page 2, after the word "system", strike the period and insert a comma and the following words: *"provided* that funds contained herein for research and development of radar and computer components of other weapons systems shall not be affected."

Mrs. SMITH. Will the Senator read the last part of the suggested modification?

Mr. GORE. The last part reads:

Insert a comma and the following words: *"provided* that funds contained herein for research and development of radar and computer components of other weapons systems shall not be affected."

Mrs. SMITH. Mr. President, the Senator from Maine would be willing to accept the modification.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. STENNIS. Mr. President, have the yeas and nays been ordered?

The VICE PRESIDENT. The yeas and nays have been ordered, and it would

take unanimous consent to modify the amendment.

Mr. GORE. Mr. President, the Senator from Maine can ask for unanimous consent to modify her amendment.

Mrs. SMITH. Mr. President, first I yield to the Senator from New Jersey.

The VICE PRESIDENT. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, will the Senator from Tennessee modify his suggestion to include an exception not only for funds contained in the pending bill, but also elsewhere, because the main provision of the amendment proscribes the use of any funds.

Mr. GORE. Mr. President, that is entirely agreeable.

Mrs. SMITH. Mr. President, I ask unanimous consent that my amendment be modified as suggested by the distinguished Senator from Tennessee.

Mr. GOLDWATER. I object.

The VICE PRESIDENT. Objection is heard. Who yields time?

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FULBRIGHT. Mr. President, this request having been refused, would it be in order at a later date to offer the amendment with the modification the Senator from Maine has requested?

The VICE PRESIDENT. The Parliamentarian advises the Chair that if it were considered a substantial change, it would be in order.

Mr. FULBRIGHT. It would be in order to offer it later.

The VICE PRESIDENT. The Senator is correct.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SYMINGTON. Mr. President, does the Parliamentarian consider that the substantial change recommended by the Senators in question to the amendment of the Senator from Maine is a substantial change?

The VICE PRESIDENT. The Parliamentarian advises the Chair that he is not ready to pass final judgment on that, but that he would be inclined to consider it as a substantial change. That is not decided at the moment.

Mr. SYMINGTON. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SYMINGTON. Mr. President, how long does the Parliamentarian believe it will be necessary for him to take to consider this before he can give his decision?

The VICE PRESIDENT. The Parliamentarian has not had a chance to inspect the language.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Chair will make the decision after the Parliamentarian has advised it.

Mr. SYMINGTON. The Chair, of course, is correct.

The VICE PRESIDENT. Who yields time?

Mrs. SMITH. Mr. President, I will be very glad to yield back any time that remains, if the distinguished chairman of the committee does likewise.

The VICE PRESIDENT. The Senator from Maine has agreed to yield back the remaining time if the Senator from Mississippi will yield back the 1 minute he has remaining.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me?

Mr. STENNIS. The Senator from Maine has yielded back the time——

Mr. FULBRIGHT. I wish to propose a question. In view of the fact that the Chair has ruled——

The VICE PRESIDENT. Does the Senator from Mississippi yield time to the Senator from Arkansas?

Mr. STENNIS. Yes.

Mr. FULBRIGHT. In view of the fact that the Chair has ruled that this amendment, as proposed to be modified by the Senator from Maine, can be offered, I would appeal to those who wish to object, because it certainly will be offered. It is simply in the interest of saving time. We could now short circuit a rather long and roundabout move by having a vote on it now. If nobody else will offer it, I will; but I think others will.

The VICE PRESIDENT. The Chair is perfectly willing to entertain the request if it is renewed.

Mr. FULBRIGHT. Mr. President, I would respectfully ask unanimous consent again that the Senator from Maine be allowed to modify her amendment, because it has been ruled as a parliamentary matter that it can be offered.

Mr. STENNIS. Mr. President, a point of order.

Is it in order for the Senator from Arkansas to request that the Senator from Maine modify her amendment?

The VICE PRESIDENT. The request is in order by unanimous consent.

Mr. STENNIS. Mr. President, I object.

The VICE PRESIDENT. The Chair hears objection.

All time has expired.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I would like to make an unusual request at this time, considering the circumstances.

We have a very distinguished visitor in the Chamber, and I would like, with the permission of the Senate, to suspend briefly so that the distinguished Senator from Alabama (Mr. SPARKMAN) can take the floor and introduce our guest.

The VICE PRESIDENT. Without objection, the Senator from Alabama is recognized.

VISIT TO THE SENATE OF THE SPEAKER OF THE BRITISH HOUSE OF COMMONS

Mr. SPARKMAN. Mr. President, we are honored today with the visit of a distinguished guest. We had the privilege of lunching with him, together with some members of the Committee of Foreign Relations, and we had a very fine discussion.

I should like at this time to present to the Senators the Right Honorable Horace Maybray King, the Speaker of the British House of Commons. [Applause, Senators rising.]

The VICE PRESIDENT. On behalf of the Senate, the Chair is very happy to welcome our distinguished guest.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a brief biographical sketch of our distinguished visitor.

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

THE RIGHT HONORABLE HORACE MAYBRAY KING, SPEAKER OF THE BRITISH HOUSE OF COMMONS

Rt. Hon. Horace Maybray King, P.C., B.A., Ph.D., M.P.; British politician; born May 25, 1901; educated at Stockton Secondary School and King's College, University of London. Head of English Department, Taunton's School, Southampton, 1925–46; Headmaster Regents Park School, Southampton, 1947–50; Member of Parliament since 1950; Speaker's Panel, Chairman, 1953–64; Chairman of Ways and Means 1964–65; Speaker of House of Commons since 1965; Vice Chairman, Cultural Committee, Council of Europe, 1960.

Publications: *Selections from Macaulay*, 1933; *Selections from Homer*, 1940; *Selections from Sherlock Holmes*, 1948; *Parliament and Freedom*, 1951.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

In the meantime, Senators might want to meet the distinguished Speaker of the House of Commons.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

The Senate resumed the consideration of the 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.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Montana will state it.

Mr. MANSFIELD. What is the situation at the moment?

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Maine. All time has expired. The yeas and nays have been ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. STENNIS. Under the unanimous-consent agreement, is it not true that all time for debate has expired?

The VICE PRESIDENT. That is true.

Mr. STENNIS. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. STENNIS. That being true, is not the next step, under the unanimous-consent agreement, to call the roll for a yea-and-nay vote on the amendment?

The VICE PRESIDENT. The Senator is correct.

Mr. STENNIS. I call for the regular order.

The VICE PRESIDENT. The time can be extended by unanimous consent.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

Mr. STENNIS. I call for the regular order.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Missouri will state it.

Mr. SYMINGTON. After the vote on this amendment, will it be in order to offer another amendment?

The VICE PRESIDENT. It will be in order after time on amendment No. 101 has expired.

Mr. SYMINGTON. I thank the Chair. I call for the vote.

Mr. STENNIS. The regular order, Mr. President.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 11, nays 89, as follows:

[No. 64 Leg.]

YEAS—11

Aiken	McGovern	Saxbe
Fulbright	Muskie	Smith
Gore	Nelson	Young, Ohio
McCarthy	Ribicoff	

NAYS—89

Allen	Fong	Mondale
Allott	Goldwater	Montoya
Anderson	Goodell	Moss
Baker	Gravel	Mundt
Bayh	Griffin	Murphy
Bellmon	Gurney	Packwood
Bennett	Hansen	Pastore
Bible	Harris	Pearson
Boggs	Hart	Pell
Brooke	Hartke	Percy
Burdick	Hatfield	Prouty
Byrd, Va.	Holland	Proxmire
Byrd, W. Va.	Hollings	Randolph
Cannon	Hruska	Russell
Case	Hughes	Schweiker
Church	Inouye	Scott
Cook	Jackson	Sparkman
Cooper	Javits	Spong
Cotton	Jordan, N.C.	Stennis
Cranston	Jordan, Idaho	Stevens
Curtis	Kennedy	Symington
Dirksen	Long	Talmadge
Dodd	Magnuson	Thurmond
Dole	Mansfield	Tower
Dominick	Mathias	Tydings
Eagleton	McClellan	Williams, N.J.
Eastland	McGee	Williams, Del.
Ellender	McIntyre	Yarborough
Ervin	Metcalf	Young, N. Dak.
Fannin	Miller	

So the amendment (No. 122) offered by Mrs. SMITH as a substitute for the Cooper-Hart amendment was rejected.

The VICE PRESIDENT. It is the understanding of the Chair that the time remaining on the amendment of the Senator from Michigan recurs as the order of business. The proponents have 44 minutes remaining. The opponents have 58 minutes remaining. Pending the expiration of the agreed-upon time on the amendment of the Senator from Michigan, no further amendments will be in order except by unanimous consent.

Mr. STENNIS. Mr. President——

The VICE PRESIDENT. The Senate will be in order.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which Mrs. SMITH's amendment (No. 122) was rejected.

Mr. TOWER. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to table was agreed to.

Mr. STENNIS. Mr. President, I had asked for recognition. Has the Chair ruled on the tabling motion?

The VICE PRESIDENT. The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I yield now 20 minutes to the Senator from Rhode Island (Mr. PASTORE).

The VICE PRESIDENT. The Senator from Rhode Island is recognized for 20 minutes.

Mr. JAVITS. Mr. President, before the Senator does that, would he yield? Would someone yield me 30 seconds for a parliamentary inquiry? I think the Chair said something we want to hear about.

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

The VICE PRESIDENT. The Senator from Mississippi has the floor.

Mr. JAVITS. Would the Senator allow us just to make a parliamentary inquiry?

Mr. STENNIS. Mr. President, I want to be courteous to the Senator. I do not know the nature of this matter. We had a recess a moment ago. I asked the Senator from Rhode Island to wait and that I would yield him time.

Mr. JAVITS. The Chair said something about no further amendments, which I think perhaps we should have clarified. We certainly should know the whole story.

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from New York?

Mr. PASTORE. I yield 30 seconds to the Senator from New York.

The VICE PRESIDENT. The Senator from New York is recognized for 30 seconds.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from New York will state it.

Mr. JAVITS. The Chair just stated something about other amendments, which we did not understand. Would the Chair please clarify his statement?

The VICE PRESIDENT. The Chair stated that pending the expiration of the agreed-upon time on the amendment of the Senator from Michigan, no further amendments would be in order except by unanimous consent.

Mr. JAVITS. I thank the Chair, and I thank the Senator from Rhode Island.

Mr. PASTORE. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order. Please, gentlemen, may we have order in the Senate?

The Chair has no intention of allowing the proceedings to continue until there is order in the Senate.

Please, gentlemen.

The Senator from Rhode Island.

Mr. PASTORE. Mr. President, the challenge of our time is peace——

Mr. STENNIS. Mr. President, would the Chair keep the Senate in order so that those who wish to hear may hear?

The VICE PRESIDENT. The Chair is doing his best.

Mr. STENNIS. Yes.

Mr. PASTORE. Mr. President, the challenge of our time is peace—an honorable peace—and to avert, if possible, a nuclear and a thermonuclear holocaust.

The Senate may be divided on some matters, but certainly there is no division among us on the basic purpose——

The VICE PRESIDENT. Will the Senator withhold for a moment?

Please, gentlemen, may we have order in the Senate?

Will those not having business on the floor kindly clear the Chamber?

The Senator from Rhode Island.

Mr. PASTORE. Mr. President, this Senate may be divided on some matters, but certainly there is no division among us on the basic purpose of American policy. It has always been, and still is, our goal to achieve a just and lasting peace.

We do not apologize for American efforts to support and to encourage a decent peace, and the United States of America has always been in the forefront seeking to limit and to reduce world armaments.

To be more specific, Mr. President, in 1946, under the administration of President Truman, when we had a monopoly on all atomic weapons, we offered, under the Baruch plan, to internationalize the atom and to share the hopeful possibilities of the nuclear age with the entire world.

Regrettably, we were summarily rebuffed by the Soviets. The Kremlin, instead of accepting our offer, proceeded with a hard-driving nuclear weapons program of its own, leaving us no alternative but to develop a strong Western nuclear deterrent.

Notwithstanding this, the United States, under President Eisenhower, under President Kennedy, under President Johnson, and now under President Nixon, has always vigorously pursued our aim of achieving understandings and agreements in arms control and in disarmament.

Now, gentlemen, let us face it. The only real solution to the mad race in armaments is limitation of all weapons.

In this day and age, with the world the way it is, complex and troubled as it is, it is not a question so much of what we want. The big question is, How do you get it?

We have made some small progress. The Nuclear Test Ban Treaty was achieved in 1963, and now, today, we are awaiting the ratification by the Soviets of the Nonproliferation Treaty, which they have not yet done.

In pursuance of my official duties as a member of the Joint Committee on Atomic Energy since 1952, I was much involved in the discussions and developments on the Nuclear Test Ban Treaty. And I stood on this floor side by side with the Senator from Arkansas and urged the Senate to ratify that treaty. I attended all the hearings in consideration of that treaty, even going, at the behest of President Kennedy, to Moscow in August of 1963 to witness its signing.

As for the Nonproliferation Treaty, Senators will recall that I introduced the resolution calling on President Johnson to exert every possible effort to bring about a treaty, and that that treaty was reported by the Joint Committee on Atomic Energy and was ratified on this floor by a vote of 84 to 0.

So let no one say here that I am not for peace and that I am not for disarmament.

We must admit that these achievements are small steps. Yes, we are thankful and grateful for them, but, by the same token, we have got to admit that it just is not enough. It just is not enough. We need more, and much more.

Unfortunately, we have learned by bitter experience that the process of limiting world armaments on any reliable basis is a long and tedious and difficult task.

Now, why am I for a defense system and why do I support the committee's recommendation?

Mr. President, I am not a late-comer to the conviction that an anti-ballistic-missile system is necessary for our security, nor are my convictions the result of the process of association, that if A is for it, I can be for it, and if B is against it, I should be against it. My conviction in my position is predicated on my own study, my own attendance at hearings, my own hearing at briefings from all of the responsible authorities of this Government.

In December of 1964, as chairman of the Joint Committee on Atomic Energy, I visited our establishment at Livermore, Calif., the place where we conduct all of our experiments and most of our experiments in weapons. And while I was there in 1964 they showed me a photograph of a missile that looked like a defense missile. They did not know for sure what it was, but it had all the appearance and it had all the characteristics of being an antiballistic missile. We were not sure. So we studied it, and we called John McCone in, who came in before our committee, and we called in all our authorities, whether it was from the Defense Department, Atomic Energy Commission, Los Alamos, Livermore, or anywhere else. They confirmed the fact that it was an antiballistic missile.

I will tell the Senate how they got it in 1964. In 1958 we began an "informal moratorium" on testing in the atmosphere with the Russians. We did not test and they did not test. At that time we were negotiating for a nuclear test ban treaty.

We pursued that plan under John F. Kennedy, but on August 30, 1961, while our negotiators were in Geneva talking with the Russians, they broke the moratorium and conducted 50 atmospheric tests with a total yield of about 120 megatons, and that is when they detonated their terror bomb—a 55-to-60 megaton blast when they developed the atomic warhead for their antiballistic missile—and we did nothing.

In 1963, at the invitation of President Kennedy, I went to the White House. At that time, we were considering the multilateral naval force for the Atlantic Alliance. We had a long discussion.

Finally I asked him, "Mr. President, what will we do when Red China becomes a nuclear power?"

President Kennedy hesitated. He looked me straight in the eye, and then he said:

> John, at that time we will have to reappraise the balance of power in the world.

One year and a half after that March meeting in 1963, on October 16, 1964, the Chinese, by surprise and before all expectations, detonated a nuclear device; and since then, they have had eight nuclear tests some of which have been of a thermonuclear nature, even superior to the efforts of the French who did not achieve a thermonuclear device, until last summer.

Those are the facts. We held hearings before our Joint Committee to find out what the threat of China was to our national security. We published a report, and then I was invited to speak at the launching of the *Narwhal* submarine at Groton, Conn. This was in September of 1967. I stood up and called upon the administration to go full-steam ahead, in view of the accomplishment of the Russians and of the Chinese, to work out an anti-ballistic-missile defense system.

This, as I say, was in September 1967, after President Johnson had met with Kosygin at Glassboro in June of 1967, 3 months before. Senators will remember that. They met at Glassboro to talk about disarmament, and they met at Glassboro to talk about an antiballistic missile, and how we could bring it under control. Will you ever forget? Kosygin left Glassboro and went to New York, and held a news conference. At that news conference, he rebuffed us completely, and said:

> Nothing doing; you can fly a kite as far as I am concerned, unless you get out of Vietnam unilaterally.

And that is where we stood.

In 1968, we authorized the antiballistic missile. Up to that time there had been no talks, and there had been no willingness to talk on the part of the Russians. But when we passed the authorization on June 24, 1968, within 3 days the Soviets announced they were ready to talk.

I am not saying that that action of the Senate is what induced them to talk, but all I am saying is, Is it not an extraordinary coincidence? Is it not extraordinary that the minute we show we mean it, then they begin to respect us?

But I ask Senators to recall, after they broke that self-imposed moratorium in 1961, how long after that did we have the Cuban crisis? We had that in October of 1962, and I should like to ask my friends here who say, "Let us trust the Russians," what made Khrushchev dare to put those missiles on Cuba? What daring made him do it? And why did he take them off? Because John Kennedy stood up. John Kennedy, who spent $800 million on the antiballistic missile in 1961, 1962, and 1963. He spent $285 million in 1961, $287 million in 1962, and $278 million in 1963.

Now some are calling it a boondoggle. Well, I say to my friends who like to quote John F. Kennedy, I never considered him a boondoggler. He spent $800 million on the antiballistic missile. That is how much he thought it would not work.

I say to my friends who say this cannot work, "Well, now, the Russians have deployed 67 around Moscow. I know that the Kremlin is crafty and cunning, but they are not stupid. They are not putting their money in 67 weapons that will not work."

I am asking my friends, if the Russians put their money in an antiballistic missile that they think will work, then why cannot we? Here is the Nation that was first to split the atom. Here is the Nation that was first to put a man on the moon. Why do we sell American science short? What is this inferiority complex about the superiority of American science? If they can do it, why cannot we do it? We put a man on the moon, did we not? John Kennedy in 1961 said, "We will put a man on the moon first," and we did, in 1969.

But did we leapfrog to our first jump to the moon? Of course not. We had to send Alan Shepherd up on May 5, 1961, and he was up there for 15 minutes and 22 seconds. If we had not sent him up for 15 minutes and 22 seconds, we would never have put a man on the moon in July of 1969.

For some reason, if one is for the ABM, he must prove that it is the ultimate. When has that ever happened? Does anyone believe we would have the modern Lincoln Continental if we had never had the first flivver? Of course not.

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

Mr. PASTORE. I yield.

Mr. JACKSON. Mr. President, I should like to ask the Senator if he is aware that, in 1962, it was said that the lunar orbital rendezvous technique would be a poor way to send a man to the moon, that it would not work, that it would involve too great risks for the lives of the astronauts, and so on. Is the Senator aware that the man who said that was Dr. Jerome B. Wiesner, the science adviser to President Kennedy? Fortunately, President Kennedy did not follow the counsel of Dr. Wiesner on that issue. Dr. Wiesner is now the leading opponent of the ABM. President Kennedy followed the advice of the responsible technical experts in NASA.

Mr. PASTORE. The best way I can answer that is that Jerome Wiesner—and he is a good friend of mine; I know all about Jerome. He was the scientific adviser to President Kennedy in 1961, 1962, and 1963; and while he was scientific adviser, John Kennedy spent $800 million on the ABM. So it is either one of two things: He was either advising

Kennedy wrong, or Kennedy was not listening to him. [Laughter.]

I mean, there you are. I studied geometry. [Laughter.]

You cannot have it both ways.

I will admit that this is not the ultimate answer, and I do not think we should have to prove that it is.

Let me tell you something else, about taking care of the poor. Here is one man who apologizes to no one about taking care of the poor. I stood on this floor alone and offered an amendment to override the House of Representatives and override my Appropriations Committee by increasing a cut that the House made, and was sustained by the Appropriations Committee on an amendment to raise it by $225 million.

Let nobody tell me that I am taking bread out of the mouths of the hungry in order to get the bomb. Let him tell that to somebody else.

Furthermore, who ever said we had to make a choice? After all, if we need the ballistic missile for the security of the Nation, let us have it. If we do not need it, let us do away with it. That was the purpose of the Smith amendment. If we do not need it, let us do away with it. Let us be honest about it.

The only question is: Will it work? I have already covered that ground. It is said that the ballistic missile is expensive. Everything is expensive. What are we talking about in the bill? A difference of $345 million. Yet we spend almost $500 million in Vietnam every week. If we can spend $500 million on strangers to keep them free, why can we not spend $345 million to save our American population? We are not so poor that we have to give up the security of our country.

Who ever said I had to make a choice between my father and my mother? Why can I not have security and feed the poor, as well? Can we not do that in America? Why should it be a question of one against the other? What good is it to have a full belly if the Russians and the Chinese are going to take us over? What good is it?

Now as to the miracle of our time: Today is the 24th anniversary of the dropping of the atomic bomb on Hiroshima—August 6, 1945. To me it is a miracle that no country has ever done such a thing since then. But why not? We had a monopoly in 1946. Now there are five members of the "nuclear club"—the United States, Great Britain, the Soviet Union, France, and Red China. That is the problem; that is the dilemma.

Do we want to sit back and rely on the intransigence of the Russians? I say we should go ahead and do it. I say, "OK, let us talk."

John Kennedy said:

Let us never negotiate out of fear. But let us never fear to negotiate.

I asked President Nixon point blank: "Will this deter you or interfere with your talks on disarmament?"

He told me categorically: "This will help me. It will strengthen my hand."

The VICE PRESIDENT. The time of the Senator from Rhode Island has expired.

Mr. PASTORE. May I have 5 additional minutes?

Mr. STENNIS. Mr. President, I yield 5 additional minutes to the Senator from Rhode Island.

Mr. PASTORE. So I say to my friends: That is why I am for the antiballistic missile. It is not my job to sell this, and I do not intend to sell it. I do not expect to persuade or to influence any Senator's vote.

I do not care whether one is for or against it. I will say this for us: we are all sincere. This is a matter of judgment, conviction, and conscience.

Let me say that this idea that if one is for the ABM, he is a stooge or the captive of the industrial complex and that if one is against it, he is blind to the perils in the world is nonsense.

Every Senator in the Chamber understands the perils in the world. We are, of course, in disagreement as to how we meet and overcome the problem.

I say we cannot do it by just wishing for it. And I am hopeful for the day when we can take every missile and smash each one into junk. I hope for the day when we can take every bomb and dismantle each one of them.

I detest the day when the bomb became technically feasible. The bombs that fell on Hiroshima and Nagasaki were a scourge of mankind. I do not want to see another one dropped.

All I want to see us do is what we must do to prevent a holocaust. There is only one way to do that, and that is to assure the credibility of our deterrent power so that they will not take that chance. That is all we are doing. All we are talking about is a defensive weapon. It is a weapon that will not go off until they send—God forbid—one of their bombs and we have to stop it. Otherwise, we will not have to use an antiballistic missile.

The sad part of it is that I will never be able to prove my case. I never want to prove it. I pray to God that I will never have to prove I am right, because at that time it will be too late.

Let me tell the Senate that we can build all the antiballistic missiles we want to and we can build all the offensive missiles we want to. But if this thing ever lets go, God help us all.

I find no comfort in the fact that we can kill 150 million Russians on a second strike after they have killed 50 million Americans on a first strike.

I am not interested in the numbers game. I love humanity right down to the last individual. We have to save humanity. And if we are going to bring back our forces from the rest of the world, if we are not going to continue killing our soldiers, and if we are to begin to mind our own knitting, then let us begin to mind our own skin. That is what I am talking about.

Let me conclude by saying that whatever the vote of the Senate is, I shall abide by it.

My only prayer this afternoon, and I say this with all my heart, is that I hope, whatever decision we make, it will be for the sake of the security of this country and for the future of our people.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the report of the Joint Committee on Atomic Energy entitled "The Impact of Chinese Communist Nuclear Weapons Progress on U.S. National Security," and a chronology of events relating to atomic weapons and disarmament matters.

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

IMPACT OF CHINESE COMMUNIST NUCLEAR WEAPONS PROGRESS ON U.S. NATIONAL SECURITY

One of the crucial matters affecting U.S. national security is the development by foreign nations of nuclear weapons and the accompanying delivery systems. The present nuclear threat to the United States and the free world comes from the Soviet Union and Communist China. In order properly to understand the scope and magnitude of this threat, the Joint Committee has over the years held executive hearings at which nuclear weapons experts have charted the progress of foreign nations as they developed and refined their nuclear arsenals.

The emergence of a serious threat from the Chinese Communists began in 1964. In a brief span of less than 3 years, Red China has had six nuclear tests. The last one on June 17, 1967, was in the megaton range and indicated that they were making rapid progress in thermonuclear design. They are also making progress in the development of delivery vehicles for megaton weapons. The internal strife in Red China appears to have had little, if any effect on their nuclear weapons program to date.

The trends in nuclear weapons development by foreign nations have been followed closely by the Joint Committee. These trends have been borne out by subsequent events. Progress, particularly by Red China, has been more rapid and surprisingly more effective than had been expected or indeed predicted.

The nuclear and thermonuclear capabilities of the Soviet Union are generally well known and understood by the American public. The Joint Committee's intention in this report is to bring into perspective the accomplishments and possible future trends in the development of Red China's nuclear offensive force.

BACKGROUND

As the nuclear threat posed by the Chinese Communists became more pronounced, Chairman Pastore decided to conduct a special inquiry regarding Chinese Communist nuclear weapons development. This probe began on January 11, 1967, and was formally announced at the Joint Committee's first public hearing of the 90th Congress on January 25, 1967.

In connection with this study the Joint Committee received the following testimony in executive session:

January 11, 1967: Richard Helms, Director of the Central Intelligence Agency.

February 1, 1967: Dr. Norris Bradbury, Director, Los Alamos Scientific Laboratory, and Dr. Michael May, Director, Livermore Radiation Laboratory.

Mar. 13, 1967: Secretary of State Dean Rusk.

July 13, 1967: Representatives of the Department of Defense, CIA, and AEC.

These witnesses presented testimony concerning advanvces being made by Communist China in developing nuclear weapons as well as their progress in developing the capability to deliver these weapons against neighboring countries or the United States.

Detailed technical presentations were heard concerning each individual Chinese Communist nuclear test and an assessment was made of future developments by Red China in the field of nuclear weapons and associated delivery systems.

An analysis of the impact of the emergence of Red China as a nuclear power on U.S. foreign policy with particular emphasis on the proposed nonproliferation treaty was also presented.

Information concerning French and Soviet nuclear weapons and delivery methods were also discussed but principal emphasis was on Red China.

CONCLUSIONS

On the basis of various hearings we have had and studies made by the Joint Committee, the following committee conclusions have been developed:

1. Chinese nuclear weapons capabilities

The Chinese Communist test of June 17, 1967, at the Lop Nor Nuclear Test Site was her sixth nuclear test in the atmosphere and her first in the megaton range. Such a test was expected because of the success of the preceding thermo-nuclear experiment conducted on December 28, 1966. The Chinese purposely may have limited the yield of that test—their fifth test—to keep the fallout in China at an acceptable level. The fifth test indicated that the Chinese had taken a major step toward a thermonuclear weapon.

There is evidence that the sixth test device—with a yield of a few megatons—was dropped from an aircraft.

Analysis of the debris indicates use of U^{235}, U^{238}, and thermonuclear material. As in the other tests, there is no evidence that plutonium was used. The preliminary indication is that a considerable improvement accompanied the increase in yield. A large amount of U^{238} was used in the device.

The sixth Chinese nuclear test has confirmed the conclusion reached from the analysis of the fifth Chinese nuclear test that they are making excellent progress in thermonuclear design. They now have the capability to design a multimegaton thermonuclear device suitable for delivery by aircraft.

We believe that the Chinese will continue to place a high priority on thermonuclear weapon development. With continued testing we believe they will be able to develop a thermonuclear warhead in the ICBM weight class with a yield in the megaton range by about 1970. We believe that the Chinese can have an ICBM system ready for deployment in the early 1970's. On the basis of our present knowledge, we believe that the Chinese probably will achieve an operational ICBM capability before 1972. Conceivably, it could be ready as early as 1970–1971. But this would be a tight schedule and makes allowance for only minor difficulties and delays. We believe that the Chinese have already completed the development of a medium range ballistic missile. We have no indication of any deployment.

We also believe that by about 1970 the Chinese Communists could develop a thermonuclear warhead with a yield in the few hundreds of kilotons in the MRBM class and that they could develop an MRBM warhead with a megaton yield about a couple of years later. Meanwhile, should they desire a thermonuclear bomb for delivery by bomber, they could probably begin weaponizing the design employed in the sixth test.

The missile-delivered fourth Chinese test demonstrated that the Chinese now have the capability to design a low yield fission warhead compatible in size and weight with a missile. With a few tests, the Chinese could probably design an improved fission weapon for MRBM or bomber delivery. However, they may forgo extensive fission weapon production in order to have materials and facilities available for thermonuclear weapon systems.

The Chinese bomber forces consist of a few hundred short-range jet bombers and a handful of somewhat longer range bombers. We have no knowledge of a Chinese plan to develop heavy intercontinental range bombers.

Earlier, the Communist Chinese conducted four other nuclear detonations:

October 16, 1964: Low yield (up to 20 kilotons).

May 13, 1965: Low intermediate (20 to 200 kilotons).

May 9, 1966: Intermediate (lower end of 200 to 1,000 kiloton range).

October 27, 1966: Low intermediate (20 to 200 kilotons).

The Chinese were able to continue their nuclear program after the Soviets apparently ceased technical assistance in this area by 1960, and detonated a uranium device in October 1964.

All of the Chiense detonations have utilized enriched uranium (U^{235}) as the primary fissionable material. Uranium-238 was also present in all tests. The detonation of any device which also contains U^{238} results in some fissioning of the U^{238}. The debris from their third and fifth tests indicated some thermonuclear reactions had involved lithium-6 in those devices.

We believe that the Chinese are interested in the development of submarines equipped with suitable relatively long-range missiles; at this time we have not determined the exact nature or status of the program.

2. French nuclear test program

Turning to the French nuclear test program, in February 1960 the French tested their first atomic device. In 1966 the French conducted five nuclear tests. In 1967 they held a short series of three tests. Another series of tests is planned for next summer. All of the 1966 tests were plutonium fission devices. The last two tests in 1966 were experiments aimed at the thermonuclear development.

The year's tests were conducted on June 5, June 27, and July 2. They were suspended by balloons, above the Mururoa Lagoon. The tests all had low yields. The French announced that all of the tests were to be of triggers for thermonuclear devices which the French still have not tested.

Although French officials continue to state publicly that France will detonate her first thermonuclear device in 1968 when enriched uranium becomes available, there have been hints in the press that France is having her difficulties with its program. Should this be true, the first generation of both the land-based and submarine-launched missile systems might have to use warheads developed in the 1966 series.

To recapitulate, the Chinese are well ahead of the French in thermonuclear weapon design. In 2½ years and six tests the Chinese have successfully tested a multimegaton thermonuclear device. The French, on the other hand, have conducted many more tests over a 7-year period and have not yet tested a true thermonuclear device or achieved a megaton size yield.

The French have developed higher yield fission weapons than the Chinese. The French have achieved yields of up to 250 kilotons while the Chinese fission devices have had lower yields.

The French now have an operational strategic force of about 60 Mirage IV aircraft with a stockpile of 60 to 70 KT nuclear weapons. At this time the Chinese do not have such an operational strategic force.

SUMMARY

The Joint Committee believes that the American public needs to know the threat that is posed by Red China. Communist China has emerged with a fledgling, but effective, nuclear weapons capability. This capability has and will continue to have a great effect on U.S. foreign policy in the Far East. It will have an effect on our relations with the South East Asia Treaty Organization. It will have an effect on the nonproliferation treaty principally because of the close connection between Chinese nuclear power and the national security of India. Its effect will also be felt by Japan. Moreover, the Chinese Communists could use nuclear blackmail to assert their position not only broadly in Asia, but specifically in Southeast Asia.

Perhaps most significant for the United States is the fact that a low order of magnitude attack could possibly be launched by the Chinese Communists against the United States by the early 1970's. At present we do not have an effective anti-ballistic-missile system which could repel such a suicidal (for the Chinese) but nevertheless possible strike.

It is for these reasons that the Joint Committee feels the assessment it has made, based upon information received in executive sessions, should be brought before the American public—not to overemphasize or to underplay but to state clearly and concisely with due regard for the protection of intelligence sources where we stand in relation to this emerging threat to our national security.

SIGNIFICANT DATES IN ATOMIC WEAPONS DEVELOPMENT AND SUBSEQUENT TEST BAN AND NONPROLIFERATION NEGOTIATIONS

DATES OF CERTAIN NUCLEAR WEAPONS EXPLOSIONS

July 16, 1945: First U.S. nuclear device test, Alamogordo, N. Mex.

August 6, 1945: First atomic bomb dropped on Hiroshima.

August 9, 1945: Second atomic bomb dropped on Nagasaki.

August 29, 1949: First Soviet atomic test.

October 3, 1952: First nuclear bomb test by the United Kingdom.

November 1, 1952: Hydrogen device fired at Eniwetok by United States.

August 21, 1953: First hydrogen device tested by U.S.S.R. detected by United States.

February 13, 1960: First French atomic test.

October 16, 1964: First Chinese atomic test.

DATES OF NEGOTIATIONS OF DISCOUNTINUANCE OF NUCLEAR WEAPON TESTS

June 14, 1946: U.S. proposal for international control of atomic energy (Baruch plan).

June 19, 1946: U.S.S.R. proposed alternate plan including insistence on retention of Security Council veto power over any control system.

March 24, 1957—Bermuda declaration: Joint declaration by the United States and the United Kingdom to conduct nuclear tests in such a manner as to keep world radiation from rising to more than a small fraction of the level that might be hazardous to continue to announce test series, also expressed willingness to announce tests to the U.N. and permit international observation if the U.S.S.R. would do the same.

November 14, 1957—General Assembly Resolution 1148 (XII): Regulation, limitation, and balance reduction of all armed forces and all armaments; conclusion of in international convention (treaty) on the reduction of armaments and the prohibition of atomic, hydrogen, and other weapons of mass destruction. Among its provisions, this resolution urged the immediate suspension of testing of nuclear weapons with prompt installation of effective international control, including inspection posts equipped with appropriate scientific instruments located in the United States, the Soviet Union, and the United Kingdom, and at other points as required.

December 10, 1957: Soviet proposal that U.S.S.R., United States, and United Kingdom discontinue all tests as of January 1, 1958.

March 31, 1958: Decree of the Supreme Soviet concerning the discontinuance of Soviet atomic and hydorgen weapons tests.

April 28, 1958: President Eisenhower by letter to Khrushchev proposed that both nations have the technical experts start to work on the practical problems involved in

disarmament, particularly working toward the suspension of nuclear testing. President Eisenhower stated: "I reemphasize that these studies are without prejudice to our respective positions on the timing and interdependence of various aspects of disarmament."

May 9, 1958: Letter from Khrushchev accepting Eisenhower's proposal of April 28 to have experts study the problems involved in an agreement on the cessation of atomic and hydrogen weapons tests as far as inspection and control are concerned.

July 1, 1958: Conference of Experts from the West (United States, United Kingdom, Canada, and France) and East (U.S.S.R., Czechoslovakia, Poland, and Rumania) met in Geneva.

August 21, 1958: Conference of Experts adopted a final report for consideration by governments. Conference of Experts recommended the so-called Geneva system of detecting nuclear explosions. This system recommended a network of 180 control points. It should be noted that the American representatives, during this Conference, had taken the position that 650 control points would be necessary to have adequate protection down to 1 kiloton. Through compromise with the Soviets, they settled on the 180 stations, but then had to point out the weakness between the area of 1 and 5 kilotons.

August 22, 1958: President Eisenhower announced that based on the Conference of Experts' report, the United States was prepared to negotiate an agreement with other nations which have tested nuclear weapons for suspension of nuclear weapons tests and the establishment of an international control system.

The President also indicated that the United States would withhold further testing on its part of atomic and hydrogen weapons for a period of 1 year from the beginning of the negotiations unless testing is resumed by the Soviet Union.

October 31, 1958: First meeting in Geneva of the Conference on the Discontinuance of Nuclear Weapons Tests.

November 4, 1958—General Assembly Resolution 1252 (XIII): The discontinuance of atomic and hydrogen weapons tests. Among its provisions, this resolution urged the parties involved in the test-ban negotiations not to undertake further testing of nuclear weapons while these negotiations are in progress. It expressed the hope that the Geneva test-ban conference would be successful and lead to an agreement acceptable to all. It also requested the parties concerned to report to the General Assembly the agreement that might be the result of their negotiations; and requested the Secretary General to render such assistance and provide such services as might be asked for by the conference commencing at Geneva on October 31, 1958.

November 7, 1958: President Eisenhower announced that the United States had detected additional tests by the Soviets subsequent to October 31, 1958.

December 28, 1958: The President appointed a panel on seismic improvement to review technical problems and to recommend methods of improving seismic detection.

January 5, 1959: United States released data showing many underground tests could not be detected by Geneva experts system recommended in 1958. Indicated Geneva system applicable at 20-kiloton rather than 5-kiloton threshold.

February 22, 1959 to March 2, 1959: Macmillan meeting with Khrushchev. During this meeting Macmillan and Khrushchev discussed the establishment of quotas for numbers of onsite inspections in countries where suspicious events have taken place.

April 13, 1959: United States proposed phased testing ban limited in first phase to atmospheric tests below 50 kilometers, with simplified control system, if Soviet Union continued to insist on veto for onsite inspections.

April 23, 1959: Soviets reject U.S. proposal to stop only atmospheric tests and said numerous onsite inspections would not be necessary for complete ban.

June 22, 1959 to July 10, 1959: Technical Working Group No. 1 met in Geneva to study high-altitude detection problems. On July 10 Geneva Technical Working Group I proposed establishment of system of earth satellites and installations of additional equipment at control posts to detect high-altitude explosions.

August 26, 1959: United States extended unilateral suspension to end of 1959.

August 27, 1959: United Kingdom said it would not resume tests as long as Geneva negotiations showed prospect of success.

August 28, 1959: U.S.S.R. pledged not to resume testing unless Western Powers did so.

November 21, 1959—General Assembly Resolution 1402 (XIV): Suspension of nuclear and thermonuclear tests. Among its provisions this resolution expressed the hope that the countries involved in the test ban negotiations at Geneva would intensify their efforts to reach an agreement at an early date; it further urged the countries concerned in these negotiations to continue their voluntary ban on testing nuclear weapons; it also requested the countries concerned to report to the General Assembly the results of their negotiations.

November 25, 1959: Technical Working Group II met in Geneva with the Soviets and the British. This group met to consider data from the Hardtack series of nuclear explosions and the findings of the Berkner panel. On December 18, 1959, at the conclusion of the meetings held by Technical Working Group II, U.S. members of Geneva, Technical Working Group II reported that a large number of seismic events could not be identified without on-site inspection, even with improved techniques. The Soviet members of Geneva Technical Working Group II disagreed with U.S. finding.

December 29, 1959: United States said it was free to resume testing after end of 1959 but would not do so without giving advance notice.

February 11, 1960: United States proposed phased agreement, first phase to provide for cessation of tests in atmosphere, oceans, and outer space, to greatest height that could be effectively controlled; underground tests above 4.75 seismic magnitude (estimated by United States to equal explosion of about 20 kilotons) would also be covered; the 4.75 threshold would be lowered as capabilities of detections system were improved, 20 or 30 percent of unidentified seismic events above threshold should be inspected. United States experts estimated that this would mean about 20 inspections per year in U.S.S.R.

March 19, 1960: Soviets offered to conclude treaty on cessation of tests, together with moratorium on underground tests below magnitude 4.75, and to agree to point research program on understanding that weapons tests would be halted during program.

March 29, 1960: United States and United Kingdom said they would agree to voluntary moratorium on underground weapons tests below magnitude 4.75 after treaty was signed and arrangements were made for coordinated research program.

December 20, 1960—General Assembly Resolution 1577 (XV): Suspension of nuclear and thermonuclear tests. This resolution urges the countries involved in the Geneva test-ban negotiations to seek a solution for the few remaining questions so that a test-ban agreement could be achieved at an early date; it further urges the countries concerned in these negotiations to continue their present voluntary suspension of the testing of nuclear weapons; it also requests the countries concerned to report the results of their negotiations to the Disarmament Commission and the General Assembly.

March 21, 1961: First meeting under the new administration of the Geneva Conference on Discontinuance of Nuclear Weapons Tests. United States proposal presented by Ambassador Arthur H. Dean, Soviet Union introduced its troika proposal on this date.

April 18, 1961: United States and United Kingdom introduced draft treaty to the Geneva Conference.

May 5, 1961: Statement by President Kennedy on the Geneva test-ban negotiations made at his news conference. Mention is made of the new United States and United Kingdom proposals and the introduction of the troika proposal by Russia.

June 4, 1961: Khrushchev delivers Soviet aide-memoire concerning disarmament and nuclear weapons tests to President Kennedy at Vienna. Insists the question of control hinges on Western Powers accepting proposals on general and complete disarmament.

June 6, 1961: Kennedy reports to American people on his Vienna talks with Khrushchev.

June 6, 1961: Khrushchev reports to Russian people on his talks with President Kennedy. (Tass report topics covered:) General and complete disarmament, banning of nuclear weapons, cessation of tests, question of control. Hammarskjold, the German question (peace treaty).

June 17, 1961: U.S. aide-memoire to Soviet Russia concerning Geneva test-ban negotiations. Repeated new proposals offered by the United States and the United Kingdom on March 21, 1961.

June 28, 1961: President Kennedy announces appointment of Committee of Scientific Experts to advise him on test-ban problem.

July 5, 1961: Soviet note replying to U.S. note of June 17, 1961, concerning suspension of nuclear weapon tests. Says Soviet proposals have been distorted. Brings up again supervision of inspection and control by equal representatives of three basic groups: Socialist states, capitalist states in Western military bloc, and neutral states (troika).

July 15, 1961: U.S. note to Soviet Union referring to the Soviet note of July 5, 1961, on the Geneva test-ban negotiations. Says Soviet note contains a multitude of irrelevant and unwarranted comments. Confines its reply to the central issue: Is the Soviet Union prepared to reach an accord which would halt nuclear tests under effective international control?

July 15, 1961: United States and United Kingdom request to United Nations to place on the agenda the 16th General Assembly an item entitled "The Urgent Need for a Treaty To Ban Nuclear Weapons Tests Under Effective International Control."

July 20, 1961: President announces membership of nuclear test study group.

August 10, 1961: President announces he has reviewed report of Scientific Committee and is sending Ambassador Dean back to Geneva.

August 30, 1961: Soviets announce plans to resume nuclear testing. Among the reasons cited by the Soviets for taking this step were the turn-down of the troika proposal, the nuclear tests carried out by the French beginning February 13, 1960, and the Berlin situation.

August 30, 1961: White House statement on the Soviet's announcement that they planned to resume nuclear testing. This statement expressed concern and resentment in regard to the Soviet decision to resume nuclear testing. It added that the Soviet decision presented a threat to the entire world. It denounced the Soviet pretext for resumption of weapons testing by mentioning that the Berlin crisis was created by the Soviets themselves. It also mentioned that the Soviet Union bears heavy responsibility before all humanity for this decision which was made in complete disregard of the United

Nations. It concluded by announcing that Ambassador Arthur Dean was being recalled immediately from his post as chief negotiator at the nuclear test ban meetings.

September 1, 1961–November 4, 1961: The Soviet Union conducted a series of approximately 50 atmospheric nuclear tests with a total yield of about 120 megatons. The tests were conducted at three different locations in the Soviet Union: Semipalatinsk, Novaya Zemlya, and east of Stalingrad. The series was highlighted by a 55- to 60-megaton detonation on October 31, 1961, despite a resolution adopted October 27, 1961, by the United Nations appealing to the U.S.S.R. to refrain from carrying out their stated intention to explode a device of this yield.

September 3, 1961: President Kennedy, in a joint statement with British Prime Minister Macmillan, proposed that the Soviet Union agree immediately to discontinuing testing nuclear weapons in the atmosphere. The note suggested that the United States, United Kingdom, and U.S.S.R. representatives meet in Geneva not later than September 9 to record the agreement to cease nuclear testing in the atmosphere and report it to the United Nations.

September 5, 1961: President Kennedy announced that the United States would resume nuclear testing. He ordered the tests carried out in the laboratory and underground "with no fallout." This decision was made after the Soviets set off their third nuclear test in the atmosphere in 5 days. President Kennedy, in referring to the Kennedy-Macmillan statement of September 3 on banning nuclear testing in the atmosphere, said the offer remains open until September 9, 1961.

September 15, 1961: The United States detonates its first underground nuclear device since the end of the test moratorium at the Nevada Test Site.

November 2, 1961: The President announces that the policy of the United States will be to proceed in developing nuclear weapons to maintain a superior capability for the defense of the free world against any aggressor. This statement indicated that the United States would make necessary preparations in case it becomes necessary to test in the atmosphere.

December 22, 1961: A joint communique was issued by President Kennedy and Prime Minister Macmillan following a 2-day meeting in Bermuda. They agreed that it was necessary "as a matter of prudent planning for the future, that pending the final decision [to resume atmospheric testing] preparations should be made for atmospheric testing to maintain the effectiveness of the deterrent."

January 29, 1962: Geneva Conference on the Discontinuance of Nuclear Weapons Tests breaks up at 353d meeting. The United States proposed an adjournment, and Soviet negotiator Tsarapkin said, "This is the end."

February 7, 1962: President Kennedy and British Prime Minister Macmillan said they have proposed to Soviet Premier Khrushchev that another supreme effort to halt the nuclear arms race be made by raising next month's 18-nation general disarmament conference to the Foreign Ministers' level.

February 14, 1962: President Kennedy urged Premier Khrushchev not to press his proposal for an 18-nation summit meeting on disarmament. However, he assured the Soviet leader that he was ready to participate "at any stage of the conference when it appears that such participation could positively affect the chances of success."

February 21, 1962: Premier Khrushchev replied to President Kennedy's letter of February 14 still insisting on a summit conference on disarmament.

February 24, 1962: Letter from President Kennedy to Premier Khrushchev. President Kennedy replied to Premier Khrushchev's letter of February 21, 1962, stressing that heads-of-state participation at the Geneva Conference should be reserved until a later stage in the negotiations after preliminary agreements have been reached at the Foreign Ministers' level.

March 2, 1962: President Kennedy announced that he had ordered a resumption of nuclear tests in the atmosphere in late April unless the Soviet Union agrees before then to an "ironclad" treaty banning all tests. The President held out to Khrushchev the promise of a sumit conference at which such a treaty could be signed, and also said that a satisfactory treaty would be offered by the West at the disarmament conference opening in Geneva on March 14, 1962.

March 4, 1962: The Soviet Government sent the United States a message delivered to the State Department advising that Foreign Minister Gromyko would go to Geneva. The Kremlin message was reported to have said that Khrushchev had reluctantly accepted the Foreign Minister proposal.

March 14, 1962: 17-nation disarmament conference opened in Geneva. (Originally 18-nation conference, but France did not attend.)

March 15, 1962: The United States, during the Geneva Disarmament Conference, clearly indicated its willingness to drop the 4.75 threshold and to make the test ban treaty, from the outset, complete in its coverage by banning all tests in the atmosphere, outer space, underground, and in the oceans. The response of the Soviet Union to this proposal indicated an unwillingness on their part to accept a treaty with or without the U.S. proposed amendment.

March 16, 1962: Premier Khrushchev announced that Soviet scientists had developed a "global rocket" invulnerable to antimissile weapons and that it rendered obsolete the early warning system of the United States.

April 10, 1962: The White House released a joint United States-United Kingdom statement on nuclear testing appealing to the Soviet Union to agree to a nuclear test ban with adequate safeguards including the principle of international verification. This statement indicated that if such an agreement was not successful then the test series scheduled by the United States for the latter part of April would go forward.

April 10, 1962: Prime Minister Macmillan added a personal message to the joint Anglo-American note to Premier Khrushchev on a nuclear test ban asking him to accept an inspection procedure and "fill all the peoples of the world with a new sense of hope."

April 12, 1962: Premier Khrushchev rejects the Kennedy-Macmillan joint statement on nuclear testing.

April 16, 1962: Eight neutral nations appealed to the nuclear powers to persist in their efforts to reach agreement on prohibiting nuclear weapons testing for all time. They suggested establishing a system for continuous observation and control on a scientific and nonpolitical basis, built on existing national network of observation posts.

April 18, 1962: United States offered a three-stage plan for disarmament having as its goal general and complete disarmament and gradual replacement of the armed power of single nations by a strengthened United Nations. The disarming process would be balanced to prevent any state from gaining a military advantage, and compliance with all obligations would be effectively verified.

April 22, 1962: Joint Committee on Atomic Energy in summary-analysis of 1961 Vela hearing, reports that nearly 3 years of research had brought no material progress toward an effective method of detecting clandestine underground tests.

April 25, 1962: First, 1962 U.S. nuclear test in the atmosphere. This test was of an intermediate yield from a plane near Christmas Island. The President approved the resumption on nuclear testing after repeated unsuccessful attempts by the United States to get the U.S.S.R. to agree to a nuclear test ban treaty with adequate safeguards.

April 26, 1962: Secretary of State Rusk justified the new series of tests on the basis of refusal of the Soviet Union to accep+ the kind of international verification necessary for a test ban agreement. The Secretary of State referred to President Kennedy's address of March 2 in which he set forth the reasons why a certain number of tests would be necessary in the absence of an international agreement banning nuclear tests with adequate assurances; and, secondly, that it is a major objective of American policy to bring an end to testing immediately and permanently when we were assured that testing had been abolished.

May 1, 1962: France conducts underground explosion of nuclear device in Algerian Sahara.

May 2, 1962: Disarmament talks were resumed at Geneva. British Minister of State John Godber said U.S.S.R. must change its attitude toward verification measures if the world is to have general and complete disarmament.

May 16, 1962: Premier Khrushchev confirmed U.S.S.R. determination to test. He based his decision on the fact that the United States had resumed testing in the Pacific.

June 14, 1962: The 18-Nation Disarmament Conference [1] recesses.

July 12, 1962: Secretary of State Dean Rusk reports that the preliminary Vela results, released by the Defense Department on July 7, offer some promising signs for detecting and identifying nuclear tests but emphasized the new findings cannot be considered a substitute for control posts or on-site inspections.

July 13, 1962: Soviet Union served official notice that it claims the right to be the last nation to carry out nuclear weapon tests.

July 16, 1962: The 18-Nation Disarmament Conference reconvenes in Geneva. The United States proposes discussion of scientific findings, particularly from Project Vela.

July 21, 1962: The Soviet Government announces its decision to resume nuclear tests.

August 1, 1962: President Kennedy stated at his news conference that on the basis of recent technical assessments, the United States can work toward an internationally supervised system of detection and verification for underground testing which will be simpler and more economical than the system which was contained in the treaty which we tabled in Geneva in April 1961. He emphasized that these new assessments do not affect the requirement that any system must include provision for on-site inspection of unidentified underground events.

August 5, 1962: The Soviet Union detonates a nuclear explosion in the atmosphere in the order of magnitude of 30 megatons. This is the first of some 40 tests, continuing until December 25.

August 8, 1962: U.S. Delegate Dean proposed reducing the number of control posts to something like 80—a reduction of more than half. He offered this concession in view of his contention that detecting devices have gone ahead rapidly. Thus, our techniques for detecting sneak tests are much better.

August 9, 1962: Ambassador Dean formally introduces a new proposal for a comprehensive test ban treaty based on a worldwide network of internationally supervised, nationally manned control posts. Provided the Soviets agree to the principle of obligatory on-site inspection, the numbers of control posts and on-site inspections would be substantially reduced from previous U.S. proposals. Ambassador Zorin immediately rejects the new proposal.

August 20, 1962: The U.S.S.R. rejected proposals for a partial nuclear test ban treaty.

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[1] The 18-Nation Disarmament Conference now composed of 17 nations. France, an original member withdrew at the beginning of the Conference.

The idea of a halfway treaty was advanced by Brazil, Sweden, and Italy. The proposed treaty would stop atmospheric tests immediately to ease fallout dangers.

August 27, 1962: The United States and Great Britain offered the Soviet Union the choice of an internationally inspected total ban on nuclear weapons tests or an uninspected limited ban. The limited ban would cover tests in the atmosphere, in space and under water pending further negotiations for a treaty to include underground tests, the most difficult to identify.

August 29, 1962: The U.S.S.R. submitted to the Disarmament Conference a formula for halting nuclear weapons tests that the United States and Britain have repeatedly termed unacceptable because of inadequate guarantees and safeguards for inspection of suspicious events.

August 29, 1962: President Kennedy welcomed a Soviet proposal that all nuclear testing cease by January 1. But he reiterated the Western position that an enforcible treaty, complete with inspection provisions, be signed first.

September 7, 1962: The 18-Nation Disarmament Conference recesses, but the Test Ban Subcommittee remains in session.

October 24, 1962: At the United Nations, Brazil proposes denuclearization of Latin America and Africa which would include a ban on nuclear weapon tests in these continents.

November 4, 1962: President Kennedy announces the end of the current series of atmospheric nuclear tests, but states that underground tests will be continued in Nevada. The last atmospheric detonation was November 4, 1962.

November 6, 1962: The General Assembly adopts a two-part resolution on nuclear tests. Part (A), sponsored by 37 powers and approved by a vote of 75 to 0 with 21 abstentions, calls for the cessation of testing by January 1, 1963, and an interim arrangement with certain assurances if no final agreement is achieved by that date. Part (B), sponsored by the United States and the United Kingdom and approved by a vote of 51 to 10 with 40 abstentions, urges the early conclusion of a comprehensive test ban treaty with effective international verification. The United States and the U.S.S.R. abstain on part (A), and the U.S.S.R. opposes part (B).

November 13, 1962: At Geneva, Ambassador Tsarapkin suggests that unmanned seismic stations be employed as an addition to existing national detection stations to monitor a test ban.

November 26, 1962: The 18-Nation Disarmament Conference reconvenes for the third session.

November 28, 1962: In an attempt to end the deadlock at Geneva, Swedish Delegate Rolf Edberg proposed a moratorium on all nuclear tests while an international group of scientists works out underground control methods satisfactory to both the West and the Soviet Union.

December 3, 1962: The U.S.S.R. rejected the proposal for setting up a nuclear test ban put forth by the Indian-Swedish delegations.

December 4, 1962: The Soviet Union told the United States and Great Britain that as long as they insisted on on-site inspection there would never be any agreement to end nuclear testing. Joseph B. Godber of Britain declared that dismissal of the neutralist efforts to break the test ban stalemate was "not the action of a responsible government."

December 4, 1962: Arthur H. Dean told the Soviet Union that unmanned seismic stations the so-called black boxes—cannot serve as a sole guardian of a nuclear test ban.

December 10, 1962: In the 18-Nation Disarmament Conference, Ambassador Tsarapkin formally proposes the establishment of two or three unmanned seismic stations on the territories of states possessing nuclear weapons. Locations by zones for those to be placed in the Soviet Union are named. This proposal is conditioned on the abandonment by the West of its insistence on international control and obligatory on-site inspection.

December 19, 1962: Premier Khrushchev, in a letter to President Kennedy, states that the Soviet Union is now prepared to accept two or three on-site inspections per year on Soviet territory. In addition, he says there could be three unmanned seismic stations on Soviet territory. The final location of the stations is left open.

December 20, 1962: The 18-Nation Disarmament Conference recesses.

December 28, 1962: President Kennedy in reply to Premier Khrushchev, indicates encouragement that the Soviets have now accepted the principle of on-site inspection, but states that the figure of two or three on-site inspections is not sufficient, nor are three unmanned seismic stations. He denies that the United States offered to agree on three inspections. The United States has reduced the number of on-site inspections to 8 from 10.

January 4, 1963: Arthur H. Dean announced that he had submitted his resignation on December 27, 1962, as chief U.S. negotiator at the Disarmament Conference at Geneva.

January 7, 1963: In a letter to President Kennedy, in further exchange on the subject of on-site inspection, Premier Khrushchev holds to his contention that an annual quota of two or three inspections is sufficient.

He emphasizes that he considers agreement in principle a great unilateral concession, and he agrees to further discussion on the questions between United States and U.S.S.R. representatives.

January 14, 1963: United States and Soviet representatives meet in New York. The United States is represented by William C. Foster, Director of the U.S. Arms Control and Disarmament Agency; and the U.S.S.R. is represented by N. T. Fedorenko, Soviet Ambassador to the U.N. and S. K. Tsarapkin, chairman of the Soviet delegation to the 18-Nation Disarmament Conference. Discussions continue in New York until January 22 when they are moved to Washington.

January 26, 1963: President Kennedy orders that preparations for underground testing in Nevada be suspended in the hope that the Western-Soviet discussions presently taking place in New York and Washington would materially enhance the prospects for an effective agreement on a test ban.

February 1, 1963: The New York and Washington, D.C., discussions on a test ban are slated to be taken up at the 18-Nation Disarmament Conference scheduled to be resumed on February 12. In a press conference, Secretary of State Rusk expressed the disappointment of the United States that the position of the Soviet Union appeared to have hardened into a take-it-or-leave-it attitude on their offer for two or three on-site inspections per year. The Secretary states: "The idea of on-site inspection is not simply a political question involving the acceptance of on-site inspection in principle, but is the practical problem of establishing arrangements which in fact do provide assurance that agreements are being complied with."

February 1, 1963: President Kennedy orders resumption of the preparations for underground testing in Nevada.

February 8, 1963: The scheduled series of underground tests is begun in Nevada.

February 12, 1963: The 18-Nation Disarmament Conference reconvenes at Geneva.

February 22, 1963: The ACDA announces in Washington that the United States is willing to consider possible acceptance of seven on-site inspections, providing the modalities of inspection can be agreed upon.

February 28, 1963: In a Moscow election meeting speech, Premier Khrushchev reaffirms his refusal to consider anything but three on-site inspections per year.

April 1, 1963: The United States and United Kingdom delegations table a memorandum of position concerning the cessation of nuclear weapon tests. This memorandum sums up the Western position on general principles of agreement on-site inspection and automatic seismic station arrangements, and includes specific proposals submitted to date.

August 5, 1963: Limited test ban treaty is signed in Moscow.

August 31, 1963: Hot-line teletype system between Washington and Moscow becomes operational.

October 7, 1963: President, with the advice and consent of the Senate, signs the limited test ban treaty.

October 10, 1963: The limited test ban treaty enters into force.

December 31, 1963: Premier Krushchev calls on all states to conclude an international agreement "for the renunciation by the states of the use of force for the settlement of territorial disputes and boundary questions."

January 8, 1964: In his state of the Union message, President Johnson announces that U.S. production of enriched uranium will be reduced by 25 percent and that the Atomic Energy Commission will close down 4 of its 14 reactors producing plutonium for weapons. The President calls on the Soviet Union to take similar steps.

January 18, 1964: President Johnson, in his reply to Premier Khrushchev's letter of December 31, 1963, appeals to the Soviet Union to support concrete steps to strengthen peace, by urging that both nations present new proposals at Geneva on the prevention of the spread of nuclear weapons, cessation of the production of fissionable materials for weapons uses, the transfer of large amounts of fissionable materials to peaceful uses, the prohibition of all nuclear tests, limitations on nuclear weapons systems, reduction of all risk of war by accident or design, and progress toward general disarmament.

January 21, 1964: The Eighteen Nation Disarmament Committee (ENDC) reconvenes in Geneva.

In a message to the ENDC, President Johnson submitted proposals designed to: prohibit the use of force, achieve a verified freeze of nuclear delivery vehicles, achieve a verified agreement on the cessation of the production of fissionable material for weapons, reduce the danger of accidental war and surprise attack, and halt the spread of atomic weapons.

April 20, 1964: President Johnson announces that he has ordered "a further substantial reduction" in the production of enriched uranium. Combined with the reduction announced last January, the overall reduction in the production of enriched uranium will be 40 percent over a 4-year period.

Premier Khrushchev announced discontinuance of the construction of two new reactors for the production of plutonium and that the production of uranium 235 would be substantially reduced over the next several years (On November 24, 1965, in Khrushchev's statement of April 20, 1964, the AEC stated "there is no evidence to confirm that the Soviets have indeed done what they stated they would do.")

April 21, 1964: Prime Minister Douglas-Home announces that United Kingdom production of military plutonium will gradually be terminated.

April 28, 1964: The ENDC recesses.

June 9, 1964: The ENDC reconvenes.

June 11, 1964: The IAEA Board of Governors approves an agreement between the United States and the Agency whereby four U.S. reactors will be placed under Agency safeguards against diversion to nonpeaceful ends.

June 25, 1964: At the ENDC, the United States presents a plan to provide verification for a cutoff in the production of fissionable materials for weapons.

August 27, 1964: At the ENDC the Indian representative states that under no circumstances will his country use its nuclear capabilities for nonpeaceful purposes.

September 17, 1964: The ENDC adjourns.

October 16, 1964: Communist China explodes its first atom bomb.

October 24, 1964: The chairman of India's Atomic Energy Commission states that India might be compelled to manufacture nuclear weapons unless some important and tangible steps are made toward general disarmament.

November 1, 1964: The White House announces that former Deputy Secretary of Defense Roswell L. Gilpatric has been appointed by the President to head a special panel to study ways and means of preventing the spread of nuclear weapons.

December 8, 1964: Following their Washington conference, President Johnson and United Kingdom Prime Minister Wilson issued a communique in which they express agreement on the urgency of a worldwide effort to prevent proliferation of nuclear weapons.

December 30, 1964: In a New Year's greeting to Premier Kosygin, President Johnson expresses the hope that practical agreements can be reached soon in the area of arms control.

January 19, 1965: AEC announces that the United States has detected venting from the Soviet underground test of January 15.

January 26, 1965: In a statement before the House Foreign Affairs Committee, ACDA Director Foster states that the Soviet test of January 15 may have been a technical violation of the limited test ban treaty.

February 15, 1965: AEC announces it will further reduce the rate of production of enriched uranium. The new reduction will be gradually carried out from 1966 to 1969.

May 14, 1965: Communist China explodes its second atomic bomb.

May 17, 1965: In the Disarmament Commission, ACDA Director Foster suggests a broad program of measures to halt the proliferation of nuclear weapons.

July 27, 1965: ENDC convenes at Geneva. In a message to the delegates, President Johnson states that the American delegation is instructed to seek "agreements that will limit the perilous spread of nuclear weapons, and make it possible for all countries to refrain without fear from entering the nuclear arms race," "effective limitation of nuclear weapons and nuclear delivery systems" and a "truly comprehensive test ban treaty."

August 8, 1965: Pope Paul VI urges mankind to renounce forever use of atomic weapons and prays that men will "no longer place their trust, their calculations, and their prestige in such fatal and dishonoring weapons."

August 17, 1965: At the ENDC, the United States presents a draft nonproliferation treaty.

August 31, 1965: At the ENDC the Soviet Union rejects the U.S. draft nonproliferation treaty of August 17.

September 16, 1965: The Conference of the Eighteen Nation Committee on Disarmament (ENDC) adjourns following the conclusion of its 234th plenary meeting.

September 23, 1965: In a speech at the United Nations, Ambassador Goldberg stresses that the first priority toward the goal of general and complete disarmament "must be given to halting the spread of nuclear weapons."

September 24, 1965: Soviet draft treaty on nonproliferation presented to the Secretary General of the United Nations.

October 17, 1965: William Foster, Director, Arms Control and Disarmament Agency, in a speech at the United Nations calls for the resumption of the ENDC at Geneva.

November 25, 1965: At the United Nations 26 nations present a draft resolution on the "urgent need for suspension of nuclear and thermonuclear tests." This draft resolution was subsequently sponsored by nine other nations.

December 3, 1965: The 35-nation draft resolution of November 25, 1965 approved by the General Assembly by a vote of 92 to 1 with 14 abstentions. Albania votes against the resolution. The following countries abstain: Algeria, Bulgaria, Byelorussian S.S.R., Congo, Cuba, Czechoslovakia, France, Guinea, Hungary, Mauritania, Mongolia, Poland, Ukrainian S.S.R., and the Soviet Union.

December 28, 1965: Ambassador at Large Averell Harriman leaves Washington to visit Eastern Europe on a peace mission for President Johnson.

January 27, 1966: The 18-Nation Disarmament Committee is scheduled to reconvene in Geneva.

SIGNIFICANT DATES CONCERNING DISARMAMENT DEVELOPMENTS, 1966 TO PRESENT

January 18, 1966: Senator Pastore (Dem., R.I.), Vice Chairman of the Congressional Joint Committee on Atomic Energy, and 52 other senators sponsored a resolution urging "serious and urgent efforts" to achieve a treaty and reach a solution of the nuclear proliferation problem.

February 23, 1966: Testifying before the Joint Committee on Atomic Energy, Secretary of State Rusk welcomed the Pastore resolution as a "significant expression of congressional support" for President Johnson's efforts to meet the threat of nuclear proliferation.

April 27, 1966: Secretary of State Rusk in a press conference denied that he had decided to "forego indefinitely" plans for "an allied nuclear weapons system." He said the United States had made no decision to foreclose A.N.F. or "any other collective approach to the problem."

April 28, 1966: At the ENDC, ACDA Director Foster announced that the United States had offered the IAEA access to Nuclear Fuel Services, Inc., a commercial chemical plant in West Valley, N.Y., processing plutonium to assist the IAEA in the development of safeguard procedures and the training of inspectors. He characterized the offer as "a new contribution to the development of safeguards" against the diversion of peaceful atoms to weapons use.

May 7, 1966: President Johnson announced that the United States would seek a treaty in the United Nations to prevent sovereignty claims in space and to seek an accord on cooperation and peaceful exploitation. In New York, Ambassador Goldberg requested an early meeting of the Legal Subcommittee of the UN Outer Space Committee to consider the President's proposal.

May 9, 1966: The Chinese Communists detonated their third nuclear device and asserted that it contained "thermonuclear material." They stated that their program was intended to oppose American "nuclear blackmail" and "U.S.-Soviet collusion and monopoly of nuclear weapons." Recalling their nuclear disarmament proposals of October 17, 1964, and May 14, 1965, they again declared that China would not be the first to use nuclear weapons.

May 10, 1966: The ENDC recessed until June 14. In his closing remarks, ACDA Director Foster blamed the Soviet Union for the impasse in negotiations and said it was regrettable that "it was the Soviet Union that at first gave assistance in the nuclear field to Communist China" which "may now be regarded with some dismay by those who granted it." Ambassador Roshchin blamed the United States and its allies in NATO for "blocked progress" but concluded that opposing positions were better understood.

May 17, 1966: The Senate unanimously approved the Pastore resolution commending the President for steps already taken, and supporting "the principle of additional efforts" for a nuclear nonproliferation treaty.

June 14, 1966: The ENDC resumed in Geneva. ACDA Director Foster in his opening remarks reminded the Committee of the 20th anniversary of the Baruch plan.

June 16, 1966: Ambassador Goldberg submitted a U.S. draft treaty on the exploration of the moon and other celestial bodies to Kurt Waldheim, Chairman of the Committee on the Peaceful Uses of Outer Space.

The Soviet Union also submitted to the United Nations a draft treaty on peaceful exploration and research in outer space and asked that it be included on the agenda of the twenty-first session of the General Assembly.

July 2, 1966: France exploded an atomic bomb on Niururoa atoll in the Pacific, the first in a series of explosions scheduled for the area.

July 12, 1966: At Geneva the Legal Subcommittee of the U.N. Committee on the Peaceful Uses of Outer Space began discussion of the U.S. and Soviet draft celestial-bodies treaties. Ambassador Goldberg stated that the drafts, though different in scope, would be reconcilable if there was good will and common purpose to reach agreement.

July 27, 1966: Prime Minister Eshkol told Jerusalem journalists that Israel had no nuclear arms and would not be the first to introduce them into her area.

July 28, 1966: At the ENDC, ACDA Deputy Director Fisher proposed the application of IAEA or equivalent international safeguards to the peaceful nuclear activities of non-nuclear-weapon states and to all international transfers of nuclear material and equipment for peaceful uses, in order to prevent the proliferation of nuclear weapons and to prevent nuclear weapons from being developed "under the guise of peaceful application of nuclear energy."

September 21, 1966: Secretary of State Rusk expressed hope for international agreements on the peaceful uses of space and on non-proliferation. He also hoped that the time would come "when, by permitting effective inspection on their own soil, the Soviets will make possible progress in reducing armaments."

September 24, 1966: Observing ACDA's fifth anniversary, President Johnson pledged the United States "to continue to search for peace." "When the United States was the only nation possessing atomic weapons," he said," we urged others to join us in placing all atomic facilities under international control."

October 10, 1966: President Johnson met with Foreign Minister Gromyko in Washington to discuss a number of topics, including non-proliferation. After the talks, Mr. Gromyko told the press that the exchange was useful and that "it looks like both countries . . . are striving to reach agreement" on a non-proliferation treaty.

October 27, 1966: The Soviet Union set off the world's largest underground nuclear explosion—equal to more than a million tons of TNT—which seismic signals indicated as a yield in the intermediate to high range. The AEC reported the test was conducted on Novaya Zemlya.

October 27, 1966: Communist China's New China News Agency announced successful conclusion of a guided-missile-nuclear-weapon test with an explosive yield in the range of 20 kilatons.

November 4, 1966: By a vote of 110 to 1, with 1 abstention, the General Assembly adopted resolution 2149 (XXI) on renunciation of actions hampering the conclusion of a non-proliferation agreement. Albania voted against the resolution, and Cuba abstained. The resolution was cosponsored by the United States, Soviet Union, and other countries.

November 16, 1966: At the AEC's Hanford

plant near Richland, Washington, representatives of 50 nations and several international agencies watched the demonstration of a U.S. method of monitoring a shutdown plutonium-producing reactor.

December 2, 1966: The First Committee adopted by a vote of 99 to 0, with 10 abstentions, the tripartite draft resolution on the elimination of foreign military bases in the countries of Asia, Africa, and Latin America.

December 8, 1966: In Austin, President Johnson announced that the United States and the Soviet Union had reached agreement on a draft treaty barring weapons on the moon and other celestial bodies.

December 19, 1966: The General Assembly unanimously adopted resolution 2222 (XXI), endorsing the proposed treaty on the peaceful uses of outer space.

December 21, 1966: At a news conference, Secretary of State Rusk said that the United States would like to see "some means developed" to avert another upward spiral in the arms race and to avoid the "wholly new major levels of expenditure" which would be required by deployment of anti-ballistic missile defense systems by the two major powers. He expressed the hope that the Soviet Union would agree to refrain from entering this new and costly phase.

December 28, 1966: Communist China carried out a nuclear test at Lop Nor in Sinkiang province.

January 10, 1967: In his State of the Union message to the Congress, President Johnson declared that U.S. policy in East-West relations was "not to continue the cold war but to end it." Referring to Soviet ABM development, he emphasized that "the important link between Russia and the United States" was "our common interest in arms control and disarmament."

January 27, 1967: The Treaty Governing Activities of States in Exploration and Use of Outer Space Including Moon and Other Celestial Bodies was signed at Washington, London, and Moscow.

March 2, 1967: President Johnson announced at a news conference that Premier Kosygin had replied to his letter of January 27 and agreed to bilateral discussions on "means of limiting the arms race in offensive and defensive nuclear missiles."

April 25, 1967: The Senate unanimously approved (88–0) the outer-space treaty of January 27, 1967.

May 19, 1967: Tass announced that the Presidium of the Supreme Soviet of the USSR had ratified the outer-space treaty.

June 17, 1967: Communist China successfully exploded its first hydrogen bomb at the Lop Nor center in Sinkiang, the site of China's five earlier nuclear detonations.

June 23, 1967: After their first meeting at Glassboro, N.J., President Johnson said that he and Premier Kosygin had agreed that it was "now very important to reach international agreement on a non-proliferation treaty."

June 25, 1967: At the conclusion of the Glassboro, N.J., summit conference, President Johnson stated that he and Premier Kosygin had discussed arms limitation and had agreed that Secretary of State Rusk and Foreign Minister Gromyko would "pursue this subject" further in the immediate future.

August 24, 1967: At the ENDC, the United States and Soviet Union tabled separate but identical texts of a draft non-proliferation treaty.

September 9, 1967: In a speech at the launching of nuclear submarine NARWHAL, Senator Pastore calls for development of a U.S. ABM system.

September 18, 1967: Speaking at San Francisco, Secretary of Defense McNamara announced that the United States would deploy a limited anti-ballistic missile system against Communist China.

October 10, 1967: The outer-space treaty of January 27 entered into force when the United States, the United Kingdom, the Soviet Union, France, and other nations deposited their instruments of ratification at Washington, London, and Moscow.

November 3, 1967: Secretary of Defense McNamara announced at a press conference that the Soviet Union was believed to be in the process of developing an orbital nuclear missile that could reduce the warning time of an attack on the United States to about 3 minutes. He called the new Soviet system a "fractional orbital bombardment system (FOBS)."

November 6–7, 1967: Joint Committee on Atomic Energy and Senate Preparedness Committee hearings on Scope, Magnitude, and Implications of the United States Anti-ballistic Missile Program, held.

November 18, 1967: Marshal Krylov, Commander-in-Chief of the Soviet Strategic Rocket Forces, announced at Moscow that the USSR had developed new missiles "capable of delivering nuclear warheads to the target along ballistic and orbital trajectories." He said that the head portions of these rockets carried devices to break through the enemy's anti-missile defenses.

December 2, 1967: President Johnson announced that when safeguards were applied under the non-proliferation treaty, the United States would permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States, with the exception only of those with "direct national security significance."

December 5, 1967: By an 85–0 vote with 9 abstentions, the General Assembly passed resolution 2286 (XXII) approving the Treaty for the Prohibition of Nuclear Weapons in Latin America. Cuba, the Soviet Union, and France were among the abstaining states.

December 18, 1967: The General Assembly passed resolution 2340 (XXII) establishing an *ad hoc* committee to study the exploration and use of the sea-bed and ocean floor. The vote was 99 to none, with no abstentions.

December 24, 1967: The AEC announced that the Chinese Communists had conducted their seventh atmospheric nuclear test explosion. The low yield detonation was held in the Lop Nor testing area. This test, unlike the six earlier ones, was not publicly announced by the Peking authorities.

January 18, 1968: The ENDC reconvened in Geneva. The United States and the Soviet Union submitted separate but identical revised texts of the draft non-proliferation treaty.

February 12, 1968: President Johnson told the Congress that the draft non-proliferation treaty of January 18 was the most significant achievement of the U.S. Arms Control and Disarmament Agency since its establishment.

March 7, 1968: In the ENDC, the United States, the United Kingdom, and the Soviet Union submitted to a draft Security Council resolution on security assurances to non-nuclear weapon states. The resolution would recognize that the nuclear-weapon permanent members of the Security Council would have to "act immediately in accordance with their obligations under the United Nations Charter" against a nuclear attack or threat of nuclear aggression against a non-nuclear weapon state.

March 20, 1968: In the U.N. *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed, the Soviet Union proposed that the ENDC negotiate an international ban against using for military purposes the sea-bed and ocean floor beyond the limits of national jurisdiction.

April 1, 1968: At Mexico City, the United States signed Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America (see February 14, 1967). The protocol calls on nuclear-weapon states (1) to respect the statute of denuclearization in Latin America, (2) not to contribute to violations of the basic provisions of the treaty, and (3) not to use or threaten to use nuclear weapons against the Latin American parties to the treaty.

June 4, 1968: In his commencement address at Glassboro State College, President Johnson said that the United States was anxious to reach an agreement with the Soviet Union to avert a "costly anti-ballistic missile race between the United States and the Soviets." He said that the United States was now ready to put an end to the nuclear arms race, provided that it and the Soviet Union could reach "binding agreements" which would "preserve the security of each nation."

May 31, 1968: Speaking to the General Assembly, President Johnson said that the non-proliferation treaty was the "most important international agreement in the field of disarmament since the nuclear age began."

June 24, 1968: U.S. Senate votes funds for a U.S. ABM system.

June 27, 1968: In the Supreme Soviet, Foreign Minister Gromyko announced that the Soviet Union was ready to begin discussions with the "Western nuclear powers" concerning a "mutual restriction and subsequent reduction" of offensive and defensive missile systems.

July 1, 1968: The non-proliferation treaty was opened for signature at Washington, London, and Moscow. The representatives of 56 countries signed during the White House ceremonies.

July 11, 1968: In a statement to the Senate, Foreign Relations Committee, General Wheeler, the JCS Chairman, said that the JCS had long supported "balanced, phased, safeguarded, and verifiable arms control measures." In reviewing the non-proliferation treaty, they concluded that the treaty did not "operate to the disadvantage of the United States and our allies" and that it did not "disrupt any existing defense alliances" of the United States.

August 20, 1968: Armed forces of the Soviet Union, Poland, Hungary, Bulgaria, and East Germany invaded Czechoslovakia.

August 24, 1968: At Mururoa atoll, France exploded its first hydrogen bomb.

September 4, 1968: NATO's Defense Planning Committee announced that a meeting of military experts to study plans for mutual arms reduction by NATO and the Warsaw Pact nations had been called off as a result of the Soviet invasion of Czechoslovakia.

September 5, 1968: Speaking before the National Press Club, Secretary of Defense Clifford said that he did not think that the U.S. decision to install the Sentinel ABM defense system and to continue MIRV tests would hinder the success of the proposed U.S.-Soviet negotiations on strategic arms limitations. He said that the Soviet invasion of Czechoslovakia indicated that a "significant American military presence in Western Europe" was still needed, and that "when and if we negotiate, safety and success demand that we negotiate from strength."

September 11, 1968: In a press statement, Mr. Nixon endorsed the non-proliferation treaty but urged the Senate to delay approval until the "posture and intentions of the Soviet Union toward Czechoslovakia and other nations of Central and Western Europe can be reassessed."

September 17, 1968: The Senate Foreign Relations Committee approved the non-proliferation treaty by a 13-to-3 vote, with 3 abstentions. Senators Hickenlooper, Aiken, and Williams abstained from voting, while Senators Dodd, Lausche, and Mundt voted against the treaty.

September 29, 1968: Secretary of Defense Clifford said in a television interview that the United States "should maintain a nuclear superiority vis-a-vis the Soviet Union. He believed this issue involved the "very exist-

ence of our nation as a nation," and "you deal much better with the Soviet Union when you deal from strength."

October 25, 1968: At a news conference, Secretary of Defense Clifford said that the Soviet Union had considerably narrowed the nuclear missile gap in recent years, but that the United States still maintained, "substantial military superiority" over the Soviets.

December 10, 1968: The Soviet Union announced an increase in its military budget for 1969.

December 27, 1968: Communist China conducted an atmospheric hydrogen bomb test in the Lop Nor area. The detonation had a yield of about three megatons and was the eighth Chinese atmospheric test detected by the United States.

January 14, 1969: Appearing before the Senate Armed Services Committee, incoming Secretary of Defense Laird stated that negotiations between the United States and the Soviet Union concerning missile reductions had been set back "at least for 9 to 12 months" as a result of the Soviet's invasion of Czechoslovakia last year.

January 20, 1969: The Soviet Government announced that it was ready to "start a serious exchange of views" with the United States on a "mutual limitation and subsequent reduction of strategic nuclear delivery vehicles, including defensive systems."

January 27, 1969: At his first Presidential news conference, President Nixon said that he favored the non-proliferation treaty, but that he would have to confer with the National Security Council and Congressional leaders on whether this was the proper time to ask the Senate to approve it.

February 5, 1969: In a special message to the Senate, President Nixon formally asked for approval of the nuclear nonproliferation treaty.

February 25, 1969: The Senate Foreign Relations Committee approved the nonproliferation treaty by a vote of 14 to 0. Senator Dodd (Dem., Conn.) abstained.

March 13, 1969: The U.S. Senate by a vote of 83-15 gave its advice and consent to ratification of the non-proliferation treaty.

March 14, 1969: President Nixon announced that the United States would deploy a modified ballistic missile defense system to be known as the Safeguard program.

March 17, 1969: Dr. DuBridge, Science Adviser to the President, stated in a letter to President Nixon that he thought the Safeguard antiballistic missile system approved by the President represented a "sound and reasonable approach to our strategic defense problem."

March 18, 1969: The Eighteen Nation Disarmament Committee (ENDC) began its 15th session at Geneva. In a letter to ACDA Director Smith, President Nixon stated that the "fundamental objective" of American foreign policy was the establishment of a world of "enduring peace and justice" in which international disputes would be resolved "without resort to war."

April 7, 1969: At a press conference, Secretary of State Rogers said that nothing was hindering the start of the strategic arms limitation talks between the United States and the Soviet Union. He said he expected them to begin in the late spring or early summer.

April 10, 1969: The Department of State announced that the United States and the Soviet Union would hold technical talks in Vienna, beginning April 14, on the peaceful uses of nuclear explosions.

April 16, 1969: The United States and the Soviet Union issued a joint communique at the conclusions of the Vienna talks on peaceful nuclear explosions declaring the talks "timely" and "very useful" and recommending that additional talks on the subject be held.

May 22, 1969: At the ENDC, the United States submitted a draft treaty to ban the emplacement of nuclear weapons and other weapons of mass destruction on the seabed and ocean floor beyond a three-mile coastal limit.

June 19, 1969: President Nixon told his news conference that the United States was completing its strategic review. Secretary of State Rogers had informed the Soviet Ambassador that the United States had set July 31 as the target date for the beginning of the talks.

July 3, 1969: In a message to the ENDC, President Nixon expressed the hope that a "sound seabed arms control measure" could be presented to the General Assembly.

July 10, 1969: In an address to the Supreme Soviet, Foreign Minister Gromyko said that the Soviet Union was prepared for Strategic Arms Limitation Talks (SALT) and hoped that both sides would bear in mind its "paramount importance."

July 11, 1969: In a press statement, Secretary of State Rogers said that Gromyko's speech seemed to be "positive in tone". He said that the United States considered SALT a "significant step forward in our relations with the Soviet Union" and was awaiting a Soviet response on the time and place of the talks.

Mr. PASTORE. Mr. President, I thank Senators for listening.

The VICE PRESIDENT. Who yields time?

Mr. JACKSON. Mr. President, will the Senator from Kentucky yield some time?

Mr. FULBRIGHT. Mr. President, I hope the Senator from Kentucky will not yield time to the opposition.

Mr. COOPER. Mr. President, I understand that 44 minutes remain.

The VICE PRESIDENT. The Senator is correct.

Mr. JACKSON. Mr. President, how much time remains to the opposition?

The VICE PRESIDENT. Thirty-three minutes remain to the opposition.

Time is running.

The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I yield 10 minutes to the Senator from Missouri.

The PRESIDING OFFICER (Mr. GURNEY in the chair). The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, I ask that we have order and that the time involved not come out of my time.

The PRESIDING OFFICER. The Senate will be in order so that the Senator may be heard.

The Senator may proceed.

SIGNIFICANT REASONS AGAINST SAFEGUARD DEPLOYMENT

Mr. SYMINGTON. Mr. President, it would appear that just about everything which could be said has been said about the proposed deployment of this Safeguard ABM system.

For months, based on the facts, it has been difficult indeed for me to understand why there has been such unparalleled desire, from so many quarters, to deploy this system at this time.

Perhaps there is one aspect which has not been adequately emphasized; namely, if the strength and reliability—specifically, the lethal yield, megatonnage, and CEP, accuracy—now ascribed to the Soviet SS–9 missile by our Defense Department is correct, it would appear that our Minuteman, in their fixed missile sites, will shortly become obsolescent if not actually obsolete.

If this is correct, then I believe it is important to weigh carefully our entire defense posture—what should we have, what should we do so as to attain adequate security at minimum cost in lives and treasure.

What are the true national priorities incident to our increasingly limited resources?

I do not agree with this sudden elevation to unprecedented performance by the Defense Department of this liquid-fueled Soviet SS–9, actually nothing more than a possible improvement to our own now abandoned liquid-fueled Titan ICBM. But if the Department is correct, then, in recognition of the tremendous increase in the art of nuclear yield as against weight, it would seem clear that it is of paramount importance to our national security for us to establish, now, a major research and development program for the establishment of mobile missiles on the ground comparable to the mobile status of Polaris on the seas.

Finally, after long study, it is my conviction that, first, because some of the five primary components have not yet been built, let alone tested, and because of their complexity, these units may not work adequately, when linked together, in case of a sudden all-out attack; second, no one has ever yet asserted that the Safeguard radar is right in design to defend hard missile sites; third, no one has presented any logical answer to the constantly repeated assertions of objective scientific experts that the Safeguard radar is vulnerable to even the smaller Soviet SS–11 missiles, of which they have hundreds, and fourth, and no one yet has ever denied that a relatively slight addition to the production of Soviet SS–9's would nullify any effective defense which could be obtained as the result of the deployment of this Safeguard ABM system.

Except for heavy multiplication of the relatively small number of Sprints and Spartans that are now planned in this Safeguard system—figures so small that unfortunately they have never been declassified—the only defense offered to this devastating criticism is that the very high cost of the SS–9's to the Soviets would prevent them from increasing SS–9 production; an argument absurd on the face of it.

To illustrate this absurdity, consider the fact that the latest unit cost of the Minuteman III, our most modern ICBM, is currently estimated at less than $5 million, that figure including various R. & D. and site costs.

But in effort to rig up some answer to the charge that the Soviets could totally nullify any effective defense obtained from Safeguard by means of but a small increase in SS–9 production, we are now told that the unit cost to the Soviets of future SS–9's would be $30 million.

In other words, in this ever more strange dialog of justification, we are now asked to believe that in a country where we are told each man in turn is told where to work, when to work, and at what wages he shall work, the cost of the new Soviet ICBM will nevertheless be over six times greater than the cost to our own taxpayers of our newest ICBM.

If the Senate now decides to accept this latest justification for deployment

of this unproved weapons system, I believe that it will be a sorry day, indeed, for the security and well-being of this country.

Now Mr. President, I do not, in any way, criticize the sincerity of those who are for this system or those who are against it. But 24 years ago, as Assistant Secretary of War, I heard what could be well described as "terror talks" about the Soviet danger, have heard them consistently over this quarter century, and am hearing them again today.

When I objected to this system because the technology of it did not appear right to me, I was criticized. Some people said, "We thought you were one of us." Well, I am "one of us." I am an American citizen, as we all are.

I did some research, and found that, since the end of World War II, I have worked for and voted for $953 billion of the taxpayers' money to protect this country. So as of the end of this session, I will have voted for over one trillion dollars, $1,000 billion, to protect the United States against outside danger.

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

Mr. SYMINGTON. If I may finish this one point.

Mr. President, it has gotten to a point in the Senate—and I say this with great respect—that we have some Senators who can hear the farthest drum before the cry of a single hungry child in the street; and we have some Senators, fed up with that approach, who can hear all the children, whether or not they are hungry, before they can hear a single drum.

Then there is another group, and a large group, which can hear every single child and every single drum and say: "What of it? I'll vote for all the children and I'll vote for all the drums."

That is perhaps the worst position. It is as clear as light that the integrity of the dollar, through such problems as inflation and the continuing unfavorable balance of payments, is slowly but steadily being eroded to the point where our people are suffering—really suffering—not only the really poor, but also those with average and less than average incomes in this country.

Therefore, I earnestly hope there is a fourth group on this floor, a group who will say: "We have to establish some priority. We cannot go on forever listening to the terror talks about the dangers which are made to justify the latest of these new weapons systems being presented to the Congress."

I say this as one who admits his own error in voting for every one of these systems up to this particular Sentinel-Safeguard system.

I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I merely wanted to emphasize what the Senator said about how much we have appropriated since World War II and how, on every occasion, if a question has been raised, we have heard exactly the same kind of talk as the Senator from Rhode Island has just given us.

Now we look at the situation in this country. The Senator from Missouri has often talked of it, and it has resulted, to a great extent, in the diversion of over a trillion dollars.

Actually, when the Senator says he has voted for $935 billion, he is talking about direct costs of the military. He does not include such things as the indirect costs of the veterans' program and in the interest on the debt created by the military. If that is used, it is $1,250 billion.

This is one of the troubles with this country today, because we have neglected so many of the other activities. The Senator from Rhode Island very glibly says if we need anything else, we can have it; there is no matter of choice. Well, this has been proved to be clearly not feasible under our system. The Senator, himself, knows this, when we consider the critical situation this country is in today, financially and internally, from the disaffection of so many people in the ghettos and the universities.

So I agree with the Senator from Missouri, and I do hope that on this, the first occasion that the Senate has ever seriously challenged, on the floor of the Senate, any military program, the Senate will at least resolve any doubts in favor of some restraint upon the growth of the largest military establishment the world has ever seen.

Mr. SYMINGTON. Mr. President, I thank the Senator from Arkansas for his constructive comments.

I have served 17 years on the Committee on Armed Services with one of the most gracious and intelligent people with whom it has ever been my privilege to work, the senior Senator from Maine. To the best of my knowledge—although I may be wrong—this is the first weapons system that she has ever questioned in such open fashion. I would hope that my colleagues on both sides of the aisle would give at least some respect to her opinion in a field in which there is no greater authority in this body than the senior Senator from Maine.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the senior Senator from Wyoming.

Mr. McGEE. Mr. President, hopefully, we will soon decide the question of deployment of antiballistic missiles. The long hours of debate over this vital, if not agonizing, question have reinforced what all of us, Senators and citizens alike, have long known. That is, our decision here will not be easy.

The question before us is of unprecedented dimension. The testimony heard in Senate committees and the long debate on the floor have all been tools to help us in our decision. The coming determination on the deployment of the ABM may hold in balance more answers to the mystery of the future than any of us would like to believe. For this reason, making the right decision becomes a more awesome responsibility than any one mortal could possibly wish in his own time. As painful and as difficult as the decision is for all of us as Senators of the United States, we are required by the Constitution, by tradition and constituent expectation to do so.

Until now, much overstatement and misstatement has characterized the widespread discussion on the ABM. Wishful thinking and emotional "druthers" have often swept the dispute beyond the normal rules of reason; and most serious of all, the longer the debate has gone on, the more intransigent have the proponents and opponents become.

A major casualty of the ABM dispute has been the open mind and the flexible judgment. The temptation to freeze one's opinion; to lock in one's case and then to assemble as much evidence as possible to prove that case too often has come to dominate the forensics of the Nation's debaters on this question.

The well-being of the human race, as well as the national interest of the United States, demands that our judgment here be as error free as possible. The quest for wise judgment forces us to use every analytical tool at our disposal. One such tool would, in my estimation, be a set of four questions. Such a set would be something like the following questions:

First. Do the security demands of the United States require the ABM?

Second. Will the ABM work?

Third. Will our adoption of an ABM system escalate the arms race?

Fourth. Are there viable alternatives to the ABM?

As imperative as is the need for certainty in responding to these questions, the current status of data, facts, information and the interminable unknown have surfaced only one firm conclusion and that is no one knows for sure. This is what is so characteristic of the hours and hours of hearings, the pages and pages of testimony, and the days of debate about the ABM.

The questions I refer to have not become less imperative by the testimony and by the debate, so, my comments are only one Senator's attempt at answers to the urgent questions so far raised by our discussions.

The first of these urgent questions is: Do the security demands of the United States require the ABM?

Both sides in the controversy are generally agreed that some eventualities which would upset the security of the United States might indeed come to pass. In the first place, both sides have agreed—generally speaking—that the Soviet Union's big SS–9 Missile might be able to destroy virtually all the American Minuteman intercontinental missile force in a surprise attack.

Second is the possibility that the growing Soviet missile-carrying submarine fleet might be used to launch a surprise attack on the American Bomber Force.

Third is the possibility that the Mainland Chinese might deploy a force of ICBM's that could threaten the destruction of a number of American cities.

Fourth is the possibility of an accidental or a demonstration launch of a missile by one of the nuclear powers.

What is so characteristic of all these possibilities is that they are, indeed, possibilities not certainties or even probabilities. Wisdom has for some time dictated that meaningful choicemaking has

seldom been allowed the luxury of certainty.

The second question we must answer in our deliberations over the ABM system is: Will the ABM work?

Here again there is little disagreement over whether the various components of the Safeguard system taken separately will work. All of them except the long-range perimeter acquisition radar have been built and successfully tested.

But, all this does not permit us the ease of accepting the facile implication that we must buy the Safeguard system; since we do not know, with clear certitude, whether all the components when put together will work in an emergency. Yet, it is all we have at this point, and the need for ABM seems to me still present, even though we do not have absolute assurance that it will all work in an emergency.

Perhaps there is some point in recalling that similar doubts about "workability" preceded the final successful completion of other weapons systems.

The third question raised in the controversy over the ABM system is even more difficult than the first two. That is: Will our adoption of an ABM system escalate the arms race?

Here again, the question is a matter of judgment. Will the hopes for world peace be enhanced if the United States goes ahead with deployment of a major new weapons system while it engages in the disarmament talks that are sure to be extremely complex and may last for 4 or 5 years? Or will the hopes for peace be enhanced if the United States stops deployment of both Safeguard and multiple war heads as a dramatic first step in the negotiations?

Whether or not these questions are a matter of judgment does not allay the reality of the Soviet Union's SS–9 missile. Nor do the questions relieve us of the fact of a growing Soviet missile-carrying submarine fleet. The questions give us scant comfort in the face of mainland China's determination to build ICBM's. And last, the possibility of an accidental or a demonstration launch of a missile by one of the nuclear powers is not lessened by the question.

Therefore, before deciding that a limited ABM deployment would trigger a new level of the arms race, one would have to establish within reasonable certainty that the "balance of terror" would be seriously upset. However risky or frightening the maintenance of such a balance may appear to be, it has in the past afforded a better climate for talks than the contrary condition of serious imbalance. For example, during the time that the United States had a monopoly on atomic bomb delivery capability, there was no disposition in Moscow to discuss arms limitations. Now that the Soviets and the Americans have achieved their relative balance of terror the prospects for meaningful talks, at least, have noticeably improved. The proposed "thin line" deployment would not add to the delicate scales of balance new elements not already present.

By the same token, it is argued by some political scientists that the mainland Chinese cannot afford to discuss arms limitations at least until they have acquired a delivery capability. For the predictable future, however, the relevant make-weights for nuclear balance will be held in American and Soviet hands.

If, on the other hand, our failure to deploy a thin line of ABM's should forfeit our relative balance of capabilities, would not the chances for U.S.-U.S.S.R. negotiations have been set backward?

Because the answers to the first three questions are dominated by uncertainties, the fourth question becomes almost chimerical. Are there viable alternatives to the ABM?

The necessity for an answer does not diminish in the face of the illusive difficulty of the question. The fact is, if the consequences of the decision not to employ the ABM system prove to be wrong, then it would be disastrous to the United States. On the other hand, if we build the ABM system and do not have to use it, such a decision would not be a disaster. I know there are those who believe that weaponry expenditures destroy our chances of resolving our grave domestic problems. But, I believe that the vaunted wealth of the United States allows us not only to safeguard national security but to resolve the very serious internal problems as well. And deployment conceivably could even preserve the chance for new solutions to the disarmament question.

Even so, this Senator, as an individual human being, for example, is plainly structured constitutionally in opposition to military might; he is philosophically fearful of unrestrained arms races. His personal "druthers" would be to oppose the ABM. And were he still a professor in the classroom, he might well be out on the public platform crusading against the ABM.

As a U.S. Senator, however, I have sought to isolate, in my own conscience, the requirements of a public sense of responsibility, and have made an effort to equate that sense with an understanding of that even deeper responsibility which falls upon the shoulders of the President of the United States. This, then, becomes the key to my quest for the necessary answer regarding the limited deployment of the ABM.

The President of the United States—any President, not just this one—I presume, must start from his own assumption that his decision may be wrong. Only in this way can he then measure the consequences of human error for the people of his country. Should he decide to deploy the ABM system and this turns out to be a wrong decision, would the consequences be irretrievable? Or, on the other hand, should he decide to veto the system and this turned out to be a wrong decision, what would it mean? In the simplest terms it could mean, in the first instance, the wasting of several billions of dollars—little more. In the second instance, however, if scrubbing the system proved to be a wrong decision, the obvious consequence could be serious, if not fatal, to our country's security.

Or, even the pending compromise proposal could risk the loss of irretrievable time should the optimists turn out to be wrong.

The sheer uncertainty surrounding the search for the right answer must weigh heavily on the sense of responsibility of any President of the United States. It would seem to boil down to the President's having to back into the lesser of two evil choices. While a Senator on either side of the argument can still afford to be wrong with less disastrous consequences for the country or for the world, the President cannot.

For this reason, there ought to be a greater understanding of the importance of protecting the President's options—of allowing the President the opportunity to hedge his bets in order to keep open the choice of correcting or adjusting the national course as we learn more and as the known factors permit a more sophisticated judgment.

As the country in general and the Senate of the United States in particular now approach the time for decision on the ABM, I believe it important to keep uppermost in our minds the requisite of Presidential responsibility in arriving at that decision.

The awful loneliness imposed by that sense of responsibility on the conscience of a President—be he a Truman, an Eisenhower, a Kennedy, a Johnson, or a Nixon—ought to evoke a deeper understanding in the heart of each Member of this body. It is in that spirit of understanding that I have chosen to support the President of the United States in his request to proceed with a limited deployment of an anti-ballistic-missile system.

Mr. President, I wish to concentrate on one point. It is a very personal point. It has to do with the philosophy of this liberal Democratic Senator in regard to this special issue. In a sense, I think it would be fair to say that I have sort of backed into this position.

One of the real casualties in this dialog, in these debates, and in this controversy, in my judgment, has been the freezing of many minds, the closing of many more of them; and I hope that once we get this behind us, there will be a thawing out again. For that reason, what I have to say at this time has nothing to do with persuading anyone to consider the rightness or the wrongness of my particular view; because, if the truth were known, I am constitutionally structured, as an individual human being, to oppose armies, to oppose generals, to oppose arms races. It just goes against my grain. And I would not mind confessing that if I were back in the classroom, professoring again on my campus, I probably would be out crusading against the ABM.

But on this special occasion I have tried to isolate in my conscience and within the dimensions of my personal philosophy what I have striven to understand better than I ever have before, and that is the loneliness of the responsibility that finally devolves upon the shoulders of the President of the United States—any President of the United States, not just the present one.

I must say, Mr. President, that while I can have my own biases on this question, the world will survive if McGee is wrong.

The world probably will survive the decision that any Senator in this body makes. If I am wrong, I can just say: "Sorry, Chief; let us try something else. We will go on our way." But in the case of the President, the issue is slightly different, and if he makes a wrong decision, the consequences are far more serious than if I do.

Thus, I have tried to approach a closer understanding of the kind of situation in which he finds himself. I would think, although I have no reason for knowing, that any President would have to back into this matter by assuming that he is wrong, so if he decides to agree to an ABM deployment and assuming he turns out to be wrong, what are the consequences? In this case I suppose the consequences would be the expenditure of a great many billions of dollars as Senators have mentioned, and probably more than that.

But the real test comes when a president has to ask himself, "Suppose I am wrong if we do not deploy it. Then, what are the consequences?" I think it is immediately obvious that the consequences then are those of a highly escalated price and a price that goes beyond dollars and taxes, a price that might be irretrievable because of the passing events of our time.

On this basis, as I have searched for understanding on my own part, I thought of that terrible isolation that falls upon a President, be he a Truman, Eisenhower, Kennedy, Johnson, or a Nixon, and that he has to be prepared to take the lesser of evil alternatives. We have to help him, in my judgment, to protect his options, and to hedge his bets.

Whatever else emerges from our hours and hours of debate and hearings, it is that none of those who testified before us are willing to testify quietly alone with us that they are sure they are right. There is that haunting uncertainty.

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

Mr. McGEE. There is that haunting uncertainty of not being sure that behooves me to support the President in protecting this option, in hedging on this point, until we can learn more in the days ahead about the judgments that we will still be required to make.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I yield to the senior Senator from Maine. How much time does the Senator request?

Mrs. SMITH. Mr. President, I shall take only——

Mr. NELSON. Mr. President, I wish to inquire if this is on the time of the proponents of the measure.

Mr. HART. It is. I wish to explain to the distinguished Senator from Wisconsin, who understood he had 10 minutes and we were advised he had requested 5 minutes, that we will make our best effort to deliver on the time we have been asked to provide. I think all of us understand why time is now unanticipatedly being allocated to the Senator from Maine.

Mr. NELSON. Yes, I am wondering. Some of us have brief remarks.

The PRESIDING OFFICER. Does the Senator wish to state a parliamentary inquiry?

Mr. NELSON. Mr. President, I would like to ask unanimous consent that whatever time the Senator from Maine uses be changed to the time on the bill.

The PRESIDING OFFICER. There is no time on the bill.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, will the Senator restate his request? What is the request of the Senator?

Mr. NELSON. Mr. President, I would like to have the Senator from Maine recognized from some other time rather than on the time of some of us who would like to make remarks. Perhaps we should ask unanimous consent that each side be granted 5 more minutes.

Mr. STENNIS. The time now being used is on the amendment.

Mr. HART. The Senator can have all of my time remaining, which is 2 minutes.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, at this stage of the proceedings, under the unanimous-consent agreement, is it in order to offer an amendment to the Cooper amendment?

The PRESIDING OFFICER. It is not in order until the time has expired, unless it is by unanimous consent.

Mr. HART. Mr. President, I yield to the distinguished Senator from Maine.

Mrs. SMITH. Mr. President, I shall take only a minute.

I thank the distinguished Senator from Michigan for yielding.

Mr. President, at the expiration of time on the Hart-Cooper amendment I intend to offer another amendment, and for the information of the Senate I will read the amendment at this time. The amendment will be my original section 402, with an additional provision:

SEC. 402. None of the funds authorized by this or any other Act may be used for carrying out, after the date of enactment of this Act, any research, development, testing, evaluation, or procurement of the antiballistic missile system known as the Safeguard system, or to carry out any research, development, testing, evaluation, or procurement of any part or component of such system; *Provided*, That funds contained herein or elsewhere for research, development, test and evaluation of components, and related procurement, of any other advanced antiballistic missile system or other weapons system shall not be affected.

I have copies of the proposal on my desk if anyone wishes to read it.

Mr. COOPER. Mr. President, will the Senator yield for a parliamentary inquiry?

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I make a parliamentary inquiry in order to be certain. When all the time has elapsed upon the Cooper-Hart amendment, will it then be in order for the Senator from Maine to offer her amendment?

The PRESIDING OFFICER. The Chair advises the Senator that it would be in order for anyone to offer an amendment at that stage.

Mr. COOPER. I want it to be specific. I ask about the amendment of the Senator from Maine.

Is there any parliamentary device which can prevent her from offering her amendment when all the time has elapsed, if she secures the floor?

The PRESIDING OFFICER. No; nothing would prevent its offering at that time.

Mr. COOPER. Mr. President, I would like to make an announcement.

Mr. FULBRIGHT. Mr. President, may we have order? It is difficult to hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. Mr. President, the Senate knows of the long hours of debate we have had on the Hart-Cooper amendment. We believed in it, and worked for it, and fought for it. We have been joined by many other Senators in this body who have worked in the same way.

We have had an opportunity to listen to the distinguished Senator from Maine when she first presented an amendment and, of course, she has been very kind to discuss her amendment with us.

She will offer a new amendment. The Senator from Michigan (Mr. HART) and I have considered it with many others and decided that her amendment, in a different way, but as precisely and perhaps more clearly accomplishes the purpose of our amendment.

So when the opportunity arises I shall vote for her amendment. My colleague, the Senator from Michigan (Mr. HART) will speak for himself, but I know we will vote for her amendment and we would hope very much that all of those who have been so kind as to support the amendment which we offered will join us in supporting the amendment of the Senator from Maine.

Mr. MURPHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 1 minute to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President going back to the proposition about the amendment, no amendment has been offered now or sent to the desk. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. But I have one in my hand—which is not my own.

My point is that the amendment of the Senator from Maine, another amendment, offered on that same subject, would have to carry a substantial difference in substance.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURPHY. Mr. President, a parliamentary inquiry.

Mr. STENNIS. Does the Senator wish to be recognized?

Mr. MURPHY. No. I wish to address a parliamentary inquiry.

Mr. STENNIS. I yield 1 minute for that purpose.

Mr. MURPHY. Mr. President, when the Senator from Maine offers a new amendment, will it be in order for debate, will time be controlled, and for how long?

The PRESIDING OFFICER. The Chair advises the Senator there will be 1 hour under the previous agreement, which would be divided equally.

Mr. STENNIS. I yield 10 minutes to the Senator from Washington.

Mr. JACKSON. Mr. President, in my opening remarks in this debate on July 9, I addressed the Senate on the main considerations which lead me to support President Nixon's request for the authorization of phase I of the Safeguard ABM. Later, at a closed session of the Senate, I discussed many of the classified matters relating to the proper consideration of this issue. Since that time, I have noted a recurring theme of those who oppose the President's ABM request: It is said that the Safeguard ABM "will not work."

This is not the first time we have heard this argument against a new development. When the first automobile chugged down the street, there were loud cries of "The darn thing will never work, get a horse." When the first pair of pajamas was put on sale, a man looked at it and predicted it would never replace the old-fashioned nightshirt.

In 1906, we were told that heavier-than-air craft would be incapable of sustained flight. Who said that? Simon Newcomb, an American scientist of the first rank, and he said that a few years after the Wright brothers flew at Kitty Hawk.

In 1933, we were advised that we were never likely to be able to control atomic energy to a useful extent. Who said that? Dr. Ernest Rutherford, the great English scientist and Nobel Prize winner, and he said it less than a decade before we achieved the first sustained nuclear chain reaction.

At the end of the 1940's, we were told the H-bomb might not prove feasible. Who said that? Various members of the prestigious General Advisory Committee to the Atomic Energy Commission. In the end, every member of the General Advisory Committee recommended, for one reason or another, that we not go forward with the hydrogen bomb—except Dr. Glenn Seaborg, who was away in Europe when the committee met on October 29, 1949. And who were the members of the General Advisory Committee? They were a Who's Who of the American scientific fraternity.

It is our good fortune that President Truman rejected the advice of these noted scientists. He concluded that the Soviets would go ahead with their own program, whatever we did, and that to leave the field and possibly sole possession of the H-bomb to Russia would be a criminal dereliction of duty. As things turned out, the Soviets were already hard at work on the H-bomb. Their test came at about the same time as ours at Eniwetok and was also a successful one.

In 1949, a book was on the presses with a prediction that it would be 10 years before the Soviets would produce a workable atomic bomb. When the Soviets exploded an atomic bomb in August 1949, the printing presses had to be stopped, and the prediction cut out of the type. Who was the author of the book? The distinguished scientist, Dr. Vannevar Bush, who directed the important Office of Scientific Research and Development during World War II. The book was his well-known "Modern Arms and Free Men."

In 1949, we were told that it would prove impossible to make relatively accurate intercontinental rockets—that in fact such rockets would be extremely inaccurate and astronomically expensive. Who told us that? Dr. Vannevar Bush.

In February 1953, it was said that the Soviets could not be expected to have any ICBM's before the late 1960's. Who made that prediction, plainly in error before the year 1953 was even over? That prediction was made in the final report of the Lincoln Summer Study, among whose prominent members were President James Killian of MIT, Dr. Carl Kaysen of MIT, and Dr. Jerome B. Wiesner of MIT.

In 1956, we were told that it was not technically feasible to put H-bombs in intercontinental missiles. Who told us that? P. M. S. Blackett, the outstanding British scientist and Nobel Prize winner in physics. And he told us that at a time when it had been known in the classified literature for more than 2 years that it was technically feasible and when, in fact, this knowledge had played an important part in the decision to accelerate the U.S. ICBM program.

In 1962 it was said that lunar orbital rendezvous would be a poor way to send men to the moon, that it would not work, that it involved too great risks for the lives of the astronauts, and so on. Who said that? Dr. Jerome B. Wiesner, then science adviser to President Kennedy. Fortunately, President Kennedy did not follow Dr. Wiesner's counsel on this issue. He followed the advice of the responsible technical experts in NASA.

We all recognize the right of scientists to speak their minds. The men I have cited were able and knowledgeable. They have made outstanding contributions in their own professions and disciplines. The point is: Exact prediction on these matters defies absolute assertion, and even great scientists can be wrong.

In short, we do not settle an issue like the ABM by claiming it will not work. Distinguished scientists will be found on both sides of this sort of issue. Trying to make one's case by the method of scientific authority will not wash. Like President Truman in the H-bomb decision, and like President Nixon now in the ABM decision, we Senators have to use our heads and exercise our judgment in evaluating the conflicting points of view and in weighing all the relevant considerations.

As my colleagues know, some critics of Safeguard have tried to give the impression that the whole scientific community is up in arms against the Safeguard ABM. This is a wild distortion of the facts. Even the scientists who appeared before the Senate Armed Services Committee as opponents and critics of the Safeguard system did not go out on the limb of saying that Safeguard would not work. And there is no doubt whatsoever about the eminence of those scientists who believe Safeguard is practicable and who strongly support going forward with the program as recommended by President Nixon—such men as:

Dr. Freeman Dyson, professor, Institute of Advanced Study in Princeton.

Dr. Charles Herzfeld, former director, Advanced Research Projects Agency.

Dr. Willard Libby, Nobel Prize winner in chemistry, professor of chemistry and director of the institute of geophysics and planetary physics at the University of California, Los Angeles, and a former member of the AEC.

Dr. William McMillan, professor of chemistry, UCLA.

Dr. Frederick Seitz, president, Rockefeller University, recently president of the National Academy of Sciences.

Dr. Harold Smith, associate professor of nuclear engineering, University of California at Berkeley.

Dr. Edward Teller, associate director, Lawrence Radiation Laboratory, University of California.

Dr. John Wheeler, professor of physics, Palmer Physical Laboratory, Princeton University.

Dr. Eugene Wigner, Nobel Prize winner in physics, professor of mathematical physics, Princeton University.

Mr. President, the Safeguard system is the result of a very comprehensive research and development effort. The components are more fully advanced and better tested than were the components of the Polaris missile system, when a comparable go-ahead was given.

We solved greater and more complicated technical problems to make the successful Apollo flight, than we find in the Safeguard program. Surely, if we can walk on the moon, we can make the Safeguard program work.

Since President Nixon made his request for the Safeguard ABM on March 14, the facts of growing Soviet strategic offensive capabilities are more ominous—not less so.

The Soviets are continuing to install their very large SS–9 missiles, each capable of carrying one gigantic 20- to 25-megaton warhead. The number of their SS–9 missiles operational or under construction now considerably exceeds the figure of 230 used as late as May by Secretary Laird. Moreover, the number exceeds the earlier estimate of the intelligence community for the time period involved.

Since March, the Soviets have tested multiple reentry vehicles on their SS–9; three such RV's—each with payload equivalent to a 5-megaton warhead—per missile, and these tests have not been unsuccessful.

Also, our information now is that the Soviets have launched or have under construction more than 20 "Y" class Polaris-type submarines. The Soviet Union not only has the plant capacity to produce as many as six to eight of these "Y" class submarines a year, but the current information is that they are in fact producing them at the rate of eight per year at two assembly-line facilities. It is considered likely that as production experience is gained the rate of output from

the two facilities might increase significantly.

In recent months, more and more informed analysts of Soviet developments, right, left, and center, are assessing the Soviet leadership as evident products of the Stalin system, not inclined or able to move the Soviet Union out of the vicious circle of repression, fear, repression. The defection of Anatoly Kuznetsov is just the latest testimony to the trend toward the domestic hard line in Russia. Furthermore, an increasing number of Western analysts are warning that the Soviet Union faces a leadership crisis, the outcome of which is unpredictable. We do not know who will have the finger on the Soviet nuclear trigger in the months and years ahead. The enormous Russian arsenal will be at the disposal of whatever "strong man" or ascendant faction of tough, ambitious figures maneuver to the fore in the struggle for power and influence going on within the Politburo.

Furthermore, three danger spots in the world show no signs of quieting down; the threatening situation on the Sino-Soviet border where both sides have piled up vast arsenals; the potentially explosive conditions in Central Europe, where the Kremlin is using force to turn back the clock in Czechoslovakia; and the Middle East, where no agreements are in sight, and where the bitter conflict goes on. Crises in any one of these areas—and in other areas—could get out of hand; the trouble and violence could spill over and involve us directly.

Hence, there is everything to be said for the United States maintaining a strong and prudent defense posture.

And, as I see it, this means moving now to give a future President an option between capitulating to any nuclear attack and "emptying the holes" in an all-out nuclear war. The whole point of the Safeguard ABM is to keep open the option for a future President for what John Kennedy called "a choice between Armageddon and surrender."

Mr. President, I do not find the prospects of negotiating reliable agreements with the Soviet Union on the limitation of offensive and defensive nuclear systems as rosy as some people now paint them. But we have to do our best, for if there is a chance to have successful negotiations we must not miss it.

I am confident President Nixon is going to be in a better position—as the Senator from Rhode Island (Mr. PASTORE) so well stated a short while ago—to negotiate with the Soviets on nuclear arms control, when the Senate has voted to give him the authority to move ahead with phase I of Safeguard.

The purpose of negotiations with Moscow on offensive and defensive nuclear systems is to reach mutually acceptable agreements that improve the chances for building a peaceful world. We do not want just negotiations. We want serious and productive negotiations that advance the prospects for a more stable, decent world in which individual liberty can survive and flourish. So our preparation for these negotiations and our stance as we enter them are very important.

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

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 additional minutes.

Mr. JACKSON. Mr. President, I think it very likely that the Soviets will want to maintain a limited ABM defense to give them some future protection from nuclear coercion and attack from Communist China and other secondary nuclear powers. In any case, I do not see how anyone could realistically expect to get Moscow to agree to limit its ABM deployment, if we abandon the deployment of our ABM's, unilaterally, before the negotiations even begin. Nothing in the record of negotiations on the control of arms suggests that this would be the way to have a successful parley with the Soviets.

I believe there is some chance that we could come to an agreement with the Soviet Union for a limited ABM defense on both sides—for example, an agreed ceiling on the number of ABM's for each side—provided that the Congress does not foolishly throw that chance away by now scuttling our own program.

In my view, nothing would be more detrimental to our diplomatic effort—or more shortsighted in the cause of world peace—than to deny President Nixon the strong hand he needs just as his negotiators are about to sit down at the conference table.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time is left for the opposition?

The PRESIDING OFFICER. Fifteen minutes.

Mr. STENNIS. Mr. President, we have used quite a bit of the time on this side. I respectfully ask to be relieved of yielding now, and ask the other side to yield some time.

The PRESIDING OFFICER. Does the Senator from Michigan yield time?

Mr. HART. Mr. President, what time remains on the side of the proponents?

The PRESIDING OFFICER. Thirty minutes remain on the Senator's side.

Mr. HART. And the opponents?

The PRESIDING OFFICER. Fifteen minutes.

Mr. HART. Mr. President, I am prepared to yield time to the Senator from Wisconsin (Mr. NELSON), but he is not present at the moment.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Iowa (Mr. MILLER).

The PRESIDING OFFICER. The Senator from Iowa.

Mr. MILLER. Mr. President, there is not much I can add to what the able Senator from Washington and the able Senator from Rhode Island have had to say, except I would like to put in perspective one point that the Senator from Missouri has been stressing very greatly, and that is the terrible cost of our defense budget.

There is no one in the Senate who is not concerned about the size of the defense budget. No one has a premium on that concern. But let us put it in perspective. The other day I sought to do that, and I regret that my colleague the Senator from Missouri did not hear me.

I pointed out that our gross national product for fiscal 1970 will be $960 billion. If our defense budget goes through at $78 billion, including only the sum of $345 million for the Safeguard system, it will mean that 8.1 percent of our gross national product will go for national defense. Last year it came to 8.2 percent. Five years ago the total was 8.4 percent. Ten years ago it was 8.5 percent. Fifteen years ago it was 9.5 percent.

Mr. President, if we take a look at it from that standpoint, we are not doing as badly, considering the relationship of our defense budget to our gross national product, or our country's capabilities, as we were 15 years ago. In fact, as compared with 3 years—5 years ago, 10 years ago, and 15 years ago—it will be less.

I am not saying that we should not be concerned about defense costs, but I think there has been just too much talk about it without taking it in the perspective in which I put it.

One last comment. For a long time I thought the Cooper-Hart amendment was being supported by Senators who recognized the need for an ABM system and recognized the need for a Safeguard system, but wanted to limit the funds to research and development. Now the Senator from Kentucky tells us that they can support the Smith amendment because the Smith amendment would do away with the Safeguard system altogether. I do not think we have been given the proper approach on this question, with all deference to my colleague from Kentucky. I do not think the true position has been shown to us.

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

Mr. COOPER. Mr. President, may I have 1 minute to respond?

Mr. HART. I yield 1 minute to the Senator from Kentucky.

Mr. COOPER. Mr. President, the amendment which the Senator from Michigan (Mr. HART) and I have offered, which has been debated for weeks, would deny the use of any funds during the next fiscal year for deployment and provide funds only for research and development.

When Senators study and consider the amendment which will be proposed by the Senator from Maine (Mrs. SMITH), I believe they will find the Smith amendment could achieve the same result. I have read her amendment carefully and discussed it with her. The amendment proposes that no funds shall be used for research and development, test, evaluation, or procurement for the Safeguard system—as designed. It would prohibit its deployment, as ours would.

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

Mr. HART. I yield 2 additional minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 additional minutes.

Mr. COOPER. We have been fighting against the Safeguard system because we

have said again and again on the floor that we do not believe it is designed correctly. We have advocated that the funds be used for designing a new system. This is the purpose of Senator SMITH'S amendment, also.

The amendment of the Senator from Maine provides that these funds can be used for any purpose connected with research and development, testing, and evaluation, concerning this or any other weapons system or any other advanced ballistic missile system. Our amendment seeks research on a better designed ABM system.

As I said a few minutes ago, the amendment of the Senator from Maine is perhaps more precise than ours is. But I find no essential difference between our two amendments. I want to make this clear.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. NELSON. Mr. President, more than 4 years ago, in the spring of 1965, I was here on the floor of the Senate arguing and voting against appropriations to launch a land war in Vietnam. The same pundits of the press, the same generals in the Pentagon, and the same Members of Congress, were then making the same arguments for intervention in the war in Vietnam that they are now making for deployment of the ABM. There is hardly a single proponent for intervention in the war in Vietnam in all America who now does not wish we could turn the clock back to avoid that tragic mistake. Five years from now, in my judgment, they will be confessing their mistake on the ABM as they are now confessing, privately and publicly, their mistake on Vietnam.

On April 18, 1968, I introduced the first amendment to delete appropriations for the anti-ballistic-missile system. That amendment received only 17 votes. Since that time there has been increasing widespread debate over the wisdom of deploying this weapons system and increasing opposition to it until, it appears now, the Senate is about equally divided. It is interesting to note that the membership of the Foreign Relations Committee, which conducted extensive hearings on this issue, is divided 10 to 4 against deployment and the Armed Services Committee is divided 10 to 8 in favor of deployment. Thus, a majority of 18 to 14 on these two committees is opposed to deployment.

In any event, as I see it, the most disturbing thing about the Safeguard proposal to deploy antiballistic missiles is its disastrously bad timing. At this very point the United States and Russia are in a position to begin negotiations which could put an end to the arms race. This is the heart of the issue before us. We can either take the initiative now to push for arms control agreements or we can add fuel to the escalating weapons race by deploying an anti-ballistic-missile system. Whatever merits the proponents claim for an ABM, Russia knows that we have sufficient nuclear warheads in hardened missile sites on the ground, in bombers, and in inaccessible submarines to retaliate with devastating force upon any country that attacks us. Russia occupies the same relative posture of strength toward us.

If under these circumstances it is not possible for the great powers to move for negotiations to deescalate the arms race, we may as well concede it never can be done. If that is the gloomy prospect we can resign ourselves to an endless weapons race that dramatically increases insecurity in the world, dissipates critical resources and contributes to the growing disillusionment with political systems here and elsewhere which are so remarkably efficient at making war and so utterly incapable of creating a peace.

What we should do now is postpone on-site deployment of the ABM while we continue research and development. If at some later date compelling reasons arise for deployment, that issue can be decided then. At the time we announce the postponement, we should initiate talks for deescalation. All elements are now present for mutually beneficial negotiations.

This is the first time such an opportunity has appeared in 20 years. If we pass it up we may have to wait another 20 years. The world cannot afford that.

If we deploy a new weapons system Russia responds with another and we react with something else. After the Safeguard system, each side expands from a thin system to a thick one, and then to the multiple warhead—MIRV—and then to construction of launching sites on the bottom of the ocean, and so on without end.

Former Secretary of Defense Robert McNamara said it well:

> It is precisely this process of action and reaction upon which the arms race feeds, at great cost to both sides and benefit to neither.

In the growing debate over the military budget in general and the ABM in particular, we are really witnessing the opening of a much broader debate over a much larger question—what are and what should be our national priorities? How long can we continue to ignore critical social, political, and economic problems on the homefront and still maintain the unity of our people? We can spend all our resources for defense, and have nothing left to defend. We can populate our country with shiny new missiles and other glamorous armaments and ignore the continuing decay of our cities, the overwhelming pollution of our rivers and lakes and air, the children who go hungry and sick in this affluent society, the educational institutions that limp along for lack of funds.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON. Mr. President, I ask for 1 more minute.

Mr. FULBRIGHT. I yield the Senator from Wisconsin 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 2 minutes.

Mr. NELSON. Is it not remarkable that almost any weapons system the mind of man can conceive we will fund to the patriotic chant of "national defense" when in fact each step up the escalation ladder brings us closer to a certain end spelled "international disaster." Is it not ironic that we can spend $350 million a year on chemical agents and disease organisms that would wipe out whole populations of people but we have to close Job Corps camps and send unfortunate boys and girls back to the streets because we need to save $57 million in the current budget? Does not it give one cause to ponder the character of a society that can enthusiastically spend $25 billion for the moon landing and fund only $214 million in a lamentably insignificant effort to stay the pollution of our rivers, lakes and streams? Remarkable though the achievement, to what avail do we discover the physical composition of all the barren planets in our solar system while man's depredations destroy those characteristics that distinguish this planet from all the rest?

A year ago, the U.S. Senate was debating another version of the ABM—the Sentinel program. I opposed that system, and said that if it was bad politics to do so, at least it was good sense, and that is something worthwhile nowadays.

Right now we have a "sufficiency" of arms capability that is almost beyond comprehension. Future plans for our Polaris submarines will give them 6,000 underwater warheads poised for action. Add to this right now 1,000 land-based Minuteman missiles, 7,000 tactical nuclear weapons in Europe, plus another 1,000 for our bombers. Enough to snuff out any country and the rest of the world. How much is enough? Between the United States and Russia there are stockpiled enough nuclear weapons to equal 15 tons of TNT for every man, woman, and child on earth.

Over the weeks all the arguments pro and con have been made. There is really nothing to add. I would emphasize once more, however, that all experts agree that any anti-ballistic-missile system can be quite simply neutralized by saturation. It is only necessary to make a photographic count of the ABM silos and produce enough offensive missiles to absorb the system. This point is not in dispute. Is anyone in doubt that either side would do exactly that in the event the other deployed an ABM? We in fact have already responded to the limited deployment of 72 antiballistic missiles around Moscow in precisely this fashion. They may protect Moscow for a limited time against attack by China, but they offer no defense against our system. They know that and so do we.

Every Member of the Senate has viewed the Defense Department chart that shows how many offensive missiles it will require to neutralize both phase I and phase II of our proposed ABM system. The Russians know what that number is as well as we do since it is a relatively simple mathematical calculation. Thus, I wonder why the Defense Department has not made the chart public as suggested by the distinguished Senator from Missouri, Senator SYMINGTON. It woud seem obvious that the American public is en-

titled to know as much about that chart as the Russians do.

Of course, one response the proponents make to the saturation argument is that we can expand our ABM if they try to neutralize our system, as they will certainly do, and therein lies the catalytic agent for a dramatic escalation of the arms race.

Former Defense Secretary McNamara graphically described the folly of spending when he said:

> $4 billion, $40 billion, or $400 billion—and at the end of all the spending, and at the end of all deployment, and at the end of all the effort, to be relatively at the same point of balance on the security scale that we are now.

Certainly we cannot expect to throw a new weapons system into the arms race and then join the Russians in meaningful arms control negotiations.

Mr. President, I ask unanimous consent that remarks I made in opposition to deployment of the ABM on April 8, 1968, and April 19, 1968, be printed in the RECORD at the conclusion of my remarks.

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

[From the CONGRESSIONAL RECORD, Apr. 8, 1968]

Mr. NELSON. The price tag on this proposal is now $5 billion. As we all know, it will be higher. We are told it is aimed against China missiles only. It is conceded by everyone that at best it would be effective against a crude, unsophisticated delivery system. On February 2 of this year, Defense Secretary McNamara testified before the Armed Services Committee that this was a Chinese oriented system. When Senator DOMINICK asked, "If a Soviet missile should come within that particular defense system you could handle that one?" Secretary McNamara replied:

"If it were only one missile, yes. However, if it were the size attack the Soviets are capable of mounting today, the answer is 'No.'"

In a speech, a few months ago on September 18, 1967, the Defense Secretary said:

"Our strategic offensive forces are immense. All of these flexible and highly reliable forces are equipped with devices that insure their penetration of Soviet defenses."

Mr. McNamara said further:

"None of the [ABM] systems at the present or foreseeable state of the art would provide an impenetrable shield over the United States. There is clearly no point . . . in spending $40 billion if it is not going to buy us any significant improvement in our security. Every ABM system that s now feasible involves firing defensive missiles at incoming offensive warheads in an effort to destroy them. But what many commentators on this issue overlook is that any such system can rather obviously be defeated by an enemy simply sending more offensive warheads, or dummy warheads, than there are defense missiles capable of disposing of them."

He reminded his audience that the United Stat s has "already initiated offensive weapons programs costing several billions in order to offset the small present Soviet ABM deployments.

Secretary McNamara pointed out that four distinguished scientific advisers to three Presidents—Eisenhower, Kennedy and Johnson—"have unanimously recommended against the deployment of an ABM system designed to protect our population against a Soviet attack." He went on to say:

"We have the power not only to destroy completely China's entire nuclear offensive forces, but to devastate her society as well."

He went on to elaborate on the folly of spending "$4 billion, $40 billion, or $400 billion—and at the end of all the spending, and at the end of all deployment, and at the end of all the effort, to be relatively at the same point of balance on the security scale that we are now."

So, nevertheless, we are now in the treadmill process of spending $5 billion on a system that may not work at all and, at best, could have some brief, some transitory value until China slightly refined its delivery system, which everyone concedes they can easily do—and certainly will.

What incredible manner of logic is this? We can, as Mr. McNamara put it, totally destroy "China's entire nuclear offensive forces" and "devastate her society as well," but, he says, we should install this system because "one can conceive conditions under which China might miscalculate."

I respectfully suggest to Mr. McNamara that the fertile human mind can conceive of almost any condition it wants to. With that assumption, any proposition can be logically supported.

It is, I think, a weird process of reasoning that causes us to spend $5 billion on a system of doubtful and certainly temporary value on the belief that China might be insane enough sometime to attack us knowing it would result in devastation for their whole society.

We cannot even wait to conclude our first roun . of folly in Vietnam before launching into a second round of folly in a nuclear missile race.

In 1965, when we intervened in Vietnam with a military ground troop commitment, it was argued, among other things, that it was a necessary move to contain China. High State Department including the Secretary of State and other officials, used the same argument to justify each stage of the escalation. Now we are there with over a half million troops and draining our Treasury at the rate of $25 billion a year in an enterprise we wish we had never undertaken in the first place.

China has not a single troop in the war but somehow we are supposed to be containing China by fighting the Vietnamese.

Now, again, under the guise of defending ourselves against the same enemy, China, we are launching a little "thin missile system" which, like the Vietnam war, will balloon into a big thing—and, like Vietnam, 5 years from now we will all be saying, how in Heaven's name did we ever get trapped into this? Well, it is not easy, but it can and will be done if we work at it hard enough.

I think the truth of the matter is, this is not an anti-Chinese system at all, but the first step in construction of a major heavy ABM system. Of course, many of the proponents—I emphasize this—of the thin system do not intend that result any more than they intended a big war in Vietnam, but that, nevertheless, will be the result.

The signposts along the route we are traveling are clear and we can read them down that route as far as the eye can see—they read: We escalate; they escalate; we escalate; and so forth, until we reach the end of the line, wherever that may be. As Mr. McNamara put it, we could spend $4 billion, $40 billion, or $400 billion on an ABM system and at the end be relatively at the same point of balance on the security scale that we are now.

In commenting on the futility of it all, Dr. Jerome Wiesner, science adviser to the President, said:

"Defense against thermonuclear attack is impossible."

Dr. Ralph Lapp stated:

"I believe that for every wrinkle you introduce into defense there are 10 more wrinkles that can be introduced in the power of the offense."

I am aware that the Joint Chiefs and the military hierarchy favor the heavy ABM just as they favored intervention in Vietnam, and we who oppose it will be told now, as we were then, that we are wrong and the military knows what is best. And, again, 5 years from now, if we are still around, we will have the doubtful honor of pointing to our sad mistake—and we will be told then, as now, to quit talking about the past—that is history—let us talk about the future. And so mankind goes down his merry road to disaster.

There is, of course, no doubt that this authorization will pass. This is an election year and we all know that the two biggest words in the English language are "national defense," "national defense." If you just shout them loud enough you are in the clear—you win and your opponent loses. It is just plain unpatriotic to question any appropriation for national defense. Defense against what? It does not matter what, or where, or how, or whether it makes any rational sense at all—just utter the magic words and you are in the clear.

We know that the military-industrial complex favors this appropriation; we know that Congress supports it; I assume that the public does, too. But I do not and I will not vote for it. I cannot in good conscience vote for a program that will launch us into a spiraling missile escalation which has no end and no purposes either. If that is bad politics, at least it is good sense and that is something worthwhile nowadays. For my part, I would rather leave here with my conscience than stay here without it.

In conclusion, may I say, how much better it would be if we just poured this money into our troubled cities for programs to right what is wrong in America. Lest we do that soon, we may not have a worthwhile society left here in America for the ABM to defend.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Experts See 'Thin' ABM Vulnerable," published in the Washington Post of Sunday, March 3, 1968; an article entitled "Defense: The Missile Nobody Needs," written by William E. Jackson, Jr., and published in the New Republic of October 28, 1967; and an article entitled "Anti-Ballistic-Missile Systems," written by Ricard L. Garwin and Hans A. Bethe, and published in the Scientific American of March 1968.

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

"[From the Washington Post, Mar. 3, 1968]

"EXPERTS SEE 'THIN' ABM VULNERABLE

"The Chinese will be able to build missiles that will penetrate the so-called 'light' ABM system the United States intends to construct, according to statements by two groups of American scientists.

"An article in the March issue of Scientific American by Richard L. Garwin and Hans A. Bethe, both long associated with the development of American nuclear weapons, argues that the proposed system 'will add little, if anything, to the influences that should restrain China indefinitely from an attack on the U.S.'

"The two scientists argue that the Chinese can surmount the American system, 'whose characteristics and capabilities have been well publicized.' Their article discusses this possibility in considerable technical detail.

"Bethe is a Nobel Prize winning physicist. Garwin, a Columbia University physicist, was recently reported to have gone to South Vietnam, a report setting off rumors that nuclear weapons were being deployed there. But Pentagon officials later said he went instead to Thailand.

"The Federation of American Scientists, in

a statement, called the ABM system 'irresponsible on fiscal grounds' and 'pointless on military grounds.' The Federation statement said that 'the basic technical fact is that this system can be easily neutralized by the Chinese by using relatively simple and cheap penetration aids or by developing different means of weapons delivery.'

"Both the Garwin-Bethe article and the FAS statement express fear that the 'light' ABM system, approved last September by Defense Secretary Robert S. McNamara, will not stop here. Both believe there will be great pressure to expand the system into one designed to protect against Soviet ICBMs at a cost of $40 billion or more.

"The FAS statement is also critical of incoming Defense Secretary Clark M. Clifford's statement that he will seek 'clear-cut nuclear superiority' over the Soviet Union. The statement said that 'at today's level of weaponry there can be no such thing.' "

[From the CONGRESSIONAL RECORD, Apr. 19, 1968]

Mr. NELSON. Mr. President, my remarks are addressed to the bill itself, which I am going to vote against.

There are, it seems to me, any number of routes a country may follow down the road to disaster. We seem to be traveling several roads at the same time; namely, the war in Vietnam, the destruction of our environment and the disintegration of our great cities.

One would think that these manmade disasters would be sufficient for any country to contend with at one time. But, apparently not.

We are now about to trigger a missile race with Russia, an offensive and defensive missile escalation that literally will have no end.

The so-called thin missile system is not aimed at China at all. That is ridiculous. It is simply an opening wedge for the installation of a heavy system aimed at Russia which will cost us $30 to $40 billion, when the system will be obsolete anyway. We will have succeeded only in exacerbating the balance of terror.

Mr. President, I will not vote for this bill because it involves this authorization for the Sentinel thin missile system.

I predict that every single Member of this body who votes for this bill which will start this escalation by construction of the thin missile system, will regret his vote and the honest ones will publicly apologize for it in less than half a dozen years.

Mr. HART. Mr. President, I yield 1 minute to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, because I have voiced my opposition to the Safeguard missile system on the floor of the Senate on other occasions, and since the issue is rather clear now, and the time of the proponents is very limited, I have been requested, rather than to detain the Senate at this time, to ask unanimous consent that a detailed statement by me of my reasons for supporting the pending amendment be printed in the RECORD; and I now do ask unanimous consent that those remarks be printed in the RECORD at this point.

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

The statement is as follows:

Mr. HARRIS. Mr. President, I would like to speak in behalf of the pending amendment to S. 2546.

Passage of the amendment does not mean that an ABM system would never be deployed. It means, rather, that deployment would be postponed while we consider whether the ABM is indeed necessary for our national defense.

This amendment would limit funds for the ABM system to those needed for research and development. Deployment and site acquisition would be delayed pending the results of this further research.

In the past, we have spent enormous sums to deploy weapons systems. All too often these systems have been abandoned before becoming operational or have been declared obsolete shortly after deployment. Especially with our mounting domestic problems, we cannot afford to spend the taxpayer's dollars in such an undisciplined and incautious manner.

Matthew Arnold, in describing 19th century England said:

"We show as a nation laudable energy and persistence in walking according to the best light we have, but we are not quite careful enough, perhaps, to see that our light be not darkness."

Today, in 20th century America, there is a great need for us, as a nation, to be certain that "our light be not darkness"—that we not misunderstand the true meaning of the "security" we seek. In the nuclear age, security can derive only from stability. It is all too obvious that the spiraling arms race, on the periphery of which we exist today, presents the ultimate in instability and thus insecurity.

To preserve an adequate level of stability and security requires a slowing of the arms race—an event which can occur today only through agreement between the United States and the Soviet Union.

It is clear that deployment of the ABM at this time could be very detrimental to our negotiations with the Soviet Union, and this is the most important argument in favor of the pending amendment.

The Administration claims it is essential that we bargain from the position of strength which the ABM will supposedly provide. The debate on this question of our present military strength has established clearly the impressive state of our deterrent force.

I recently met with the Chief of Naval Operations, Admiral Moorer, to discuss the current status of our Naval force. I must say that I am impressed with our Navy and its great flexibility, mobility, and almost unquestioned effectiveness. As an example, Admiral Levering Smith, Director of the Navy's strategic systems project, has stated that the Polaris Submarine will remain invulnerable for another forty years. To eliminate the effectiveness of our submarine force, the Soviet Union would have to develop an anti-submarine technology capable of tracking all missile submarines. Since the free world controls a great percentage of the shorelines, the tracking of our submarines becomes an almost impossible task.

Our advantage over the Soviet Union in the intercontinental bomber category has also been established. We have a clear numerical advantage of 646 intercontinental bombers to their 150 to 155. In addition, our bombers can carry three to four warheads, compared to the two which Soviet bombers can carry.

It is estimated that in the event of attack we could have no less than 40% of our bomber force in the air. This force, like our nuclear submarines, is clearly impressive and clearly superior to its Soviet counterpart.

The third deterrent force discussed during the debate, ICBM's, is for all purposes evenly balanced with neither power being able to claim a superior force.

Finally, we have the capacity to deliver thousands of warheads with intermediate range planes and missiles stationed on aircraft carriers and foreign bases. By reason of the strategic location of these weapons, it is generally conceded that we have a formidable deterrent force in these weapons alone.

Notwithstanding the numerical superiority we have in these various categories, the Soviet Union has nonetheless indicated its willingness to negotiate arms limitations.

They do so recognizing that we live within a structure of nuclear deterrence with both nations maintaining the ability to destroy the other.

If either we or the Russians try to radically alter this relative nuclear vulnerability in an attempt to obtain a first strike capability, or what appears to be a first strike capability, the only choice available to the other side will be to react with new weapons costing billions of dollars.

It is important that one understand that once we leave the present arms level in the elusive search for nuclear superiority, there will be much less opportunity for meaningful arms negotiations. The next plateau of armaments, the ABM and the MIRV reaction, does not very easily lend itself to arms control.

I do not mean to indicate that the Soviet Union will agree with us on arms limitations just out of the goodness of their hearts. Nor will we agree with them just to be nice to them.

Each of us will agree with the other—if at all—only because we find it in our own self interest to do so.

There are indications that the Soviet Union, beset with border clashes with mainland China and increasingly feeling a growing demand for consumer goods at home, may now have begun to see that, since neither country can or will allow the other to achieve any substantial defensive or offensive advantage, some mutually enforceable agreement now for arms limitations could provide the same kind of military parity which would exist after we had both spent untold additional billions on new systems.

Whether these talks are eventually successful or not, they are long overdue, and we should get on with them. In the meantime, we should do nothing which would damage in advance their possibility for success. The point is that we have the time to do so, while continuing research and development on an admittedly undeveloped and untested ABM system.

By withholding authorization for the deployment of the ABM we leave open what may in fact be the last feasible option for successful talks which both the United States and Russia have indicated a desire to hold. If we now deploy the Safeguard system, we make much more difficult any eventual agreement with the Soviet Union, which President Nixon has made clear he seeks.

Daily, in debate on this floor, the technical feasibility of the ABM has been questioned, along with the effectiveness of detector-control systems. Responsible and informed members of the scientific community assert that an effective detector-control system can be developed only through extensive and realistic experiments and tests. This strongly suggests the need for further research and development in order to assure the workability of the system before initiating costly construction and deployment.

In the past, we have sometimes proceeded too quickly in procuring components for systems not fully developed. Such haste has resulted in expenditures in excess of $4 billion for missiles such as the Mauler, Typon, Navaho, and others which were never deployed.

In the past 16 years we have spent billions of taxpayer's dollars on systems which were only briefly deployed—the Nike-Ajax, Regulas, and Atlas D, E, and F.

My fellow Oklahomans well remember the silos which were dug in the Southwest section of our state for the Atlas Missile. Barely completed and dedicated, they were abandoned. They are now for the most part empty—waiting for the ingenuity of man to devise other uses for these multi-million dollar holes in the ground.

This program and similar ones cost the taxpayers approximately $19 billion.

This is not to say all of the money ex-

pended in these programs was wasted. In some instances, for example, we greatly improved our technology. But, the point is that recommendations in this field are not necessarily infallible, and where we have time to do so, as in the instant case we should take the time to determine that our technology has been perfected.

Finally, one must confront the questions of our national priorities. National security should be, and is a major concern of all Americans. But what of health, safety, education, and happiness of our people? Is this not also a part of our national security? These are the things that are necessary for man's "growth, joy and reason." These are more truly the things that give us our strength and our purpose.

Erich Fromm, among others, has warned us of an inherent danger in our technology—acceptance of the principle that something *ought* to be done because it is technically *possible* to do it.

Quoting Dr. Fromm:

"The principle means the negation of all values which the humanist tradition has developed. This tradition said that something should be done because it is needed for man, for his growth, joy, and reason, because it is beautiful, good, or true. Once the principle is accepted that something ought to be done because it is technically possible to do it, all other values are dethroned, and technological development becomes the foundation of ethics."

Indeed it would be tragic if we spend billions on a weapons system and find that in the end it has lessened the national security we seek because of its adverse effect on the coming arms negotiations with the Russians and because it has decreased our economic ability to meet pressing needs here at home.

The diversity of opinion on the ABM proposal is evidence of its complexity and significance. I think we realize that we may be setting forth priorities and goals for this nation that will be hard to change. So, let us not imitate the Queen of Hearts who had to pass sentence first and then hear the evidence. The pending amendment gives us the opportunity to develop the evidence and then weigh it carefully before acting finally. I hope it will be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. HART. I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I intend to support the Cooper-Hart amendment, but I also wish to indicate a clear intention to support a modification which the Senator from Maine has indicated she intends to submit. I do this because I feel that the modified Smith amendment can accomplish everything that I feel is needed to be done on the antiballistic missile system.

It would enable the redesign of the MSR to make it less vulnerable. It would enable redesigning to make a number of multiple radars available, rather than the single MSR that would be at each site; and it would enable us to design a system that would be far less vulnerable.

In addition, it would give us the time to see whether the Soviet Union is serious about the intention to negotiate, and whether it intends to seriously try to find a way to stop the nuclear arms race.

Mr. President, each of us sees this problem from a different perspective. I have, in common with the distinguished Senator from Missouri, a background in military procurement, though his experience was at a substantially higher level than mine, and we have had comparable experience in the electronics industry. I suppose it could be said that both the Senator from Missouri and I are members and have been members of the military-industrial complex for about a quarter of a century.

I oppose the Safeguard system, simply because I think we all know several things. We know that it has never been fully assembled. We know that it has never been fully tested. We know that it has never been, therefore, fully evaluated. We have no idea, really—any of us—what it will cost. The range of estimates is from a low of $8 billion to figures mentioned by members of the Armed Services Committee ranging up to $40 billion.

I feel it would be a great mistake to rush into production and deploy a system when we do not know whether it will work, whether it can be put together, to effectively carry out its mission, whether it will carry out its objectives, or what it will actually cost.

My own experience in production would lead me to believe we will actually lose time by rushing into production on a system that has not even been fully completed in design.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HART. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Michigan has 16 minutes remaining. The Senator from Mississippi has 11 minutes.

Mr. HART. I yield 4 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I agree with the Senator from Wisconsin that about all that can be said on the substance of this issue has been said. I simply wish to clarify my position with regard to the amendment of the Senator from Maine.

I think it would accomplish the same ultimate objective as the Cooper-Hart amendment.

It may be that some, because of prior commitments to the Cooper-Hart amendment, would feel that they cannot support the amendment. I would hope that everyone who will support the Cooper-Hart amendment will feel free to support the amendment of the Senator from Maine. If, by any chance, that amendment should fail, then, of course, they will have another opportunity to vote.

I can only say with regard to these systems, by way of review, that for 25 years this country has placed its principal reliance upon armaments. The major expenditures of this Nation have been for armament. We have piled up the most prestigious amount of arms the world has ever seen. These arms have the capacity to destroy all the world, and certainly all of the countries within the Communist bloc.

The Communists, of course, have similar armaments.

I do think we should give very serious consideration at least to a change in our approach to this policy.

Surely, none of us is satisfied with present conditions in our country.

We have seen our present policy result in internal turmoil all the way from the ghettos in the cities to the universities and many other areas.

We have seen our present policy result in many of the things the Senator from Wisconsin has stated. I will not repeat them.

I do plead with my colleagues to give prayerful consideration to this need for a slight change in direction to promote the security of our country.

I cannot help believing that the security of our country does not result from the piling up of more and more weapons of varying kinds in our arsenals and neglecting the internal strength of our country.

Surely, with the warnings we have had, ranging all the way from the riot in Watts to the burning and riot in Washington, we have had a warning that different priorities are required.

It seems to me that the first step toward that would be for us to take this small degree of change of direction in our expenditures for military equipment.

The main significance of this particular change, of course, is in the arms race. And it would be a gesture of good will and a token of our good will to other nations who are interested in deescalating the arms race.

I do hope that the Senate, in view of the present conditions and our past experience, will at least take the slight risk involved in trying another approach to our security.

There has been a tendency to identify the amount of arms we have with security, in the belief that arms and security are the same thing, only said in different words. I do not think that is true. Security, to a great extent, must depend on the internal strength of our Nation.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. HART. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. HART. Mr. President, as other Senators have done, I came to the floor with an elaborate speech. It would not have changed any minds, although it might have made me comfortable when looking at the RECORD.

The only thing I desire to say that may have some effect is that, with the Senator from Kentucky (Mr. COOPER), I hope very much that the Senate will support the amendment intended to be offered by the able Senator from Maine.

That amendment achieves, I think, the objective that is common to all of us—to encourage research and to insure against deployment.

This is the last chance we have to correct a mistake we made last year when we approved deployment of ABM Sentinel.

The people of this country, by their voices of protest have helped us to obtain this opportunity to correct that mistake. Let us not repeat the mistake again.

Mr. President, I yield 5 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOPER. Mr. President, I want to make it clear that the amendment the Senator from Michigan and I have offered is not withdrawn and in the event the amendment offered by the Senator from Maine should be defeated—and I hope it will not be—there will be a vote on our amendment.

I have talked a great deal in this debate, and I shall now make my last speech for the RECORD.

The debate upon the proposed Safeguard anti-ballistic-missile system has been long and hard fought. But it has been worthwhile. It has proven the absolute necessity of the democratic process of inquiry and public debates. It has challenged the Senate as a body to exercise its responsibilities and has challenged the courage of the administration to enter negotiations with the Soviet Union for the control of arms without binding itself to a weapons system, which the negotiations will seek to control.

It has been urged again and again in the debate that a decision must be made now to deploy the Safeguard system, that it is essential to the security of our country. The responsibility for national security rests with the Congress as well as with the executive branch of our Government. We respect the President's grave responsibilities, but the Constitution calls for a joint judgment. It is a trust given the Congress by the people.

The relation of the issue before us to national security, with its vast implications for the protection and future of our country, has caused the Senate to debate its definition and the Nation's goals.

If, as has been argued, national security means a decision at this time to deploy the Safeguard system, to protect our country's retaliatory nuclear forces—the deterrent—I submit that it is a narrow definition, and the supporters of Safeguard have not made their case.

The United States possesses now vast superiority over the Soviet Union in nuclear strength. Compared to the Soviet Union's 2,200 deliverable warheads, the U.S. arsenal includes 4,200 warheads, deliverable from land, the air, and under the seas. If the Soviet Union continues to increase its strategic nuclear weapons, our country can and will increase its nuclear strength and, if needed, can speed the construction of a more effective ABM system. The bill before us is proof that the administration is increasing its offensive nuclear weapons. It provides funds for the Minuteman III program, for MIRV, for converting Polaris submarines to Poseidon, and for attack submarines. The Department of Defense has portrayed a grim picture of Soviet capabilities. It should give all the facts and tell our people that the United States has the capability to protect the deterrent.

Deployment of the Safeguard system is not possible in fiscal year 1970. No component, no part of a component of Safeguard can be emplaced on any missile site in fiscal year 1970. Research and development must proceed for some time on the antimissiles—Spartan and Sprint—and the warheads will not be ready until 1974. The radars simply do not exist. A missile site radar—MSR—is being tested at Kwajalein. Construction of the perimeter acquisition radar—PAR—the development of the necessary computers has begun, but their "software"—the feeding of necessary information and intelligence into the computers—has not yet been fully developed.

The amendment which we support does not lock the hands of the President. It provides full funds for research and development. It does prohibit in fiscal year 1970 the procurement of components of the Safeguard system. They have not been tested separately or as integrated units. Their procurement could "lock in" our country to Safeguard, a system which outstanding scientists, who have spent years working on ballistic systems, have testified is not designed for missile site defense, and cannot be effective without a minimum expenditure of $40 billion. A decision to deploy now, to lock in the system, will not contribute to national security.

We have a kind of security today. It is the ability to destroy the Soviet Union or any other power. The Soviet Union has this security as well.

The pursuit of security through nuclear power alone will never end. It will waste the fruits of the earth and make the labor of men empty. It will increase the sense of futility, particularly among the young. For we and the Soviets, with all our technology, can be reduced to dust at any moment. The green earth and millions who live on it can be burned to grey ashes. This specter is the essence of the nuclear arms race. This is our present security.

A point of view is held by some in this land which has been hardly challenged, but which we challenge today. It is that the United States is required to install nuclear systems against every threat, assumed or potential. It requires one to think of the loss of millions of human beings as if there were no rational alternative.

There is a rational alternative. Our country has the opportunity to strive through negotiations to halt the arms race. We ask that the decision to approve Safeguard—a new weapons system—shall not be made at this time, so that the United States may enter negotiations, supported not only by its overwhelming nuclear power, but also with the power that proceeds from the best purposes of our system of government, from the belief in world order and moral force.

I know the heavy responsibility that bears upon all who will vote today—opponents and proponents of deployment alike. All are moved with a common purpose—the ultimate and true security of our country.

We ask the Senate to take the course of reason, with confidence in the strength of our country, to seek ways to reduce, rather than accelerate, the nuclear arms race. This course offers the only hope of true security for our country and the endangered world.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Arizona.

First, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Arizona is recognized for 4 minutes.

Mr. GOLDWATER. Mr. President, I would not want the debate to end without clearing up a few technical points. I would not want the future readers of the CONGRESSIONAL RECORD to think that we could let go unchallenged some rather erroneous—and I think—foolish statements made on technical points.

We have been told that the radar will not work. We have been told that the computer system will not work. I know a little about radar. I have used them. I know a little about computers. I have used them.

The present state of our radar art is an exceptionally high one. We have three-dimensional radar available. We have excellent range and excellent definition. We have a radar system at Eglin Air Force Base. It is called the PSR 85. That is the phase search radar.

This is used to locate the position of satellites, some of them traveling much higher than radar search would be required in the event of incoming missiles. We have the MSA system already operative in the Pacific. The PAR is under construction. It is a 5,000 element radar, about which there is no question as to its feasibility and workability.

As to the computers: We are told that the state of the art is not far enough developed to have a computer to figure out what to tell the missile as it goes out to seek the incoming missile.

I would like to remind Senators that there are available—in fact, in use—two commercially made radars that are nearly twice as big in capacity and required ability as the computer about which we are talking here. These are run by enlisted men. A doctorate is not required to run these computers. The computers at NASA headquarters, for example, after the Apollo flight, have 5 million words stored. This is the biggest computer in the world, and in history, and probably will never be equaled.

What are the problems this computer and radar face that are so gigantic? They really are not gigantic. We know the location of every missile site in Russia, just as they know the location of every missile site in this country. We can tell fairly well which silos of hers are aimed at which targets of ours, and she can do the same we can. Any missile launched from Russia to hit any target in this country probably would not deviate more than 2 or 3 degrees in its trajectory, the two countries being so far apart. We know the height of the trajectory it would have to attain; we know the speed that the missile would have to attain. In other words, we are looking through a tube—if we think of a trajectory as a tube—about 2 or 3 degrees in extreme width, to enable a missile to hit a target in this country.

This is not complicated. If you tell me that a man is going to shoot me and he is in the corner over there and I can see him and he has a rifle aimed at me, I can do something about it. I do not have to have a lot of computered facts.

We know where they are coming from; we know the height of the trajectory; we know the speed. The computer merely has to react to the radar telling the computer "Here comes an enemy bogey," and off goes the missile, if that is desired.

Mr. President, I merely wanted to clear up this point. I know it is not going to change one vote. I just do not want future generations to think that the Senate would allow erroneous statements to continue about the ability of American science and American technology and American know-how to produce what is a much simpler system than the system we developed, against the advice of noted scientists, to get men to the moon.

That is all I have to say on that subject, Mr. President.

Mr. STENNIS. Mr. President, how much time remains for those in opposition to the amendment?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). Seven minutes.

Mr. STENNIS. Mr. President, I yield myself 7 minutes, or so much thereof as I may actually use.

I realize that this matter has come to the point at which all phases of it have been discussed; but I think that, for the Committee on Armed Services, I should make a brief summary, at the expense of some repetition, of just what is involved.

In the first place, Mr. President, with respect to this missile system, which we have and which Russia has and which Red China may have, the best possible defense and the best possible chance is for those systems to stay there unused. That is what we all pray for. In other words, take Russia first. I would have a very happy thought if I knew we had an effective ABM and they had one, also. I believe that would be the best guarantee that they would not be used. And let each know the other has it. But perhaps it is not possible to have a perfect one, anyway. Certainly, they are on their way—there is no denial of that—and we are burning up daylight now if we let a situation develop in which they have an effective one, or one they believe is effective, and they know we do not have one.

Even if they never fire theirs, there is the blackmail, there is the uncertainty, there is the gnawing void in our mind on everything. So the blackmail value to them would be tremendous. And whatever perfection we had in ours would certainly be a great investment in negotiation, peace of mind, and other proposals.

I say that as one who is deeply concerned about the effectiveness of these ICBM's; and there might not be anyone left, anyway, if each turned loose on the other.

I wish to make a further point, Mr. President, with respect to the proponents of the Cooper-Hart amendment. They say, "Yes, there is a threat"—they have said it until a few minutes ago—"and we think that threat ought to be met. There is a threat of some kind. We ought to have an ABM system. We favor the research for it." That, without limit, has been the story here until a few minutes ago. So that is the recognition of a threat.

They have gone so far as to say: "Yes, we need ABM; we need this system. We want this money to stay in here for for the Safeguard." That is what the vote showed a minute ago. "We want that money in here for the research on the Safeguard system." So they must believe there is something to the idea of a threat and that this is a step in meeting that threat.

Until this afternoon, the only difference between the bill as reported by the committee and the Cooper-Hart amendment pertained to this relatively small amount of deployment, which is another phase of advance testing; and that is what the President trimmed it down to—to the absolute minimum, to keep from losing all that time. So under the Cooper-Hart amendment and the bill itself, there is no difference except as to those very small items.

It has been said over and over—I do not wish to take the time now just to repeat—that this is a defensive weapon, after all. And that is what it is—purely defensive. I never can be made to believe, with what little commonsense I have, that Russia or anyone else would consider that as an act of aggression. No one blames anyone else for self-defense. Self-defense is natural and it is inherent. There is an old saying: "Even the worm will turn to protect itself." I do not follow one iota the argument that this is aggression. But some of those who make that argument turn right around and say: "Do not go into a Maginot Line concept; do not get on the defensive in a Maginot Line concept." That is a total contradiction of the idea of the others that this is aggression.

May we have a semblance of order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, this just reduces it to the hard, practical matter of whether we are going to cut this off now, after admitting that we need a system and that this one has shown promise, to keep it going—whether or not we cut it off entirely for this last step.

What are the circumstances? The President of the United States, who is planning to go to this conference, has said, "Before I go, before I leave, I want your backing on this weapon." That is what he said, and I know that is what he meant.

What are we going to tell him? Let us not fool ourselves. We are going to jerk the rug out from under him, and not give him anything to stand on except a lot of words. "Oh, Mr. President, we are going to trust you to negotiate, but you do not have judgment enough to say what kind of backing you think you need in weapons and also in moral support. We are not behind you either way. We will not let you have the weapons. Therefore, we take away our moral support."

They deny it, but that is where we are going to leave it. I am going to stand by our Chief of State, and it makes no difference who he is. He wants this weapon to protect us; I think he should have it.

The PRESIDING OFFICER. The Senator from Michigan has 6 minutes remaining.

Mr. HART. Mr. President, I yield the time remaining to the able majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized for 6 minutes.

Mr. MANSFIELD. Mr. President, I deny that those of us who are opposed to the ABM system are undermining the President or are adopting a morally indefensible position. I think that we should get away from the emotion and get down to as many of the facts as we possibly can, recognizing no matter what our position, none of us, not a single one of us, is infallible.

We are approaching a high water mark in the debate on the ABM. For the record I wish to reiterate that three times last year I voted with the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Michigan (Mr. HART) against the ABM under a previous Democratic administration.

There have been emotions displayed in this debate today. That is understandable as the heat generates and the arguments become a little bit more personal. There have been many illustrations of what went on in 1898, 1905, and 1912, as if that had anything to do with the question of the ABM, even if the illustrations were correct, and they were. But by and large this debate has been solid, it has been statesmanlike, it has been nonpartisan, and regardles of one's position, in my opinion, it has been in the national interest.

The President made a judgment. He brought about a drastic configuration of the Sentinel system, which he inherited. After a reassessment and reevaluation, he came up with the Safeguard. The President faced up to his responsibility, made a judgment, and rendered a decision; and I honor him for it.

But as Senators we also have to face up to our responsibilities, render a judgment, make a decision, cast a vote, and then we are responsible to the people of the States from which we come for what we do in this and in other instances. That is the way it should be.

For all I know, the advocates of the anti-ballistic-missile system may be right and I may be wrong. But I have to make a decision. I cannot take a walk. I do not wish to avoid a vote. So one has to do what one thinks is best and be prepared to accept the consequences, good or bad.

The statement has been made that some of us are advocating giving up the ABM unilaterally. No such statement has been made by anyone in opposition to this proposal because, as a matter of fact, I am not aware that we have any ABM's at the present time.

I would point out, though, that even though we do not have radars and computers, Sprints and Spartans, we do have parity as of this moment with the Soviets in the matter of ICBM's; that we are infinitely superior in the field of the Polaris missile, where we have about a 12-to-1 or 13-to-1 advantage. If I read the press correctly this morning, there is a decidedly greater advantage because

we have some multiple warheads, I understand, on some of the Polaris missiles. In the field of heavy bombers, the nuclear bombers, we have at least a 4-to-1 and possibly a 5-to-1 superiority.

The question has been raised about cost and that has bothered me. It was my understanding that originally the cost was to be $6.3 billion for the entire system. The distinguished Senator from Maine this afternoon on the floor of the Senate estimated the cost to be about $12.5 billion.

I am worried about the question of reliability, too, and I must disagree with my good friend, the Senator from Arizona (Mr. GOLDWATER) who seems to have such faith in the radar which would be installed but which would be very vulnerable, very soft, and very dangerous as far as the missiles themselves are concerned. I have little in the way of faith, as yet, on the question of computers and much needs to be done.

I wish to say in conclusion that what we want to achieve is balance, balance between our offensive needs and our domestic problems.

One priority that we should hold out is hope to our people and the world so that we can get away from a possible mad momentum engendered by an arms race. We should do all we can through negotiations and otherwise to achieve peace, not just for ourselves but for all mankind.

The VICE PRESIDENT. All time has expired. The question is on agreeing to the amendment offered by the Senator from Kentucky (Mr. COOPER) and the Senator from Michigan (Mr. HART).

Mrs. SMITH. Mr. President, I send to the desk an amendment and ask that it be stated.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Maine (Mrs. SMITH) proposes an amendment in the nature of a substitute. In lieu of the matter proposed to be added by amendment No. 101, add the following:

SEC. 402. None of the funds authorized by this or any other Act may be used for carrying out, after the date of enactment of this Act, any research, development, testing, evaluation, or procurement of the antiballistic missile system known as the Safeguard system, or to carry out any research, development, testing, evaluation, or procurement of any part or component of such system; *Provided*, That funds contained herein or elsewhere for research, development, test and evaluation of components, and related procurement, of any other advanced antiballistic missile system or other weapons system shall not be affected.

Mrs. SMITH. Mr. President, I yield myself 2 minutes.

Mr. GORE. Mr. President, I make the point of order that the Senate is not in order.

The VICE PRESIDENT. The Senate will be in order. The Senator from Maine may proceed.

Mrs. SMITH. Mr. President, the observations I made on my original amendment apply to this amendment, for this amendment merely clarifies my original amendment.

I think that the additional language suggested by the Senator from Tennessee (Mr. GORE), the Senator from Kentucky (Mr. COOPER), and the Senator from Michigan (Mr. HART), is most acceptable.

Mr. STENNIS and Mr. HART addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the last amendment offered by the Senator from Maine.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

Mr. HART. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HART. Mr. President, is the amendment now pending subject to the agreement earlier entered into, namely, that there will be 1 hour of debate equally divided?

The VICE PRESIDENT. The Senator is correct.

Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. STENNIS. Mr. President, the situation on the division of time now is the same as it was on the first amendment offered by the Senator from Maine. Is that correct?

The VICE PRESIDENT. The Senator is correct.

Mr. STENNIS. Mr. President, since it falls to me on this side I do want representation had with that time. I assume the Senator from Maine would use time first. I make that announcement.

The VICE PRESIDENT. The Senator from Maine is recognized.

Mrs. SMITH. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I think it is important that the Senate have something of the rationale which went into the additional language we now find——

The VICE PRESIDENT. The Chair would inquire of the Senator from Maine how much time is yielded to the Senator from New York.

Mrs. SMITH. I yield 3 minutes to the Senator from New York.

The VICE PRESIDENT. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I think it is important that the Senate have some concept of the additional language which went into the Smith amendment and why I shall vote for it. I hope very much, as Senators HART and COOPER have announced, that other Senators who support the Cooper-Hart amendment will vote for it, too.

What it does is to make, in my judgment, a very substantive difference in opening up research and development, testing, evaluation, and related procurement to advance ABM systems other than Safeguard.

This does not mean that if Safeguard has a transistor that we cannot deal with that transistor in another system, or a weapon, or a Sprint, or a PAR, or anything else that happens to be in the Safeguard system. But it does take off the restraints on the ambit of research and development which we are authorizing so as to reject Safeguard as the system upon which the research and development will be focused and extend it to the most advanced, the best ABM system our people may wish to research and experiment with.

It seems to me, as the Senator from Kentucky (Mr. COOPER) has said, that represents the fundamental concept which we have had in respect of the Cooper-Hart amendment, and represents acceptance by the Senate of responsibility for a weapons system of such major character, with such portentous political effect as we have been debating here that, therefore, it should be acceptable to those of us——

The VICE PRESIDENT. The time of the Senator from New York has expired.

Mrs. SMITH. I yield 1 additional minute to the Senator from New York.

The VICE PRESIDENT. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Who found the previous amendment too restrictive in terms of its being negative, but now it introduces a positive note which we had hoped to preserve and, indeed, it amplifies and expands that in terms of the area and the field it will cover.

Mr. FULBRIGHT. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. To make it plain and concise, this amendment will allow the research and evaluation, but it will delay at least for a year any further authorization.

Mr. JAVITS. The Senator is exactly right.

Mr. FULBRIGHT. That is its effect.

Mr. JAVITS. Yes. It will have the same effect and, at the same time, give a broader field for research and development, which all of us agree to.

Mr. FULBRIGHT. The actual deployment will be delayed.

Mr. JAVITS. The Senator is exactly right. I thank the distinguished Senator from Maine for yielding to me.

Mr. HART. Mr. President, will the Senator from Maine yield me 1 minute?

Mrs. SMITH. I yield 1 minute to the Senator from Michigan.

The VICE PRESIDENT. The Senator from Michigan is recognized for 1 minute.

Mr. HART. Mr. President, not being certain that there would be opportunity available under controlled time, under the Smith substitute, I indicated earlier, as we were approaching the closing of controlled time on the Cooper-Hart amendment, my strong hope that the Smith amendment would be supported by all of us who, over the months, have had a deep conviction that it would be wrong at this period, in the development at this moment in the world's negotiations in search of arms control, to deploy any ABM system.

This amendment, which is against deployment, as the Senators from Arkansas and New York have indicated, makes clear the fullest opportunity for

the Department of Defense to undertake research on behalf of what may never be found; namely, a good system.

Mr. DOMINICK. Mr. President——

Mr. STENNIS. Mr. President, the Senator from Texas is ready to speak and waive time on the other. I yield 4 minutes to the Senator from Texas.

The VICE PRESIDENT. The Senator from Texas is recognized for 4 minutes.

Mr. TOWER. Mr. President, I think it should be made adequately clear that the proposal by the distinguished Senator from Maine, as it has been modified from its original form, actually changes nothing. I repeat, it changes nothing. It still wipes out the ABM. It wipes out research and development on Safeguard.

Now I have heard Senators in this Chamber say that they favor research and development on Safeguard to determine whether it will be made workable.

If this amendment is adopted, there will never be any research and development on Safeguard, at least not next year. The fact is, those who say they want ABM research and voted against the Smith amendment the first time, would be inconsistent if they failed to vote against it the second time. Certainly, those who said that they would accept a system with some modifications would be inconsistent if they vote for this amendment, because it will wipe out the Safeguard program. It will wipe out any research, any development, any testing, or any evaluation on Safeguard. It will wipe it all out. Let me make that clear.

This is a much stiffer proposal than the Cooper-Hart amendment. I think that Senators had better vote very carefully on this amendment because they may be wiping out for a year any Safeguard research and development, if the amendment is agreed to.

We know that the Russians possess the SS–9 which is not the type of system designed for soft targets. It is the type of system designed for missile sites. I think we can draw the conclusion that they are building toward a first strike capability.

I do not see why we have to listen to a lot of talk about provocation. On the one hand, the opponents say that it will not work and the Russians will have it. If that is the case, then there is no provocation.

On the other hand, even if they do not, the Russians have said they do not regard such deployment as a provocation.

This is a system which is not aimed at people. It will not harm the hair on one Russian's head, even if it were fired off.

So far as escalation of spending is concerned, we spent much less money on strategic weaponry during the last year of the Eisenhower administration beyond that which the Soviet Union spent—about twice as much as we did—on strategic weaponry. That is one of the few things our intelligence community all agree on.

I think that we would be taking a tremendous chance if we relied on the good will and good intentions of the Soviets, when they have got a "gun" already at our temple.

Make no mistake about it, there is no change in the second amendment. The latter just clarifies the language.

If we want to wipe out the ABM altogether, that is what we will be doing if we vote for the second amendment. We will be wiping out research and development on Safeguard altogether.

Mr. STENNIS. I yield 3 minutes to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, with all due respect to the Senator, to say that this amendment wipes out all development of the ABM is not accurate. Some of us, years ago, opposed the Nike X. Some of us, years ago, opposed the Nike-Hercules.

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

Mr. SYMINGTON. I will be glad to yield shortly.

Mr. TOWER. The Senator has called this inaccurate. I request that he yield.

Mr. SYMINGTON. I am tight for time but would be glad to yield on the Senator's time.

Mr. TOWER. All right; if the Senator from Mississippi will grant it.

Mr. STENNIS. I yield 1 minute to the Senator from Texas.

Mr. TOWER. The Safeguard system is described in specific language.

Mr. SYMINGTON. I thought the Senator from Texas referred to any ABM system, not just the Safeguard system.

Mr. TOWER. I said the Safeguard system.

Mr. SYMINGTON. If I am wrong on the record. I am glad to apologize. We have had the Nike-Ajax and then the Nike-Hercules; then we had the Nike-Zeus and later the Nike X. One is the Spartan part of the present Safeguard system, formerly the Sentinel system. The Sprint is the former Nike X.

Therefore what we have had is an ever-shifting, ever-changing group of components.

I noticed the word carefully placed in the amendment of the Senator from Maine—"components." There will be the right to research all these components in effort to develop an ABM system that will be satisfactory. I happen to believe the proposed system may not work. Therefore, I would rather see more research and development before we ask the American people to spend additional billions of dollars for deployment. That is what, in my opinion, this amendment says; and also that is the thrust of the Cooper-Hart amendment. Therefore, I support the amendment of the distinguished Senator from Maine.

Mr. STENNIS. Mr. President, I yield 5 minutes to the distinguished Senator from Georgia.

Mr. RUSSELL. Mr. President, I congratulate the distinguished Senator from Maine. If she succeeds in having her amendment adopted in its present form, she will have carried the original amendment, or it will have that very effect. There cannot be any possible question about that. I feel that the distinguished Senator from Maine is too good a legislator not to know that if this amendment carries, it will have the effect of her original amendment and will prohibit "any research, development, testing, evaluation, or procurement of the anti-ballistic-missile system, known as the Safeguard system, or to carry out any research, development, testing, evaluation, or procurement of any part or component of such system."

If there can be any more far-reaching language than that to strike down and eliminate any research and development on this system, a system which has been researched now for some 8 or 10 years at a cost of more than $5 billion, I do not know how it could possibly be drafted.

To say that this additional language which is now proposed has no effect on the Safeguard project—which is referred to by the name of Safeguard in the submission of the Department of Defense and in the report of the committee to this body—is to me something that is incomprehensible, because the additional language only says that nothing herein contained shall affect "any other"—note that language; not the Safeguard but "any other"—system.

So this amendment if adopted will kill all the research and all the development of the so-called Safeguard system after Senators have stood here on the floor day after day and stated they were in favor of research and development, but not deployment. This strangles it in the crib. There is no chance for it to have another breath of life in the bill if this amendment goes into effect. There is nothing in this additional language that mitigates the effect of that statement in any degree. It refers to "any other advanced anti-ballistic-missile system or any other weapons system shall not be affected."

If this amendment had not been offered with this language added, it would have had exactly the same effect on the other weapons system which this language has, which is none; but the basic thrust of the original amendment advanced by the distinguished Senator from Maine to eliminate the Safeguard is not mitigated in the slightest degree or affected in any way by this additional language. I do not see how Senators can possibly construe it as affecting it in any way, because it does not relate to any exemptions for the Safeguard program or any components thereof.

It says "provided that funds for other advanced" systems shall not be affected. But the amendment would kill any project that is embraced within the Safeguard system. Of course that includes all the generation missiles the Senator from Missouri referred to, the Nike-Zeus, which grew up to the other systems, such as Hercules, and was carried on, but they are today all components of the Safeguard system.

I will say this much: It is my solemn opinion that, if this amendment is agreed to and if the Department of Defense moved forward in the slightest degree with research and development of any component of the so-called Safeguard system, it would be in defiance of this mandate from the Congress and the Department of Defense would subject itself—very properly—to very drastic criticism.

Mrs. SMITH. Mr. President, I yield 2 minutes to the Senator from New Jersey (Mr. CASE).

Mr. CASE. Mr. President, I asked for this time to make two points, both related to the same matter, the substantial difference between the original amendment proposed by the Senator from Maine and the amendment now pending before us. I could not have supported the original amendment because I believed it was necessary for us to attempt to develop, by research and development, an anti-ballistic-missile system for the defense of our Minuteman, and I was very doubtful that the language of the original amendment would have permitted that.

Clearly, the present language does permit it. It is substantially different. It would be possible, for example, under the amendment, to take components of the Safeguard system, do research on them as a part of another system, the Sprint missile, the Spartan missile, radars, computers, and what-not, all of which, although a part of the Safeguard system, could be worked over and changed for inclusion as another anti-ballistic-missile system—that is the difference—an anti-ballistic-missile system which has a chance of doing the job.

That bears directly on the question of whether we have a substantially different amendment. Otherwise, I for one would not be able to support it.

Mr. SYMINGTON. Mr. President, will the Senator yield me 1 minute?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. SMITH. Mr. President, I yield 1 additional minute to the Senator from New Jersey so he may yield to the Senator from Missouri.

Mr. CASE. I yield to the Senator from Missouri.

Mr. SYMINGTON. Is it not true that the Safeguard system is part of the Nike X system, and part of the Nike-Hercules system, and part of the Nike-Zeus system, and part of the Sentinel system; and therefore we would continue to utilize all these various components and their improvements in the engineering and evaluation of any new system.

I would respectfully present that if we followed the opinion of some people as to what under the revised Smith amendment we could or could not do, we could not take even one transistor used in the Safeguard system and utilize it in any new system. Of course the amendment does not mean that. In all good humor, I suggest we should do again what we have already done some five or six times before, and that is change the name. Let us call the new development the Lifeguard system. Then everything will be all right and we can proceed with further research and development.

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

Mrs. SMITH. I promised to yield to the Senator from Tennessee.

The PRESIDING OFFICER. How much time does the Senator from Maine yield?

Mrs. SMITH. I yield 4 minutes to the Senator from Tennessee.

Mr. GORE. Mr. President, the pending amendment is considerably different from the amendment previously voted upon. If Senators will turn to pages 21, 22, 23, and 24 of the report, they will find four pages of missiles for which the pending amendment would provide research, development, test, and evaluation of components and related procurement.

Mr. President, these include all of the Navy missiles, and all of the Air Force missiles. Let me read the names of some of them: Polaris, Sidewinder, Phoenix, Standard missile, Tartar, Terrier, Talos, Chaparral, Redeye, Hawk, Pershing, Tow missile, Minuteman I, Minuteman II, Minuteman III, Shrike, Sparrow, Sram.

The pending amendment would not touch any funds available in this bill or, to quote from the amendment, "elsewhere," for research, development, testing, and evaluation of components related to procurement of any of these items.

Moreover, it would permit research and development on components common to both Safeguard and these other missiles. It is, Mr. President, the deployment of the Safeguard ABM system toward which the pending amendment is pointed. The adoption of the pending amendment, as would the adoption of the Cooper-Hart amendment, would prevent the deployment of the Safeguard antiballistic missile. It would not prevent research and development, evaluation and testing, or funding thereof, on any other missile system listed on these four pages.

Therefore, Mr. President, I hope that a point of order will not be made against the amendment. If it were not a material change, why would the junior Senator from Mississippi and the junior Senator from Arizona object to the distinguished Senator from Maine modifying her amendment according to her stated legislative will?

The VICE PRESIDENT. The Senator's time has expired.

Mrs. SMITH. Mr. President, I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, I rise only to ask the Senator from Maine, who is the author of the amendment, a question.

The Senator has heard interpretations of her amendment made by me, by the Senator from New Jersey, and by the Senator from Missouri. The interpretations are substantive. Does the Senator accept those interpretations as stating her intention in offering the amendment?

Mrs. SMITH. Mr. President, the proof that there is a substantial difference between my original amendment and this new amendment as proposed is that the latter has been accepted by the sponsors of the Cooper-Hart amendment.

Mr. JAVITS. And the Senator does accept these interpretations to which I have referred as stating her intention in offering the amendment?

Mrs. SMITH. That is correct.

Several Senators addressed the Chair.

Mr. STENNIS. I yield 1 minute to the Senator from Kentucky.

Mr. COOPER. Mr. President, as one of the sponsors of the Hart-Cooper amendment, I should like to say that neither of us ever saw the Smith amendment until it was sent to the desk. We voted against the original amendment of the Senator from Maine because we did not believe it met the purposes of our amendment. I opposed, and Senator HART opposed, the original modifying language proposed by the Senator from Tennessee (Mr. GORE). But in discussions, and with various objections being made—some made by Senater HART and me, and some by others—the amendment which the Senator from Maine has now sent to the desk was agreed upon for these reasons.

I have the greatest respect for the Senator from Mississippi, but I must say that commonsense leads me to disagree with him.

The VICE PRESIDENT. The Senator's time has expired.

Mr. COOPER. One-half minute more. What we, who oppose the ABM, are seeking is to prevent its deployment. It is the insistent, compulsive reasoning of those who favor deployment that they want a premature decision to deploy a future system—a step which we oppose.

First, our amendment provided for full research and development of ABM technology; and second, its purpose was to see if it was possible, by intensive research and development, to develop a system which might work, and which would be surer to work than the one which has been proposed by the administration. If it was ever necessary to deploy a system we might then have an effective system.

The amendment offered by the Senator from Maine as her first proposal, was perfectly in accord with one of our views, that this system should not be deployed now; but we felt that research and development should go on.

The VICE PRESIDENT. The Senator's time has expired.

Mr. COOPER. Ten seconds more. She added that provision of research and development to her second amendment. Thus it differs. It certainly differs from her first amendment; and what she has said shows that what she intends is in accord with the intentions of Senator HART and myself and our supporters in offering our amendment.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, I yield to the Senator from Florida 1 minute.

Mr. HOLLAND. Mr. President, is it not true that the Senator's amendment does provide for the use of the funds provided in this bill for research and development on the Safeguard?

Mr. COOPER. It provided for the use of the funds——

Mr. HOLLAND. To the extent of $400.9 million, did it not?

Mr. COOPER. Will the Senator let me finish?

The VICE PRESIDENT. The Senator's time has expired. Who yields time?

Mrs. SMITH. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator from Maine has 10 minutes remaining.

Mrs. SMITH. I reserve that for the time being.

The VICE PRESIDENT. Who yields time?

Mr. STENNIS. Mr. President, I think the Senator from Kansas had asked me first. I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, I take this

time to address a question to the Senator from Maine. Do I understand correctly that her original amendment would have prohibited the use of any funds for deployment, research, and development of the Safeguard?

Mrs. SMITH. That is correct.

Mr. DOLE. Do I understand that her present substitute has the same purpose, to prohibit funds for Safeguard research or development?

Mrs. SMITH. Of the Safeguard; that is correct.

Mr. DOLE. So my point is that there is really no difference between her first amendment and this substitute, because what was implied in the Senator's first amendment she is spelling out in her second amendment. I think the intentions are the same; if you are totally against the Safeguard system, you will vote for the Smith amendment; if you are for research and development, as was the Hart-Cooper amendment, you vote against the Smith amendment.

Mr. STENNIS. Mr. President, I yield next to the Senator from Colorado, 3 minutes.

Mr. DOMINICK. Mr. President, I shall not take long on this, but I have been sitting here for 5 weeks listening to this debate on the Cooper-Hart amendment, and until today, I have never heard them say they were against research and testing of the Safeguard system. Over and over again, I have heard the Senator from Kentucky and his supporters get up and say, "We want to test this on Kwajalein; we do not want it in North Dakota, and we do not want it in Montana. We will do it on Kwajalein. We have MSR out there, and we are going to test it there."

If we accept this amendment, according to its language, you cannot test it with the MSR on Kwajalein; as a matter of fact, you cannot test it anywhere, because it is a component of the system. You cannot put together a PAR, or do any of these things we have been talking about for 5 weeks.

All of a sudden, we are faced with a complete turnabout, in about a half hour, where the Cooper-Hart group all of a sudden say they are in support of this amendment.

On what basis? On the basis of what facts do we suddenly find ourselves no longer in favor of research and development on the component parts of the Safeguard missile? I certainly must confess that I am confused and concerned, and I think what we are doing is avoiding the real issue, which is the vote on the Cooper-Hart amendment. We have already voted on that of the Senator from Maine.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, notwithstanding the positive assertions of the Senator from Tennessee, as shown at page 25 of the report, it breaks down the requested authorizations for the Safeguard anti-ballistic-missile system under three items—(a), (b), and (c).

The largest item is (b), and it reads as follows:

(b) The request for an authorization for funds for research and development for the Safeguard system in the amount of $400.9 million.

That amount was continued available for research and development under the Cooper-Hart amendment.

That amount is cut out and will not be available for research on Safeguard or anything else under the pending amendment.

I would want that to be clearly understood by every Senator.

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

Mr. HOLLAND. I yield.

Mr. STENNIS. Mr. President, I think the Senator is absolutely right, without any doubt whatsoever.

Mr. HOLLAND. I thank the distinguished Senator.

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

Mr. HOLLAND. I will yield in a moment.

I have also inquired of the clerk of the committee, who advises me that the other funds available for research are $141 million for the Nike X missile.

But that is all that would be available under the particular amendment, and not for use on the components of the Safeguard missile at all, but simply for use on the components of the latest Nike model.

There is not any comparison between the two objectives. I state this because I know it is true. The Cooper-Hart amendment does permit the retention of $400.9 million in the bill. However, the pending amendment would cut it out for all practical purposes.

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

Mr. STENNIS. Plenty of time remains on the other side.

Mrs. SMITH. Mr. President, I yield 3 minutes to the Senator from Tennessee.

The VICE PRESIDENT. The Senator from Tennessee is recognized for 3 minutes.

Mr. GORE. Mr. President, the senior Senator from Tennessee referred to pages 21, 22, 23, and 24. Funds are untouched for any missiles or any components thereof or funding thereof on any of those four pages.

Funds would be prohibited for the items on page 25 which do not contain components identical or necessary for the four previous pages.

Let me read it. It reads:

One missile site radar, (Grand Forks).

Funds would be denied by the pending amendment for that.

It reads:

One missile site radar data processor, (Grand Forks).

Funds would be denied for that.

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

Who yields time?

Mr. HOLLAND. Mr. President, will the Senator yield me 1 minute?

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Florida.

Mr. HOLLAND. Mr. President, I want to make it very clear, and there is no doubt about it, that the $400.9 million which would have been retained in the bill for research and development of Safeguard by the Cooper-Hart amendment would be cut out by the pending amendment.

Neither the Senator from Tennessee nor anyone else will deny that, because that is the fact. And Senators should realize that it is a fact.

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

Mr. HOLLAND. I yield if I have time remaining.

Mr. GORE. The Senator is incorrect, because the amendment would not deny any funds available in this bill or elsewhere for components of advanced ABM or other missile systems. That is plain.

What it does prohibit, let me read again from page 25:

Advance procurement for one other perimeter acquisition radar . . . (Malmstrom).

It prevents the deployment at Grand Forks and also—this runs over to the other page—it prevents the deployment in both North Dakota and Montana.

If, however, components needed for the missiles on the previous four pages are identical with those that would be used in Safeguard, research and development can continue upon those.

That is perfectly plain from the amendment.

Mr. HOLLAND. Mr. President, I ask unanimous consent that section 402 of the amendment, as rewritten, be printed at this point in the RECORD.

There being no objection, section 402 of the amendment, as rewritten, was ordered to be printed in the RECORD, as follows:

SEC. 402. None of the funds authorized by this or any other Act may be used for carrying out, after the date of enactment of this Act, any research, development, testing, evaluation, or procurement of the antiballistic missile system known as the Safeguard system, or to carry out any research, development, testing, evaluation, or procurement of any part or component of such system; provided that funds contained herein or elsewhere for research, development, test and evaluation of components, and related procurement, of any other advanced antiballistic missile system or other weapons system shall not be affected.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from California.

Mr. MURPHY. Mr. President, I point out to my distinguished colleagues that in the colloquy in committee if the missiles on pages 21, 22, 23, and 24 would have done the job, we would not have had to include page 25, which is headed, "Safeguard Anti-Ballistic-Missile System."

I would like to make clear one other point. In the heat of the debate, there is one very important consideration in the judgment of those who have asked for this system, and that is the time when this system will be ready.

For every year that goes by now, in the judgment of our best scientific brains, we lose 2 years in the time when the system would be ready.

I hope that my colleagues will bear that in mind at this moment. This cannot be delayed. That is why the President has asked for it at this time.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from New Hampshire.

Mr. COTTON. Mr. President, we have been hearing utterances to the effect that Congress was going to assert itself

and that Congress was not going to let itself be subjected to this military-industrial complex, whatever that is, not let the Pentagon do anything that Congress does not know about and authorize.

If the wording of the pending amendment is not an open invitation and is not a mandate to the Pentagon to do by subtlety and circumvention what the Cooper-Hart amendment would let them do openly, they would have to go ahead with research for the Safeguard system. However, at the same time what they would be doing would be also research for some other kind of system or defense.

I can easily understand those—although I do not agree with them—who want to authorize research and development but not the installation of the Safeguard or an ABM, whichever we wish to call it. But when we agree to an amendment upon which the debate here has been so confusing, anyone who tried to establish a legislative history would realize it is simply an invitation to the Pentagon, after all our protestations that Congress was going to assert itself and no one was going to put anything over on Congress, to go ahead and, by subtlety, do what the proponents of the Cooper-Hart amendment would let them do.

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

Mr. COTTON. I yield.

Mr. RUSSELL. Mr. President, I have been very curious as to why all of a sudden the very carefully drawn Cooper-Hart amendment was abandoned and scuttled in favor of this amendment, the meaning of which, to say the least, is somewhat controversial.

Everyone can understand the Cooper-Hart amendment. It very clearly said we could go ahead with research and development, but that we could not deploy the system.

We now have an amendment that says we cannot go ahead with research and development of even any component, but that we can go ahead with other systems.

I think it is noteworthy that all those who proposed to vote for the original amendment have very vigorously shifted their support to the amendment of the Senator from Maine.

There cannot be any question that if one reads the amendment it carries out completely the intention of the original amendment of the Senator from Maine.

If the Senate keeps its faith, and it should, as to the matter, it will not drop suddenly, like a hot cake, the very clear amendment that we have been debating for some weeks and on which long speeches have been written and delivered on both sides, in favor of some other amendment, brought here at the very last minute.

Mrs. SMITH. Mr. President, I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I think it is very important that we clarify the distinction here between what we truly do mean.

If the distinguished Senator from Georgia, the chairman of the Appropriations Committee, is correct, I would find myself in a position to vote against the amendment. But my understanding is entirely different. I think it is almost a question of semantics as to what we mean by a name.

I understood the Sentinel system had Sprints, Spartans, PAR's, MSR's, and computers and software for the computers. As I understand it, the Safeguard system has Sprints, Spartans, PAR's, MSR's, and computers and software for the computers. However, its mission is different.

It has been moved from the cities and put at the missile sites and is hard protection rather than protection of areas.

I would like to ask the distinguished Senator from Maine whether, under the amendment, as now modified, we could accomplish the things that I feel are necessary to be accomplished. Is it possible, under the amendment offered, as it is now being debated, for the MSR to be redesigned so that it can be made harder and less vulnerable than the present system?

Mrs. SMITH. That is my understanding.

Mr. PERCY. It can?

Mrs. SMITH. That is my understanding.

Mr. PERCY. Is it possible to replace the one, single, exceedingly expensive MSR, missile site radar, which costs an estimated $150 to $165 million each, and there is only one at each site—a radar that could be destroyed by an SS–11, much less an SS–9, if sent by the Russians, and, therefore, highly vulnerable and much more vulnerable than are hardened missile sites themselves—and do research, design, development, evaluation, and testing with a multiplicity of radars then, that could be hardened and made less vulnerable?

Mrs. SMITH. My interpretation would be "Yes."

Mr. PERCY. Under the distinguished Senator's amendment, would it be possible to continue the testing and evaluation of Sprints, a program that is intended to be carried on at Kwajalein?

Mrs. SMITH. Yes.

Mr. PERCY. Could we then continue the testing and evaluation of Spartan?

Mrs. SMITH. Yes.

Mr. PERCY. Could we develop the software for the computers that would be required for a ballistic-missile system that could be named other than Safeguard, because it would be slightly modified and changed, just as the distinguished Senator from Missouri has indicated we have changed and taken the genesis of the whole development of ABM from the beginning to systems that successively we decided not to deploy until we have finally come to Sentinel and Safeguard, and we would attach this to the next advanced stage of a perfected ABM system? Does the Senator from Maine perceive that we could do this under this modification?

Mrs. SMITH. That would be my interpretation, yes.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The time of the Senator has expired.

Mr. PERCY. Will the Senator yield me 30 seconds?

Mrs. SMITH. I yield 1 additional minute to the Senator.

Mr. PERCY. Is there, then, this distinction between the original amendment, which was overwhelmingly defeated, and this amendment? Could all the things I have named be done under the original amendment which the Senator feels we can do under the modified amendment?

Mrs. SMITH. I would say no.

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

Mr. PERCY. May I conclude on one point?

If the answer is in the affirmative on everything that needs to be done, I intend to vote for the modified amendment of the distinguished Senator from Maine.

I yield to the Senator from Georgia.

Mr. RUSSELL. The Senator has described the various systems. Does he not consider all those as components of the Safeguard system?

Mr. PERCY. All the items I have listed?

Mr. RUSSELL. That the Senator from Illinois has enumerated.

Mr. PERCY. Yes; I do.

Mr. RUSSELL. How does the Senator view the language that says no research, testing, or evaluation shall be done on any part or component of the Safeguard system?

Mr. PERCY. Also, the language is clear: It says, "provided that funds contained herein or elsewhere for research, development, test and evaluation of components, and related procurement, of any other advanced anti-ballistic-missile system——

Mr. RUSSELL. "Any other."

Mr. PERCY. "Or other weapons systems shall not be affected."

Mr. RUSSELL. If the word "other" does not take it completely away from Safeguard, I do not know what word in the English language could be used.

Mr. PERCY. If the distinguished Senator from Maine feels that we can carry out all the missions which we feel must be carried out, I can support it.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I am much concerned with the developing and evolving distinction, or apparent distinction, between the original Smith amendment and the modified Smith amendment. In a most respectful way, I suggest that we are dealing with something more than semantics, but, rather, something that is very vital to the interpretation of what we are about to do. Words, after all, are more than semantics; and any fair reading of the amendment proposed by the distinguished Senator from Maine is to the effect that you cannot go ahead with research, development, testing, the evolution, or the procurement of the Safeguard system by name.

Mr. RUSSELL. Or any component.

Mr. BAKER. Or any component thereof.

The modification goes on to say, "provided that funds contained herein," and so forth, "and related procurement of any other advanced anti-ballistic-missile system."

Mr. President, I respectfully suggest

that any other advanced missile system taken in context with the description of Safeguard by name positively excludes any evolutionary changes or differences from the Safeguard system, and that, as a matter of law, as a matter of statute, we are about to preclude the evolutionary development of any improvement of even the concepts developed in the Safeguard system thus far. I do not believe that is the intention of the Senate today. I do not believe we intend to scrap what we have done so far and require our scientists to start over from scratch with some other system; but I believe that is the fair intentment and the inevitable effect of the words that are before the Senate in the new amendment.

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

Who yields time?

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Texas.

Mr. TOWER. Mr. President, it occurs to me that what the distinguished Senator from Illinois has just suggested is that if we change the name of the system and go ahead and do all these things, it will not matter. I wonder if it would be in order for us to offer an amendment to change the name of the system to something other than Safeguard.

The PRESIDING OFFICER. Who yields time?

Mrs. SMITH. I yield 1 minute to the senior Senator from Vermont.

Mr. AIKEN. Mr. President, I note that everyone who has spoken so fervently in opposition to the proposal of the Senator from Maine has been even more outspoken against the Cooper-Hart amendment. Everyone who has been in the Senate more than 6 months knows that if the amendment offered by the Senator from Maine is as bad as the devotees of ABM say, they would be working to attach it to the Cooper-Hart amendment instead of killing it. That is just practical politics.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Iowa.

Mr. MILLER. Mr. President, the Senator from Missouri, who originally supported the Cooper-Hart amendment, now says he supports the amendment of the Senator from Maine because it would knock out the Safeguard system, and he says he does not think the Safeguard system will work.

The Senator from Missouri well knows that you cannot determine the answer to that question until you have service testing, and you cannot have service testing until you have deployment. That is what the Cooper-Hart amendment is all about .

So I suggest that we get on and defeat this amendment and then defeat the Cooper-Hart amendment, so that we can have service testing to prove who is right and who is wrong on whether this can work.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I ask the distinguished Senator from Maine two questions.

Both the Senator from Texas and the Senator from Missouri have inferred that all we need to do is to change the name of Safeguard to something else, such as Rightguard or Outguard, and we can get around the Senator's amendment. Is that correct? Does the Senator say "Yes" to that?

Mrs. SMITH. I could not give a yes or no answer to that.

Mr. GOLDWATER. I think the Senator should be able to give an answer. One of the Senator's supporters has made the charge that it could be. One of the Senator's opponents has made the charge. I think it is something the Senator should consider.

One other question. The Senator from Maine serves on the committee. Does the Senator know of any other advanced anti-ballistic-missile system that is being considered at the present time?

Mrs. SMITH. No; I would have to say I do not.

Mr. GOLDWATER. So, in effect, the Senator is suggesting that we rub out approximately 15 years of testing and ask the scientists and the engineers to start again.

Mrs. SMITH. Of course, it could be that the Nike X is advanced development.

Mr. GOLDWATER. But not under the language of the Senator's amendment, as I understand it.

Mrs. SMITH. It would not be my understanding. There is money in this for the Nike X and the Nike-Zeus.

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

Mr. STENNIS. Mr. President, I yield myself such additional time as I may have.

This is tragic; this is a tragedy.

The PRESIDING OFFICER. The galleries will be in order.

Mr. STENNIS. It is a legislative monstrosity, when there is not time to analyze, to find the meaning of words, to check and doublecheck, and to throw this in like a double-barreled shotgun and fire both barrels at the same time. Let us listen to the words.

There are $400 million, in round numbers, in the bill for research and development for Safeguard. The first Smith amendment would knock it as high as the sky and take it out by name.

The amendment states:

> None of the funds * * * may be used for * * * any research, development, testing, evaluation, or procurement of the anti-ballistic missile system known as the Safeguard system . . .

The Safeguard system went down the drain there.

Then, there are the words, "or to carry out any research, development, testing, evaluation, or procurement of any part or component of such system." That is the Safeguard. The Senator from Maine wanted to cancel all research and would do so by that language.

Now, I read the remainder of the language. The foregoing language was the language voted on a few moments ago. That would be the law, just like the Medes and the Persians. [Laughter.]

> Provided that funds contained herein or elsewhere for research, development, test and evaluation of components, and related procurement, of any other advanced antiballistic missile system.

Other than what? Other than the Safeguard, of course. It states, "or other weapons system."

Other than what? Other than the Safeguard. Then, it states, "shall not be affected."

Of course, they are not affected. They were not affected by the original Smith amendment. They are not affected by this amendment. The same language is here, "shall not be affected."

Mr. President, every word that was in the first Smith amendment about Safeguard is in this amendment. Senators who have been saying they are for research for Safeguard and for this amendment are going to have awfully red faces and they are going to be trying to get out of that situation. That is why I say it is tragic; it is compounded tragedy. It is legislating in the dark where we do not know what these words mean.

I yield back my time.

SEVERAL SENATORS. Vote! Vote! Vote!

The PRESIDING OFFICER. The Senator from Maine has 4 minutes remaining.

Mr. JAVITS. Mr. President, will the Senator yield to me for 1 minute?

Mrs. SMITH. I yield.

Mr. JAVITS. Mr. President, one thing has now been made clear by the Senator from Mississippi in his speech. He has failed to account for the fact that the amendment introduced by the Senator from Maine (Mrs. SMITH) does not affect the money in the bill. The bill states in section 201 that there is $1,638,600,000 for research, development, testing, and evaluation. Now all the Senator from Maine is doing is to put a restriction on how that money can be used. If that restriction allows use of $400 million for research on an ABM system, it is still in the bill. Section 402 does not take it out of the bill. Therefore, the interpretation of the Senator from Maine controls rather than the interpretation put on it by the Senator from Mississippi.

Mr. HARTKE. Mr. President, there are only two questions at issue in our votes today:

First. Will the ABM work?

Second. Do we need it for our national defense?

Question is not, Can we trust the Russians?

Question is not, Do the Russians have an ABM?

Question is not, Does the President of the United States carry a heavy and lonely burden?

Question is not even how much the system would cost, because if it is needed and would work, no price is too high, but if it is not needed or will not work, a single dollar is too much.

Those are the only, the operative questions: Will it work? Do we need it? All other questions turn on the answers to those two questions.

Will it work? Opponents and defenders alike admit we do not know. That is why those of us who favor the Hart-Cooper approach are willing to authorize sub-

stantial funds for R. & D. We are not unreasonable—we are not dogmatic. We say only that the scientific doubts are so weighty that further R. & D. is called for.

For me, the far more crucial question is the second: Do we need it for our national defense? The answer is perfectly clear: We do not.

The only justification offered for Safeguard is that it—and it alone—can protect our deterrent force against a Communist first strike.

That is simply untrue.

Our second-strike force is invulnerable. Even the most massive and successful Soviet attack on the two Minuteman bases could not save the attacker from an utterly devastating response from our Polaris submarines, from our manned bombers, and from our thousands of other ICBM's and IRBM's both here and abroad.

And that is the meaning of second-strike invulnerability—that the Nation which sustains a first strike will still have enough offensive capacity left to punish the attacker beyond endurance.

We have that now—without our ABM. We shall continue to have it—and to an even greater extent as our multiple warhead missiles are deployed on land and sea—without an ABM.

The Communists dare not attack us—with or without an ABM—because they know they would suffer utter devastation if they did.

It is that simple. Deterrence is deterrence is deterrence. Adding a multibillion-dollar ABM system will add nothing—not one iota—to our present overwhelming deterrent force.

The rest, Mr. President, is oratory. And I think we have had enough of that.

Mr. RANDOLPH. Mr. President, a distinguished American has said:

> The present tensions with their threat of national annihilation are fostered by two great illusions. The one, a complete belief on the part of the Soviet world that the capitalistic countries are preparing to attack them; that sooner or later we intend to strike. And the other, a complete belief on the part of the capitalistic countries that the Soviets are preparing to attack us; that sooner or later they intend to strike. Both are wrong. Each side, so far as the masses are concerned, is desirous of peace. Both dread war. But the constant acceleration of preparation may, without specific intent, ultimately precipitate a kind of spontaneous combustion.

Those are the words of a man of unquestioned patriotism—a man who was probably the greatest soldier of the 20th century, the late Douglas MacArthur. That illusion of which he speaks has been a dominant theme running through the arguments of those who advocate deployment of the Safeguard ABM. And it is that illusion which continues to lead us down the path of nuclear weapons proliferation.

I have the very distinct impression that those who support deployment of the Safeguard system have reacted to this issue as if the tocsin of war with Russia has sounded, as if the gauntlet has been thrown down. Yesterday we talked of possible accommodation, of arms control, and of consultation. Tomorrow we may discuss such matters. But today it is nuclear war. Every scare, every ghost, every hostile phrase and activity have been paraded through this Chamber to justify the Safeguard as a protection against the Soviet threat. Any indication of relaxing tensions between the United States and Russia has been downgraded. Frankly, I sense the tone and the temper of some of the arguments simply as scare tactics. The issues cannot be separated—peace yesterday—nuclear war today—peace tomorrow, hopefully. This Senate dialog constitutes a critical element of any future arms control initiatives undertaken with the Soviet Union. After frightening the people of our country with the prospect of a fantastic Soviet superiority over the United States in weaponry, it is inconceivable that we can reverse our field to talk of accommodation.

There are persons who deny that the decision to deploy an ABM potentially stimulates the arms race and induces a reaction from the Russians. These individuals completely disregard a basic theory of conflict. The installation of any measure to protect an offensive capability generates from your opponent—if he is totally committed to the proposition of superiority over you—the effort to counteract your advancement. To state that the system which you install is "defensive" and therefore not provocative, is illogical. It seems to me that during this debate many proponents of the ABM have used a reference to comments from the Soviet Union that an ABM system is defensive and not meant to be provocative to justify their position. Of course, the Russians issue such statements, because they are utilized as rationale for a Russian ABM. Curiously, this proposition from the Soviet Union is accepted, while other comments are dismissed as being purely Soviet trickery. There is little reasoning here. Because the Soviet Union has installed ABM facilities surrounding Moscow and because we are stating that our system is primarily as a defense of retaliatory forces, the proponents of the ABM theorize that it follows accordingly that Russia will not construe this as a hostile action. Here is the failure to recognize the proposed phased deployment of the ABM in other areas of the United States, purportedly as a defense against China, leaving open the question of later modification as an enlarged defense system. Thus, the Soviets are to leave this unanswered question on the side of our good will, rather than taking the initiative to move forward with nuclear weaponry to counteract the more frightening prospect of an expanded American ABM system. Here is the assumption that the Soviet Union is willing to take the risk—while ours is to be a no risk policy. In my mind, there is no doubt the ABM stimulates the arms race. It is provocative. Be that as it may there are other facets to this very difficult problem which augur against the proposed deployment of the Safeguard system.

Mr. President, I believe it is critical to dispel a false and dangerous impression that has been generated during the months of discussion of the ABM. The United States is not without a massive deterrent force. Our Republic is not defenseless. Time has not run out on the American system. Our Nation has a strong and viable offensive capability. In fact, we have the capacity for overkill. Let there be no mistake about this fact. And our defense posture will continue to be strong.

Mr. President, I comment on a number of vital factors. Earlier, I used the phrase "scare tactics." This is to be avoided. We must present the facts to the American public but I submit that we must not leave the citizens of this country with the notion that our land is defenseless.

A Russian first strike against the United States is not inevitable. Secretary of Defense Melvin Laird has stated that in the event of a Russian attack:

> I am hopeful that we would be able to react immediately to an attack. . . . I do not want to frighten people about this I want the Soviet Union, and I want any potential aggressor to understand that we are going to be in a position where we will respond immediately.

It is my belief that we are in that position to respond. What does the Secretary of Defense refer to when he talks of our ability to respond immediately? America possesses an intricate system of radar and early warning devices which provides a capability to detect a hostile attack. This elaborate system is composed of the distant early warning—DEW—line, the ballistic missile early warning system—BMEWS—the SAGE system and other systems. There is no need now to again discuss the functions of these systems in detail. This has been done. We know that they provide an extensive and flexible early warning system. We continue to pursue research and development programs to refine our existing capability and to develop more sophisticated equipment. Thus, to speak only in term of the number of missiles and warheads disregards a critical element of our deterrent capability.

The early warning device facilities which give credibility to our offensive weapons systems cannot be ignored. And I suspect that we are in a better position and have a better prospect of major advances in this system than in any area of our weapons system.

What is behind this early warning system? What is the immediate response capability to which Secretary Laird has referred? The United States possesses a deadly arsenal of weapons, consisting of approximately 1,054 ICBM's, 41 Polaris submarines with over 600 missiles, over 500 bombers and hundreds of carrier-based fighter bombers with a nuclear weapons capability. This capacity involves nuclear tonnage sufficient to destroy the Soviet Union. The minority statement contained in the report on the procurement had this significant comment:

> We do believe that any primary defense against the threat of nuclear attack lies in our deterrent capacity. In this connection, we believe that with our Polaris fleet, our land-based ICBMs, our strategic bombers, and the thousands of additional nuclear warheads we have at sea and abroad, if we were attacked we could destroy the Soviet Union some fifty times over.

The term is "overkill."

It is particularly significant that our Polaris missiles cannot be targeted by enemy missiles as in the case of our fixed base ICBM's. The Polaris striking force,

which has within its arsenal the nuclear force to destroy the Soviet Union, is not restricted to set geographic coordinates. We continue to develop advanced missile systems for the Polaris submarine. And this arsenal is adaptable to expansion to meet increased threats. There is no substantial indication that the capability of the Polaris system is being threatened by Russian countermeasures.

Against this present—I emphasize present—array of weaponry, we have the statements by the Secretary of Defense that the Soviet Union could have approximately 2,500 ICBM's by 1975 and 1,000 submarine-launched missiles for a total of 3,500 missiles. We do not know that the Soviets will have this total. These are intelligence estimates, about which Secretary of Defense Laird said:

> Our national intelligence projections for the mid-1970's involves a large measure of judgment rather than hard evidence.

Yet, the proponents of the ABM persist as if the projected Russian force for 1975 were a reality today. And it is equally fallacious to lump in the Soviet capability the numbers of intermediate-range or medium-range missiles. This may be indicative of the Russian global deployments, but it is not indicative of meaningful levels of weapons in terms of the ABM issue. Yes, the Russians possess the same overkill capacity we have. Thus, in discussing the achievement of nuclear superiority, we do not mean the advantage of a few additional missiles. Rather, one must visualize thousands of missiles, which, if developed by any one nation, negates an effective ABM as conceived under the present proposal.

Against this background of nuclear weaponry we are asked to support the deployment of a defensive system which protects only a part of the American offensive capability—the ICBM. This part does not contain probably our most valuable deterrent, the Polaris submarine striking force. Even acknowledging the necessity of this protection the proposed ABM system has been not only questioned by scientific experts but also has been determined by many of them to be unworkable. It is my feeling that there are questions with regard to the reliability of the Safeguard missiles in this system in view of the number of weapons failures experienced in the most optimum testing conditions.

However, the ABM does not merely involve the effectiveness of the missiles. The heart of the ABM is a complex system of radars and computers, parts of which have not been built let alone tested under the optimum conditions. And yet we are to accept at face value the contentions of the proponents that this system—missiles, radars, and computers—will operate under the most horrible conditions imaginable—a nuclear conflict. I am unable to accept that position. I again quote from the minority statement on the ABM:

> Safeguard is the most complicated technological development ever planned for operation by man. The system consists of three major component parts: (1) missiles, (2) radars, and (3) computers.
>
> Although we have had a long and therefore disturbing series of failure in missile testing, including another Minuteman failure only last week, there is no reason to conclude that the two Safeguard missiles, the Spartan and the Sprint, will not work. But there is reason to doubt that the long-range radar (PAR) and the short-range radar (MSR), parts of which have not been built let alone tested, will operate successfully together in that almost instantaneous manner which would be necessary in case of sudden attack; and there is even more reason to doubt that the computer, which has been neither built nor tested, and which is admittedly far more complicated than any computer ever yet attempted, will operate properly when called upon to do so.
>
> Finally, it is logical to consider whether, even if these three separate components would operate properly as separate units, would they so operate when combined. For obvious reasons, the testing of any joint operation has not been possible.
>
> The second reason is the vulnerability of the system. Because the resistance strength (PSI) of the MSR radar is less than 10 percent of the strength of the missile site in its present conformation that radar is very vulnerable even to the less lethal, less accurate Soviet SS–11 missile, of which the Soviets have hundreds more than they have SS–9s.
>
> Because the MSR radar is designed to guide both Safeguard missiles to their targets, if it is knocked out the entire Safeguard system would be blinded and therefore worthless.

I think it is particularly significant also to remember that in launching a nuclear attack the enemy has available a multitude of tactics and gimmicks with which to evade a defensive system. Those in our Defense Department are confident we have such an ability to evade or bypass any ABM system which the Soviet Union has deployed. There is a likelihood that the Soviet Union possesses the same capability in this regard as does the United States. I see no merit in taking a system—a system which has not been subject to the extensive research and development procedures normally followed by our Defense Department—and deploying it with the presumption that we will then make it work. In responding to the reliability questions, many proponents of the ABM have utilized the arguments that if we can send a man to the moon we can surely make this system work. In my mind there is a failure in this argument to recognize that the recent moon shot was a result of years and years of preparation involving thousands of scientists and numerous preparatory launchings prior to focusing an entire agency of the Federal Government on a single launching operation. And launching in terms of the ABM we have a vastly different problem. The issue here involves the ability to launch hundreds of missiles against incoming missiles instantaneously as opposed to a single launching operation with a lengthy countdown and preparation period. I do not downgrade our space program. But that effort is not the same as what must be done with an ABM.

Mr. President, there is no doubt in my mind that additional research and development work on an ABM system is absolutely essential. I shall support a research and development program. I oppose the deployment of a system whose components have not been through even the most preliminary testing stages. I firmly believe that the ABM is a step toward escalation of the arms race at the very time that our Nation and the Soviet Union are creating the climate for arms discussions. We can approach such discussions with a strong position. The United States is not at the mercy of Russia and the United States will not be at the mercy of Russia by 1975.

Mrs. SMITH. I yield back the remainder of my time.

Mr. STENNIS. Mr. President, do I have time remaining?

The PRESIDING OFFICER. The time has expired.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

All time has expired. The question is on agreeing to the amendment of the Senator from Maine to the amendment of the Senator from Kentucky and the Senator from Michigan.

Mr. TOWER. Mr. President, a parliamentary question.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. TOWER. As I understand, the question is on agreeing to the amendment in the nature of a substitute for the Cooper-Hart amendment. If the substitute fails, the question recurs on the Cooper-Hart amendment.

The VICE PRESIDENT. The Senator is correct. The question is on agreeing to the amendment in the nature of a substitute for the Cooper-Hart amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[No. 65 Leg.]

YEAS—50

Aiken	Hart	Muskie
Bayh	Hartke	Nelson
Brooke	Hatfield	Pearson
Burdick	Hughes	Pell
Cannon	Inouye	Percy
Case	Javits	Proxmire
Church	Kennedy	Randolph
Cook	Magnuson	Ribicoff
Cooper	Mansfield	Saxbe
Cranston	Mathias	Schweiker
Eagleton	McCarthy	Smith
Ellender	McGovern	Symington
Fulbright	McIntyre	Tydings
Goodell	Metcalf	Williams, N.J.
Gore	Mondale	Yarborough
Gravel	Montoya	Young, Ohio
Harris	Moss	

NAYS—50

Allen	Ervin	Mundt
Allott	Fannin	Murphy
Anderson	Fong	Packwood
Baker	Goldwater	Pastore
Bellmon	Griffin	Prouty
Bennett	Gurney	Russell
Bible	Hansen	Scott
Boggs	Holland	Sparkman
Byrd, Va.	Hollings	Spong
Byrd, W. Va.	Hruska	Stennis
Cotton	Jackson	Stevens
Curtis	Jordan, N.C.	Talmadge
Dirksen	Jordan, Idaho	Thurmond
Dodd	Long	Tower
Dole	McClellan	Williams, Del.
Dominick	McGee	Young, N. Dak.
Eastland	Miller	

The VICE PRESIDENT. On this vote the yeas are 50, and the nays are 50. The Vice President votes nay. The amendment is rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TOWER. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The Chair would inform the Senate that the question now recurs on the amendment of the Senator from Michigan.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will withhold a moment. The Senate will please be in order.

The Senator from Mississippi will state the inquiry.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the Cooper-Hart amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. STENNIS. What is the question now before the Senate?

The VICE PRESIDENT. The question now before the Senate is adoption of the amendment offered by the Senator from Michigan, amendment No. 101.

Mr. STENNIS. That is called the Cooper-Hart amendment, is that not correct?

The VICE PRESIDENT. That is correct.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Missouri will state it.

Mr. SYMINGTON. Is all time on the Cooper-Hart amendment also——

The VICE PRESIDENT. All time on the Cooper-Hart amendment has expired.

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[No. 66 Leg.]

YEAS—49

Aiken	Hart	Muskie
Bayh	Hartke	Nelson
Brooke	Hatfield	Pearson
Burdick	Hughes	Pell
Cannon	Inouye	Percy
Case	Javits	Proxmire
Church	Kennedy	Randolph
Cook	Magnuson	Ribicoff
Cooper	Mansfield	Saxbe
Cranston	Mathias	Schweiker
Eagleton	McCarthy	Symington
Ellender	McGovern	Tydings
Fulbright	McIntyre	Williams, N.J.
Goodell	Metcalf	Yarborough
Gore	Mondale	Young, Ohio
Gravel	Montoya	
Harris	Moss	

NAYS—51

Allen	Byrd, W. Va.	Fannin
Allott	Cotton	Fong
Anderson	Curtis	Goldwater
Baker	Dirksen	Griffin
Bellmon	Dodd	Gurney
Bennett	Dole	Hansen
Bible	Dominick	Holland
Boggs	Eastland	Hollings
Byrd, Va.	Ervin	Hruska
Jackson	Murphy	Spong
Jordan, N.C.	Packwood	Stennis
Jordan, Idaho	Pastore	Stevens
Long	Prouty	Talmadge
McClellan	Russell	Thurmond
McGee	Scott	Tower
Miller	Smith	Williams, Del.
Mundt	Sparkman	Young, N. Dak.

So the Cooper-Hart amendment (No. 101) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The bill is open to further amendment.

Mr. McINTYRE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from New Hampshire will be stated.

The legislative clerk proceeded to read the amendment.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with and that the amendment be printed in full in the RECORD at this point.

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

At the end of the bill, insert the following new title:

"TITLE V—SAFEGUARD ANTIBALLISTIC MISSILE SYSTEM

"SEC. 501. (a) In the case of funds authorized under this Act for the Safeguard antiballistic missile system, such funds may be used only for—

"(1) Research, development, testing and evaluation of the system's radars, computers, and related electronic equipment, and procurement thereof.

"(2) Preproduction expenses of the Sprint and Spartan missiles and the production of such missiles for research, development, evaluation and testing.

"(b) The equipment described in clause (1) of subsection (a) may not be installed at any proposed ABM site, except at or near Grand Forks Air Force Base, North Dakota, and Malmstrom Air Force Base, Montana.

"(c) None of the funds appropriated pursuant to this or any other Act may be expended for the acquisition of land, not now owned by the United States, or the use of land owned by the United States, for the construction or installation of any ABM facilities at any proposed ABM site, except at or near Grand Forks Air Force Base, North Dakota, and Malmstrom Air Force Base, Montana.

"(d) None of the funds appropriated pursuant to this or any other Act may be expended for the procurement, installation, or deployment of any operational missile as a part of any antiballistic missile system, nor for the construction of any silos or other launch facilities for any operational missile as a part of any antiballistic missile system."

Mr. McINTYRE. Mr. President, I also request that the amendment be made the pending business, in view of the lateness of the hour.

Mr. MANSFIELD. And, Mr. President, no action will be taken on the amendment until tomorrow.

The PRESIDING OFFICER. All proceedings will be suspended until there is order in the Chamber, including the upper galleries, or the doors will be closed.

Mr. DIRKSEN. Mr. President, will the Senator from New Hampshire yield?

Mr. McINTYRE. I yield.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I would like to query the distinguished majority leader concerning the program for the rest of the day and also tomorrow.

The PRESIDING OFFICER. We must have order in the Chamber. The gallery doors will be closed, so that Senators can hear each other and be heard.

The Senator from Montana.

ORDER FOR RECESS TO 10:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the previous order granted for convening tomorrow be changed. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately after the prayer and the Journal the distinguished Senator from Indiana (Mr. HARTKE) be recognized for not to exceed 30 minutes.

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

ORDER FOR CONSIDERATION OF THE McINTYRE AMENDMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Indiana, the pending business be laid before the Senate and that the Senate start the consideration of the McIntyre amendment, which is now before the Senate.

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

COMMITTEE MEETINGS TOMORROW

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

Mr. MANSFIELD. I yield.

Mr. SPARKMAN. May committees have the right to sit? We have a very urgent executive session, if we could sit until 12 o'clock.

Mr. MANSFIELD. Until 12 o'clock, but not beyond that hour.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is very possible that Calendar No. 214, H.R. 7206, an act to adjust the salaries of the Vice President of the United States and certain officers of the Congress, may be brought up late in the afternoon tomorrow, if a break occurs, or if not then, on Friday. If it is brought up tomorrow, Members of the Senate had better be prepared for at least one rollcall vote, and perhaps more.

There will be no further business today, except speeches, unless a Senator has any questions.

Mr. MAGNUSON. Mr. President, I ask the majority leader, we have had pending here the merchant marine authorization bill for a long time. Upon inquiry, I have always received the answer that we wanted to finish this pending bill, which I understand.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MAGNUSON. We cannot appropriate anything, we cannot even have the State, Justice, and Commerce Department appropriations continued, until we get this business completed.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MAGNUSON. Until we get this authorization. But if we are going to break into the pending bill with another bill——

Mr. BYRD of West Virginia. Mr. President, may we have order? Senators cannot hear.

The PRESIDING OFFICER. We must have order in the Chamber. The Senators cannot be heard.

Mr. MAGNUSON. There are a great many of us on both sides of the aisle who would like to see this authorization out of the way.

The PRESIDING OFFICER. The occupants of the gallery are reminded that they are the guests of the Senate, and will be courteous and quiet.

Mr. MANSFIELD. The Senator knows there is a "hold" on it; amendments will be offered, and the matter cannot be disposed of in 1 day.

Mr. MAGNUSON. I know where the "hold" comes from, but I think the Senator from Delaware and I have always agreed on a time limitation. He will have an amendment on ship construction, which he normally has every year.

Mr. MANSFIELD. May I say to the distinguished Senator from Washington that I do not care whether the bill I announced is coming up, perhaps tomorrow, on the Post Office Department, ever comes or not, though something ought to be done for the Vice President. It is not my intention, except under the most unusual circumstances—and the joint leadership is in agreement on this—to set aside this measure for anything which will take up any length of time; and I dare say the bill which the Senator mentions—and it is a most important bill, and I recognize its need—will have to wait until we get through with the present business.

Mr. MAGNUSON. I do not think it will take up much time. I am sure the "hold"—I am just assuming this, but it usually is—is from the Senator from Delaware. If that bill cannot be taken up out of order, I am going to have to object to other bills also.

Mr. DIRKSEN. The other bill is not our bill. If the Senator wants to object to the Speaker and the Vice President, that is his privilege.

Mr. MAGNUSON. I have objected to the Speaker and Vice President many times.

Mr. MANSFIELD. And I am sure that will continue in the future.

Mr. MAGNUSON. Many times. But I am not objecting in that sense. I am trying to point out the urgency of getting at this authorization bill. It is holding up the State, Justice, and Commerce Department appropriations, and holding up all kinds of things, if it goes over until October; and if the Senator from Delaware is here, I need not stand here and tell him what is happening to the American merchant marine, when we cannot even get it authorized, let alone get the money. The Senator from Delaware and I are going to have a big argument, as we do every time, about the money. But I say, let us at least authorize the money to let the merchant marine continue to exist, before it sinks.

Mr. MANSFIELD. We will get to it as soon as possible.

Mr. MAGNUSON. I am for the Vice President and the Speaker of the House of Representatives, and the majority and minority leaders.

Mr. MANSFIELD. Mr. President, may I raise the possibility of a Saturday session this week? The joint leadership is prepared to come in early to meet the convenience of the Senate, and do everything we possibly can to expedite the passage of the pending business.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, since I shall require about 5 minutes, I yield 1 minute to the Senator from Nevada.

By unanimous consent, the following routine morning business was transacted.

DEATH OF JOHN GOSNELL, EXECUTIVE OFFICER AND GENERAL COUNSEL OF NATIONAL SMALL BUSINESS ASSOCIATION

Mr. BIBLE. Mr. President, our Nation, our private enterprise system, and especially the small business community has suffered a great loss in the recent death of John A. Gosnell.

John Gosnell was both executive officer and general counsel of National Small Business Association. He made many significant contributions to the small business community in his 13 years of distinguished and dedicated service to the association.

The many Members of Congress who knew him were indeed fortunate. We could not fail to realize the measure of his worth, and somehow share it. John Gosnell was a forthright man without pretension, a man who possessed a sense of high obligation and a sense of humor.

In addition to his service on the National Advisory Council of the Senate Select Committee on Small Business he was a member of the Advisory Council on Federal Reports; former vice chairman of the Small Business Committee of the American Bar Association; and was formerly a member of the Export Expansion Council of the Department of Commerce.

Mr. Gosnell was a member of the American, Federal, Arkansas, New York, and District of Columbia Bar Associations. Born in Little Rock, Ark., he was a 1925 graduate of Vanderbilt University. He was a specialist in the law of unfair competition and in trademark protection, and practiced law in El Dorado, Ark., Atlanta, Ga., New York, N.Y., and Washington, D.C. In earlier years he served with the Reconstruction Finance Corporation and the War Production Board.

Numerous tributes have been paid to him. Carl A. Beck, King of Prussia, Pa., chairman of the board of trustees, National Small Business Association said:

> John Gosnell had a great many friends, a host of acquaintances, and was widely known in the Washington community. The high personal esteem in which he was held reflected substantial recognition and stature to our Association, and opened new avenues of service and representation to the Small Business policy. His incisive analyses, coupled with a ready wit and delicious sense of humor, built esprit de corps and teamwork among both staff and trustees. He will be sorely missed both within and without our organization, but the structure and relationships he built stand as a tribute to his contribution.

This is a time of bereavement for John's lovely wife, Relda, and his wonderful family. It is a time of sorrow for all the small business community. John Gosnell would surely feel, however, that there must not be mourning but renewed dedication to achievement of the principles in which he so strongly believed.

He once wrote these fundamental truths:

> The truth is that the small enterpriser (entrepreneur) is the leaven of the socio-economic process, in a free economy, never static, hard to identify and define except by standards which are both arbitrary and temporary.

John Gosnell was a man capable of incisive appraisal, an articulate spokesman for private enterprise and a dedicated friend and supporter of the small business community.

Mr. JAVITS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

S. 2789—INTRODUCTION OF THE HEALTH, NUTRITION, AND HUMAN NEEDS ACT OF 1969

Mr. JAVITS. Mr. President, I introduce today the Health, Nutrition, and Human Needs Act of 1969, designed to eliminate poverty-related hunger and malnutrition among the Nation's urban, rural, and migrant poor.

I am the ranking member of the so-called Hunger Committee, and joining me in introducing this measure are the Senator from Wisconsin (Mr. NELSON), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Connecticut (Mr. DODD), and the Senator from Oregon (Mr. HATFIELD). Other Senators will undoubtedly join in sponsoring the bill; and I shall provide their names for the RECORD in due course.

As a result of initiatives taken by Senator MCGOVERN and other members of the Select Committee on Nutrition and Human Needs, by other committees and

Members of the Congress, and by concerned private citizens and groups—the Nation has "discovered" hunger in America.

The President's historic message of May 6, 1969, calling for "an end to hunger in America for all time," and the actions taken by Secretary of Agriculture Hardin, Secretary of Health, Education, and Welfare Finch and others in the administration—overcoming some of the redtape that entangled their predecessors—have brought us from discovery of a national problem to a commitment to take appropriate action. Food stamp and other legislation proposed by my colleagues to deal with particular facets of the problem are welcome steps down the road from commitment to resolution.

The Senate established the Select Committee on Nutrition and Human Needs to determine what steps would be necessary "to establish a coordinated program" to assure "every U.S. resident adequate food, medical assistance, and related basic necessities of life and health."

The "Health, Nutrition, and Human Needs Act of 1969," which I introduce today, would provide, for the first time, a complete spectrum of programs designed to eliminate the disgrace of poverty-related hunger and malnutrition in the United States.

The act would establish six major programs:

First, a program of nutrition outreach is authorized to improve the effectiveness of our food and nutrition assistance programs at the local level by involving the Office of Economic Opportunity, and particularly Vista and other volunteers.

Second, the Nutrition Education and Information Act is designed to inform the Nation, and particularly its low-income citizens, of the nutritional and economic aspects of food use and acquisition and to determine the extent and effects of the failure to meet the nutritional requirements of human development.

Third, under the Maternal and Child Nutrition Act, low-income mothers, infants, and children would receive nutriments, supplemental foods, and health services related to malnutrition.

Fourth, the Private Industry Nutrition Assistance Act would provide incentives to small businesses, reform the Food Stamp Act of 1964, and establish a Private Sector Advisory Committee on Nutritious Foods, to increase the private distribution of nutritious commodities to low-income households.

Fifth, the Human Needs Act would direct the Secretary of Agriculture to utilize commodity distribution programs to supplement the food stamp and school feeding programs.

Finally, a National Advisory Council on Malnutrition would be created to make a continuing evaluation of all food and nutrition assistance programs, and to advise the President and the Congress. Extensive provisions in this act were designed to promote greater administrative cooperation among the Federal agencies involved in food programs.

THE HEALTH, NUTRITION AND HUMAN NEEDS ACT. TITLE I—NUTRITION OUTREACH ACT

Existing food assistance programs have failed to reach most of the Nation's urban, rural, and migrant poor. The nutrition outreach program of title I authorizes the Office of Economic Opportunity to utilize, at the local level, comprehensive nutrition and related health and education services available under this and related acts.

President Nixon articulated the goals of this title in his address of May 6:

The Office of Economic Opportunity, with its exclusive commitment to the problems of poverty and its unique outreach among the poor themselves, has an especial role to play.

To give legislative sanction to that role, the nutrition outreach program amends the Economic Opportunity Act to provide a full range of supportive services at the local level. The Director of the Office of Economic Opportunity is authorized to use Vista volunteers and to establish auxiliary and special volunteer programs in order to assist in the identification of those in the greatest need, inform the poor of food and nutrition programs, and assist them in obtaining the benefits thereof.

Presently, many low-income persons are handicapped by the inaccessibility of food stamp centers. Witnesses before the select committee have described the complicated administrative procedures which also block greater use of certification and issuance centers. This title would remove these onerous burdens for it authorizes the establishment of local food stamp centers and assistance to those who most obtain food stamps.

Many of the four million participants in the commodity distribution program, according to hearings of the select committee, face similar hardships in traveling from their homes to the distribution centers. This title therefore authorizes programs for the purchase or rental of mobile vans suitable for the distribution of commodities—as well as supplemental foods.

This title also establishes programs for the formation of buying clubs, food store cooperatives, consumer cooperatives, and community stores. Such cooperatives are needed in low-income areas and have already been successfully initiated in parts of the United States. For example, the Greenwood Grocery Co-op in Greenwood, Miss., now has sales of $5,000 each week and offers low food prices and quality food to its 900 members. Such co-ops not only give low-income persons the chance to stretch their food dollars, but also gives them the opportunity to contribute to a community organization intent on bringing about needed changes in community life.

In order to insure that the nutritional needs of low-income persons are met, the title directs the Director of the Office of Economic Opportunity to carry out a complete evaluation of all food assistance programs, with periodic reports of his findings and recommendations to the President and to the Congress.

TITLE II—NUTRITION EDUCATION AND INFORMATION

The purpose of this title is twofold: To teach the poor how to help themselves in acquiring nutritious foods and maintaining wholesome diets, and to research the relationship between nutrition and healthful development.

Under part A, the Secretary of Health, Education, and Welfare is authorized to enlist appropriate educational and other agencies, as well as related private entities, in new programs designed to educate low-income persons in the nutritional and educational aspects of food use and acquisition. Schools, neighborhood health, day care, preschool and child centers, and educational broadcasting will become the vehicles for new informational materials and curriculums. All worthwhile and workable educational devices and techniques will be called into service. The need to provide such information was stressed by the Food and Nutrition Committee on the Urban Affairs Council in its findings earlier this year.

Knowledge of nutritional needs for families would be inadequate without continuing research. Therefore, part B directs the Secretary of Health, Education, and Welfare to conduct a continuing comprehensive survey to study the incidence and location of hunger and malnutrition, the kinds of foods to be approved for purposes of the act and the relationship between malnutrition and intellectual, emotional, and physical development.

I recommend that the Secretary of Health, Education, and Welfare conduct this comprehensive survey also with special consideration of the nutritional needs of migrants, the rural poor, Eskimos, Indians, and the elderly. These minorities have suffered too long from neglect of their special nutritional needs.

No one knows exactly how many children each year are born prematurely to malnourished mothers. Such children are more susceptible to disease and often die in the first year of life. Many of these children never appear on public health rolls as victims of malnutrition. To rectify this situation, this part amends the Public Health Service Act to include statistics on deaths of adults and children which are attributable or related to conditions of hunger and malnutrition and authorizes the Surgeon General to include reports of incidences of hunger and malnutrition in annual health conferences.

TITLE III—THE MATERNAL AND CHILD NUTRITION ACT

The President has noted that—

Serious malnutrition during pregnancy and infancy can impair normal physical and mental development in children. Special effort must be made to protect this vulnerable group for malnutrition.

Part A of this title establishes new programs to provide low-income households with nutriments and supplemental foods, and related health services necessary for proper human growth and development, remedial programs utilizing work training programs, and volunteers,

to identify and rehabilitate young children who have suffered from nutritional deficiencies.

In his address, the President specifically requested that the Secretary of Health, Education, and Welfare provide "special package and pilot voucher programs for pregnant women and infants so that vitamin and mineral products can be made available to those diagnosed as suffering from nutrient deficiencies." Purchase voucher and similar plans are specifically authorized under this act.

Our programs must not end when a child enters school. Although from 6 to 7 million American children are eligible for free or reduced-price lunches, less than 3 million needy children benefit from such programs. Schoolchildren's minds cannot be filled with knowledge if their stomachs are not filled with food.

Mr. President, testimony before the select committee has pointed out the need for stronger leadership—both from Congress and the Department of Agriculture—in setting forth guidelines and standards for children who participate in the free and reduced-price lunch programs. Leadership is also needed to assure maximum participation of needy children in all child feeding programs.

Therefore, part B of this title directs the Secretary of Agriculture to consult with the Secretary of Health, Education, and Welfare in order to establish national eligibility standards for participation of needy children in free or reduced-price meal programs as well as uniform standards for States to use in distributing Federal funds to local schools or school districts. The aim is to assure maximum participation by needy children in school and other child feeding programs of the Federal Government.

In the implementation of child feeding reforms, it is important that needy children are not made known to their fellow students through published lists, tickets, or any other such devices. For this reason, part A requires that no overt identification shall be made of any child who receives free or reduced-price meals under any Federal program. For too long, poor children have been embarrassed by published lists or separate lines.

We must also take steps to insure that milk under the special milk program benefits needy students. This part requires the Secretary of Agriculture to consult with the Secretary of Health, Education, and Welfare to insure that priority is given to the furnishing of milk to such children.

It is generally accepted that the American private food market is the most effective food distribution system in the world. I feel that we should take steps now to speed up and encourage private food service concerns and processors to bring their expertise to food distribution, management, and services for our school feeding programs. The pace has been extremely slow and it is the intention of this title to hasten and expand such efforts. This title would provide $10 million for the Secretary of Agriculture to carry out demonstration projects with private food companies for the supply, preparation, and delivery of food in schools which have no or limited facilities for meal preparation and which are located in low-income areas. Every effort should be made to bring into schools which now are without facilities.

Rodney E. Leonard, former Administrator of Consumer and Marketing Services in the U.S. Department of Agriculture, and presently a consultant to the Children's Foundation on food assistance programs, said recently before the select committee:

> It would be an absurd waste of money if tens of millions of dollars were poured into building and equipping expensive kitchens when the food service technology now available has already eliminated the need for these facilities.

These provisions would bring us a long way toward realization of the goal stated by the Food and Nutrition Committee of the Urban Affairs Council, to provide "free or reduced price lunch and breakfast to all children from low-income families attending school or in Headstart, day care or summer camp programs."

TITLE IV—PRIVATE INDUSTRY NUTRITION ASSISTANCE ACT

Title IV is intended to increase the access of low-income families to nutritious foods through the private food distribution system. The Urban Affairs Council correctly pointed out:

> The American private food market is the most effective food distribution system in the world. Efforts should be made to extend its reach to those it presently misses.

I might add that recent testimony before the Select Committee on Nutrition and Human Needs reveals a very clear willingness among private industry to provide necessary services.

Five programs are authorized by this title.

Part A calls for demonstration projects involving business concerns, local retail foodstores and foodstore cooperatives for the development and distribution of low-cost fortified or enriched foods and for the development of nutritional education messages and new and improved package designs, containers and recipes emphasizing nutrition content for use in low-income areas. For years, this country has been working with private food companies to develop fortified and enriched foods for consumption in developing countries while, until recently no such programs have been undertaken in this Nation. If we can provide such services abroad, we should certainly provide them at home.

Part B of this title is designed to foster in low-income areas business activity in keeping with the purposes of the act. Priority is to be given to those small business concerns which are owned by residents of the area to be served and to those which engage in the production, processing and distribution of highly nutritious and fortified commodities as determined by standards established elsewhere in the act. In addition, this part gives the Administrator of the Small Business Administration, after consultation with the Director of the Office of Economic Opportunity and the Department of Commerce, the authority to require that assisted small business concerns provide employment opportunities in the area to be served.

Part C of this title is designed to make greater use of local development corporations in fulfilling the purposes of this act. Utilization of local development corporations will also promote greater community involvement. Such corporations providing, in the aggregate, more than 50 percent of their assistance in aid of small business concerns qualifying under part B of this title will receive certain benefits under this part.

Part D of this title contains amendments to the Food Stamp Act of 1964 designed to compensate for the limited food-purchasing power of low-income households. The amendments require the Secretary of Agriculture to consult with the Secretary of Health, Education, and Welfare in administering the program. National requirements are established to insure that any household of four with a monthly income of $360 or less is eligible for participation in the program. Any household with a monthly income of $80 or less is entitled to free food stamps. In order to encourage the recipients of food stamps to use such stamps for the purchase of nutritionally enriched foods, the Secretary is authorized to provide for a higher face value on food stamps when they are used for that purpose. Other sections accomplish reforms in the administrative procedures. In order to accomplish the purposes of the act, the Secretary is authorized to operate a food stamp program at the same time as food commodity programs.

In offering these amendments I hope to build upon and interrelate with other programs the needed reforms that Senator McGOVERN, members of the Senate Agriculture Committee, and the administration have offered and are now before the Congress.

On May 6 the President expressed a recommendation of the Urban Affairs Council which called for "an advisory committee of major food processing and food distribution companies." Part E would establish the Private Sector Advisory Committee on Nutritious Foods in line with the President's request, to obtain the opinions of and to benefit from the innovations of the private food industry and related professionals.

TITLE V—THE HUMAN NEEDS ACT

This title requires that direct commodity distribution programs be used to supplement food stamp and school feeding programs to insure that low-income families in the United States are provided with a suitable variety of foods necessary to provide such households with well-balanced, nutritiously adequate diets. In order to provide such foods, the Secretary of Agriculture is directed to establish national standards of eligibility, make cash payments to States, make grants to public and private agencies for storage and use "section 32" funds for the purchase of nutritional foods not otherwise available under Federal food assistance programs.

USDA figures state that the participation level in the commodity programs nationally is only 22 percent. It is mainly for this reason that this title directs the Secretary of Agriculture to take measures to insure the maximum participation of low-income households in commodity

distribution programs and authorizes the Secretary to make the payment necessary to assist States and local agencies in carrying out the objectives of the title. It is unfair to tell States which are already overburdened with financial problems develop comprehensive programs unless the Federal Government helps them to defray some of the costs of such programs.

So that the commodity distribution program will be able to reach more people in need, this title directs the Secretary of Agriculture to consult with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity to arrange for the distribution of commodity foods through neighborhood service centers of HUD, OEO, and other agencies. He is also authorized to utilize the facilities of private organizations for the storage and distribution of such commodities.

As I stated earlier, the location of commodity distribution centers is of major importance in reaching all of those in need. In many cities, neighborhood service centers operated through the Office of Economic Opportunity, the Department of Housing and Urban Development, and churches or schools serve as community centers for a variety of projects. These centers are centrally located and readily available to the community residents so that there would be no problem of transportation to and from such centers in order to receive commodities. I am sure that we all realize the difficulty we would have if we had to go 5 or 10 miles in order to purchase our groceries. The same is true for recipients of food commodities—they should not be required to travel great distances in order to receive their food.

TITLE VI—GENERAL PROVISIONS

Under this title a National Advisory Council on Malnutrition would be established to study the operation and effectiveness of programs authorized under this and other acts. Second, this title contains provisions to encourage coordination and authorizes transfers and joint projects in order to insure maximum effectiveness, without unnecessary duplication.

One of the primary values of the Council will be to receive the opinions of representatives of the poor. Therefore, the act directs that at least seven members be representatives of the Nation's urban, rural, and migrant poor.

Mr. President, because I feel that the Federal role can be effective only if there is cooperation and coordination at the State and local level, I have stated in my bill that the National Council shall encourage the establishment of State and local advisory councils on hunger and malnutrition. Secretary Finch has indicated that the Nation's Governors have a major role in combating hunger and I feel that the establishment of such State councils is a big step in meeting that objective.

As the ranking minority member of the Select Committee on Nutrition and Human Needs. I have seen how field hearings have had a positive effect in finding out what the problems were in particular areas relative to hunger and food program inadequacies. It is for this reason, Mr. President, that the Council is authorized to conduct hearings. I feel that hearings conducted by such a Council or its members would be extremely helpful in the formulation of its recommendations to the President.

Such a Council would be an extremely valuable asset to all Federal agencies concerned with our food assistance programs. I am confident that the President, upon enactment of this legislation, will select the most competent, qualified, and broadly representative persons for appointment to the Council. The President's concern in eliminating hunger has been made clear by his message to the Congress and by his appointment of Dr. Jean Mayer, nutritionist and Professor of nutrition at Harvard's School of Public Health, as his special consultant to plan the White House Conference on Nutrition to be held later this year.

Implementation of this act would require an estimated $1.3 billion for food stamps and $415,000,000 for other programs in the first year.

Mr. President, the problem of hunger and malnutrition is not only an urban or a rural one. It is not a black or a white one. Nor is it a new one. But only recently have we become aware of the need for multifaceted, full-spectrum comprehensive programs to combat these problems of national concern. It is now time to act.

Lines of hungry, malnourished Americans, so visible during the depression, less visible, but continuing today, are bitterly ironic in this age of prosperity.

With humility we recognize the grandeur of our intentions. With pride, we conceive of their fulfillment—the fulfillment of a second, long-awaited dream of mankind—the end of hunger.

Mr. President, I ask unanimous consent that a title-by-title analysis of the bill, together with the text of the bill itself, 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 the section-by-section analysis will be printed in the RECORD.

The bill (S. 2789) to eliminate poverty-related hunger and malnutrition in the United States through interrelated and coordinated programs, and for other purposes, introduced by Mr. JAVITS (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. 2789

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 "Health, Nutrition, and Human Needs Act of 1969".

STATEMENT OF POLICY

The Congress hereby finds and declares that it is the policy of the Congress to eliminate poverty-related hunger and malnutrition in the United States by enlisting through interrelated and coordinated programs the combined resources of local, State and Federal governmental agencies and private, profit and nonprofit organizations and volunteers in a sustained effort to provide the Nation's urban, rural, and migrant poor with sufficient nutrition to enable them to function as healthy citizens.

TITLE I—NUTRITION OUTREACH

SHORT TITLE

SEC. 101. This title may be cited as the "Nutrition Outreach Act".

STATEMENT OF PURPOSE

SEC. 102. The Congress hereby finds and declares that nutrition assistance programs have failed to reach many of the Nation's urban, rural, and migrant poor. It is the purpose of this title to improve the access of the poor to nutrition assistance by the development of supportive programs at the community level and by a continuing evaluation of all nutrition assistance programs to determine the effectiveness of such programs in meeting the needs of the poor.

AMENDMENTS TO ECONOMIC OPPORTUNITY ACT OF 1964

SEC. 103. The Economic Opportunity Act of 1964 is amended as follows:

(1) Section 222(a)(6) of such Act is amended to read as follows:

"(6) A program to be known as 'nutrition outreach' designed to improve the access of low-income persons to nutrition assistance, which program shall include but not be limited to—

"(A) programs to furnish information to low-income persons regarding the nutritional and economic aspects of food use and acquisition in order to assist them in maintaining a nutritious diet;

"(B) programs to inform low-income persons of their eligibility under federally assisted nutrition programs and to assist them in certification for assistance;

"(C) programs to assist low-income persons in the purchase of food stamps including but not limited to programs to establish food stamp centers;

"(D) programs to ensure the participation in school feeding programs of all low-income children eligible for such programs;

"(E) programs to improve the distribution of surplus and other food commodities and special diet supplements to low-income persons, including but not limited to programs for the establishment of commodity distribution centers and the purchase or rental of mobile vans suitable for such distribution;

"(F) programs to provide such foodstuffs, and medical and hygienic services may be necessary to counteract poverty-related conditions of malnutrition among low-income persons;

"(G) programs to encourage the formation of urban and rural buying clubs, foodstore cooperatives, consumer cooperatives, and community stores; and

"(H) programs and research for the development of new approaches to solve nutritional problems of low-income persons, including but not limited to studies to determine the feasibility of establishing a public corporation therefor.

The Director of the Office of Economic Opportunity shall consult with and enter into such arrangements and agreements with the heads of other departments and agencies of the Federal Government and with State and local agencies as may be necessary to ensure the effective coordination with and the maximum utilization of food and nutrition programs authorized under this Act and all other Federal, State, and local food and nutrition programs."

(2) Section 221(a)(4) of such Act is amended by adding a comma and "sound nutritional practices" after "adequate housing."

(3) Section 222(a)(7) of such Act is amended by adding at the end thereof the following new sentence: "Information provided under this program shall include information on the nutritional and economic aspects of food use and acquisition."

(4) Section 222(a)(8) of such Act is amended by adding "nutrition and food" after "education."

(5) Section 224 of such Act is amended by adding "nutrition" after "recreation."

(6) Section 233 of such Act is amended by adding at the end thereof the following new subsection:

"(d) After consultation with the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, the Director shall carry out a complete evaluation of all food assistance and related programs of the Federal Government in order to determine the effectiveness of such programs in meeting the needs of low-income persons. The Director shall report his findings and recommendations to the President not later than January 20 of each year beginning with the calendar year 1970."

(7) Section 312(a)(1) of such Act is amended by adding "nutrition" after "health services."

(8) Section 522(a) of such Act is amended by adding "nutrition" after "social".

(9) Section 610 of such Act is amended by adding "nutrition" after "education".

(10) Section 810(a)(1) of such Act is amended by adding "nutrition" after "welfare."

(11) Section 820(a) of such Act is amended by adding "and poverty-related hunger and malnutrition" after "elimination of poverty."

APPROPRIATIONS AUTHORIZED

SEC. 104. There is authorized to be appropriated the sum of $300,000,000 for the fiscal year ending June 30, 1970, and such sums as may be necessary for each of the four succeeding fiscal years to carry out the provisions of this title.

TITLE II—NUTRITION EDUCATION AND INFORMATION

SHORT TITLE

SEC. 201. This title may be cited as the "Nutrition Education and Information Act".

STATEMENT OF PURPOSE

SEC. 202. The Congress hereby finds and declares that the Nation lacks sufficient knowledge with respect to sound nutritional practices and the incidence of hunger, and malnutrition among its citizens. It is the purpose of this title to encourage the development of new and improved curriculums and educational materials relating to the nutritional and economic aspects of food use and acquisition and to authorize research projects designed to increase general knowledge with respect to the nutritional needs of the Nation.

PART A—NUTRITION EDUCATION

NEW PROGRAMS

SEC. 211. (a) The Secretary of Health, Education, and Welfare (hereinafter in this part referred to as "the Secretary") is authorized to make grants to and enter into contracts and agreements (including interagency agreements) with and provide technical assistance to Federal, State, and local governmental agencies and private, profit and nonprofit organizations and institutions, including but not limited to State and local educational agencies, institutions of higher education, public and private nonprofit hospitals, neighborhood health, day care, preschool, and child service centers and facilities and educational broadcasting entities, for programs and projects for—

(1) the development and conduct of courses and community education programs (including seminars, workshops, and conferences) and for the preparation and distribution of informational materials, relating to nutritional and economic aspects of food use and acquisition;

(2) the planning and conduct of preservice and inservice specialized work training programs for individuals (including, to the maximum extent feasible, individuals of low-income status) designed to prepare such individuals to administer and supervise administration of programs conducted persuant to clause (1); and (3) the evaluation of programs and projects conducted pursuant to clauses (1) and (2).

(b) The Secretary shall give priority to programs and projects which are designed to educate, inform, and involve members of low-income households.

(c) Financial assistance for a program or project under this section may be made only upon application at such time and meeting such requirements as the Secretary deems necessary. Applications from local educational agencies for financial assistance under this section and any amendments thereto may be approved by the Secretary only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(d) Payments under this section may be made in advance or by way of reimbursement, and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this section.

(e) The Secretary shall consult with the Secretary of Agriculture, the Director of the Office of Economic Opportunity, and the heads of other appropriate Federal, State, and local agencies to develop procedures for coordination of programs under this section with those under related Federal, State, and local public assistance programs and food and nutrition assistance programs to insure that educational and informational programs on the economic and nutritional aspects of food use and acquisition are an integral part of such related programs. With the consent of the agency or department concerned, the Secretary is authorized to utilize the facilities and personnel of other Federal, State, and local departments and agencies in carrying out the provisions of this part.

APPROPRIATIONS AUTHORIZED

SEC. 212. There is authorized to be appropriated for the purposes of this part the sum of $25,000,000 for the fiscal year ending June 30, 1970, and such sums as may be necessary for each of the four succeeding fiscal years.

AMENDMENT OF HIGHER EDUCATION ACT OF 1965

SEC. 213. Section 531(b) of the Higher Education Act of 1965 is amended by striking out the period at the end of clause 10 and inserting in lieu thereof a semicolon and the word "and", and by inserting after such clause a new clause as follows: "(11) programs or projects to prepare teachers and other educational personnel to meet the special problems created by malnutrition and hunger."

AMENDMENT OF VOCATIONAL EDUCATION ACT OF 1963

SEC. 214. Section 161(b) of the Vocational Education Act of 1963 is amended by adding after "consumer education programs," the following: "including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase,".

PART B—INFORMATION ON NUTRITIONAL NEEDS

CONTINUING COMPREHENSIVE SURVEY

SEC. 221. The Secretary of Health, Education, and Welfare, in consultation and cooperation with other officials of the Federal Government and of the States, shall conduct a continuing comprehensive survey of the incidence and location of serious hunger and malnutrition and health problems incident thereto in the United States and shall report his findings and recommendations for dealing with these conditions to the President not later than January 20 of each year, beginning with the calendar year 1970.

NUTRITIOUS FOOD STUDY

SEC. 222. The Secretary of Health, Education, and Welfare is authorized to carry out a continuing study regarding the kinds of food which should be approved as "enriched foods" for purposes of this Act and shall periodically advise the Secretary of Agriculture and the Administrator of the Small Business Administration and other appropriate agencies and departments of the findings of such study. The study conducted under this section shall include all recent developments in food fortification and enrichment, including the effect of the practices and regulations of the Food and Drug Administration upon such developments. Such study shall be conducted in cooperation with the Private Sector Advisory Committee on Nutritious Foods, established under section 441 of this Act.

RESEARCH ON FOOD AND NUTRITION

SEC. 223. The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Agriculture, shall plan and conduct research on poverty-related hunger and malnutrition, including but not limited to the relationship between malnutrition and intellectual, emotional, and physical development.

AUTHORIZATION OF APPROPRIATIONS

SEC. 224. There is authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1970, and such sums as may be necessary for each of the four succeeding fiscal years to carry out the provisions of sections 221, 222, and 223 of this part.

AMENDMENTS TO EXISTING LAW

SEC. 225. The Public Health Service Act is amended as follows:

(1) Section 313 of such Act is amended by adding at the end thereof the following new sentence: "Such forms shall be prepared in such manner as to provide for an indication of the number of deaths which are attributable directly or indirectly to conditions of hunger or malnutrition."

(2) Section 312(a) of such Act is amended by adding at the end thereof the following new sentence: "To the maximum extent feasible such collection of statistics shall indicate the number of deaths of adults and the number of deaths of children which are attributable directly or indirectly to conditions of hunger or malnutrition."

(3) Section 441 of such Act is amended by adding at the end thereof the following new sentence: "The institute authorized to be established by the preceding sentence shall also conduct and support research and training relating to malnutrition (including prenatal malnutrition) and its effects on maternal health, child health, and human development, with special emphasis on malnutrition in the health and development of members of low-income households."

APPROPRIATIONS AUTHORIZED

SEC. 226. In order to enable the Secretary of Health, Education, and Welfare to carry out the provisions of the second sentence of section 441 of the Public Health Service Act, as amended by this title, there is authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1970, and such amounts as may be necessary for each of the four succeeding fiscal years.

TITLE III—MATERNAL AND CHILD NUTRITION

SHORT TITLE

SEC. 301. This title may be cited as the "Maternal and Child Nutrition Act of 1969".

STATEMENT OF PURPOSE

SEC. 302. The Congress hereby finds and declares that malnutrition during pregnancy, infancy, and childhood can seriously impair the ability of an individual to develop physically and mentally. It is the purpose of this title to provide mothers, infants, and children in low-income households with the nutrients and supplemental foods and related health services necessary to proper human growth and development.

PART A—HEALTH PROGRAMS

NEW PROGRAMS

SEC. 311. (a) The Secretary of Health, Education, and Welfare (hereinafter in this part referred to as "the Secretary"), in consultation with the Secretary of Agriculture, is authorized to make grants to and enter into contracts and agreements, including interagency agreements, with and provide technical assistance to Federal, State, and local governmental and private profit and nonprofit agencies, organizations, and institutions including but not limited to State and local hospitals, neighborhood health, day care, and preschool child service centers and facilities for the planning and conduct of—

(1) specialized programs designed to provide to mothers and children in low-income households public health services for the prevention and treatment of mental and physical health problems which are attributable to, caused by or connected with malnutrition and hunger;

(2) programs to provide mothers and children in low-income households with supplemental food and nutriments; and in order to provide such supplemental food and nutriments the Secretary may by regulation establish a purchase voucher or similar plan entitling participants therein to specified amounts of foods and medical and hygienic items and services required for sound nutrition and care during pregnancy and infancy;

(3) remedial programs to identify and rehabilitate infants and young children whose growth and development have been retarded by reason of nutritional deficiencies; and

(4) specialized work training programs and volunteer service programs for individuals (including, to the maximum extent feasible, individuals of low-income status) designed to prepare such individuals to administer, and supervise in the administration of, the services provided under the programs referred to in paragraphs (1), (2), and (3).

(b) Payments of any grants under this section shall be made in advance or by way of reimbursement, and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this section.

(c) Each recipient of any grant under this section shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such funds from such grant are given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(d) The Secretary shall have access for the purpose of audit and examination to any books, documents, papers and records of the recipients of grants hereunder that are pertinent to the grants received under this section.

(e) In carrying out the provisions of this section, the Secretary shall, to the maximum extent feasible, cooperate with other Federal, State, and local departments and agencies which are carrying on programs and activities related to those authorized by this section. With the approval of the head of the Federal, State, or local department or agency concerned, the Secretary of Health, Education, and Welfare is authorized to utilize the facilities and personnel of other Federal, State, and local departments and agencies in carrying out the provisions of this section.

(f) There is authorized to be appropriated for the purposes of this part the sum of $50,000,000 for the fiscal year ending June 30, 1970, and such sums as may be necessary for each of the four succeeding fiscal years.

AMENDMENTS TO EXISTING LAW

SEC. 312. (a) The Public Health Service Act is amended as follows:

(1) The first sentence of section 311(b) of such Act is amended by inserting immediately after "health services," the following: "the establishment and conduct of programs to meet the problems of hunger and malnutrition,".

(2) The first sentence of section 312 of such Act is amended by inserting immediately after the first sentence thereof the following new sentence: "There shall be included on the agenda of any such conference reports and discussions of the problems of hunger and malnutirtion."

(3) Section 314(a)(2)(C) of such Act is amended by inserting "(including such needs which are attributable directly or indirectly to conditions of hunger or malnutrition)" immediately after "health needs."

(4) Section 314(d)(7) of such Act is amended by inserting immediately after the first sentence thereof the following new sentence: "Effective with respect to allotments under this subsection for the fiscal year ending June 30, 1970, and for each of the next two fiscal years, not less than 10 per centum of a State's allotment under this subsection shall be available only for the provision under the State plan of specialized services which are designed to provide health services, nutriments, and supplemental foods for the prevention, diagnosis, and treatment of mental and physical health problems, which are related to maternal health, child health, and human growth and development (including prenatal development) for mothers and children in low-income households, and which are attributable to, caused by, or connected with malnutrition and hunger."

(b) Section 2 of the Act entitled "an Act to transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes", approved August 5, 1954 (Public Law 568, 83d Congress), as amended, is amended by inserting "(including such needs which are attributable directly or indirectly to conditions of hunger or malnutrition)" immediately after "health needs" each place such term appears therein.

PART B—CHILD NUTRITION PROGRAMS

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACT OF 1966

SEC. 321. (a) Section 2 of the National School Lunch Act is amended by inserting after the words "Secretary of Agriculture" the following words: "in consultation with the Secretary of Health, Education, and Welfare".

(b) Sections 2 and 3 of the Child Nutrition Act of 1966 are amended by inserting after the words "Secretary of Agriculture" the following words: "in consultation with the Secretary of Health, Education, and Welfare".

(c) Section 3 of the Child Nutrition Act of 1966 is amended by adding at the end thereof a new sentence as follows: "The Secretary of Agriculture shall, after consultation with the Secretary of Health, Education, and Welfare, impose such requirements as he deems necessary under this Act to insure that priority is given to the furnishing of milk to low-income children."

DEMONSTRATION PROJECTS

SEC. 322. (a) The Secretary of Agriculture is authorized, after consultation with the Secretary of Health, Education, and Welfare, to formulate and carry out demonstration projects under which the Secretary of Agriculture shall contract with private food service concerns for the preparation of nutritious meals and with private food processors for the provision of such meals in schools which lack or have inadequate food preparation facilities and/or food programs and which are located in rural or urban areas having a high concentration of low-income households. Such projects may also be carried out for the benefit of children participating in preschool and nonschool programs if the children participating in such programs are predominantly children of low-income households.

(b) Such projects shall be placed in operation not later than six months after the date of enactment of this title and shall be administered, to the extent practicable, in conjunction with nutrition education programs carried out under this and other acts.

(c) The Secretary of Agriculture shall consult with and cooperate with local authorities.

(d) In carrying out this section, the Secretary of Agriculture shall furnish to the maximum extent possible, milk and other agricultural commodities in carrying out this section.

(e) There is authorized to be appropriated the sum of $25,000,000 for the fiscal year ending June 30, 1970 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the provisions of this section.

STANDARDS

SEC. 323. (a) The Secretary of Agriculture shall consult with the Secretary of Health, Education, and Welfare to—

(1) establish eligibility standards which children must meet to qualify for free or reduced price meals provided under any Federal program;

(2) establish such uniform standards and procedures as he deems necessary for the allocation to schools and school districts of Federal funds made available to States under child feeding programs to assure maximum participation by schoolchildren of low-income households in the programs authorized by this title and under any other Federal program; and

(3) develop curricula, training programs, and materials relating to diet and nutrition to be used in the training and education of persons engaged in the operation of school feeding programs for children.

(b) No overt identification shall be made of any child who is furnished food at a free or reduced price under any Federal program.

EVALUATION

SEC. 324. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Agriculture, shall evaluate the adequacy and effectiveness of school food programs administered by the Department of Agriculture, the Department of Health, Education, and Welfare, and other departments and agencies of the Government in meeting the nutritional and health needs of school children, preschool children and children provided with food under nonschool programs, and shall report his findings and recommendations for improving such programs to the President not later than January 20 of each year, beginning with the calendar year 1970. The Secretary shall, in evaluating the adequacy and effectiveness of such programs, determine the extent to which such programs provide nutrition assistance and education to children of low-income households.

TITLE IV—PRIVATE INDUSTRY NUTRITION ASSISTANCE ACT

SHORT TITLE

SEC. 401. This title may be cited as the "Private Industry Nutrition Assistance Act".

STATEMENT OF PURPOSE

SEC. 402. The Congress hereby finds and declares that fortified and enriched food products have failed to reach many of the Nation's poor. It is the purpose of this title to enlist the support, cooperation, and participation of private industry, including food producers, processors, merchandisers, and food-related industries in the national effort to eliminate poverty-related hunger and malnutrition, to encourage the participation of individuals of low-income status in such private industry efforts, and to make fortified and enriched food products more available under Federal food programs that utilize the private distribution system.

PART A—DEVELOPMENT AND DISTRIBUTION OF FORTIFIED AND ENRICHED PRODUCTS

DEMONSTRATION PROJECTS

SEC. 411. (a) In order to demonstrate the feasibility of an improved private industry effort to relieve conditions of malnutrition in the United States, the Secretary of Health, Education, and Welfare (hereinafter in this part referred to as "the Secretary") is authorized to carry out demonstration projects, by way of grant, contract, or otherwise, with—

(1) business concerns for research designed to develop low-cost fortified or enriched foods appropriate for distribution in areas having a high concentration of low-income households (including proprietary infant formula products and products for pregnant women and mothers suffering from nutrient deficiency) and to develop new and effective means of marketing and distributing such foods to individuals in such areas;

(2) local retail foodstores and foodstore cooperatives for the sale of fortified or enriched foods approved by the Secretary in order to develop more effective distribution of such foods in areas having a high concentration of low-income households;

(3) business concerns for the development of nutritional education messages and symbols, new and innovative packaging designs, containers and recipes with emphasis on nutritional content in connection with the sale of low-cost fortified or enriched foods appropriate for distribution in areas having high concentrations of low-income households and effective procedures for the coordination of food use advertising campaigns, including recruitment and training of food assistance program participants as food use advisers; and

(4) such local retail foodstores and foodstore cooperatives as he determines appropriate to conduct special educational programs in nutrition in areas having high concentrations of low-income households.

(b) Financial assistance for the commencement or continuation of a project under this title may be made only upon application at such time or times, in such manner and containing or accompanied by such information as the Secretary deems necessary.

(d) The Secretary shall make necessary arrangements with respect to any project authorized by paragraph (4) of subsection (a) of this section for participation by and coordination with the local educational agency and the agency organization or institution conducting the comprehensive health services programs, if any, in the area to be served by such a project.

AUTHORIZATION OF APPROPRIATION

SEC. 412. There is authorized to be appropriated not to exceed $5,000,000 for the fiscal year ending June 30, 1970, and $10,000,000 for the fiscal year ending June 30, 1971, to carry out the provisions of this part.

PART B—SMALL BUSINESS FOOD AND NUTRITIOUS BEVERAGE PRODUCTION, PROCESSING, AND DISTRIBUTION FACILITIES

AMENDMENTS TO THE SMALL BUSINESS ACT

SEC. 421. (a) Section 7 of the Small Business Act is amended by adding after subsection (f) a new subsection as follows:

"(g) (1) In furtherance of the objectives of the Health, Nutrition, and Human Needs Act, the administration is authorized—

"(A) in consultation with the Director of the Office of Economic Opportunity and the Secretary of Commerce to provide counseling and technical assistance (i) to small business concerns engaged in the production, processing, or distribution of food and nutritious beverages in areas having a high concentration of low-income housing and (ii) to individuals wishing to establish such concerns; in providing such assistance the administration shall accord a preference to those concerns which are engaged, and to those individuals residing in any such area who wish to engage, in the production, processing, and distribution of commodities conforming to the standards determined under section 222 of such Act; and

"(B) to make loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to any small business concern described in subparagraph (A) to finance plant construction or conversion, or the acquisition of equipment, facilities, or machinery, or to supply such concern with working capital if the administration determines, on the basis of a plan presented by such concern, that the proceeds of such loan will be used in furtherance of the purposes of the Health, Nutrition, and Human Needs Act.

"(2) The rate of interest for the administration's share of any loan made under this subsection shall not exceed 3 per centum per annum. The Administration is authorized to pay to each bank or other lending institution participating in any such loan, for and on behalf of the obligor, so much of the interest which becomes due and payable on the loan as is attributable to that part of the interest rate on the loan as exceeds 3 per centum per annum.

"(3) The term of any loan under this subsection, including renewals and extensions thereof, shall not exceed thirty years.

"(4) Any small business concern assisted under this subsection shall conform to such requirements as the administration, after consultation with the Director of the Office of Economic Opportunity, shall require to ensure that such concern will provide, to the greatest extent possible, employment opportunities for unemployed or underemployed individuals residing in the area to be served."

(b) Section 4(c) of such Act is amended—

(1) in paragraph (1), by striking out "and" before "(B)", and by striking out the period and inserting in lieu thereof the following: "; and (C) a poverty area loan fund which shall be available for financing functions under section 7(g), including administrative expenses in connection with such functions.";

(2) in paragraph (2), by striking out "and" before "(B)", and by striking out the period and inserting in lieu thereof the following: "; and (C) pursuant to section 7(g) shall be paid into the poverty area loan fund."; and

(3) in paragraph (4), by striking out "and" before "(D)", and by striking out the period and inserting in lieu thereof the following: "; and (E) under section 7(g) shall not exceed $200,000,000."

PART C—LOCAL DEVELOPMENT CORPORATIONS

AMENDMENTS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

SEC. 426. Section 502 of the Small Business Investment Act of 1958 is amended—

(1) by inserting "(a)" after "Sec. 502.";

(2) by inserting ", except as provided in subsection (b)," after *"Provided, however,* That"; and

(3) by adding at the end thereof the following:

"(b) If more than 50 per centum of the aggregate amount of assistance extended by any State or local development company is in aid of small business concerns of the type referred to in section 7(g)(1) of the Small Business Act, loans may be made under subsection (a) to any such company subject to the following restrictions and limitations:

"(1) All such loans shall be so secured as reasonably to assure substantial repayment.

"(2) In agreements to participate in loans to any such company on a deferred basis, such participation by the Administration shall not be in excess of 95 per centum of the balance of the loan outstanding at the time of disbursement.

"(3) The proceeds of any such loan to any such company shall be used solely to assist an identifiable small business concern and for a sound business purpose approved by the Administration having due regard for the purposes of the Health, Nutrition, and Human Needs Act.

"(4) Any such loan made by the administration shall be limited to $350,000 for each such identifiable small business concern.

"(5) Any development company assisted hereunder shall meet criteria established by the administration, including the extent of participation to be required or the amount of paid-in capital to be used in each instance as is determined to be reasonable by the administration; except that in no event shall the participation to be required exceed 50 per centum, or the amount of paid-in capital to be required exceed 10 per centum.

"(6) The rate of interest for the administration's share of any such loan shall not exceed 3 per centum per annum. The administration is authorized to pay to each bank or other lending institution participating in any such loan, for and on behalf of the obligor, so much of the interest which becomes due and payable on such loan as is attributable to that part of the interest rate on such loan as exceeds 3 per centum per annum.

"(7) No such loan, including extensions or renewals thereof, shall be made by the administration for a period or periods exceeding thirty years, plus such additional period as is estimated may be required to complete construction, conversion, or expansion; but the administration may extend the maturity of or renew any such loan beyond the period stated for additional periods, not to exceed ten years, if such extension or renewal will aid in the orderly liquidation of the loan."

PART D—AMENDMENTS TO INCREASE PRIVATE DISTRIBUTION OF NUTRITIOUS COMMODITIES

DECLARATION OF POLICY

SEC. 431. Section 2 of the Food Stamp Act of 1964 is amended to read as follows:

"SEC. 2. It is hereby declared to be the policy of the Congress, in order to promote the general welfare, that the Nation's food abundance should be utilized cooperatively by the States local governmental units, the Federal Government and other agencies to safeguard the health and well-being of the Nation's population and to raise levels of nutrition among low-income households and to strengthen our agricultural economy. To effectuate this policy of the Congress, a food stamp program is herein authorized to compensate for the limited food-purchasing power of low-income households which contributes to hunger and malnutrition among members of such households."

DEFINITIONS

SEC. 432. (a) Subsection (a) of section 3 of the Food Stamp Act of 1964 is amended to read as follows:

"(a) The term 'Secretary' means the Secretary of Agriculture in consultation with the Secretary of Health, Education, and Welfare."

(b) Subsection (j) of section 3 of the Food Stamp Act of 1964 is amended to read as follows:

"(j) The term 'State' means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Trust Territories of the Pacific."

(c) Section 3 of the Food Stamp Act of 1964 is amended by adding at the end thereof a new subsection as follows:

"(l) The term 'enriched food' means any food which is nutritionally fortified or enriched and which has been approved by the Secretary in consultation with the Secretary of Health, Education, and Welfare as a food specially suited to meet the nutritional needs of persons suffering from malnutrition."

GENERAL PROVISIONS

SEC. 433. Section 4(b) of the Food Stamp Act of 1964 is amended to read as follows:

"(b) Nothing in this or any other Act shall be construed as prohibiting the Secretary from distributing federally owned foods, under any other federally authorized program, to low-income households in any area in which a food stamp program is in effect, if he determines that the operation of more than one program in such area is necessary to provide the members of all such households in such area with well-balanced nutritionally adequate diets.".

SEC. 434. Section 5 of the Food Stamp Act of 1964 is amended to read as follows:

"SEC. 5 (a) Participation in the food stamp program shall be limited to those households whose income is below that sufficient to provide them with a nutritious diet and other basic human needs.

"(b) The Secretary shall prescribe uniform national standards of eligibility for participation in the food stamp program, under which any household of four with a monthly income of $360 or less shall be eligible for participation in the program. Such standards shall place a limitation on the resources to be allowed eligible households: *Provided*, That such limitation may apply to the income, if any realized from such resources and not to any income which might be realized through liquidation of such resources.

"Standards prescribed under this section shall be revised at least annually to reflect any increase in the cost of living, as determined on the basis of the Consumer Price Index published monthly by the Bureau of Labor Statistics of the Department of Labor.

"(c) Notwithstanding the provisions of subsection (b), above, the Secretary may establish other standards of eligibility if such other standards are necessary to meet any temporary emergency food needs of households which are victims of natural or manmade disasters.

"(d) The Secretary is authorized to develop and operate a system under which eligibility determinations for households whose heads are migrant farmworkers, as defined in section 3 of the Farm Labor Contractor Registration Act of 1963, may be made on an interstate or interarea basis by the Secretary or, upon delegation by the Secretary, by one or more State agencies."

SEC. 435. (a) Subsection (a) of section 7 of the Food Stamp Act of 1964 is amended to read as follows:

"(a) Except as hereinafter provided in this subsection, the face value of the coupon allotment which is issued to any household certified as eligible to participate in the food stamp program shall be not less than an amount necessary to purchase a nutritionally adequate diet for the members of such household, but in no event shall that amount be less than the equivalent of $120 a month for a household composed of four persons. A household may, if it so elects, purchase any amount of coupons less than the full coupon allotment it is entitled to purchase.

(b) Subsection (b) of section 7 of the Food Stamp Act of 1964 is amended to read as follows:

"(b) Households shall be charged such portion of the face value of the coupon allotment issued to them as is determined to be equivalent to their normal expenditure for food, except that (1) any eligible household with a monthly income of $80 or less shall not be charged any amount for such coupon allotment; and (2) in no case shall any eligible household be charged an amount greater than an amount equal to 25 per centum of the income of such household for such coupon allotment.

(c) Section 7 of the Food Stamp Act of 1964 is amended by adding at the end thereof the following new subsection:

"(e) In order to encourage the recipients of food stamps to use such stamps for the purchase of nutritionally enriched foods, the Secretary is authorized to provide for a higher face value on food stamps when such stamps are used for the purchase of enriched foods than on the same stamps when such stamps are used for the purchase of other food. The amount of the increased value to be placed on food stamps under this subsection shall be established at such level as the Secretary determines is necessary to encourage recipients of food stamps to purchase enriched foods."

SEC. 436. (a) Section 10(a) of the Food Stamp Act of 1964 is amended by adding at the end thereof the following new sentences: "The Secretary shall to the maximum extent possible encourage participation by eligible households in the program authorized by this Act and shall give special consideration to the problems of households with aged, illiterate, and physically disabled persons. In making arrangements to facilitate the certification of applicant households and the availability of coupons to eligible households, the Secretary shall consult with the Director of the Office of Economic Opportunity and shall utilize to the maximum extent possible the services and programs of the Office of Economic Opportunity as authorized under title I of the "Health, Nutrition, and Human Needs Act." After consultation with the Postmaster General, the Secretary may also use the facilities of United States post offices, for such arrangements.

(b) Section 10(c) of the Food Stamp Act of 1964 is amended by adding at the end thereof the following new sentences: "An affidavit by a member of an applicant household, in such form as the Secretary may prescribe, shall constitute sufficient evidence of eligibility. If an applicant household is subsequently disqualified, adjustments may be made in its coupon allotment and no further penalty of any kind shall be imposed.

(c) The second sentence of section 10(e) of the Food Stamp Act of 1964 is amended by striking out the word "and" immediately preceding "(4)" and by adding at the end thereof a semi-colon and the following new clause: "and (5) notwithstanding the provisions of any other Federal or State law, for a system whereby the charges for the coupon allotment required to be paid under section 7 of this Act by any certified household receiving a payment under a federally aided public assistance program may be withheld by the State agency from such payment if such a household notifies the State agency that it elects to pay such charges under such a withholding system."

(d) Section 10(f) of the Food Stamp Act of 1964 is amended to read as follows:

"(f) If the Secretary determines that, in the administration of the program authorized by this Act, the State agency in any State fails to comply with the provisions of this Act, or with the regulations issued thereunder or with the provisions of the State plan of operation approved by him, within any area in such State, the Secretary shall inform such State agency of such failure and after sufficient notice if such failure is not corrected he shall directly administer the program in such area or administer it through any private nonprofit organization or through any Federal, State, or local public agency he deems appropriate."

SEC. 437. (a) The first sentence of section 11 of the Food Stamp Act of 1964 is amended to read as follows: "Any eligible household, approved retail foodstore, or wholesale food concern upon a finding that such household, approved retail foodstore or wholesale food concern has persistently violated the provisions of this Act, or of the regulations issued pursuant to this Act, may be disqualified from further participation in the food stamp program or from participation to the same extent as prior to the time of such finding."

(b)(1) Section 13 of the Food Stamp Act of 1964 is amended by inserting "or households" after the phrase "wholesale food concern" each time such phrase appears in such section.

(2) Section 13 of such Act is further amended by adding the following new sentence at the end thereof: "In the case of a household, no administrative action to terminate participation in the food stamp program authorized by this Act shall take effect during the pending of any administrative or judicial review under this section until a final determination is made in any such case."

COOPERATION WITH STATE AGENCIES

SEC. 438. Section 15 of the Food Stamp Act is amended to read as follows:

"SEC. 15. (a) Except as provided in subsections (b) and (c) of this section, each State agency shall be responsible for financing from funds available to the State or political subdivisions thereof, the cost of carrying out the administrative responsibilities assigned to it under the provisions of this Act. Such responsibilities shall include, but shall not be limited to, the certification of households, the acceptance, storage, and protection of coupons after their delivery to receiving points within the States; the issuance of such coupons to eligible households and the control and accounting therefor; and the undertaking of effective activities and actions to inform low-income households concerning the availability and benefits of the food stamp program and to facilitate the participation of eligible households.

"(b) The Secretary is authorized to pay to the State agency of a State an amount not to exceed 50 per centum of the total cost of carrying out the administrative responsibilities under this Act in any political subdivision if he determines that such payment is necessary to enable such political subdivision to conduct a food stamp program for eligible households living in such political subdivision.

"(c) Notwithstanding the provisions of subsections (a) and (b), the Secretary is authorized to share with each State agency additional administration costs when the Secretary determines (1) that participation in the food stamp program is substantial and is being conducted in an area having a high concentration of low-income households or (2) that an unexpected or seasonal increase in the number of eligible households significantly increases administrative costs.

"(d) The share of the costs specified in subsections (b) and (c) which the Secretary is authorized to pay to any State agency shall be related to the relative financial ability of the State and the political subdivisions thereof."

APPROPRIATIONS AUTHORIZED

SEC. 439. (a) Section 16 of the Food Stamp Act of 1964 is amended to read as follows:

"SEC. 16. To carry out the provisions of this Act, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each of the four succeeding fiscal years such sums as may be necessary to carry out the provisions of this Act. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 7(d) of this Act. This Act shall be carried out with (1) funds appropriated from the general fund of the Treasury for that specific purpose and (2) unexpended funds under section 32 of Public Law 320, Seventy-fourth Congress.

PART E—PRIVATE SECTOR ADVISORY COMMITTEE ON NUTRITIOUS FOODS

ADVISORY COMMITTEE ESTABLISHED

SEC. 451. (a) In order to obtain the views of recipients of Federal food assistance pro-

grams and to benefit from the innovations of private industry in the development of nutritious foods, the President shall appoint a Private Sector Advisory Committee on Nutritious Foods within ninety days after the date of enactment of this Act, which shall be composed of twenty-seven members who are representative of private food companies, including producers, processors, distributors, and related food industry representatives, nutritionists, members of the medical and dental professions, educators familiar with the operation of school feeding programs, and recipients of Federal food assistance programs. The President shall appoint one of the members as Chairman. The Advisory Committee shall advise the President, the Secretary of Health, Education, and Welfare and the Secretary of Agriculture, and other appropriate Federal officials on the implementation of this title and on the development of new or improved fortified or enriched foods (including the effect of the practices and regulations of the Food and Drug Administration upon such developments), and recommend new and effective means of coordinating private industry efforts with Federal food programs. The Secretary of Health, Education, and Welfare shall provide such staff and technical assistance as the Advisory Council may reasonably require.

(b) The Advisory Committee shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President not later than January 20 of each year beginning in the calendar year 1970.

(c) Members of the Advisory Committee who are not regular full-time employees of the United States shall, while serving on business of the Advisory Committee, be entitled to receive compensation at rates fixed by the President, but not exceeding $125 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each of the four succeeding fiscal years such sums as may be necessary to carry out the provisions of this part.

TITLE V—HUMAN NEEDS

SHORT TITLE

SEC. 501. This title may be cited as the "Human Needs Act".

STATEMENT OF PURPOSE

SEC. 502. The Congress hereby finds and declares that it is in the interest of the United States to improve the distribution to low-income households of food products necessary to good health and mental and physical development.

NUTRITIOUS COMMODITIES

SEC. 503. (a) The Secretary of Agriculture, in consultation with the Secretary of Health, Education, and Welfare, shall utilize the full authority granted to him under section 32 of Public Law 320 of the Seventy-fourth Congress, as amended, section 416 of the Agricultural Act of 1949, as amended, section 709 of the Food and Agriculture Act of 1965, and all other related direct commodity distribution programs to supplement food products provided through the Food Stamp Act of 1964, the Child Nutrition Act of 1966, and the National School Lunch Act, in order to insure that all low-income households in the United States are provided with a suitable variety of food products in such quantities as the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity determine to be necessary to provide the members of such households well balanced nutritionally adequate diets. Notwithstanding any other provision of law, funds available to the Secretary of Agriculture under section 32 of Public Law 320, Seventy-fourth Congress, shall be expended in carrying out the provisions of this section to purchase agricultural and other suitable products without regard to whether such products are in surplus supply.

(b) The Secretary of Agriculture, after consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity shall establish national standards of eligibilty which members of low-income households must meet in order to qualify for the benefits of direct distribution of food commodities under section 32 of Public Law 320 of the Seventy-fourth Congress, as amended, section 416 of the Agricultural Act of 1949, as amended, section 709 of the Food and Agricultural Act of 1964 and related direct commodity distribution Acts.

(c) In areas in which any Federal program for the direct distribution of food commodities is in operation, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity shall institute such measures as may be necessary to encourage and facilitate maximum participation by the members of low-income households in the benefits of such program.

(d) Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to operate a direct commodity distribution program for the benefit of members of low-income households in any area in which there is in operation a food stamp program under the Food Stamp Act of 1964 if he determines that the operation of both programs in such area is necessary to carry out the objectives of this section.

(e) In order to assist the States and local distributing agencies to defray the administrative and operating costs incurred by them in carrying out the program authorized by this title the Secretary of Agriculture is authorized to make such payments to such States and local agencies in such amounts as he may determine, after consultation with the Secretary of Health, Education, and Welfare, to be necessary to accomplish the objectives of this section.

(f) In order to ensure maximum participation by eligible households in the direct commodity distribution programs referred to in subsection (a) of this section, and in order to provide greater efficiency and convenience in the distribution to such households, the Secretary of Agriculture shall, in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, arrange for distribution of nutritious commodities through programs authorized under titles I and III of this Act and shall utilize to the maximum extent possible the services of and neighborhood facilities established by the Office of Economic Opportunity, the Department of Housing and Urban Development, and any other Federal agency. The Secretary is authorized to enter into contracts with or make grants to profit and nonprofit, public and private agencies, institutions and organizations for the storage and distribution of food commodities under such programs.

AUTHORIZATION OF APPROPRIATION

SEC. 504. There is authorized to be appropriated for the fiscal year ending June 30, 1970, and for each of the four succeeding fiscal years such sums as may be necessary to carry out the provisions of this title.

TITLE VI—GENERAL PROVISIONS

DEFINITIONS

SEC. 601. As used in this Act—

(1) "Low-income" means an income level for households below that sufficient to provide all the members thereof with a nutritious diet and other basic human needs, determined by the Director of the Office of Economic Opportunity after consultation with the Secretary of Health, Education, and Welfare and the Secretary of Agriculture. In making such determination the Director of the Office of Economic Opportunity shall not be bound by any previous regulation or other determination with respect to "low-income."

(2) The term "household" shall mean a group of related or nonrelated individuals, who are not residents of an institution or boardinghouse, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. The term "household" shall also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption;

(3) "Areas having high concentrations of low-income households" means areas determined by the Director of the Office of Economic Opportunity after consultation with the Secretary of Health, Education, and Welfare; and

(4) "State" means each of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, The Virgin Islands, Guam, and the Trust Territories of the Pacific.

ADMINISTRATION

SEC. 602. (a) In administering any program authorized by this Act or any Act amended by this Act, the head of the agency responsible for any such program is authorized to utilize the services, facilities, and personnel of any other agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such facilities, services, and personnel either in advance or by way of reimbursements, as may be agreed upon.

(b) In administering any program authorized by this Act or any Act amended by this Act, the Director of the Office of Economic Opportunity, with the approval of the President, shall establish procedures under which the head of any agency responsible for programs thereunder shall consult with other appropriate Federal departments and agencies in order that such programs may be effectively coordinated at the local level with other nutrition programs carried out by such departments and agencies or by State and local public agencies.

TRANSFER OF FUNDS

SEC. 603. Notwithstanding any limitation on appropriations for any program authorized by this Act or any Act amended by this Act, or any Act authorizing appropriations for such programs, not to exceed 25 per centum of the amount appropriated or allocated from any appropriation for the purpose of enabling the Secretary of Health, Education, and Welfare or the Secretary of Agriculture or the Administrator of the Small Business Administration to carry out any such program may be transferred and used by the Director of the Office of Economic Opportunity for the purpose of carrying out any other such program under this Act or any Act amended by this Act, but no such transfer shall result in increasing the amounts otherwise available for any program by more than 25 per centum.

INTERDEPARTMENTAL JOINT PROJECTS

SEC. 604 (a) In order to carry out the purposes of this Act or any Act amended by this Act more effectively and efficiently, through the wider use of joint projects drawing upon the resources available from more than one Federal program, appropriation or agency, the President is authorized to—

(1) identify related nutrition programs likely to be particularly suitable or appropriate for specific kinds of joint projects;

(2) develop and promulgate regulations setting forth illustrative joint projects, com-

mon application forms, and other materials designed to assist in the planning and development of joint projects;

(3) review program requirements in order to determine which requirements may impede the support of joint projects and the extent to which such requirements may be appropriately modified, and order the modifications accordingly;

(4) establish administrative procedures for Federal departments and agencies to assist in the support of classes of joint projects;

(5) establish joint or common application processing and project supervision procedures for joint projects approved by him; and

(6) develop common accounting, auditing, and financial reporting procedures that will facilitate carrying out the purposes of this section.

(b) To facilitate the establishment of joint management funds on an interdepartmental basis for any program authorized by this Act or any Act amended by this Act, any account in a joint management fund involving money derived from two or more Federal assistance programs administered by more than one Federal department or agency shall be subject to such rules and regulations, not inconsistent with other applicable law, as the President may establish with respect to the discharge of the responsibilities of affected departments and agencies. Such regulations shall assure the availability of necessary information, including requisite accounting and auditing information, to the affected departments and agencies, to the Congress, and to the Executive Office of the President. Such regulations shall also provide that the department or agency administering a joint management fund shall be responsible and accountable for the total amount provided for the purposes of each account established in the fund, and shall adhere to such accounting and auditing policies as are prescribed by the President.

(c) Effective in the first full fiscal year after the effective date of this section, the President shall, before the end of such year, and each successive year submit to the Congress an evaluation of progress in accomplishing the purposes of this section.

ESTABLISHMENT OF NATIONAL ADVISORY COUNCIL ON MALNUTRITION

SEC. 605. (a) There is hereby established a council to be known as the National Advisory Council on Malnutrition (hereinafter in this title referred to as the "Council") which shall be composed of twenty-one members appointed by the President. The President shall appoint persons to the Council who are representative of the public in general and appropriate fields of endeavor related to the purposes of this Act. The membership shall include not less than seven persons from among or as representatives of the Nation's urban, rural, and migrant poor. Seven members of the Council shall be appointed for a term of two years, seven members shall be appointed for a term of four years, and seven members shall be appointed for a term of six years. Thereafter all appointments shall be for a term of six years except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman. The Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity and such other public officials as are designated by the President shall serve as ex officio members of the Council. The Council shall meet at the call of the Chairman but not less than four times each year. Eleven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

(b) The Council shall (1) advise the Congress and the President with respect to matters of policy arising in the administration of this Act, or any other Act amended by this Act, and other Federal food and nutrition assistance laws; (2) review the operation and effectiveness of programs provided for under this Act, or any other Act amended by this Act, and other Federal food and nutrition programs; and (3) make recommendations to the President regarding the improvement of such programs and the elimination of duplicate operations in such programs. The Council shall submit a report to the President summarizing the results of its work during the preceding year together with such recommendations as it deems appropriate not later than January 20 of each year, beginning in calendar year 1970. The President shall transmit a copy of such report together with copies of all reports made pursuant to sections 103, 221, 324, and 451 of this Act to the Congress together with his comments and such recommendations for legislation as he deems appropriate.

(c) The Council or, on the authorization of the Council, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title hold such hearings, take such testimony, and sit and act at such times and places as the Council, subcommittee, or member deems advisable. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Council, upon request made by the Chairman or Vice Chairman, such information as the Council deems necessary to carry out its functions under this title. The Council is authorized to employ such technical and staff personnel as it deems necessary to carry out its functions under this title. The Council may, in carrying out its functions under this title, utilize the services and personnel of any department or agency of the Federal Government. Any services or personnel furnished under this section shall be furnished on a reimbursable basis.

(d) Members of the Council who are not regular full-time officers or employees of the United States shall, while carrying out the functions of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding $125 per day, including traveltime; and while so serving away from their homes or regular place of business, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

(e) The Council shall encourage the establishment of State and local advisory councils on hunger and malnutrition for the purpose of obtaining from such advisory councils prompt and accurate reports on the efficiency and effectiveness of the administration of Federal food and nutrition assistance programs provided for under this and other acts. Any appropriate existing agency of a State or local subdivision may be used for purposes of this section.

(f) In carrying out its functions under this section, the Council shall, from time to time, consult with the Private Sector Advisory Committee on Nutritious Foods established under section 451 of this Act.

(g) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each of the four succeeding fiscal years such sums as may be necessary to carry out the provisions of this section.

The section-by-section analysis is as follows:

TITLE-BY-TITLE SUMMARY OF THE HEALTH, NUTRITION, AND HUMAN NEEDS ACT OF 1969

TITLE I—THE NUTRITION OUTREACH ACT

This title amends section 222(a)(6) of the Economic Opportunity Act of 1964 to substitute for the present "Emergency Food and Medical Services program" a new program entitled "Nutrition Outreach." This amendment authorizes the Director of the Office of Economic Opportunity to develop new programs to improve the access of low-income persons to the benefits of food assistance programs at the local level. The Director is authorized to use Vista volunteers and to establish auxiliary and special volunteer programs to assist in the identification of those in the greatest need, inform low-income persons of food and nutrition programs and assist them in obtaining the benefits thereof.

Other amendments to the Economic Opportunity Act incorporate nutrition education and service into community action programs and such special programs as comprehensive health services, family planning, senior opportunities, day care and programs for migrant workers.

The title directs the Director of the Office of Economic Opportunity to carry out a complete evaluation of all food assistance programs, with periodic reports of his findings and recommendations to the President and to the Congress.

TITLE II—NUTRITION EDUCATION AND INFORMATION

This title authorizes the development of new and improved curricula and educational materials relating to the nutritional and economic aspects of food use and acquisition and authorizes research projects designed to increase general knowledge with respect to the nutritional needs of the Nation.

Part A authorizes the Secretary of Health, Education and Welfare to make grants and enter into contracts and agreements with federal, state and local governmental, educational and health agencies and private profit and non-profit organizations and institutions for the development and conduct of courses and community education programs (including seminars, workshops and projects) and for the distribution of informational materials relating to food use. Pre-service and in-service training programs for teachers and other educational personnel or individuals to work with low-income households are also authorized. The Higher Education Act of 1965 is amended to prepare teachers and other educational personnel to meet the special problems created by malnutrition and hunger. The Vocational Education Act of 1965 is amended to include other nutrition education programs.

Part B is designed to increase available information with respect to the nation's nutritional needs. The Secretary of Health, Education and Welfare is authorized to conduct a continuing comprehensive survey of the incidence and location of serious hunger and malnutrition in the United States, a continuing study regarding the kinds of foods which should be approved as enriched foods and research on the relationship between malnutrition and intellectual, emotional and physical development. Provisions of the Public Health Service Act are amended to authorize additional research on the effects of malnutrition.

TITLE III—THE MATERNAL AND CHILD NUTRITION ACT

This title is designed to provide mothers, infants and children in low-income households with nutriments and supplemental foods and related health services necessary to proper human growth and development.

Part A authorizes the Secretary of Health, Education, and Welfare, in consultation with the Secretary of Agriculture, to make grants and enter into contracts and agreements with federal, state and local governmental agencies and private profit and non-profit organizations and institutions for the planning and conduct of programs to provide mothers and children in low-income households with supplemental food and nutrients and related health services for the prevention and treatment of mental and physical health problems connected with malnutrition and hunger.

Remedial programs are authorized to identify and rehabilitate infants and young children whose growth and development have been retarded by reason of nutritional deficiencies. Specialized work training programs and volunteer service and research programs are also established. The title authorizes the establishment of purchase voucher or similar plans providing pregnant mothers with required nutriments and services. The Public Health Service Act and other Acts are amended to provide for related services.

Part B authorizes the Secretary of Agriculture, in consultation with the Secretary of Health, Education and Welfare, to evaluate school feeding problems, formulate standards and establish programs and projects involving private food service concerns for the preparation and service of nutritious meals in schools which lack or have only inadequate facilities.

TITLE VI—PRIVATE INDUSTRY NUTRITION ASSISTANCE ACT

This title is designed to improve the access of the poor to fortified and enriched food products through the private distribution system.

Part A authorizes the Secretary of Health, Education and Welfare to carry out demonstration projects with business concerns, local retail foodstores and foodstore cooperatives for the development and distribution of low-cost fortified or enriched foods and for the development of nutritional education messages and new and innovative package designs, containers and recipes emphasizing nutritional content for use in low-income areas.

Part B of this title is designed to utilize the Small Business Act to foster business activity in keeping with the purposes of this Act. Priority is given to those small business concerns which are owned by residents of the area to be served and to those which engage in the production, processing and distribution of highly nutritious and fortified commodities. This Part gives the Administrator of the Small Business Administration the authority to require that assisted small business concerns provide employment opportunities to the area to be served.

The development of these small business concerns is to be fostered principally by providing technical and counseling assistance and by limiting the interest paid by small business concerns on all loans to 3%. The term of all loans may run as long as 30 years. The basis for loan approval is the plan presented by the applicant small business concern; approval is to be granted only if the plan furthers the purposes of the Act.

Part C of this Title is designed to make greater use of the local development corporation under the Small Business Investment Act of 1958 in fulfilling the purposes of the act. Utilization of the local development corporation will also promote greater community involvement. Local development corporations providing, in the aggregate, more than 50% of their assistance in aid of small business concerns qualifying under Part B of this title will receive certain benefits under this Part.

The principal benefits of these provisions are a limitation on interest and a relaxation of participation requirements. Only 50% of the paid-in capital need come from the community and paid-in capital may be as little as 10% of the amount needed. The balance may be supplied by loan at an interest rate of not more than 3%.

Part D of this title contains amendments to the Food Stamp Act of 1964 designed to compensate for the limited food-purchasing power of low-income households. The amendments require the Secretary of Agriculture to consult with the Secretary of Health, Education and Welfare in administering the program. Requirements are changed so as to ensure that any household of four with a monthly income of $360 or less is eligible for particpation in the program. Any household with a monthly income of $80 or less is entitled to free food stamps. In order to encourage the recipients of food stamps to use such stamps for the purchase of nutritionally enriched foods the Secretary is authorized to provide for a higher face value on food stamps when they are to be used for that purpose. Other sections accomplish reforms in the administrative procedures. In order to accomplish the purposes of the Act, the Secretary is authorized to operate a food stamp program simultaneously with a food commodity program, if necessary.

Part E establishes a Private Sector Advisory Committee on Nutritious Foods, appointed by the President, to obtain the opinion of the private food industry and related professionals. Representatives of private food companies, nutritionists, educators and food program recipients will be appointed to the Committee. The Committee will advise the President and federal officials on the development of new fortified foods, coordination of private industry efforts with those of the federal government and on the implementation of Title IV.

TITLE V—THE HUMAN NEEDS ACT

This title requires that direct commodity distribution programs be used to supplement food stamp and school feeding programs to ensure that all low-income households in the United States are provided with a suitable variety of foods sufficient for well-balanced, nutritionally-adequate diets. In order to provide such foods, the Secretary is directed to establish national standards of eligibility, make cash payments to states, make grants to public and private agencies for storage and use "section 32" funds for the purchase of nutritional foods not otherwise available under federal food assistance programs.

TITLE VI—GENERAL PROVISIONS

This title contains provisions defining various terms referred to in the Act and establishes administrative procedures for coordination, transfers and joint projects in order to ensure the effectiveness of efforts at the local level without unnecessary duplication.

The title also provides for establishment of a National Advisory Council on Malnutrition to make a continuing study of the operation of food and nutrition assistance programs, to advise the Congress and the President regarding such operation and to make recommendations for improving the operation and effectiveness of such programs through expansion and coordination thereof.

The Council shall be composed of 21 members including persons especially qualified for service on the Council because of training, experience, education and background and shall include at least seven persons representing the nation's urban, rural and migrant poor. The Secretary of Health, Education and Welfare, the Secretary of Agriculture, the Director of the Office of Economic Opportunity, the Secretary of Housing and Urban Development and other public officials designated by the President will serve as ex officio members of the Council.

The Council is authorized to hold hearings and take testimony and is directed to encourage the establishment of state and local advisory councils on hunger and malnutrition for purposes of obtaining reports on the efficiency and effectiveness of federal food assistance programs.

Mr. JAVITS. Mr. President, as a result of the initiatives taken by the Senator from South Dakota (Mr. McGOVERN), the chairman of the committee, and other members of the Select Committee on Nutrition and Human Needs, and by other committees and Members of Congress generally, as well as by concerned private citizens and groups, the Nation has "discovered"—I used that word in quotation marks, but it is very true—hunger in America.

Food stamp and other legislation proposed by Senator McGOVERN, our chairman, and by other colleagues, to deal with particular facets of the problem, will recommend stops down the road from commitment to resolution.

The Senate established the Select Committee on Nutrition and Human Needs to determine what steps would be necessary to establish a coordinated program, to assure every American adequate food, medical assistance, and related basic necessities of life and health.

The President's historic message of May 6, 1969, calling for "an end to hunger in America for all time," and the actions taken by Secretary of Agriculture Hardin, Secretary of Health, Education, and Welfare Finch, and others in the administration—overcoming some of the redtape that blocked their predecessors—have brought us from "discovery" of a national problem to a commitment to take appropriate action.

The Health, Nutrition, and Human Needs Act of 1969, which I introduce today, would provide for the first time a complete spectrum of programs designed to eliminate the disgrace of poverty-related hunger and malnutrition in the United States. The act would establish six major programs, Mr. President.

First. A "nutrition outreach" program in the Office of Economic Opportunity aimed at overcoming transportation and distribution problems that prevent present food assistance programs from reaching the poor. The program would include use of VISTA volunteers, local volunteer groups, the establishment of local food stamp centers, the authorization of programs to use mobile vans for distribution of commodities, and the formation of food stores in poverty areas. A total of $300,000,000 is authorized for these programs.

Second. Nutrition education and information provisions aimed at teaching the poor how to help themselves in acquiring nutritious foods and maintaining wholesome diets. The Secretary of Health, Education, and Welfare would be authorized to enlist schools, local groups, and the broadcasting media in the education program and to conduct a continuing survey of hunger and malnutrition throughout the Nation. A total of $35,000,000 is authorized for these efforts.

Third. Maternal and child nutrition provisions aimed at improving the distribution of nutritious foods to pregnant women and infants; establishing national eligibility standards to insure greater participation by low-income persons in the school lunch and special milk programs, and using demonstration projects to enlist the help of private food companies in making these programs available to low-income area schools without kitchen facilities. A total of $75,000,000 is authorized for these programs.

Third. Private industry nutrition assistance provisions which would establish demonstration projects to encourage the development by private companies of low-cost fortified and enriched foods. Small business activity and the use of

local development corporations in low-income areas would also be promoted. The food stamp program would be expanded so that families of four with a monthly income of less than $360 would be eligible to buy stamps and so that families with monthly incomes of $80 or less would be entitled to free food stamps. A total of $5,000,000 is authorized for the non-food-stamp provisions in this section.

Fifth. Human needs provisions which would permit for the first time distribution of commodities in areas that now have food stamps and would permit the use of so-called section 32 funds for the purchase of nutritional foods not otherwise available under Federal food assistance programs. Neighborhood service centers of such agencies as HUD and OEO as well as schools, churches, and other local institutions would be used to expand storage and distribution of commodities.

Sixth and finally, a 21-member National Advisory Council on Malnutrition, with seven of its members representing the Nation's urban, rural, and migrant poor, would be established to study the operation and effectiveness of these and other programs to combat hunger, to make a continuing reassessment of all nutrition assistance programs, and to advise the President and Congress.

Mr. President, the problem of hunger and malnutrition is not only an urban or a rural one. It is not a black or a white one. Nor it it a new one. But only recently have we become aware of the need for multifaceted, full-spectrum comprehensive programs to combat these problems of national concern. It is now time to act.

Lines of hungry, malnutritioned Americans, so visible during the terrible depression of the 1930's still continue today. Today they are not as visible, but they are bitterly ironic in this age when we conceive of their fulfillment, a fulfillment long awaited in terms of mankind—the end of hunger.

I hope very much that the Senate will pay serious and considered attention to this very comprehensive program.

I hope that the Senate will pay attention also to the report which will be made public tomorrow and that we shall have early action on what may be called, and quite properly, a scourge upon our Nation.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on August 4, 1969, the President had approved and signed the following acts:

S. 38. An act to consent to the upper Niobrara River compact between the States of Wyoming and Nebraska; and

S. 1590. An act to amend the National Commission on Product Safety Act in order to extend the life of the Commission so that it may complete its assigned tasks.

SAFETY AND HEALTH STANDARDS FOR INDUSTRY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-144)

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

To the Congress of the United States:

Technological progress can be a mixed blessing. The same new method or new product which improves our lives can also be the source of unpleasantness and pain. For man's lively capacity to innovate is not always matched by his ability to understand his innovations fully, to use them properly, or to protect himself against the unforeseen consequences of the changes he creates.

The side effects of progress present special dangers in the workplaces of our country. For the working man and woman, the by-products of change constitute an especially serious threat. Some efforts to protect the safety and health of the American worker have been made in the past both by private industry and by all levels of government. But new technologies have moved even faster to create newer dangers. Today we are asking our workers to perform far different tasks from those they performed five or fifteen or fifty years ago. It is only right that the protection we give them is also up-to-date.

There has been much discussion in recent months about the quality of the environment in which Americans live. It is important to note in this regard that during their working years most American workers spend nearly a quarter of their time at their jobs. For them, the quality of the workplace is one of the most important of environmental questions. The protection of that quality is a critical matter for Government attention.

Few people realize the extent of needless illness, needless injury, and needless death which results from unsafe or unhealthy working conditions. Every now and then a major disaster—in a factory or an office building or a mine—will dramatize certain occupational hazards. But most such dangers are realized under less dramatic circumstances. Often, for example, a threat to good health will build up slowly over a period of many years. To such situations, the public gives very little attention. Yet the cumulative extent of such losses is great.

Consider these facts. Every year in this country some fourteen thousand deaths can be attributed to work-related injuries or illnesses. Because of accidents or diseases sustained on the job, some 250 million man-days of labor are lost annually. The most important consequence of these losses is the human tragedy which results when an employee—often the head of a family—is struck down. In addition, the economy loses millions of dollars in unrealized production and millions more must be used to pay workmen's compensation benefits and medical expenses. It is interesting to note that in the last five years, the number of man-days lost because of work-related injuries has been ten times the number lost because of strikes.

What have we done about this problem? The record is haphazard and spotty. For many decades, governmental responsibility for safe workplaces has rested with the States. But the scope and effectiveness of State laws and State administration varies widely and discrepancies in the performance of State programs appear to be increasing. Moreover, some States are fearful that stricter standards will place them at a disadvantage with other States.

Many industries and businesses have made commendable progress in protecting worker health and safety on their own. Some, in fact, have managed to reduce the frequency of accidents by as much as 80 or 90 percent, demonstrating what can be accomplished with the proper effort. But such voluntary successes are not yet sufficiently widespread.

There are some other positive signs. Collective bargaining agreements often include safety and health provisions; many professional organizations have suggested voluntary standards; groups like the National Safety Council have worked to promote better working conditions. But the overall record is still uneven and unsettling.

The Federal role in occupational safety and health has thus far been limited. A few specific industries have been made subject to special Federal laws and limited regulations have been applied to workers in companies who hold certain Government contracts. In my message to Congress last March on Coal Mine Safety, I outlined an important area in which further specific Federal action is imperative. But something broader is also needed, I believe. I am therefore recommending a new mechanism through which safety and health standards for industry in general can be improved.

The comprehensive Occupational Safety and Health Act which the Secretary of Labor will soon transmit to the Congress will correct some of the important deficiencies of earlier approaches. It will go beyond the limited "accident" orientation of the past, giving greater attention to health considerations, which are often difficult to perceive and which have often been overlooked. It will separate the function of setting safety and health standards from the function of enforcing them. Appropriate procedures to guarantee due process of law and the right to appeal will be incorporated. The proposal will also provide a flexible mechanism which can react quickly to the new technologies of tomorrow.

Under the suggested legislation, maximum use will be made of standards established through a voluntary consensus of industry, labor, and other experts. No standard will be set until the views of all interested parties have been heard. This proposal would also encourage stronger efforts at the State level, sharing enforcement responsibility with States which have adequate programs. Greater emphasis will also be given to research and education, for the effects of modern technologies on the physical well-being of workers are complex and

poorly understood. The Public Health Service has done some important groundwork in the field of occupational health, but we still need much more information and understanding.

Our specific recommendations are as follows:

1. Safety and health standards will be set by a new National Occupational Safety and Health Board. The five members of the Board will be appointed by the President with the advice and consent of the Senate to five-year terms; one member of the Board will change each year. At least three members of the Board must have technical competence in the field of occupational safety and health.

The Board will have the power to promulgate standards which have been established by nationally-recognized public or private standard-setting organizations. Thousands of these standards have been carefully worked out over the years; the Board will adopt such a "national consensus standard" when the standard-setting organization possesses high technical competence and considers the views of all interested parties in making its decisions.

If the Secretary of Labor (in matters of safety) or the Secretary of Health, Education and Welfare (in matters of health) objects to any such "national consensus standard," they may bring that objection before the Board. The Board can then set a new standard after giving the matter a full public hearing. When national consensus standards do not exist, the Board will have the power to break new ground after full hearings. If the Secretary of Labor or the Secretary of Health, Education and Welfare object to the Board's action, they can delay its implementation until at least three of the Board members reconfirm their original decision.

2. The Secretary of Labor will have the initial role in enforcing the standards which the Board establishes. The Secretary will ask employers whom he believes to be in violation of the standards to comply with them voluntarily; if they fail to do so, he can bring a complaint before the Occupational Safety and Health Board which will hold a full hearing on the matter. If the Board determines that a violation exists, it shall issue appropriate orders which the Secretary of Labor can then enforce through the Court system. In emergency situations, the Secretary can go directly to the courts and petition for temporary relief.

3. The State governments will be encouraged to submit plans for expanding and improving their own occupational safety and health programs. Federal grants will be available to pay up to 90 percent of the cost of developing such plans. When a State presents a plan which provides at least as much protection to the worker as the Federal plan, then the federal standard administration will give way to the State administration, with the Federal government assuming up to 50 percent of that State's costs.

4. The Secretary of Health, Education and Welfare will be given the specific assignment of developing and carrying out a broad program of study, experiment, demonstration, education, information, and technical assistance—as further means of promoting better safety and health practices in the workplace. The Secretary will be required to submit a comprehensive report to the President and the Congress, including an evaluation of the program and further recommendations for its improvement.

5. A National Advisory Committee on Occupational Safety and Health will be established to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare in the administration of the Act.

Three years ago, following its study of traffic and highway safety, the Congress noted that modern technology had brought with it new driving hazards, and, accordingly, it enacted the National Traffic and Motor Vehicle Act and the Highway Safety Act. With the advent of a new workplace technology, we must now give similar attention to workplace safety and health.

The legislation which this Administration is proposing can do much to improve the environment of the American worker. But it will take much more than new government efforts if we are to achieve our objectives. Employers and employees alike must be committed to the prevention of accident and disease and alert to every opportunity for promoting that end. Together the private and public sectors can do much that we cannot do separately.

RICHARD NIXON.

THE WHITE HOUSE, *August 6, 1969.*

REPORT OF ATLANTIC-PACIFIC INTEROCEANIC CANAL STUDY COMMISSION—MESSAGE FROM THE PRESIDENT (H. DOC NO. 91-143)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I am transmitting the fifth annual report of the Atlantic-Pacific Interoceanic Canal Study Commission. The report covers the period July 1, 1968 to June 30, 1969.

The Commission has now completed its data collection activities on all of the five sea-level canal routes under investigation. Field operations have been terminated, and all facilities and equipment not removed from the routes have been turned over to host-country governments under the terms of the survey agreements.

Within the United States the office and laboratory evaluations of route data are well-advanced, as are the Commission's studies of the diplomatic, economic, and military considerations that bear on the feasibility of a new, sea-level canal constructed by conventional or nuclear excavation. The Commission will render its final report not later than December 1, 1970, pursuant to its authorizing legislation.

During the year the Atomic Energy Commission conducted the third of its planned series of nuclear excavation experiments in support of the canal investigation. Although all the now planned nuclear cratering experiments will not be completed soon enough for full evaluation by the Commission, it is expected that the Commission will be able to reach general conclusions as to the feasibility of employment of nuclear explosives for canal excavation.

This anniversary sees the canal investigation entering its final phase, and I take great pleasure in forwarding the Commission's fifth annual report to the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *August 6, 1969.*

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 appropriate committees.

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

S. 2788—INTRODUCTION OF OCCUPATIONAL HEALTH AND SAFETY ACT OF 1969

Mr. JAVITS. Mr. President, the President has sent to the Congress today a message concerning the need for a Federal occupational health and safety law accompanied by a bill, which would implement the proposals made in the message, with a letter of transmittal from the Secretary of Labor. I now introduce the administration's occupational health and safety bill and ask that the message, the letter of transmittal and the bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, in keeping with President Nixon's pledge during the campaign to have his administration address itself to improving the quality of life for all Americans, this administration has made the improvement of the health and safety of working American men and women one of its primary goals. Earlier this year the administration sent up a strong coal mine health and safety bill which I was also privileged to sponsor, and I am indeed pleased that the Committee on Labor and Public Welfare last week reported out a strong coal mine health and safety bill—a bill which I hope will be taken up by the Senate as soon as it comes back from the recess.

The general occupational health and safety bill which the administration has sent up and I have introduced today is a most impressive breakthrough and major assumption of responsibility by the administration for the occupational health and safety of 35,000,000 working Americans. Under it a five-man Occupational Health and Safety Board would be established with responsibility for promulgating health and safety standards and enforcing those standards. In view of the herculean complexity and the long period of time which would be necessary in setting standards for all occupations throughout the country, the Board, quite properly, would be expected to utilize standards already developed by national standards-producing organiza-

tions. In addition, the views of the Secretary of Labor with respect to safety matters and the Secretary of Health, Education, and Welfare with respect to health matters would have to be given special consideration by the Board.

Inspections to insure compliance with Federal health and safety standards would be the responsibility of the Secretary of Labor, who would have also the power to initiate enforcement proceedings before the Board. The Board, if it finds after a hearing that an employer has violated a Federal health or safety standard, may issue an order against the employer requiring compliance which is enforceable in the Federal district courts. In addition, if the violation is willful, the Board may impose a civil penalty of up to $10,000 on the employer. In case of emergencies or imminent danger, the Secretary of Labor may apply to the U.S. district courts for a temporary restraining order and preliminary injunction pending the completion of proceedings before the Board.

The bill also recognizes that the States have a critical role to play in the occupational health and safety field. It provides that if a State files a plan meeting criteria demonstrating that the State program will be substantially as effective as a Federal program would be, insofar as standards, inspections, legal authority, qualified personnel, and adequate funding are concerned, the State may continue to exercise responsibility in the occupational health and safety field, subject to continuing evaluation by the Secretary of Labor. Grants to the States are provided to develop State plans, for developing information system and for administration of State programs.

The bill also provides for a research and training program and for the establishment of a national advisory committee on occupational health and safety.

Mr. President, the record of occupational health and safety statistics since the beginning of this century indicates that, although great strides were made in reducing death, injury, and disease between 1900 and 1960, during the last 10 years or so there has been no significant improvement in occupational health and safety in America. We have obviously reached a plateau insofar as the efforts of private industry and the States are concerned in this area, and major improvements are most unlikely unless and until the Federal Government becomes energetically and authoritatively involved in an occupational health and safety program. The bill the administration has sent up would certainly go a long way toward accomplishing that objective.

I recognize, of course, that the bill may be regarded as too strong by those who would prefer to leave occupational health and safety entirely in the hands of the States and the private business community; and that, on the other hand, the bill may be regarded as not going far enough by those who would prefer to see the Federal Government completely take over occupational health and safety throughout the country. The administration has properly rejected both of these extremes. The bill I have introduced today would give the Federal Government a key role in improving occupational health and safety, yet would provide for maximal utilization of the resources of both Federal and State and local governments.

I do, however, want to point out that it may be desirable to go somewhat further than this bill does in strengthening the hand of the Federal Government in this area. Of particular importance, in that connection, is the coal-mine health and safety bill recently ordered reported by the unanimous vote of the Committee on Labor and Public Welfare. Certainly we should investigate carefully whether any of the provisions in that bill can be appropriately embodied in a general occupational health and safety bill.

Among the issues which I believe should receive the most careful attention of the Labor Committee, as I know they will, when hearings are held on this bill and other occupational health and safety measures are whether enforcement orders issued by the board should be self-enforcing—subject to court review—rather than enforceable only through a decree of the Federal district court; whether the jurisdictional limitations in the bill, particularly those concerning agricultural workers, exclude too many workers from coverage; whether there is a need for permitting Federal inspectors to issue orders in emergencies without first having to appeal to the district court for a temporary restraining order; whether labor organizations ought not to be permitted more effective participation by, for example, allowing them to demand inspections and intervene in enforcement proceedings; and whether the Secretary of Labor and the Secretary of HEW should have the power to ask judicial review of standards promulgated by the board, just as the Secretary of Labor does have power under the bill to ask judicial review of enforcement orders by the board.

The committee will also, of course, give attention to whether the promulgation of standards and their enforcement ought to be handled by a board or the Secretaries of Labor and HEW. On this particular issue I find myself in agreement with the administration that a board should be utilized.

Clearly, in the development of standards, whatever agency is given the final authority will of necessity have to rely heavily on consultation with advisory committees and recognized experts in numerous fields.

Mr. President, I know that the distinguished chairman of the Committee on Labor and Public Welfare (Senator YARBOROUGH) and the distinguished chairman of the Subcommittee on Labor (Senator WILLIAMS), recognize the necessity for an effective Federal occupational health and safety law. I am certain, therefore, that the Subcommittee on Labor will accord this issue the high priority that it deserves and that hearings will be commenced on this legislation in the very near future.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD along with an explanatory statement of the bill.

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

The bill (S. 2788) to provide a comprehensive program for assuring safe and healthful working conditions for working men and women by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory safety and health standards; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes, introduced by Mr. JAVITS, 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. 2788

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 "Occupational Safety and Health Act of 1969."

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations which result in death or disability impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be the purpose and policy, through the exercise by Congress of its powers to regulate commerce among the several States and with foreign nations to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to recognize the humanitarian considerations in preserving our human resources—

(1) by encouraging employers in their efforts to reduce the number of occupational injuries and health hazards in their establishments, and to stimulate employers to institute new and perfect existing programs for providing safe and healthful working conditions;

(2) by building upon advances already made through employer initiative for providing safe and healthful working conditions;

(3) by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory occupational safety and health standards applicable to businesses affecting commerce;

(4) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques and approaches for dealing with occupational safety and health problems;

(5) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(6) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(7) by providing for the effective enforcement of such safety and health standards;

(8) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational

safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(9) by providing for appropriate accident and health reporting procedures which will help achieve the objectives of this Act; and

(10) by encouraging joint labor-management efforts and improved employee work practices to reduce the number of such injuries and diseases.

DEFINITIONS AND JURISDICTION

SEC. 3. (a) For the purposes of this Act:

(1) The term "Secretary" means the Secretary of Labor or his duly authorized representative.

(2) The term "Board" means the National Occupational Safety and Health Board established under section 5 of this Act.

(3) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States, other than a State as defined in subsection (a) (6) of this section, or between points in the same State but through a point outside thereof.

(4) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(5) The term "employer" mean a person engaged in a business affecting commerce who has employees, but does not include: the United States or any State or political subdivision of a State; any nonagricultural employer who employed no more than three employees at any time during the preceding calendar year; and any agricultural employer who did not, during any calendar quarter during the preceding calendar year, use more than 500 man-days of hired farm labor.

(6) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(7) The term "industry" means a trade, business, industry, or branch thereof, or group of industries, in which individuals are gainfully employed.

(8) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations or processes, reasonably necessary to provide safe or healthful employment and places of employment.

(9) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (a) has been adopted by a nationally recognized public or private standards-producing organization possessing technical competence and under a consensus method which involves consideration of the views of interested and affected parties, and (b) has been designated by the Board, after consultation with other appropriate Federal agencies.

(10) The term "establishment" means any distinct, physical place of business.

(b) (1) The Board in its discretion may by rule of decision or by published rule, decline to assert jurisdiction over any class or category of employers where in the opinion of the Board the effect on commerce of such employer's operation is not sufficiently substantial to warrant the application of this Act.

(2) This Act shall not apply with respect to employment performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than the following: a State; Wake Island; and the Canal Zone.

STANDARDS

SEC. 4. (a) Except as provided in sections 3(b), 12, and 14 of this Act, each employer engaged in a business affecting commerce shall furnish employment and a place of employment which are safe and healthful as prescribed by occupational safety and health standards promulgated by the National Occupational Safety and Health Board, established by section 5 of this Act. Such standards shall be promulgated, modified, or revoked by the Board by rule in accordance with subsections (b) or (c).

(b) Whenever the Board determines that safety and health standards should be prescribed for any trade, craft, occupation, or type of business, industry, workplace, or other work environment for which no standards have previously been prescribed pursuant to this Act, and for which an applicable national consensus standard exists, it shall promulgate by rule such applicable national consensus standard, such rule (or subsequent modification thereof) to become effective thirty days after publication in the Federal Register unless within such thirty-day period the Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) files a written objection together with reasons in support of such objection with the Board in which event such standard shall be promulgated in accordance with subsection (c) of this section. If the Board in its judgment decides that it is necessary to modify a national consensus standard it shall give notice to the nationally recognized standards-producing organization which produces such standard and afford the organization a period of sixty days (beginning with the day of receipt of such notice by the organization), or such additional period as the Board may, in its discretion, allow within which to modify such standard in accordance with the consensus method of the organization. *Provided,* That if the standards-producing organization fails to modify the national consensus standard within the sixty-day period, the Board may commence proceedings under subsection (c) of this section. If the organization so modifies such standard, the Board shall promulgate by rule such modified national consensus standard, such rule to become effective thirty days after publication in the Federal Register, unless within such thirty-day period the Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) files a written objection together with reasons in support of such objection with the Board in which event such standard shall be promulgated in accordance with subsection (c) of this section. Any such standard promulgated pursuant to this subsection shall be known as an "adopted national consensus standard." Section 553 of title 5, United States Code, shall not apply to this subsection.

(c) A rule or regulation to establish or modify an occupational safety or health standard other than those which are required to be promulgated or modified in accordance with subsection (b) shall be promulgated, issued, modified, or repealed by the Board as enumerated in paragraphs (1), (2), and (3) of this subsection: *Provided,* That prior to the institution of any procedures under this subsection, the Board shall submit to the appropriate national standards-producing organization any proposed standard and afford such organization reasonable opportunity, not to exceed 90 days unless extended by the Board, to prepare a report on the technical feasibility, reasonableness and practicality of such standard:

(1) Whenever the Board makes a preliminary determination that such a rule should be prescribed, the Board shall schedule and give notice of a hearing. Notice of the time and place of any such hearing shall be published in the Federal Register thirty days prior to the hearing and shall contain either the terms or substance of the proposed rule or a description of the subjects and issues involved. Prior to the hearing interested persons shall be afforded an opportunity to submit written data, views, or arguments. Only persons who have submitted such written data, views, or arguments shall have a right at such hearing to submit oral or written evidence, data, views or arguments.

(2) Upon the entire record before it, including any written data, views, and arguments submitted in connection with the hearing, and giving due regard to national consensus standards, if any, the Board may issue a rule promulgating, modifying, or revoking an occupational safety and health standard. The rule shall become effective on the expiration of 60 days after the date of its publication in the Federal Register unless the Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) files a written objection to the rule or any part thereof before the expiration of such period. Such objection shall be accompanied by suggested alternative standards and shall state that, based on the record before the Board the rule does not, in the judgment of the Secretary or the Secretary of Health, Education, and Welfare, as the case may be, provide safe and healthful working conditions or is not feasible.

(3) If within 60 days of the publication in the Federal Register of the rule the Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) files a written objection, and suggests alternative standards, the rule shall not become effective unless the Board within 30 days after the filing of objections reaffirms or modifies its decision to issue its rule by a majority vote of its five members, and states the reasons for such action. The rule, as finally determined and adopted by the Board shall be published in the Federal Register, to take effect not less than 30 days after publication. Whenever the rule as finally determined and adopted varies from the rule originally proposed by the Board, the Board shall also publish the basis for the new rule.

(d) The Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) may submit a request to the Board at any time to establish or modify occupational safety and health standards indicated in the request. Within ninety days from the receipt of the request, the Board shall commence proceedings under subsections (b) or (c) of this section to set such standards.

(e) If, after the termination of a hearing conducted under subsection (c) of this section and prior to the publication of the rule, an interested person who participated in the hearing before the Board makes application to the Board for leave to adduce additional evidence and such person shows to the satisfaction of the Board that such additional evidence may materially affect the result of the hearing and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Board, the Board may reopen the hearing for the purpose of considering such additional evidence.

(f) In determining the priority for establishing standards under this section, the Board shall give due regard to the need for mandatory safety and health standards of particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Board shall also give due regard to the recommendations of the Secretary and the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

NATIONAL OCCUPATIONAL SAFETY AND HEALTH BOARD

SEC. 5. (a) The National Occupational Safety and Health Board is hereby established. The Board shall be composed of five members, at least three of whom shall have a background either by reason of previous training, education or experience in the field of occupational safety or health, who shall be appointed by the President by and with the consent of the Senate. One of the five members may be designated at any time by the President to serve as chairman of the Board.

(b) The terms of office of the members of the Board shall be as follows: one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, another for a term of three years, and the two remaining members shall be appointed for periods of four and five years respectively. Their successors shall be appointed for terms of five years each, except that vacancy caused by death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(c) Subchapter II (relating to executive schedule pay rates) of chapter 53 of title V of the United States Code is amended as follows:

(1) Section 5314 (5 U.S.C. sec. 5314) is amended by adding at the end thereof the following: "(54) Chairman, National Occupational Safety and Health Board."

(2) Section 5315 (5 U.S.C. sec. 5315) is amended by adding at the end thereof the following: "(92) Members, National Occupational Safety and Health Board."

(d) The principal office of the Board shall be in the District of Columbia. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

(e) The Board shall, without regard to the civil service laws, appoint and prescribe the duties of a Secretary of the Board. Subject to the civil service laws, the Board shall appoint such other employees, including hearing examiners, as it deems necessary in exercising its responsibilities. The compensation of all employees appointed by the Board shall be fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

(f) For the purpose of carrying out its functions under the Act, three members of the Board shall constitute a quorum, and official action can be taken only on the affirmative vote of at least three members; but upon the order of the Board a special panel composed of one or more members, or a hearing examiner, shall conduct any hearing provided for in section 4 and submit the transcript of such hearing to the entire Board for its action thereon.

(g) The Board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(h) To carry out its functions under section 4 and section 7(a) the Board is authorized to issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(i) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the Board or by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (j) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(j) In the case of contumacy by, or refusal to obey a subpena served upon any person under this subsection, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(k) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings.

DUTIES OF THE SECRETARY

Inspections and investigations

SEC. 6. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter upon at reasonable times any factory, plant, establishment, construction site, or other area, workplace, or environment where work is performed by an employee of an employer or on a contract described in section 11(a); and

(2) to question any such employee and to inspect and investigate during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, any such area, workplace, or environment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein.

(b) For the purpose of carrying out his duties under this Act the Secretary may delegate his authority under this section to any agency of the Federal Government with or without reimbursement and with its consent and to any State agency or agencies designated by the Governor of the State and with or without reimbursement and under conditions agreed upon by the Secretary and such State agency or agencies.

ADMINISTRATIVE ENFORCEMENT

SEC. 7. (a)(1) If, upon inspection or investigation, the Secretary within his discretion determines that there is reasonable cause to believe that an employer has violated the standards promulgated under section 4 or that any person has violated any regulation prescribed under subsection (b) of this section or any contractual requirement of section 11(a), he may petition the Board for a hearing to determine if a violation has occurred. The Board shall hold a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section), and shall issue such orders, and make such decisions, based upon findings of fact, as are deemed to be necessary to enforce such standards, regulations, or requirements: *Provided*, That no employer shall be found to have violated the standards under this Act if he demonstrates by a preponderance of the evidence that he has provided safe and healthful working conditions which are substantially equal to those required to be maintained pursuant to the applicable standards under this Act. The Board shall give any person who is alleged to have violated the standards promulgated under section 4, the information required by section 554(b) of title 5, at least fifteen days prior to hearing.

(2) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(b) Each employer shall make, keep, and preserve for such period of time, and make available to the Secretary such records concerning the implementation of section 4 of this Act as the Secretary shall prescribe by regulation as may be necessary to carry out his functions under this Act. On the basis of such records, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act. In prescribing regulations under this section, the Secretary shall consult with the States in order to minimize or eliminate separate record-keeping or reporting requirements and to avoid duplication of effort.

JUDICIAL PROCEEDINGS

SEC. 8. (a) The Secretary shall have power, upon issuance of an order under section 7(a)(1), to petition any United States district court within any district wherein a violation of the Act is alleged to have occurred or wherein the employer has its principal office, for appropriate relief. The district courts of the United States shall have jurisdiction to enforce (by restraining order, injunction, or otherwise) any order of the Board under section 7(a)(1) of this Act. The Secretary or any other person adversely affected or aggrieved by an order of the Board issued under section 7(a)(1) of this Act may obtain review of such order by the United States district court for the district wherein the violation is alleged to have occurred or wherein the employer has its principal office by filing in such court within 30 days following the issuance of such order a petition praying that the action of the Board be modified or set aside in whole or in part. A petition for review by the court shall not stay an order of the Board under section 7(a)(1) unless otherwise provided by the court.

(b) If, upon inspection or investigation, the Secretary within his discretion determines (A) that there is reasonable cause to believe an employer has violated any standard promulgated under section 4 or that any person has violated a contractual requirement of section 11(a) and (B) that conditions or practices in such places of employment are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated, the Secretary may petition any United States district court, within any district wherein such violation is alleged to have occurred, or wherein the employer has its principal office for injuctive relief or a temporary restraining order. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law: *Provided*, That no temporary restraining order shall be issued

without notice unless a petition alleges that substantial and irreparable injury will be unavoidable and such temporary restraining order shall be effective for no longer than five days and will become void at the expiration of such period: *Provided further,* That the Secretary may obtain appropriate injunctive relief following the expiration of a five-day restraining order pending the outcome of a proceeding under section 7(a)(1) of this Act begun during the five-day period of the temporary restraining order. Upon filing of any petition for preliminary injunction the courts shall cause notice thereof to be served upon the employer, who shall be given an opportunity to appear by counsel and present any relevant testimony.

(c) Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court and the Court of Claims, the Solicitor of Labor may appear for and represent the Secretary and the Board in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General: *Provided,* That in any appeal of any action of the Board brought by the Secretary under section 8(a), the Solicitor shall represent the Secretary; the Attorney General shall represent the Board in such proceedings.

(d) In any case where an injunction or temporary restraining order is obtained pursuant to subsection (b) of this section by the Secretary, the court which grants such relief shall set a sum which it deems proper for the payment of such costs, damages, and attorney's fees as may be incurred or suffered by any party who is found to have been wrongfully restrained or enjoined. In no case shall any party wrongfully restrained or enjoined be entitled to a recovery for costs, damages and attorney's fees in excess of the sum set by the court.

(e) Any interested person affected by the action of the Board in issuing a standard under section 4 may obtain review of such action by the United States Court of Appeals for the District of Columbia by filing in such court within thirty days following the publication of such rule a petition praying that the action of the Board be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Board, and thereupon the Board shall certify and file in the court the record upon which the action complained of was issued as provided in section 2112 of title 28, United States Code. Findings of fact by the Board, if supported by substantial evidence on the record as a whole, shall be conclusive; but the court, for good cause shown, may remand the case to the Board to take further evidence, and the Board may thereupon make new or modified findings of fact and may modify its previous action and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence on the record considered as a whole. The remedy provided by this subsection for reviewing a standard shall be exclusive. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this subsection shall not, unless specifically ordered by the court, delay the application of the Board's standards.

INADMISSIBILITY AS EVIDENCE; CONFIDENTIALITY OF TRADE SECRETS

SEC. 9. (a) No record or determination of any administrative proceeding under this Act or any statement or report of any kind obtained or received in connection with an investigation under, or the administration or enforcement of, the provisions of this Act shall be made available to any third party or admitted or used as evidence in any civil action other than an action for enforcement or review under this Act nor shall the Secretary or any representative of the Secretary be required by compulsory process to testify as an expert in any civil action growing out of any matter mentioned in such record, determination, statement, or report, except this subsection shall not be construed to bar the use of compulsory process in requiring any representative of the Secretary to testify on matters otherwise within his personal knowledge concerning the facts involved in such civil action.

(b) In connection with any inspection or proceeding under this Act no witness or any other person shall be required or permitted to divulge trade secrets or secret processes except as authorized by the person who owns such secrets or processes.

PENALTIES

SEC. 10. (a) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

(b)(1) Any person who makes a false statement or representation of a material fact, knowing it to be false, or who knowingly fails to disclose a material fact, in any document, report, or other information required under the provisions of section 7(b), shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(2) Any person who willfully makes a false entry in or willfully conceals, withholds, or destroys any books, records, or statements required under the provisions of section 7(b) shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(c) Any employer who willfully violates any standards promulgated under section 4 of this Act may be assessed by the Board, pursuant to an order issued under section 7(a)(1) of this Act, a civil penalty of not more than $10,000 for each violation. In assessing the penalty, consideration shall be given to the appropriateness of the penalty to the size of the business of the person charged and the gravity of the violation.

GOVERNMENT CONTRACTS

SEC. 11. (a) Each contract exceeding $2,500 and requiring or involving the employment of any person (1) to which the United States or any agency or instrumentality thereof, or the District of Columbia is a party, (2) which is made for or on behalf of the United States, any agency or instrumentality thereof, or the District of Columbia, or (3) which is financed in whole or in part by loans or grants from, or loans insured or guaranteed by, the United States or any agency or instrumentality of the United States, shall include the requirement that no part of such contract (or any subcontract thereunder) will be performed in any place or under any condition which does not meet the applicable occupational safety and health standards. The applicable occupational safety and health standards shall be the standards under section 4 of this Act, except that, to the extent that the contract will be performed in a State in which there is in effect a State plan approved under section 14 which provides for the development of safety and health standards relating to one or more occupational safety or health issues, the applicable occupational safety and health standards relating to such issues shall be those developed under the State plan rather than those under section 4.

(b) In addition to the remedies otherwise provided in this Act, the Board may declare ineligible to receive for such period of time as the Board may prescribe, up to three years, any contract of a type described in subsection (a) of this section (whether or not the contract exceeds $2,500) any person or firm, or any firm, corporation, partnership, or association in which such person or firm has a controlling interest, which is found to have violated the requirements under this Act. No such contract shall be awarded during such period to such person or firm, or to any firm, corporation, partnership or association in which such person or firm has a controlling interest. For the purpose of carrying out the provisions of this subsection the Board shall distribute a list of all agencies of the United States containing the names of persons or firms declared ineligible to receive such contracts and the periods of ineligibility.

(c) In addition to the remedies otherwise provided in this Act, the Board may recommend to the appropriate contracting agency that such agency cancel, terminate, suspend, or cause to be canceled, or suspended, any contract made by any contracting agency for the failure of the contractor to comply with an order of the Board issued under section 7(a)(1) of this Act for the breach or violation by such employer of the requirements under subsection (a) of this section.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 12. The Board, on the record, after notice and opportunity for hearing, may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all of the provisions under this Act as it may find advisable and proper in the public interest or to avoid serious impairment of the conduct of Government business. The Board shall keep an appropriately indexed record of all variations, tolerances, and exemptions granted under this section, which shall be open for public inspection.

AUTHORITY OF THE SECRETARY TO ISSUE RULES AND REGULATIONS

SEC. 13. The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out his responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

EFFECTIVE DATE: FEDERAL-STATE RELATIONSHIP

SEC. 14. (a)(1) Except as otherwise provided in this section, this Act shall be effective on the first day of the first month after the date of its enactment.

(2) Sections 7, 8, 10, and standards promulgated under section 4 shall not take effect until July 1, 1972. Section 11 shall not apply to contracts entered into before July 1, 1972.

(b)(1) No State safety or health standard in effect upon the effective date of this Act or which may become effective thereafter, shall be superseded by any standard promulgated under this Act except insofar as such State safety or health standard is in conflict with this Act.

(2) Any State safety or health standard in effect upon the effective date of this Act, or which may become effective thereafter, which affords employees significantly greater protection than a safety or health standard promulgated under this Act shall not thereby be construed or held to be in conflict.

(c) Any State which, at any time, desires to assume responsibility for development and enforcement in such State of occupational safety or health standards relating to any occupational safety or health issue

with respect to which a Federal standard has been promulgated under section 4 shall submit a State plan for the development of such standards and their enforcement.

(d) The Secretary, after consultation with the Secretary of Health, Education, and Welfare, shall approve the plan submitted by a State under subsection (c), or any modification thereof, if such plan—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State;

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards and their enforcement are or will be substantially as effective in providing safe and healthful employment and places of employment as provided in this Act;

(3) provides for the right of entry and inspection of all work places subject to the Act;

(4) contains assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards;

(5) gives assurances that such State will devote adequate funds to the administration and enforcement of such standards; and

(6) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(e) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

(f) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States Court of Appeals for the Circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition praying that the action of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the Court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan to be arbitrary and capricious, the Court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(g) After the Secretary approves a State plan submitted under subsection (c), he may, but shall not be required to, exercise his authority with respect to standards promulgated under section 4 of the Act until he determines, no later than three years after the plan's approval under subsection (d), that, on the basis of actual operations under the State plan, the State meets the criteria set forth in such subsection. Upon making such determination, the provisions of sections 6, 7 (other than 7(b)), and 8 (other than section 8(e)) relating to judicial review of standards issued by the Board, and standards promulgated under section 4, shall not apply with respect to any occupational safety or health issues covered under the plan: *Provided*, That nothing in this subsection shall prevent the Secretary from making inspections at any time for the sole purpose of conducting the continuing evaluation provided for in subsection (e) of this section.

RELATIONSHIP TO OTHER FEDERAL PROGRAMS

SEC. 15. Nothing in this Act shall authorize the Board or the Secretary to regulate, or shall apply to, working conditions of employees with respect to whom other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021) have statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 16. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated by the Board under section 4. The head of each agency shall (after consultation with authorized representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 4;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action; and

(4) make an annual report to the President with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e)(2) of title 5, United States Code.

(b) The President shall transmit annually to the Senate and House of Representatives a report of the activities of each Federal agency under this section.

HEALTH RESEARCH AND RELATED ACTIVITIES

SEC. 17. (a) (1) The Secretary of Health, Education, and Welfare, after consultation with the Board and the Secretary, and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Board in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria enabling the Board to meet its responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop such criteria.

(3) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(b) The Secretary of Health, Education, and Welfare is authorized after presenting written notice to make inspections as provided in section 6 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In order to avoid any duplication of efforts under this section the Secretary shall consult with the Secretary of Health, Education, and Welfare.

(d) Within two years after the effective date of this Act, the Secretary of Health, Education, and Welfare, in consultation with the Secretary and the Board, shall complete a comprehensive study and evaluation of occupational health problems and transmit a report, including recommendations thereon, to the President and to the Congress.

TRAINING AND EMPLOYEE EDUCATION

SEC. 18. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts, (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety equipment.

(b) The Secretary is also authorized to conduct (directly or by grants or contracts) short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) In order to encourage labor and management to promote occupational safety and health, the Secretary shall provide technical assistance to labor and management relating to the promotion of sound safety and health programs and practices.

(d) In consultation with the Secretary of Health, Education, and Welfare, the Secretary shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and to consult with and advise employers as to effective means of preventing occupational injuries and illnesses.

ADMINISTRATION; NATIONAL ADVISORY COMMITTEE

SEC. 19. (a) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and employees of such agency with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or subdivision with or without reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(b) (1) There is hereby established a National Advisory Committee on Occupational Safety and Health (hereafter in this subsection referred to as the "committee") consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the civil service laws and composed equally of representatives of management, labor and the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(2) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to

the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year.

(3) The members of the Committee shall be compensated in accordance with the provisions of subsection (a) (2) of this section.

(4) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

GRANTS TO THE STATES

SEC. 20. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States to assist them (1) in identifying their needs and responsibilities in the area of occupational safety and health, (2) in developing State plans under section 14, or (3) in developing plans for—

(1) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(2) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(3) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) For receipt of any grant made by the Secretary under this section, the Governor of the State shall designate the appropriate State agency, or agencies.

(d) Any State agency, or agencies, designated by the Governor of the State, desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may be up to 90 per centum of the State's total cost.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 14 of this Act. The Federal share for each State grant under this subsection may be up to 50 per centum of the State's total cost.

(h) Prior to June 30, 1972, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to Congress, describing the experience under the program and making any recommendations as he may deem appropriate.

EFFECT ON OTHER LAWS

SEC. 21. (a) Except as provided in subsection (c) of this section nothing in this Act shall be construed as repealing or modifying in any way any other Federal laws prescribing safety and health requirements.

(b) Nothing in this Act shall be construed or held to supersede or in any manner affect the functions or authority of the Secretary of Health, Education, and Welfare under any other law, or to affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, occupational or other diseases, or death of employees arising out of, or in the course of employment.

(c) The safety and health standards promulgated under the Walsh-Healey Public Contracts Act, 41 U.S.C. 35 et seq., the Service Contract Act, 41 U.S.C. 351 et seq., and the National Foundation on Arts and Humanities Act, 20 U.S.C. 951 et seq., are deemed repealed and rescinded on the effective date of corresponding standards promulgated under this Act, as determined by the Secretary of Labor to be corresponding standards. The safety and health provisions of the Walsh-Healey Public Contracts Act, 41 U.S.C. 35 et seq., the Service Contract Act, 41 U.S.C. 351 et seq., and the National Foundation on Arts and Humanities Act, 20 U.S.C. 951 et seq., are deemed repealed and rescinded effective July 1, 1975.

AUDITS

SEC. 22. (a) Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

REPORTS

SEC. 23. Within one hundred and twenty days following the convening of the first session of each Congress, the Secretary, the Board, and the Secretary of Health, Education, and Welfare shall prepare and submit to the President for transmittal to the Congress biennial reports upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of occupational safety and health, and any other relevant information, and including any recommendations they may deem appropriate.

APPROPRIATIONS

SEC. 24. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEPARABILITY

SEC. 25. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

The statement ordered to be printed in the RECORD reads as follows:

EXPLANATORY STATEMENT OF THE "OCCUPATIONAL SAFETY AND HEALTH ACT OF 1969," A DRAFT BILL TO ASSURE SAFE AND HEALTHFUL WORKING CONDITIONS FOR WORKING MEN AND WOMEN

GENERAL

The draft bill would provide a comprehensive program for assuring safe and healthful working conditions for working men and women (1) by directing the President to appoint a National Occupational Safety and Health Board which would set mandatory safety and health standards; (2) by providing for enforcement of such standards; (3) by building upon advances already made through employer initiative which provide safe and healthful working conditions; (4) by assisting the States in their efforts to assure safe and healthful working conditions; and (5) by providing for research, including special research into health problems, and information, education and training in the field of occupational safety and health.

COVERAGE

The bill would apply to all employers engaged in businesses, affecting commerce unless they are expressly excluded from the coverage of the bill (sec. 3), or are exempted under section 12 (authorizing the Board, after a hearing, to permit reasonable variations, tolerances, or exemptions) or 14 (exempting employers from Federal standards in States having approved plans). Employers excluded from coverage would include (1) the United States or any State or political subdivision of a State; (2) any nonagricultural employer who employed no more than three employees at any time during the preceding calendar year; or (3) any agricultural employer who did not, in any calendar quarter during the preceding calendar year, use more than 500 man-days of hired farm labor (the same coverage as under the Fair Labor Standards Amendments of 1966); and (4) any class or category of employers over which the National Occupational Safety and Health Board has by rule declined to assert jurisdiction because the effect on commerce of such employer's operation is not sufficiently substantial to warrant the application of the bill's requirements.

STANDARDS

Section 4 of the proposal provides that each employer engaged in a business affecting commerce shall comply with mandatory safety and health standards set by the National Occupational Safety and Health Board, which is to be appointed by the President, as provided for in section 5 of the bill. The bill requires that prior to initiating a standard-setting procedure, the Board must submit any proposed standard to a national standard-producing organization in order that the organization may report on the feasibility of the proposed standards. In addition to setting its own standards, the Board would, where possible, adopt the standards set by nationally-recognized standards-producing organizations which develop their standards under a national consensus method. When the Board considers it necessary to have a modification of an adopted national consensus standard, the Board is required to give notice to the standards-producing organization. Such notice is given in order to afford the standards-producing organization an opportunity to modify the standard in accordance with its consensus method. If the standards-producing organization modifies the standard the Board must promulgate it in its modified form, unless the Secretary of Labor or the Secretary of HEW objects. That is, the Secretary of Labor and the Secretary of Health, Education, and Welfare would participate in the standard-setting process by being authorized to question any standard adopted by the Board and to submit to the Board their own recommendations for standards. Whenever one or both of the Secretaries question any standard adopted by the Board, the Board would conduct a hearing on the objections and recommendations of the Secretary.

Private parties are afforded the right to judicial review of the Board's standards. Section 8(e) provides that any interested person affected by the action of the Board in issuing a standard may obtain judicial review thereof in the United States Court of Appeals for the District of Columbia.

ENFORCEMENT

The Secretary is authorized to make inspections and investigations of premises subject to the Act, and if within his discretion he determines that there is reasonable cause to believe that a violation of the standards promulgated under the Act has occurred, he may petition the Board for a hearing to determine if a violation has occurred. Following the hearing, the Board may issue orders deemed necessary to enforce the standards, regulations, or requirements of the Act. The Secretary may seek enforcement of the

Board's orders in the district courts or, where he objects to a Board order, he may obtain judicial review thereof in these courts. Persons aggrieved by the Board's orders may also seek judicial review in the district courts. The Secretary institutes civil litigation under the Act, subject to the general direction of the Attorney General, as under the Fair Labor Standards Act. In addition, no employer is to be considered in violation of the standards promulgated under the Act if he demonstrates by a preponderance of the evidence that he is providing conditions which are substantially as safe and healthful as would be maintained if the employer was in exact compliance with the applicable standards promulgated under the Act.

Also, where an inspection discloses an imminent danger to employees, the Secretary is authorized to seek a temporary restraining order or appropriate injunctive relief from a Federal district court, which the court may grant after setting a monetary sum to cover the costs for damages suffered by any party who is later found to have been wrongfully restrained.

RECORD KEEPING REQUIREMENTS

The bill requires employers to keep records concerning occupational injuries and diseases and make these records available to the Secretary. The Secretary may also require employers to submit such reports as he deems necessary to carry out his functions under the Act. However, the Secretary in prescribing regulations under this section is directed to consult with appropriate State agencies in order to minimize separate record keeping or reporting requirements and to avoid any duplication of effort.

PENALTIES

It is a felony under the proposed bill to use force against any person engaged in enforcement activities under the Act. Varying fines and prison terms commensurate with the seriousness of the offenses are provided for. Willful violations of the record-keeping and reporting requirements of the Act are made misdemeanors.

There is also a civil penalty of up to $10,000 which may be imposed by the Board on an employer who willfully violates a standard promulgated under section 4 of the Act.

FEDERAL CONTRACTS AND ASSISTANCE PROGRAMS

In addition to the enforcement procedures and penalties, the Secretary would have additional remedies in the case of Government contracts or subcontracts. Each Federal contract or one involving Federal assistance, exceeding $2,500, must contain a requirement that the work to be performed under the contract will be done under safe and healthful conditions which meet any applicable standards set by the Board under the Act, unless the contract is being performed in a State with an approved plan. In such case, the State standard under the plan applies.

The Board may declare any person who violates the requirements of the Act ineligible to receive contracts subject to the Act (whether or not the contract exceeds $2,500) for such period as the Board may prescribe, up to three years. No contract can be awarded during such period. In addition, the Board may recommend to a contracting agency that a contract be cancelled, terminated, or suspended where a contractor or subcontractor does not comply with an order of the Secretary, or breaches the contract's conditions relating to safety and health.

The provisions of the proposed bill dealing with Government contracts replace the safety and health provisions of the Walsh-Healey Act, the Service Contract Act, and the National Foundation on the Arts and Humanities Act over a period of time.

RELATIONSHIP TO OTHER FEDERAL PROGRAMS

Section 15 provides that nothing in the Act authorizes the Secretary of Labor to regulate, or applies to working conditions of employees with respect to whom another Federal agency has statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

VARIATIONS, TOLERANCES AND EXEMPTIONS

Section 12 of the draft bill authorizes the Board to allow reasonable variations, tolerances, and exemptions from any of the provisions of the draft bill.

RULES AND REGULATIONS BY THE SECRETARY OF LABOR

Section 13 of the proposal directs the Secretary to prescribe such rules and regulations as he deems necessary to carry out his duties under the Act, including rules and regulations dealing with inspections.

FEDERAL-STATE RELATIONSHIP

An important aspect of the bill is to encourage the States to do an effective job in assuring safe and healthful workplaces for the business within their boundaries. Therefore, section 14 provides that where State law affords employees significantly greater protection than the Federal law, State law is preserved. Section 14 also provides for the submission of State plans to the Secretary when a State wishes to assume responsibility for the development and enforcement of occupational safety and health standards for which a Federal standard exists. These plans would be approved by the Secretary, after consultation with the Secretary of Health, Education and Welfare, if they are developed and enforced in such a manner as to be substantially as effective as the Federal standards and meet certain criteria set out in section 14. The Secretary would continue to evaluate the State programs and employers would continue to report data to the Secretary as required by the Act. After the Secretary approves a State plan, he can continue to apply the Federal standards in whole or in part (for a period up to three years) until he determines, on the basis of actual operations, that the State plan is meeting all of the criteria of the Act.

If the Secretary desires to withdraw his approval of a State plan, he must first afford the State an opportunity for a hearing. In addition, a State may obtain judicial review of the Secretary's decision to reject or withdraw approval of a State plan in the U.S. Court of Appeals in the circuit where the State is located.

HEALTH RESEARCH AND RELATED ACTIVITIES

The draft bill also provides for research, demonstrations, and experiments relating to occupational safety and health. The Secretary of Health, Education, and Welfare is responsible for the conduct of these activities and is authorized to carry them out either directly or by grants or contracts. He may also conduct research into the motivational and behavioral factors relating to occupational safety and health. The Secretary of Health, Education and Welfare is directed, on the basis of such research, demonstrations, and experiments, to develop criteria which will enable the Board to meet its responsibilities under the bill for formulating occupational safety and health standards. In order to coordinate the responsibility of the Secretary of Health, Education and Welfare for developing criteria, with the corresponding responsibilities of the Board for formulating occupational safety and health standards and of the Secretary of Labor for enforcement, they are directed to consult for the purpose of developing specific plans for research, demonstrations, and experiments to be undertaken by HEW.

Since there might be certain areas of research outside the scope of HEW's capabilities, such as the operation of particular types of industrial machines, the bill authorizes the Secretary of Labor to contract or otherwise arrange for the conduct of studies by public or private organizations. To guard against any possible duplication of effort the bill provides for consultation between the two Secretaries.

The Secretary of HEW, in consultation with the Secretary and the Board, is also directed to complete a comprehensive study and evaluation of occupational health problems, and transmit a report, including recommendations, to the President and to the Congress.

TRAINING

The bill directs the Secretary of HEW to conduct (directly or by grants or contracts) educational programs to provide an adequate supply of personnel to carry out the purposes of the bill and to provide informational programs on the importance and proper use of safety equipment. The Secretary of Labor is authorized to provide, either directly or by grants or contracts, short-term training to up-date skills of the personnel already engaged in occupational safety and health work.

In order to encourage the efforts of labor and management in the area of occupational safety and health, the Secretary of Labor is also directed to provide technical assistance relating to the promotion of sound occupational safety and health practices.

In addition, the Secretary of Labor is directed to establish training programs for employers and employees in the avoidance and prevention of occupational diseases and injuries.

GRANTS TO THE STATES

The draft bill provides for grants to the States to assist them (1) in identifying their needs and responsibilities in the area of occupational safety and health, (2) in developing State plans under section 14, or (3) in developing plans for—(a) establishing systems for the collection of information on the nature and frequency of occupational injuries and diseases; (b) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; and (c) improving the administration and enforcement of State occupational safety and health laws, including the standards thereunder. The Secretary is also authorized to make grants to the States for experimental and demonstration projects. The Federal share for each of the above grants may be up to 90 percent of the States' total cost.

In addition, the Secretary may make grants to the States up to 50 percent of the State's total cost to assist them in administering and enforcing programs for occupational safety and health contained in State plans as approved by the Secretary under section 14 of the Act.

MISCELLANEOUS

To assist the Secretary in carrying out his responsibilities under this act he is authorized to use with or without reimbursement the services, facilities, and employees of Federal and State agencies and to employ outside experts and consultants. The bill establishes a tripartite National Advisory Committee on Occupational Safety and Health to advise and make recommendations to them concerning the administration of the Act. The Board is to be composed of twelve members appointed by the Secretary of Labor, four of whom would be designated by the Secretary of HEW.

Section 16 of the draft bill makes the head of each Federal agency responsible for establishing and maintaining a comprehensive and effective occupational safety and health program, consistent with any standards set by the Board under section 4, to protect the employees under his jurisdiction.

Section 21 of the bill provides that nothing in the bill shall be construed as repealing or modifying in any way other Federal occupational safety and health laws or in any manner supersede or affect any workmen's compensation law. Excepted from this provision are the safety and health standards promulgated under the Walsh-Healey Act,

the Service Contract Act, and National Foundation on the Arts and Humanities Act, which are superseded as soon as corresponding standards are promulgated under the draft bill. (The safety and health provisions of the Walsh-Healey Act, the Service Contract Act and the Arts and Humanities Act are repealed in their entirety on July 1, 1975.)

EXECUTIVE COMMUNICATIONS, ETC.

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

HYDROELECTRIC PLANT CONSTRUCTION COST AND ANNUAL PRODUCTION EXPENSES

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Hydroelectric Plant Construction Cost and Annual Production Expenses, 1966–1967 (with an accompanying document); to the Committee on Commerce.

PROPOSED INCLUSION OF RAILROAD RETIREMENT BENEFITS AS INCOME OF VETERANS FOR VETERANS' ADMINISTRATION PENSION

A letter from the Deputy Administrator, Veterans' Administration, Office of Administrator of Veterans' Affairs, transmitting a draft or proposed legislation to include railroad retirement benefits as income of veterans for Veterans' Administration pension (with an accompanying paper); to the Committee on Finance.

PROPOSED REPEAL OF SAVINGS PROVISION OF LAW PROTECTING VETERANS ENTITLED TO DISABILITY COMPENSATION FOR ARRESTED TUBERCULOSIS

A letter from the Deputy Administrator, Veterans' Administration, Office of the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to repeal the savings provision of Public Law 90–493 protecting veterans entitled to disability compensation for arrested tuberculosis (with an accompanying paper); to the Committee on Finance (with an accompanying paper); to the Committee on Finance.

PROPOSED ELIMINATION OF CERTAIN DUPLICATIONS IN FEDERAL BENEFITS NOW PAYABLE FOR THE SAME, OR SIMILAR, PURPOSE

A letter from the Deputy Administrator, Veterans' Administration, Office of the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend section 902 of title 38, United States Code, to eliminate certain duplication in Federal benefits now payable for the same, or similar, purpose (with accompanying papers); to the Committee on Finance.

PROPOSED OCCUPATIONAL SAFETY AND HEALTH ACT OF 1969

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide a comprehensive occupational safety and health program (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

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

S. 65. A bill to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Emogene Tilmon of Logan County, Ark. (Rept. No. 91–341);

S. 80. A bill to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Enoch A. Lowder of Logan County, Ark. (Rept. No. 91–342);

S. 82. A bill to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Wayne Tilmon and Emogene Tilmon of Logan County, Ark. (Rept No. 91–343); and

H.R. 9946. An act to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the Board of Education of Lee County, S.C. (Rept. No. 91–344).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with amendments:

S. 81. A bill to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark. (Rept. No. 91–345); and

S. 1836. A bill to amend the Federal Seed Act (53 Stat. 1275), as amended (Rept. No. 91–346).

BILLS INTRODUCED

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

By Mr. HOLLAND:

S. 2783. A bill for the relief of Cipriano Diaz Campo; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2784. A bill for the relief of Hermina Romero; to the Committee on the Judiciary.

S. 2785. A bill to authorize the United States Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. HARTKE when he introduced the bill (S. 2785) appear later in the RECORD under the appropriate heading.)

By Mr. GORE:

S. 2786. A bill for the relief of Daniel Dumuk Aguila and his wife Norma Aguila; to the Committee on the Judiciary.

By Mr. BIBLE:

S. 2787. A bill to amend the Federal Aviation Act of 1958 in order to require air carriers to file reports with the Civil Aeronautics Board listing lost, damaged, and stolen baggage and cargo; to the Committee on Commerce.

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

By Mr. JAVITS:

S. 2788. A bill to provide a comprehensive program for assuring safe and healthful working conditions for working men and women by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory safety and health standards; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. JAVITS (for himself, Mr. NELSON, Mr. SCOTT, Mr. DODD, and Mr. HATFIELD):

S. 2789. A bill to eliminate poverty-related hunger and malnutrition in the United States through interrelated and coordinated programs, and for other purposes; to the Committee on Labor and Public Welfare.

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

S. 2785—INTRODUCTION OF THE DRUG ABUSE EDUCATION ACT OF 1969

Mr. HARTKE. Mr. President, today I introduce a bill that attempts to handle one of the major social problems of this country. This bill can be considered as a supplement to Senator YARBOROUGH'S bill, the Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act of 1969, which I was proud to cosponsor.

The purpose of my bill is to assist the community, parents, and teachers to handle and understand the growing problem of drug addiction. It is similar to a bill introduced in the House of Representatives by Congressman JOHN BRADEMAS and others.

Although all studies indicate that drug addiction is a major cause of crime, society remains relatively ignorant about drugs and their consequences to individuals and to society. Also, recent surveys and polls reveal that increasing numbers of our young people are using marihuana and even more dangerous drugs. Society has many laws to prohibit and punish the drug pusher and user. I firmly believe, however, that punishment is not enough, that society will only be preserved and our young people protected when we attack the basic ignorance and misinformation fostering the spread of drug use. For this purpose, I introduce today a Comprehensive Drug Education Act of 1969.

We can no longer combat this serious problem of ignorance by threat and imprecation. We must equip law enforcement officials, parents and teachers with the necessary knowledge and techniques to convince our young people of the dangers and foolishness of drug use.

Our teachers, if they are to successfully handle this problem, must be prepared to correct misconceptions, distortions and fallacies about drugs. They must be able to develop a modern, integrated curriculum using a variety of teaching techniques, including audiovisual aids, to present forcefully the horror and folly of drug addiction. They must have a fine appreciation of what amount of information on drugs and drug addiction is appropriate for a particular age group. And they must be able to draw out and encourage student participation in drug addiction courses to discover those students who have or could have a drug problem.

My bill would provide for education of teachers so that the teachers will have the skills to achieve the above stated goals.

This bill would also provide: funds to educators, law enforcement officials and other members of the community to study the drug problem; provide funds for short-term seminars for parents to become familiar with this problem; provide grants to institutions of higher education for research and development of teaching material and techniques in this area; form an advisory committee of leading educators, law-enforcement officials, psychologists and doctors to make periodic evaluations of the programs authorized by this act, and to make necessary recommendations for improvement.

The purpose of this bill is to bring the

resources, talents and human concern of the entire community to bear on the solution of the growing menace of drug addiction.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The bill will be received and appropriately referred.

The bill (S. 2785) to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning the use of drugs and for other related educational purposes, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Labor and Public Works.

S. 2787—INTRODUCTION OF AIR CARGO LOSS STATISTICS LEGISLATION

Mr. BIBLE. Mr. President, I introduce for appropriate reference, a bill designed to help deal with the increasingly acute rate of air cargo thievery and pilferage at the country's major air terminals where losses total many millions of dollars each year.

This thievery-pilferage plague, especially at international ports of entry, is part of the biggest multibillion dollar racket nationally today—stealing from business.

The Senate Select Committee on Small Business, of which I have the honor to be chairman, has been conducting an investigation into the economic impact of crime on small business. One phase of this inquiry deals with the problem of theft and pilferage of goods in transit. Air commerce is the first mode of transportation being examined.

Our hearings have already shown the appalling fact that it is totally impossible today for anyone to know the actual exten of theft, pilferage or loss of air cargo in transit because there are no adequate statistics available to show it. Air carriers are not required to report the number or extent of cargo losses to anyone.

Mr. President, this bill would amend the Federal Aviation Act of 1958 by requiring the Civil Aeronautics Board to have all domestic carriers, air freight forwarders, or their agents submit quarterly reports listing and evaluating all cargo and baggage stolen, presumed stolen, lost, damaged, or missing.

Certainly, the movement of cargo by air carriers is growing at an unprecedented rate. As an example, in 1958 our domestic air carriers flew 725,717,000 ton-miles—a ton-mile is 1 ton flown 1 mile. That rate more than tripled in 10 years with 1968 showing 2,909,932,000 ton-miles flown.

On the immediate horizon we see the introduction of new and larger aircraft which will contribute to a greater increase of air cargo traffic. Today air cargo tonnage is increasing faster than passenger traffic. While passenger traffic totals are expected to triple over the next decade, air cargo is projected to more than quadruple during the 1970's.

The skyrocketing increase in air cargo shipments has not gone unnoticed by the professional criminal. He has turned his attention to the high-value air cargo at our airports but the full extent of such losses are unknown.

As an example, the largest of this country's international airports, New York City's John F. Kennedy, was threatened by an industry boycott because of severe cargo losses. Intervention by a New York State legislatively sponsored crime commission brought about formation in 1968 of an airport security council by the air carriers to deal with the cargo security problem. The council's first act was to compel carriers to file cargo loss reports so the security people could learn the true scope of the theft problem. Despite innovative security precautions by the airport security council, two airlines there lost more than $1 million in cargo thefts in 1 week last month.

Testimony at our hearings showed that other major airports are the victims of growing cargo thefts.

The American Watch Association, an especially hard-hit shipper, testified its cargo losses totaled $2½ million in 2 years, declaring that comparably such a loss to the auto industry would total almost $400 million.

A major insurer, Insurance Co. of North America, told the committee that theft is the greatest cause of all air-freight losses.

The Air Transport Association, speaking for the domestic air carriers, admitted that the lack of loss statistics today makes it impossible to determine the extent of air cargo criminal activity on a national basis. Certainly, Mr. President, if the air carriers themselves do not know what their own losses are from air cargo theft and pilferage, no sound method of dealing with the problem can be developed until the true extent is known statistically.

The Department of Transportation testified that tne scope and characteristics of the problem of air cargo theft and damage are presently unclear and suggested better definition of the problems, citing reporting requirements.

It would be my hope that the Civil Aeronautics Board might see fit to require administratively the quarterly reporting by the airlines of cargo thefts. I have written to CAB Chairman John H. Crooker, Jr., urging this step as an adjunct to a recent requirement for an annual report on loss claims by commodity. The latter would not be adequate for developing security measures.

This bill, however, will help to point up the theft and pilferage problem and keep it at a forefront of attention. The American business and industrial communities which are making increasing use of air commerce to transport cargo, deserve better treatment than they have been receiving.

Innovative security methods are required to protect the increasing amount of air cargo. If our air carriers are to meet the problems of the 1970's in the air commerce field, certainly their customers—the shippers—deserve better technology on protecting shipments just as they deserve the best available technology to move their shipments at a faster and more massive rate.

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

The bill (S. 2787) to amend the Federal Aviation Act of 1958 in order to require air carriers to file reports with the Civil Aeronautics Board listing lost, damaged, and stolen baggage and cargo, introduced by Mr. BIBLE, was received, read twice by its title, and referred to the Committee on Commerce.

ADDITIONAL COSPONSORS OF BILLS

S. 2518

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Kentucky (Mr. COOK), the Senator from Montana (Mr. METCALF), and the Senator from Georgia (Mr. TALMADGE), be added as cosponsors 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 benefits thereunder.

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

S. 2548

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Georgia (Mr. TALMADGE), 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. 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.

S. 2748

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the name of my distinguished friend from Pennsylvania, the assistant minority leader (Mr. SCOTT), be added as a cosponsor to S. 2748, to amend the Antidumping Act, 1921, as amended.

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

ADDITIONAL COSPONSORS OF RESOLUTION

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from New Jersey (Mr. WILLIAMS) be added to the Senate Resolution 228 relating to the Geneva Protocol of 1925 banning the first use of gas and bacteriological warfare.

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

AMENDMENT OF UNITED STATES CODE RELATING TO CIVIL SERVICE RETIREMENT—AMENDMENTS

AMENDMENT NO. 125

Mr. MOSS submitted amendments, intended to be proposed by him, to the bill (S. 2754) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes, which were ordered to lie on the table and to be printed.

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

AMENDMENT NO. 126

Mr. COOK (for himself and Mr. BAYH) submitted an amendment, intended to be proposed by them, jointly, to the 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, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 127

Mr. McINTYRE proposed an amendment to Senate bill 2546, supra, which was ordered to be printed.

(The remarks of Mr. McINTYRE when he proposed the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENTS NOS. 118, 119, AND 120—ADDITIONAL COSPONSOR

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of amendments Nos. 118, 119, and 120 to 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. Without objection, it is so ordered.

NOTICE OF HEARINGS ON AVAILABILITY OF FUNDS FOR FEDERAL COLLEGE STUDENT ASSISTANCE PROGRAMS

Mr. PELL. Mr. President, the Subcommittee on Education will meet on Thursday, August 7, 1969, to hear testimony on the availability of funds for federally assisted student aid programs. The testimony is expected to concentrate on the national defense student loan program and the insured loan program.

Recent news reports and communications received by the Subcommittee on Education indicate that individuals are facing a crisis in the financing of higher education due to the curtailment of the total Federal commitment to presently authorized programs. Indications are that the administration is of the view that the most important area of immediate concern is the insured loan program and that the crisis can be met by emergency legislation concerning that program.

The hearing on Thursday will seek to find the extent of the crisis, its cause, and the means of meeting it.

Specifically, the subcommittee will want to ascertain whether there is a relationship between the present situation and the administration's recommendation that funds for the national defense student loan program be cut. The subcommittee will also be interested in finding out whether lending institutions are in any way exploiting the present tight-money situation.

Mr. President, I, for one, have been an ardent supporter of Federal assistance to college students. I have long contended that a broad, well-balanced program of student aid should be initiated by the Congress. Emergency legislation is now being considered on both sides of the Capitol. However, we should not forget that emergency legislation is no substitute for a well-considered comprehensive, rational approach to student aid.

Education merits a high priority among our national goals. Its priority is so high that the cost of providing it should not deter us from recognizing that priority. However, we have a duty to provide educational opportunities in the most efficient manner possible. A legitimate doubt has been expressed as to whether a subsidized, insured, loan program is the most efficient manner by which we provide the greatest amount of higher educational opportunities. It is for this reason that the subcommittee will also consider an expansion of the national defense student loan program as an alternative to emergency action on the insured loan program.

It should be also noted that the Subcommittee on Education plans to conduct comprehensive hearings on student financial aid sometime in the near future. Legislation enacted on an emergency basis should not be considered as a substitute for a comprehensive approach to a problem. Therefore, I would expect that any legislation arising from the present situation would be limited, both in scope and duration.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert G. Renner, of Minnesota, to be U.S. attorney for the district of Minnesota for the term of 4 years, vice Patrick J. Foley, resigned.

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, August 11, 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.

COMPLETION OF HEARINGS ON EXTENSION OF ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. PELL. Mr. President, the Subcommittee on Education commenced hearings on extension of the Elementary and Secondary Education Act and related matters on June 11, 1969. Since that date we have had 12 more days of hearings. We have created a record which I believe will be most helpful to the Senate in its future action on Public Law 89–10. No further hearings are scheduled, and the record will close on August 13, 1969.

OPEN MIND AND FLEXIBLE JUDGMENT—MAJOR CASUALTY OF ABM DEBATE

Mr. McGEE. Mr. President, in other remarks I intend to make prior to the Senate's vote on the proposed ABM system, I state my personal regret that a major casualty of this debate has been the open mind and the flexible judgment. As one personally structured in opposition to military might and fearful of unrestrained arms races, I have nevertheless found it necessary to look upon this issue with a sense of public responsibility and to render judgment, not on the basis of personal philosophical leanings, but on the best evidence available.

Mr. Stewart Alsop, in this week's Newsweek, has written a column entitled "ABM and the Liberals," which says, at least in part, some of the things which have been crossing my mind during this rather long debate.

I ask unanimous consent that Mr. Alsop's column be printed in the RECORD.

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

ABM AND THE LIBERALS

(By Stewart Alsop)

WASHINGTON.—During the long debate on the ABM, it became more and more obvious that the anti-ABM senators and their allies in the liberal-intellectual community were not really attacking a weapons system—they were attacking a symbol. It also became more and more obvious that they had chosen the wrong symbol.

The attack on the ABM was basically a way of expressing the furies and frustrations generated by the war in Vietnam. But the ABM was in several ways a very bad symbol of what the liberals wanted to attack. As a result, they were forced to take positions which were both illogical and illiberal.

The liberals' first line of attack was that the system wouldn't work; and that even if it did, there was no need for it, because the Russians could not build the kind of offensive missile force which could really threaten our Minuteman retaliatory force. Neither senators, nor columnists, nor scientists from wholly different fields who like to see their names in the papers are capable of discussing certain complex technical subjects intelligently. But even in this arcane field, common sense is still useful, and in recent weeks two leading scientists made remarks to this reporter which sounded like common sense.

Some time before Neil Armstrong and Edwin Aldrin performed their moon-walking miracle, Dr. John Foster, chief Defense Department scientist, remarked that "of course, ABM is a much easier proposition, technically, than the moonshot." Surely this

is common sense. Surely if we can put men on the moon we can build a workable missile defense.

COMMONSENSE

Dr. Albert Wohlstetter, a widely respected specialist in the nuclear-strategic field, made the other commonsensible remark. When the ABM opponents say the Russians won't be able to build the kind of missile force which could knock out our Minuteman complex in a first strike, Dr. Wohlstetter remarked, they are assuming that the Russians several years from now won't be able to do what we know how to do right now. This, he added sensibly, is not a safe assumption to make.

The liberals' second line of attack has been that the ABM is just another expensive boondoggle of the "military-industrial complex." This line was best expressed by Tom Wicker, able columnist for the anti-ABM New York Times. The ABM, Wicker wrote, is an example of the "unlimited military expenditure in the quest of security," which has led the military to demand "more and more weapons . . . and more and more money to support them."

The notion that more and more money has been spent for more and more strategic weapons is an article of faith among the anti-ABM liberals. But it just doesn't happen to be true. In fact, as Dr. Wohlstetter points out, we are actually, allowing for inflation, spending about half as much for strategic forces now as we were in General Eisenhower's last year as President—$13.6 billion in 1959, as against an estimated $8 billion for 1970. The money has gone, not into more, and more strategic weapons, but into the war.

ABM A RESPONSE

The liberals' third line of attack is that the ABM is aggressively "escalatory." This has been a hard line to maintain, simply because the wholly defensive ABM system could not hurt a single hair of a single Russian head. As Russian Premier Kosygin has said, such defensive weapons "are not the cause of the arms race." The ABM is, of course, a response to the rapidly growing (offensive) force of multi-megaton, multiple-targeted Soviet SS–9 missiles. The people who have really been spending "more and more money" for strategic weapons are the Russians. On this point the "intelligence community" is in a rare state of unanimity.

The last, and oddest, liberal line has been that the best response to the Russian offensive missiles is not defensive missiles but more American offensive missiles. If it turns out that the SS–9s are a real threat to the Minutemen, then build more Minutemen. And if nuclear war threatens, then all we have to do is "empty the holes"—fire our missiles before the Soviet missiles could knock them out. Thus have the liberals become, rather surprisingly, advocates of the "massive retaliation" theory of the late John Foster Dulles.

The trouble with the theory is that it would give a future President no choice between capitulation and a nuclear war which, according to the best estimates, would kill about a quarter of a billion Americans and Russians. The whole point of the ABM project is not simply to maintain what Winston Churchill called "the balance of mutual terror," but also to give a future President what John Kennedy called "a choice between Armageddon and surrender."

Obviously, there would be no choice if our cities were attacked. But the SS–9s are designed to hit the Minuteman complex, not the cities. The simple existence of a missile defense would make a "counterforce attack" on the Minuteman complex far less likely. If it came, a future President could choose to ride it out, in the knowledge that he retained the bargaining power inherent in a surviving retaliatory force.

THE ERRING GENERALS

Surely it is rather odd that the liberals should wish to deny this option to a future President. The main reason is that many liberals simply want a stick—any stick—with which to beat the "military-industrial complex."

Undoubtedly, the attitude of Congress, and of recent Presidents too, has been much too reverent toward the military. Almost all generals, as this reporter pointed out before it became fashionable to do so, are almost always wrong about all wars. This is so not because generals are bad people (most of them are able and honorable men) but because the process of getting to be a general endows a man with a built-in bias about wars. There has been no war in recent history about which almost all American generals have been wronger than the war in Vietnam.

Moreover, almost all generals are wasteful, and no generals are more wasteful than American generals, partly because America is rich. But the main reason generals are wasteful is that wars are wasteful. The worst of war's waste is in human lives, of course, for in all wars young men, who have done nothing to deserve death, die.

A war which is not won is intolerably wasteful. This explains the passion which has gone into the attack on the ABM, for it is essentially a protest against a tragic, unwon war. But it is simply not logical to protest against the war, and the generals who were wrong about it, by attacking the ABM. It is not logical to protest the loss of some 37,000 American lives by denying to a future President the option he may desperately need if he is to have a chance of saving 250 million lives. It is not liberal either.

THE CONSTITUTION AND NATIONAL PRIORITIES

Mr. PEARSON. Mr. President, a leading Kansas newspaper editor, Mr. Stewart Awbrey, of the Hutchinson News, has written a compelling appeal that we look to the U.S. Constitution as our guide to a renewed understanding of national priorities.

He very aptly points out that the Constitution sets down for America the purposes of establishing justice, insuring domestic tranquillity and providing for the common defense. There is in these purposes, Mr. Awbrey says, an order of priorities that can lead us toward better decisions when it comes to committing our national resources to such programs as ABM.

Mr. President, the writing of Mr. Awbrey on this subject deserves a place in the RECORD, not only for the good sense of his idea but also for the wisdom he has shown in dealing with the most fundamental questions of national priorities. I ask unanimous consent that his article be printed in the RECORD.

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

A DEAD CONSTITUTION?

(By Stewart Awbrey)

The U.S. Senate this week begins its countdown on ABM.

Too much debate has been held to justify repetition of the detailed arguments.

The wisest course for a Senator at this moment in history is to re-read the Constitution. Beginning at the beginning, where the drafters established priorities that have served well.

Until, that is, comparatively recent times, when we forgot them. What are these priorities?

"To form a more perfect union, establish justice, ensure domestic tranquillity, and to provide for the common defense."

To dispose of the last first, it may seem that a vote for ABM is a vote for the common defense.

It isn't at all. It's a vote for common slaughter, not only of U.S. citizens but of mankind.

"Common defense" in a thermonuclear time does not mean piling more murder on top of our unbelievable capacity to kill, and to overkill—whatever that ghastly term means. Common defense rests today on arms control and eventual disarmament, on strengthening of international organizations to control war.

Our strategic arms policy today violates the Constitution. Providing defense today means providing a stable peace. A stable peace is not found through ABMs or any plunge upward in nuclear power.

"A more perfect union" has meant something a bit different at every stage of our history. Today, it means to turn back from our plunge toward two societies—one black, one white. It means an end to racism and discrimination, to the division of our peoples.

Congress isn't doing much about fulfilling that Constitutional priority either.

"To establish justice."

Our justice is divided too—one system for the poor, one for everybody else. Our attitudes toward justice are switching from a system based on laws to one based on men. We protect property, at the price of killing a teenage Negro girl fleeing the scene of a police raid.

We tolerate organized crime, and plot new laws to stifle dissent. We tolerate rake-offs, political bribery, extortion, price-fixing, and consumer frauds.

And is it justice to have hungry children in a land of surplus?

"To ensure domestic tranquillity."

Anyone who thinks we are even trying to meet that priority hasn't been reading or listening.

We can stop riots, call the National Guard, pass unconstitutional restrictions on individual liberty—and call it tranquillity. We can demand students go to wars they despise and accept jobs and goals they discredit—and call it tranquillity. We can jail the malcontents, the criminals, and the non-believers in medieval fortresses that offer no hope of tomorrow—and call it tranquillity. We can tell the poor to improve their own lot, while offering them only high interest, a bum education, and a ghetto existence—and call it tranquillity.

And this tranquillity may last our lifetime. I can't even think of what it will bring tomorrow.

I submit our priorities were well-established in the preamble to our Constitution.

I submit we have failed miserably to follow them.

An end to the ABM insanity, to an arms race of any description, would be a good first step toward getting us back on the road our forefathers built.

REPORT OF THE COMMITTEE TO MAINTAIN A PRUDENT DEFENSE POLICY

Mr. JACKSON. Mr. President, I believe it would be helpful to Members of the Senate in connection with their consideration and voting on the President's request for phase I of the Safeguard program to read again the sensible and realistic paper prepared by the Committee To Maintain a Prudent Defense Policy—

chairman, Dean Acheson; vice chairman, Albert Wohlstetter. The paper is addressed to the question; "Will Safeguard Precipitate an Arms Race?"

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

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

[A paper from Committee to Maintain a Prudent Defense Policy]

WILL SAFEGUARD PRECIPITATE AN ARMS RACE?

No.

Those who oppose the Safeguard system on the grounds that it will precipitate an arms race have been vague about the arms race they expect and the way in which Safeguard would induce it.

Clearly the opponents of Safeguard cannot mean that the $2 billion annual expenditure required for a five-year deployment of Safeguard will substantially affect the size of either our own or the Soviet defense budget. In either case the financial sums are a small fraction of the respective arms budgets. Nor can the opponents of Safeguard means that the ABM expenditures are additions to an already spiraling reciprocal investment in weapons systems. Far from increasing in recent years, the U.S. budget for strategic nuclear forces has been declining. Indeed, the strategic component of the budget has declined to the point where the FY 1970 request, measured in constant dollars, is one-half the sum we were spending in 1959–60 for strategic purposes against a lesser threat.

Critics of Safeguard are well aware that the Soviet Union is presently deploying a large strategic offensive missile, the SS–9, whose accuracy, yield, and MIRV capability threaten seriously our land-based missiles in the mid-seventies. How we respond to this emerging threat will crucially determine our capacity to prevent the arms race that the proponents of Safeguard are concerned to avert.

Assuming the threat, *arguendo*, the critics of Safeguard have recommended measures which, if adopted, would lead to a dangerous and destabilizing arms race in offensive weapons. Rather than defend our Minuteman silos with active defenses, many critics of the Safeguard response have actually proposed that we double our Minuteman force. Such a measure would threaten the Soviet deterrent in much the same way that their deployment of the SS–9 threatens our own. The inevitable Soviet response to a doubling of the Minuteman force would be the deployment of still more offensive missiles, with the result that we in turn would be forced to increase further our offensive weapons. Such a sequence of offensive deployment constitutes the very arms race we hope to avoid.

Conversely, in an important sense the deployment of Safeguard will discourage the Soviets from continuing to threaten the strategic balance. By defending the Minuteman force, and by making clear at the outset that we shall add to its defense if the Soviets persist in the deployment of offensive missiles, we demonstrate the futility of any Soviet effort to achieve a disarming first strike capability against Minuteman.

The Safeguard defense of Minuteman posesses no threat to the Soviet deterrent. The area defense component of Safeguard will not affect the retaliatory capability of a sophisticated nuclear force like that of the Soviet Union. Thus there is no need for the Soviets to respond to Safeguard unless they are determined to threaten the deterrent on which our own security is founded. Should the Soviets be so determined in spite of our best efforts to discourage them, our deployed ABM can be supplemented in a non-provocative way. Without increasing our capacity to destroy Soviet cities and population, Safeguard is a defensive system designed to neutralize increases in Soviet offensive power.

Delay in the deployment of Safeguard creates an incentive for the Soviets to continue to deploy SS–9s. An SS–9 force capable of eliminating a massive retaliatory missile threat to Russia is a strategic asset of great importance to the Russians and a justification for the considerable investment it represents. An extensive SS–9 force that our ABM has rendered ineffective against Minuteman, on the other hand, is a poor investment of Soviet resources, and an increasingly declining asset in the face of a controlled and responsive offsetting defense.

Delay of Safeguard may leave us with the sole recourse of adding to the Minuteman force. This would precipitate an arms race, involve us in an urgent, uncertain, and costly program to regain the strategic balance under highly unstable conditions.

RISE OF THERMAL GENERATING PLANTS FOR ELECTRICITY

Mr. MAGNUSON. Mr. President, much is being done, and much more is being written and said, about the quality of our environment. Air and water pollution are becoming almost "old hat." The complexities in dealing with the environment are growing so fast one has difficulty keeping up with developments.

Ten years ago, only the most far-sighted persons could perhaps guess at the types of environmental problems we are dealing with today. One of the most perplexing of these is the rise of thermal generating plants for electricity. This situation is developing in the face of steadily growing need for more electricity in almost every region of our Nation, while at the same time we strive to preserve the environment—not only for man, but for animals, birds, and sealife.

As we face this problem, we recognize that cooperation is essential—cooperation of the various levels of Government and with the private sector. A prime example of this is my own State of Washington, where a vital fisheries industry is cautiously looking at plans for thermal plants along the shores of Puget Sound.

A farsighted appeal for cooperation was recently made by Dick O'Keef, editor of the "Fish Business Weekly," published in Seattle. Mr. O'Keef is a knowledgeable spokesman for the industry, and he is aware of the consequences of a lack of cooperation.

Mr. President, I ask unanimous consent to place Mr. O'Keef's remarks of July 28 in the RECORD.

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

THIS TIME

(By Dick O'Keef)

Nuclear power plants will be built all over the Northwest. This is progress—and you can't stop progress. You can fight it and stall it for a while with delaying tactics but in the end progress overwhelms all opposition.

The seafood industry is justifiably concerned over the thermal pollution problems nuclear power plants will create. Damage to marine life will occur, particularly to the temperature-sensitive salmon resources. Statements to the contrary are hogwash.

But we can't expect the policymakers in state and local government to oppose the nuclear plants. The truth is they see the nuclear power plants as being of much greater economic value than the marine life that will be damaged or destroyed.

It is apparent to your editor this is a battle the seafood industry cannot hope to win with a direct assault. What is needed is a new strategy which will protect the industry yet allow the nuclear power plants to be built with a minimum of direct opposition.

Continuation of the present blind opposition to the nuclear power plants surely will end in time in total defeat for the seafood industry. Instead the industry should employ its opposition to gain concessions from the power companies and the federal and state governments. These concessions should compensate for the losses to be expected from thermal pollution and could include more hatcheries, artificial spawning channels, and other aids to fish propagation long sought by the seafood industry.

And the industry should be working with the power companies to minimize damage to marine life in the first place. Alternate sites could be proposed when practical for all parties and the industry's advice would be welcomed and respected with the proper constructive involvement.

In the opinion of your editor anything else is folly. Those who disagree might consider what all the industry opposition to hydroelectric and nuclear energy developments on the Columbia River has accomplished. Let's do better this time.

VISTA PROGRESS

Mr. JAVITS. Mr. President, I invite the attention of the Senate to a number of progressive developments which are taking place in one of our most important domestic antipoverty efforts—the VISTA program. This people-to-people program has enabled thousands of Americans from the ages of 18 to 80 to make a personal commitment and a real contribution to the struggle for human dignity and equality. VISTA volunteers have served in urban ghettos and in rural communities, in Appalachia and on Indian reservations, among migrant workers and among the mentally retarded.

Under the fine leadership of Padraic Kennedy, VISTA has begun to recruit increasing numbers of specialists and other highly skilled persons, who are able to contribute additional expertise and talent to the solution of the myriad problems encountered by VISTA volunteers. Hundreds of lawyers, education specialists, health workers, architects, teachers in the arts, and planners have been accepted for training programs during July and August.

Equally important, an increasing number of VISTA volunteers have been recruited from among the ranks of the poor to work in their own communities. These two trends will undoubtedly strengthen the solid contribution which VISTA workers have made to our antipoverty efforts.

In addition, Director Donald Rumsfeld has indicated that the Office of Economic Opportunity hopes to involve VISTA workers in its plans to improve the outreach and delivery of expanded food and nutrition programs. Working in cooperation with local community action agencies, VISTA volunteers will aid in identifying persons in need of assistance, informing them about available programs, helping those who qualify to establish eligibility and gain access to food and nutrition programs, and providing nutrition and consumer education. The injection of talented, idealistic, and hard-

working VISTA workers into food and nutrition outreach programs promises to be of great benefit to our heretofore inadequate efforts in overcoming hunger and malnutrition in America.

I have long supported this excellent program, in which my own daughter, Joy, is presently serving as a summer volunteer. I ask unanimous consent that an article written by Benjamin Welles and published in the New York Times of July 6, which further describes the outstanding gains recorded by the VISTA program, be printed in the RECORD.

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

VISTA POSITIONS DRAW THE SKILLED—YOUNG PROFESSIONALS JOIN IDEALISTS ON SERVICE UNIT

(By Benjamin Welles)

WASHINGTON, July 5.—The VISTA program is enjoying an increase in volunteers with special skills in addition to young people whose chief contribution in the past has been intense idealism.

Padraic Kennedy, the 35-year-old director of the Volunteers in Service to America, disclosed the recruiting trend in a recent interview. VISTA was started in 1964 as a domestic counterpart to the Peace Corps.

Mr. Kennedy said that the program had quietly grown in popularity until recruitment is now breaking all records, with college recruitment alone expanding by 28 per cent in recent months. He said he was particularly pleased by the increased enlistment of specialists, such as young lawyers.

VISTA has already accepted 1,937 specialists for its six-week training programs between now and September. These include 748 lawyers, 751 education specialists, 244 business school graduates, 102 health workers and 92 architects and planners.

AVERAGE AGE IS 23.8

The average age of volunteers is now 23.8.

"We can only accept one out of every eight applicants," Mr. Kennedy said. "When the new year began July 1, we had more than 6,000 volunteers for one year's service and more than 1,000 applying to be summer associates for 10 to 16 weeks."

Mr. Kennedy is a long-time associate of Sargent Shriver, the first Peace Corps director and now Ambassador to France.

"The flood of young lawyers seeking to join us is especially encouraging," Mr. Kennedy said. "Instead of going for high starting salaries, they're willing to spend their first year living among the poor and helping them. For $50 a month plus room and board.

"Draft dodging" is not a prime factor, Mr. Kennedy stressed.

"The VISTA volunteers are drafted like anyone else," he said. "Besides, most qualified young lawyers can usually get a legal job with the Judge Advocate General's Office and the rank of captain if that's what they want."

Officials believe that racial tensions, as well as the focusing of national attention on widespread poverty and on the plight of urban communities, account for the new interest of young Americans in VISTA.

A Gallup Poll based on 972 interviews with college students between April 23 and May 17 showed that 56 per cent expressed interest in joining VISTA, against 44 per cent who preferred the Peace Corps. A year ago, they said, the proportion was exactly 50–50.

"It's not so much a decline in interest in the Peace Corps," explained one official, "as rapidly expanding interest in doing something inside this country for the poor and underprivileged.

"The significant fact is that 72 per cent of the college population expressed interest in serving either in VISTA or in the Peace Corps."

By the end of 1969, Mr. Kennedy said, one-fifth of all VISTA workers will have been recruited from the ranks of the poor: Indians, Mexican-Americans, Puerto Ricans, urban blacks and Appalachian whites. They will work in their own communities, he said, in teams with professionally skilled VISTA workers.

TREND IN TEAM SIZE

Another trend, Mr. Kennedy said, is the increasing assignment of volunteers to teams of eight to 12 men and women led by a full-time supervisor. The supervisor is occasionally, but not always, a former volunteer. VISTA also is concentrating its teams, he said, on fewer but somewhat larger projects.

In the past, Mr. Kennedy said, the assignment of three or four volunteers to small, often scattered, projects had proven less efficient and had led to morale and disciplinary problems.

Applicants selected for training, he said, undergo a six-week "on-the-job" training program before starting their one-year service. In training in community development, public health, education, hygiene and help to backward or mentally retarded children is rigorous. Approximately 10 to 20 per cent of each training class of 50 applicants is screened out or voluntarily withdraws.

"We'd rather weed out those who can't make it or who feel it's not for them than have them quit once they're on the job," Mr. Kennedy said. "That gives VISTA a black eye."

Once accepted for training, volunteers receive their fare to centers in different places throughout the nation. During and after training, they receive board and lodging, plus $50 a month, which is banked for them and available on completion of service. Each volunteer also receives $75 a month for personal expenses, seven days' leave a year and one round-trip ticket home.

Increasing emphasis is being placed, VISTA officials said, on projects aimed at combatting hunger, developing small business and employment opportunities in inner cities, increasing the participation of the poor in the planning of Model Cities programs and involving educational institutions in the problems of poverty communities.

VISTA, now has full time volunteers in 49 states—all except Mississippi—in Washington, D.C., in Puerto Rico, the Virgin Islands, and in the United States Pacific territories.

SOVIET PRODUCTION OF AIR-TO-AIR COMBAT AIRCRAFT

Mr. CANNON. Mr. President, with the country's attention focused on the current ABM debate, it is easy to overlook other aspects of our Nation's defense. For example, many Americans do not realize to what extent the Soviet Union is forging ahead in the production of air-to-air combat aircraft.

I am certain many will be shocked to learn that it has been 20 years since the United States developed a single-purpose, air-superiority fighter. Fortunately, we are finally doing something to rectify this untenable position and our efforts are well described in the excellent article by Edgar E. Ulsamer, associate editor, Air Force/Space Digest. So that my colleagues and the American people may share his assessment, I ask unanimous consent to have his article, "The F–15: Tomorrow's Champion of the Dogfight Arena," placed in the RECORD.

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

THE F–15: TOMORROW'S CHAMPION OF THE DOGFIGHT ARENA

The Soviet Union leads the United States in air battle strength by a factor of at least two and possibly as high as five, depending on the interpretation given authoritative information compiled by The Institute for Strategic Studies in London, as well as other sources. Evidence concerning continuing intensive Soviet efforts—six new, advanced air-to-air combat fighters were shown at the 1967 Moscow Air Show alone—indicates that this lead can be expected to widen further in the years immediately ahead.

The last strictly air-superiority fighter developed by the US Air Force was North American's F–86 of Korean MIG Alley fame. Understandably, the Air Force attaches supreme importance to the opportunity to build, after a twenty-year pause, a new air-superiority fighter. Lt. Gen. Marvin L. McNickle, Deputy Chief of Staff, Research and Development, Headquarters USAF, told this reporter: "The fact that we haven't been permitted to build an air-superiority fighter in years doesn't mean we haven't been working on one (in terms of planning) or didn't want one."

These two considerations have propelled the F–15 air-superiority fighter program into what General McNickle termed "the Air Force's top-priority undertaking." The staff officers responsible for the F–15 program exude confidence that the effort will result in "the best aircraft in the dogfight arena that can be built with present technologies."

Brig. Gen. Roger K. Rhodarmer, Deputy Director for Operational Requirements and Development, DCS/R&D, who supervises the F–15 program, said, "We are using the latest techniques to come up with the best thrust-to-weight factor (the key to an air-superiority aircraft) and to balance the drag of the aircraft against the lift (coefficient) to give us maximal maneuvering capability. It is possible that the Soviets could build as good an aircraft as the F–15, but I don't think anybody can build a better one."

General McNickle added, "Of course, you can't rule out a technological breakthrough, but we think that our mathematicians and aerodynamicists can compete with the best in the world. We have had NASA along with us all the way on the F–15 program, and their team is as good as exists anywhere." He indicated that the Soviet lead time to bring an innovative design from the blueprint stage to operational level appears to be similar to that of this country. "While their development cycle is usually shorter than ours, they keep their aircraft in the prototype stage longer than we do, and they build more prototypes."

General McNickle pointed out, however, that in the case of an unforeseen advance by the Soviets, "we have some head room in the engine" to give the F–15 additional performance.

Several other factors account for the Air Force's high degree of confidence in the F–15. Paramount is that the program's timing is such that the F–15 reaps a rich crop of advanced but well-proved technologies in materials and propulsion, as well as some areodynamical improvements. These advances, Air Force experts say, are premised on technologies proved reliable and devoid of undue risks by extensive and varied test programs. In the aggregate, they permit significant advances in thrust-to-weight ratio of the F–15 over the best currently existing fighters.

Augmenting these technological advantages is a novel Air Force-developed method of employing computers for trade-off studies to achieve a better blend of features and to permit an exploitation of available technologies superior to that previously possible.

Thirdly, there is firm determination, anchored in a categoric directive by the Chief of Staff, not to compromise the air-superiority capability of the F–15 through corollary

mission requirements. This combination of factors, according to Lt. Col. John R. Boyd, Office of the Deputy Chief of Staff for Research and Development, the originator of the computer trade-off analysis technique, justifies the assumption that the F–15 currently envisioned will represent a "greater jump in performance over previous aircraft than we have ever had before."

The F–15, currently in contract definition, is a single-seat air-superiority fighter in the weight class of 40,000 pounds, whose two advanced technology engines combined will provide a thrust-to-weight ratio of better than one to one.

The aircraft is to employ a fixed wing, a configuration agreed upon by NASA and the Air Force as best suited for its mission, according to General McNickle. It will not employ a supercritical wing design (suggested by NASA initially) because the three airframe competitors and the Air Force have concluded that this design is as yet not sufficiently developed to enter operational status.

The F–15's principal criterion is to be "superior to any present or planned fighter in close-in visual and long-range missile encounters." Its tactical missions are to be fighter sweep, escort, and combat air patrol, all of which require that the F–15 be able to acquire, identify, engage, and destroy enemy aircraft in contested airspace and in an enemy-controlled radar environment. The aircraft is to be globally self-deployable without the aid of tankers.

According to Col. Robert White, ASD's F–15 Program Director, more than 500 conceptual variation analyses were performed and a three-year study effort was completed before contract definition was begun.

The F–15 program is premised on contract definition with some hardware development.

In August 1968, the Air Force awarded initial engine development contracts, jointly with the U.S. Navy, to both General Electric and Pratt & Whitney. This competitive eighteen-month contract will end late in February 1970, and upon completion of 2,000 hours of static tests (including sea level and altitude thrust runs) of the two competing engines, the Air Force will select the winning engine contractor.

Both the Air Force and Navy spokesmen stress that while they equally fund this engine-development program, two different engines will result: the Navy engine that is to power the much shorter length F–14B air-superiority/fleet defense fighter, and the F–15 engine. While this joint program is the logical result of the considerable similarity in requirements, commonality will not be permitted to impinge on the peculiar needs of each design, General McNickle stressed, adding that sharing of core engines by various USAF aircraft in the past has not led to performance reductions. The Navy engine, for instance, will employ a larger fan than the F–15 to furnish the higher takeoff thrusts required for carrier operation.

In September 1968, the Air Force invited eight aircraft manufacturers to submit proposals for contract definition, and on December 31, 1968, the Air Force selected Fairchild Hiller Corp., McDonnell Douglas Corp., and North American Rockwell Corp. to proceed with contract definition for the F–15 airframe.

The three companies were to make proposals involving detailed design and funding and production information by June 30, 1969. On the basis of this data, the Air Force will select one contractor to develop and build the new aircraft. While there is a straight progression from "paper study to hardware without prototype testing," Colonel White noted that "in the development phase the contractor must indeed show that he will be capable of giving us the kind of performance we have specified before we will enter into the production phase."

While the Air Force and the Department of Defense have not yet decided on a final contractual approach, Col. Robert F. Titus, Office of the Deputy Chief of Staff for Research and Development, told Air Force/Space Digest that the Air Force is inclined toward a single contract involving separate line items for R&D, test aircraft, and production aircraft and that R&D and production items may well be covered by different types of contractual arrangements.

As he put it: "It makes sense for the government and the contractor to 'share the risk' inherent in exploiting the technology in the development stage of the program. Some degree of flexibility is also necessary to pursue alternate solutions on fighter aircraft. This flexibility on a 'shared-risk' contract arrangement is a must if the Air Force is to sign up in 1969 on a contract to deliver an air-superiority fighter aircraft which will meet the theat in the mid-'70s. Some form of cost-sharing is, therefore, likely. Once you have established what the system should cost, a fixed-price approach, however, might be advantageous. But it would be difficult to establish realistic firm prices before a production design can be decided on and a valid data base on costs is established. The Air Force is very sensitive to weapon system pricing problems and, therefore, is devoting considerable time and effort to exploring all of the procurement alternatives before announcing the F–15 procurement approach."

General McNickle added that the F–15 contracting methods that are being worked out seek to prevent "the kind of troubles the total package procurement concept has caused—where the combined inflationary cost increases, covering in effect an eight-year period, surfaced all at once in the case of the C–5, and in consequence are made to look big." But neither Congress nor the Air Force wants to commit the government to a program unless the costs are reasonably well known, he said. In consequence, he said, the F–15 is laid out on a "development-milestone" basis, which, along with a fiscal-year planning clause, will prevent overly long-term cost commitments that are premised on imponderables and replace them with an incremental decision point approach.

General Rhodarmer explained that the F–15 development will be funded in incremental steps tied to the calendar year only for budgeting purposes. This cumulative learning process will permit reasonably accurate, year-by-year cost figures and at the same time greatly reduce the "disengagement" between the government and the contractor inherent in long-term, fixed-price contracts.

General McNickle said, "We are going to follow an approach where we in effect tell the contractor: 'We are in this together, and we will ride herd on the development on a step-by-step basis to make sure of your progress.' "

General Rhodarmer explained the over-all cost estimates for the F–15, premised on a "composite model involving cost data from eleven different supersonic aircraft built by this country, vary even internally—between the Air Force and DoD—and we have trouble deciding what the cost model should be. Obviously, building something new involves a number of judgment factors and new circumstances, over and above measurable experiences from past efforts, which affect price in a critical sense."

As a result, the Air Force is not willing to reveal the F–15's expected unit cost other than to say that it will be less than the F–111, and, as General McNickle put it, "You probably won't be too far off if you assume that its price will be largely determined by its weight, and the F–15 is a relatively light, single-seat aircraft." Because of reduced electronics requirements, the F–15 should cost less than the Navy's F–14B.

Unit cost is also influenced by the number of F–15s the Air Force will order in the production contract and possible follow-on buys. Estimates of how many F–15s will be bought range between 500 and 2,000 aircraft. (At the moment no consideration has been given to possible purchase of the F–15 by allied nations in terms of either price or possible modification, according to Colonel Titus.)

Principal evaluation criteria for the source selection process, in terms of basic airframe efficiency, include compatibility of the propulsion installation with the airframe, armament provisions, man-machine compatability, the efficiency of the navigation system, stability and control features, configuration and visibility, fire-control system, and structural efficiency, including the prudent use of materials. In the case of the latter, the Air Force has not specified but, on the basis of information from the three competing contractors, expects the first integrated application of advanced composites in aeronautical history.

According to Dr. Steven Tsai, Chief Scientist at the Air Force Materials Laboratory, it is likely that between ten and fifty percent of the F–15 structure will be made of such advanced materials as titanium, boron epoxy, graphite epoxy, and boron/aluminum composites, the application of which can reduce component weight between ten and forty percent and introduce superior strength, stiffness, heat resistance, and fabrication qualities.

Dr. Tsai stressed that while the Air Force has placed no demands for incorporation of advanced materials in the F–15 airframe design, "it would not seem likely that the F–15 system requirements could be met any other way."

USAF Headquarters spokesmen told this reporter that because of the weight and size constraints, the use of even relatively expensive materials "may well prove cheaper in the long run than the use of conventional materials." The Air Force, therefore, is encouraging the contractors to show how and why the application of advanced materials will prove advantageous in terms of weight, size, and life cycle of the over-all design, all considerations which to date favor their use to the extent predicted by Dr. Tsai.

Less certain is another advanced technology that could lead to weight and space savings, as well as a reduction of the aircraft's vulnerability: the fly-by-wire technique, developed to a high degree by NASA for space application and now being viewed "with great interest by the Air Force for use in combat aircraft," according to Colonel Boyd.

This technique provides an electronic or electrical linkage between the pilot's stick and individual hydraulic packs located right at the aircraft's movable control surfaces, thereby replacing the present system of hydraulic lines crisscrossing the entire aircraft. Colonel Boyd added, however, that because of the untried nature of this system in aeronautical applications, the Air Force as yet has not decided on whether or not the F–15 is to employ this technique.

On November 5, 1968, the Air Force awarded contracts to Westinghouse Electric Corp. and Hughes Aircraft Co. for competitive development of a new attack radar system. On completion of this twenty-month competitive development program, the merits of the two competing entries will be evaluated by the Air Force in actual fly-off.

As with the airframe and engine sectors, the Air Force has imposed no constraints on the ingenuity of the contractors concerning innovative approaches. A requirement is focused on the ability to operate in an all-weather GCI (ground-controlled interception) electronic countermeasure environment. This includes interrogation responder radar beacons to differentiate between friendly and enemy aircraft (IFF) and the ability to acquire and lock on a target in the ground clutter to permit the use of radar-controlled missiles.

Some avionics features are still being

analyzed through trade-off studies, including electro-optical systems in which the Air Force, according to Colonel Titus, is "very interested." Electro-optical systems amplify images based on television principles and keep the pilot from "chasing after some dot on the horizon for identification purposes only to discover that it is a Navy airplane, or some other friendly plane," he said. "In the process, of course, you expend what fuel you have and it's time to go home. We have lost more 'kills' chasing friendlies than for any other reason," he added.

No decision on such features as helmet-mounted sights, head-up displays, and a look-down capability of the attack radar has been reached as yet.

The selection of the F-15's avionics, according to Colonel Titus, is guided by the belief that "visual combat maneuvering will be with us for a long time, and as a result we don't want to burden the aircraft with any avionics gimmickry which imposes weight penalties and increases costs." On the other hand, he stressed, "We do want a high degree of automaticity and simplified operation in the cockpit."

High thrust-to-weight ratio and low wing loading are the two pivotal features of the F-15 that determine its air battle capabilities. Its dash speed at altitude will be about Mach 2.5-plus; its on-deck dash speed, above Mach 1; and its sustained maximum speed, above Mach 2. But its high acceleration, climb, and maneuverability are rated by the Air Force as vastly more important than sheer speed.

The highest speed recorded in aerial dogfights in Vietnam was Mach 1.3. The F–15, allowing for its service life beginning in the mid-1970s, is to have maximum acceleration capability from the speed of escort, about Mach 0.8, to Mach 1.5, the highest foreseeable air battle speed. While there are a number of aircraft in the U.S. inventory capable of rapid acceleration, this ability is either confined to acceleration along the line of flight, or normal (at a ninety-degree angle) to the line of flight, but not both. The F–15 will become the first U.S. fighter with this combined acceleration capability, and thereby cure a deficiency existing in relation to the Soviet inventory, according to Colonel Titus.

The F–15 is designed to meet a threat range constituted by a variety of current and projected Soviet fighters, such as the MIGs, Foxbat, and Flagon, according to the Air Force, and to be superior to all.

Colonel White described the F–15 performance needs this way: "Aerial combat to effect a shoot-down can be accomplished several ways: first by using a slow, long-range aircraft that flies an orbit in a desired area, equipped with sensory equipment to permit long-range detection, acquisition and identification of enemy aircraft, and then acts as a missile-launching platform to provide the capability of destroying the enemy aircraft with missiles at long range without really maneuvering the aircraft itself. At the other extreme, a very high-speed aircraft—Mach 3-plus—may be vectored to intercept an enemy aircraft and with extremely high speed make a single calculated pass effecting the kill, again by the use of a missile that must have maneuvering capability sufficient to defeat any evasive measures taken by the enemy aircraft at the precise time of kill.

"Between these two extremes, there lies a broad spectrum in which the aircraft themselves engage, fly in man-to-man maneuver, and by the use of guns or missiles effect the kill. In this mission, the surviving aircraft will be the one with greater maneuverability." This, Colonel White said, means a fast, extremely agile, lightweight aircraft with fully integrated and complementary weapons.

Also, excess power required to provide the performance and agility necessary to close for a kill from a position of advantage must be available, he said. "On the other hand, we can escape successfully from a position of disadvantage, whether it be in the air or from ground defenses, such as surface-to-air missiles," he explained. The relatively small size of the F–15 will make detection significantly more difficult, he said. Once detected, "a smaller target is harder to hit, particularly when it has the agility to move quickly to upset enemy defenses," according to Colonel White.

While the F–15 will be faster than the F–4 which it will replace, it won't be as fast as the Mach 3-plus F–12. This has caused critical comments by some aircraft designers, along with a claim that the Air Force has failed to exploit the available technology as fully as possible. Air Force spokesmen reject this charge "emphatically and categorically."

Colonel White, Colonel Titus, and others concede freely that it may be possible to design an aircraft capable of the needed acceleration characteristics in the high subsonic and low supersonic regimes while also incorporating a Mach 3 cruise capability, but at least four reasons militate against such a design:

It could not be built now since it requires a number of sophisticated materials and propulsion techniques, such as variable-geometry engines and exotic fuels that have not yet reached an operational state.

Its size and weight would be prohibitive, resulting in a clearly detectable radar signature and other drawbacks.

Its costs would be such "that whatever improvements in performance we might get would be indefensible in terms of exchange ratio (increase in kills) advantage."

Such an aircraft would not be practical, "We don't need it."

The inexorable size restrictions inherent in the air battle mission do not permit fuel tankage "needed for supersonic cruise except in test runs," according to Colonel Titus. The supersonic speed capability of present-generation combat aircraft, in a practical sense, is being used in only a very limited manner. Also, he pointed out, "you don't escort strike aircraft at anything but subsonic cruise. So what you need is the ability to jump from the speed of escort to the speed of engagement, and in that area the F–15 will have no peer."

Employing engine technologies about twenty-five percent more efficient than those of present-day fighters as a result of the extensive Air Force-directed research in propulsion techniques during the past few years, and utilizing both advanced aerodynamics as well as lightweight materials, the F–15's thrust-to-weight ratio will be better than one to one.

This compares with a thrust-to-weight ratio of about 0.8 to one for the F–4, and less than 0.5 to one for the F–111A. As a result of this high thrust-to-weight ratio, the F–15 will be able to climb from treetop level to maximum altitude with rocket-like speed.

Its ceiling is classified, but below the 90,000 feet of the Foxbat. As General Rhodarmer explained. "We will rely on the F–15's missiles to go after the Foxbat at altitude. You can't optimize for maneuverability and cover the high-speed, high-altitude spectrum, too. That's what we have our missiles for." He added that a number of advantages accrue to the F–15 from this configuration: "An aircraft of the Foxbat/F–12 type operating at altitude has a very limited maneuver capability and can't easily avoid an air-to-air missile. On the other hand, the F–15's excellent maneuver capability, along with its radar system, enable the aircraft to avoid missiles launched against it from above by a Foxbat/F–12 type aircraft, just as the F–15 can avoid SAM-type missiles coming from below."

Combined with the F–15's excellent thrust ratio, which provides the basis for its high rate of acceleration, is an aerodynamic configuration that preserves this capability in turns. As Colonel Boyd put it, "Maneuverability in the sense of the F–15 is defined as being the ability to perform a change or a combination of changes in altitude, airspeed, and direction, which boils down to good climb and acceleration as well as good turning characteristics."

The F–15's ability to turn will be achieved by dint of its wing size and aerodynamic efficiency. While the installation of engine thrust deflectors as a means of gaining the required turning performance had been examined, Colonel Boyd said, "We believe it is cheaper to do this job with the wing. For the time being, the wing is still the most efficient and economical device for enhancing turn capabilities. Future generations of engines with higher thrust-to-weight ratios may, however, change the picture."

The F–15 is designed as a fighter's fighter, an offensive weapon, according to Colonel Titus. The importance of its armament, therefore, is overriding. A gun and two types of missiles are required.

"In the gun, we want a high muzzle velocity and high cyclic rate of fire," Colonel Titus stressed. The gun might fire the caseless ammunition currently under development by the U.S. Army.

In addition, the F–15 will employ short-range maneuvering dogfight missiles and standoff missiles. The short-range missile is likely to be an updated Sparrow missile—the AIM 7F—with a minimum effective range substantially below that of the present missile (which requires too much distance to be fully effective in dogfights).

Without compromise of the primary air-superiority mission, the F–15 will have an intrinsic, substantial ground attack capability, according to Air Force spokesmen. Colonel Titus pointed out that, "Of course, we are not going to be able to provide all-weather precision radar bombing." But because it is easy to fly, and because it can lift heavy payloads due to its high thrust loading and low wing loading, "the F–15 will be able to deliver two or four 750-pound bombs right on target—and this represents a formidable ground attack capability in my opinion," it was stressed by Colonel Titus.

No decision has been reached by the Air Force as yet concerning the need for a modified two-seater training version of the F–15. On the basis of past abilities to train USAF fighter pilots in the F–100 and other aircraft without a two-seater trainer, and because automation reduces the F–15 pilot's workload substantially, the trainer model may not be necessary, in the view of Colonel Titus.

The rationale for the F–15 program was summed up by General McNickle in the statement that "not since North Africa (during World War II) has the American fighting man been under air attack. We have taken this condition for granted too long. It could change in a hurry" without the F–15 coming into being.

Colonel Titus added that the United States has "relied on the superior pilot skills of our crews in the past decade and sustained the myth that the other side can't match our training levels. The folly of this reasoning becomes clear when you look at the high level of proficiency that we have been able to instill in some of our allies, such as the South Korean air force. There is no reason for assuming that if we can train others, our adversaries can't do the same. We can't rest on our laurels any more. We need an aircraft that corrects the deficiencies of our force structure," Colonel Titus pointed out.

There is good reason to believe that the F–15 will do just that.

DEPLOYMENT OF THE ABM

Mr. SCOTT. Mr. President, the publicity attendant to the long debate over deployment of President Nixon's Safe-

guard anti-ballistic-missile system has, in my opinion, contributed to a distortion of the issue. The ABM is no black and white matter. We who support the President's limited proposal are not unaware of the residual benefits of this debate—one of the most important debates of this decade. One of those benefits is discussed in an excellent editorial published in today's Wall Street Journal.

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

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

[From the Wall Street Journal, Aug. 6, 1969]

ABM: THE OPPONENTS' ACCOMPLISHMENTS

The acrimonious debate over the anti-ballistic missile should reach its climax in the Senate votes scheduled for today. The most significant accomplishments of those Senators who have opposed the ABM, though, do not depend on the outcome of the voting.

These accomplishments do not hinge on any single weapons system, still less on ABM deployment, which is a problematical decision and not the Armageddon. The accomplishments, rather, have to do with the attitudes of the nation, the armed services and the Congress. Because of the challenge to the ABM, the nation is more aware of its strategic position, the armed services are aware they have no blank check on the national treasury, and the Congress is far more aware of its responsibilities for civilian control of the military and military spending.

Never before has the nation seen the strategic arms race debated in such breadth and detail. The challenge has pried into the open a great amount of classified information—needlessly classified, in the opinion of even such a nuclear hawk as Dr. Edward Teller—and created a huge public record. A far clearer understanding of the strategic issues is now accessible to any citizen willing to pursue the record.

It must at once be added that the public debate based on this vast information has been vastly disappointing. The record is there for the diligent student, but the issues were never drawn in a fashion the citizen could follow without great study. And if the ABM opponents get most of the credit for opening the record, they must also bear much of the blame for fuzzing the issues.

The Senators worried about the arms race, to take the first thing, picked the wrong weapons system as their target. The threatening development in strategic weaponry is not the ABM, which can be defended as a stabilizing factor in the nuclear balance and is, after all, a defensive weapon. The threatening development is multiple warheads, which are offensive weapons and which nearly everyone agrees are destabilizing. If the ABM opponents win in the Senate today, indeed, it seems likely to cement MIRV all the more solidly in the U.S. arsenal. If so, the opponents' victory may be a Pyrrhic one.

In challenging the ABM, the opponents also picked the wrong issues. Their two chief contentions are that it won't work, and that it will escalate the arms race by alarming the Soviets. These contentions cannot be reconciled even by assuming a high degree of Soviet stupidity. For if the Soviets wrongly or rightly believe the system may work technically, it will in fact work as a deterrent. And deterrence, not shooting down missiles, is its actual purpose.

Such issues have distracted attention from the real decision before the nation. The Soviets have recently been on the march in nuclear weaponry, and if they keep up the pace they will be significantly ahead by the mid-1970s. Unless the U.S. is willing to accept inferiority, it must decide between two options: It can build an ABM, which necessitates starting now because of long lead time, but which might deflect the arms race toward a bit more emphasis on defense. Or it can plan to meet Soviet advances with further offensive weapons, which sacrifices the opportunity to stress more defense, but provides the chance to wait a few more years to see if the Soviets actually do keep up their recent pace of arms deployment. It is, as we said, problematical.

Even if the ABM issue was never clearly drawn, though, it remains highly significant that a challenge was made to some weapons system. The Senate Armed Services Committee evidently had grown accustomed to rubber-stamping Pentagon proposals, and as a consequence its leaders were caught without their homework done in the early stages of the ABM debate. They are not likely to let that happen again, which means more scrutiny not only for the ABM but for any weapons the committee considers.

This effect is already apparent. It is quite unusual, for example, that some members of the Armed Services Committee have joined criticism of the ABM. The full committee also recently ended any development of bacteriological warfare for offensive purposes. The possibility of rejection by the committee, in turn, will push its way back into all levels of Pentagon planning. If the generals know their requests will receive detailed and possibility brutal scrutiny, they will be accordingly less willing to advance those they are not confident they can defend.

The effect of the challenge to the ABM, in short, is likely to be a general tightening of military planning, which could yield both sounder weapons and less budget fat. This is by no accounting a small accomplishment, and it is one the ABM opponents can claim even if they lose the voting today.

ABM IS NOT PARTISAN ISSUE

Mr. MATHIAS. Mr. President, I invite attention to a recent communication by the junior Senator from Illinois (Mr. PERCY) to his constituents regarding the ABM question. His thoughtful remarks emphasizing the nonpartisan character of the debate deserve the widest possible circulation.

I agree with Mr. PERCY that ABM is a matter for every Senator to decide as his own conscience dictates, and I agree with his conclusions on the issue. I ask unanimous consent that his letter be printed in the RECORD.

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

A LETTER ON ABM TO THE PEOPLE OF ILLINOIS

Tomorrow the Senate will vote on the merits of deploying an anti-ballistic-missile system.

This proposal was brought to the floor by the Committee on Armed Services after only 10 out of 18 of its members favored the plan. The debate has lasted three weeks. But the issue has been with us since President Johnson first approved the deployment of the Sentinel ABM—a system that was ultimately scrapped by President Nixon upon the recommendation of the Pentagon. I had opposed the Johnson decision.

As a new decision on ABM approaches, the outcome remains in doubt. The Senate is almost evenly divided. Senators whose honor and patriotism are beyond question, Republicans and Democrats alike, are aligned on either side of this vital issue.

In these circumstances, it is fitting to address this letter to all the people of Illinois to state clearly my position.

I shall vote against the deployment of the ABM system in the United States at this time.

I shall do so because I feel deeply that the fundamental interests of our country call for delaying the decision to deploy for one year.

In that time, a firm path for arms talks will hopefully be laid down and in that time the ABM system, now technologically imperfect and incomplete, will hopefully be further refined and improved through intensive research, development, engineering, testing and evaluation. Deployment could occur at a test site in the Pacific.

In this way, we may yet avert another escalation of the nuclear arms race without endangering our national security.

Efforts to devise a workable ABM must continue without any loss in momentum. Therefore, I firmly believe that any attempt to eliminate or to reduce funds of the ABM for this purpose should be rejected by the Senate.

Consequently, I shall vote against any cuts whatsoever in the appropriation for the ABM as proposed by the Armed Services Committee, with the understanding that these funds should be spent for further development rather than actual deployment.

Some have claimed that in opposing the deployment of an ABM now I oppose a President of my own party.

Yet the fact is that the leader of those who favor deployment is Senator John C. Stennis, a Mississippi Democrat, while the leader of those who oppose deployment is Senator John Sherman Cooper, a Kentucky Republican who served with distinction as Ambassador to India under President Eisenhower.

The fact is that many of our most knowledgeable scientists as well as informed, former Defense Department officials have raised grave doubts regarding the feasibility of the present ABM approach—doubts that echo through the Pentagon itself today.

The fact is that the ABM proposal created an unprecedented split within the Senate Armed Services Committee and that the senior Republican member of that committee voted against deployment of the ABM.

The fact is that the ABM system has never been put together. Critical parts have never been tested. The design of several key elements has not yet been completed.

The fact is that under my commitment to fund the ABM project in full and to approve production of components that require a long lead-time, there will be no delay in my view in the present timetable should we decide a year from now that a genuine need to deploy the ABM exists.

And the fact is that on this important question the President has told me that each Senator should be guided by his own conscience to vote in a way that best serves the national interest.

In good conscience, as a former defense contractor, I cannot support putting this yet to be completed weapons system into production.

For all these reasons, I shall vote against the deployment of the ABM now and I shall vote for funding in full the development of an effective ABM without and delay to have ready in the event it is needed.

REPORT IN OPPOSITION TO ABM

Mr. TYDINGS. Mr. President, on June 4 and 6 of this year, the Washington Area Citizens Against the ABM held public hearings on the subject of the proposed Safeguard system and its possible deployment in the Washington area. Those who testified included Members of Congress, scientists, and many citizens actively involved in the political, social, and economic life of the greater Washington area.

Based on the testimony presented, a select panel published their findings and offered recommendations regarding ABM deployment. As we enter the final day of debate on the Safeguard in the Senate, I feel it would be extremely useful to include this excellent report in the RECORD so that our deliberations might benefit from it.

Therefore, I ask unanimous consent that the report of the Citizens Panel of the Washington Area Citizens Against the ABM be included in the RECORD.

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

REPORT OF THE CITIZENS PANEL OF WASHINGTON AREA CITIZENS AGAINST THE ABM

(Public Hearings held in the city of Washington, D.C., June 4 and 6, 1969, on the subject of the proposed Safeguard anti-ballistic-missile system and its deployment in the Metropolitan Washington area)

REPORT AND FINDINGS OF THE CITIZENS PANEL ON THE ABM HEARINGS

The members submitting this report were requested by the Washington Area Citizens Against the ABM to serve as a panel to hear citizens testimony on the ABM in the D.C. Council Chambers on June 4 and 6, 1969. Prior to the hearings, extensive publicity was given through the communications media about the hearings and the opportunity to testify and invitations to testify were sent to almost 100 organizations. Over six hours of testimony was heard on the two dates but the public response was so great that all those who wished to testify could not be accommodated.

Representative of the President of the United States and the Defense Department were specifically invited to testify but declined to testify or submit statements.

All witnesses who appeared opposed the ABM. Thus, all the testimony on the various aspects of the question was essentially uncontradicted. The testimony covered both the local and national aspects of the question.

The following is the report and findings of the panel, reached as a result of the testimony presented to us.

I. The Safeguard system is not necessary

The Department of Defense justifies the proposed Safeguard Missile Defense (which will deploy ABM sites around Minuteman Missile Bases and Washington, D.C.) as necessary to protect the American deterrent from a Soviet "first strike" which would destroy our capacity, to retaliate. But the fact of the matter is that there is no clear and present danger to our ability to destroy the Soviet Union, even if there were a surprise attack against us.

There is no known method of neutralizing the nuclear missiles in our Polaris submarines, for example. At a minimum, even after a Soviet attack on the Minutemen, three times the number of missiles needed to destroy the USSR would be left.

Even if there were such a danger, the Safeguard system would be a hopelessly inadequate defense system. Whatever protection the ABM could give, even if it worked perfectly, could be completely offset by a 10% increase in the number of Soviet offensive missiles. Such an increase would be far less costly than the construction of the ABM defense itself.

II. The thick ABM

The real reason for the Safeguard system is not to protect the offensive missiles, a task it is ill suited to, but as the first step in an ABM system designed to cover America's cities. Such a system would be enormously costly, and would force the USSR to reciprocate, thus neutralizing any strategic advantages that the system might produce.

III. The Safeguard will not work

In any event, the anti-missile missile simply will not work (though Soviet strategic planners will have to assume that it will), any better than an anti-bullet bullet would. The great weight of independent scientific opinion is that the ABM is incapable of performing the task assigned to it. Furthermore, cost overruns will make the system vastly more expensive than anticipated officially.

All in all, the Safeguard system is destined to be, if it is authorized, the greatest defense spending scandal of the cold war so far.

IV. ABM and the U.S.S.R.

If the United States starts to build an ABM system, the USSR will react by building a major ABM system of its own. If the military group in the Soviet Union is able to divert large funds for this military purpose, the forces of conservatism in the Soviet Union, which is at a critical juncture in its political history, will be strengthened. This would push the Soviet Union in a direction that would lead to heightened international tension.

V. ABM and China

China has no intercontinental ballistic missiles and indications are that they are not proceeding rapidly in their development. Even if they do develop an ICBM in the future, they would be deterred from using it first, because of the United States' overwhelming power of retaliation. There is strong indication that the military wishes an ABM system to give the United States the power to strike China (and other nations) first without fear of retaliation to itself.

VI. ABM and American security

The deployment of the Safeguard will weaken, rather than strengthen, America's security from foreign attack. The United States deterrent capacity is already secure and only an escalation of the nuclear arms race can make it less so. Such escalation could be the chief effect of the ABM. Furthermore, since security is not only a matter of military hardware, but also of the ability of the people of the nation to function in a unified way, the continued allocation of national resources to defense, instead of to the solution of critical social problems, will increase the tension within American society and thus reduce our security.

VII. ABM and disarament

There presently exists a real opportunity to bring the arms race to a halt, based on fact that both the U.S. and the U.S.S.R. have secure deterrents, and to let this chance go by would amount to a national tragedy, since sooner or later the nuclear stockpiles will be used if they are not removed. If the United States deploys ABM the Soviet Union will have to respond in kind, and the chance for disarmament will have passed.

VIII. The ABM and national priorities

The need of the people for better housing, education, health care, and related matters has priority over the need for ABM. Even if this weapon were workable technically and strategically, the added security it could provide would be less important at the present time, than the meeting of the critical domestic needs of the people. The imposition of an unnecessary and vastly expensive weapons system on the country amounts to a decision to repress the poor and black people of the United States.

IX. ABM is not needed in Washington

The decision to place an ABM site in or near Washington is motivated more by the fact that the people of Washington are politically powerless than by reasons of strategic necessity. It will not make the city safer, as the Soviet Union will simply target more ICBMs toward Washington (as the U.S. did toward Moscow when its ABM system was set up), making Washington and Moscow sister cities—the two most vulnerable on earth.

X. ABM will bring added danger

Because more missiles will be deployed against Washington by the USSR, there would be an increased danger that one will be fired accidentally. If the ABM is kept on alert to prevent this, there is an equal danger that one of its missiles will go off accidentally. There is also the danger of a nuclear explosion on the ground or of a non-nuclear explosion leading to contamination of the area with radioactive materials. In the event of a war, the radar at the ABM site would be attacked, even if the city is not, and the people (except those in the deep shelters of the White House and Pentagon) would fall victim to the fallout.

XI. Washington has greater needs

The Washington ABM site would be within twenty miles of the White House and would cost about $600,000,000. The area is, however, faced with a critical shortage of low and middle income housing. The land is needed to build that housing. The funds are needed for housing and for many other local problems. If the people of the city could make the decisions that affect their own lives, they would decide against the ABM and for use of the money in ways that would improve their lives and the lives of their children.

XII. Future action by area citizens

At the hearings a proposal was made that if the ABM should be authorized and a Washington Area site should be chosen, the people opposed should march to the site, claim it, and camp there until the site chosen is dedicated to a use chosen by the people of the Washington, D.C. area. This proposal received wide support from the people present at the hearing.

APPENDIX

"Public outlays for defense . . . are economically non-productive and constitute a drain on our economic resources and our society" (Report of the Mayor's Economic Development Committee June, 1969).

Even as the Administration is seeking to spend a minimum of $600 million (assuming no overruns) to deploy a Safeguard ABM for the security of the District of Columbia, there is in this city a multitude of social and economic ills for which there are no available funds. The fact that poverty exists to the degree that it does in the Nation's capital is a result of America's obsessive concern with military and defense commitments and gross neglect at home.

The Mayor's Economic Development Committee Report documents many of the critical needs of the people of the District, and has projected a ten year program to meet those needs. The cost of the program is estimated at three billion dollars.[1]

The need is clear:

Housing

In 1968, 37% of the housing units in the District were either dilapidated and required replacement, or were overcrowded, rat-infested, and in serious need of renovation and repair. The Mayor's Economic Development Committee, citing this problem and other urgent needs, projects $165 million over the next decade to provide adequate

[1] This is in addition to the recommended budget, 1970, for D.C. of $828 million. The three billion dollar figure does not include an additional 5.5 billion dollars which will be needed to pay for expected increases in normal government expenditures over that same time period.

housing for all local residents. "Housing subsidies," the report states, "are vastly productive in every way. First they generate a volume of construction and employment which otherwise would not occur at all. Secondly, they reduce the tremendous human and other costs which result from sub-standard housing in all its causal ramifications."

Welfare

More than 30 percent of the total District population and more than 38 percent of the nonwhite population in 1967 were below the "minimum decency standard" of income, $4500 for a family of four, $2000 for unrelated individuals. The average assistance for families with dependent children in 1968 was 52% below the "minimum decency standard." The average old age assistance payment was 55.7% below that standard. The Mayor's Economic Development Committee, in recommending a uniform system of income support payments for a "minimum decency standard," estimates a cost of 236 million dollars over the next ten years for income aid to those outside the employment stream.

Employment

Over 12 percent of "optimum, potential, resident civilian labor force" is not employed. In addition, the percentage cited does not reflect underemployment, parttime, or substandard wages, which may affect as many as three times the number unemployed, according to unofficial U.S. Labor Department statistics. In citing the unemployment statistics, the Economic Development Committee has projected 260 million dollars for manpower training over the next decade.

Health

The District of Columbia has the highest rate of infant mortality recorded by any state except for Mississippi, and the highest of all but one major urban center. The Mayor's Economic Development Committee has estimated that 307 million dollars will be needed to develop the resources necessary for the adequate provision of health care to residents of the city.

Child care and development

Present facilities accommodate only 13 percent of the children, ages 3–5 whose parents require such services. To provide comprehensive services for children between these ages only will cost 180 million dollars.

Education

In 1968, 89.6 percent of District schools were overcrowded. Given present standards of acceptable classroom size there was a shortage of 1598 classrooms, reflecting only one facet of the myriad of educational difficulties besetting the city. The Mayor's Economic Development Committee claims that 504 million dollars will be needed in the Elementary and Secondary schools in the system.

Expansion plans for Federal City College and the Washington Technical Institute are geared to ultimately accommodating approximately 30,000 students. The total costs of this expansion is estimated at 900 million dollars. The Mayor's Economic Development Committee has recommended only one-half of the necessary expenditure, or 450 million over a ten year period because of "anticipated District budget limitations."

Transportation

In order to provide an efficient and balanced system of transportation attuned to consumer interests the Mayor's Economic Development Committee has projected a cost of 800 million dollars.

The 600 million dollars to deploy a Safeguard ABM to protect the District of Columbia would provide sufficient funds to finance those improvements necessary in the City's public school system to bring it up to an acceptable level of quality and equality.

Or 600 million dollars would finance the implementation of adequate day care and child development, housing and manpower training programs.

Half that amount, approximately 300 million dollars would finance a program aimed at providing adequate health care for all residents of the city.

The entire sum of $600 million dollars would finance the first two years of the ten year program.

If there is a question of the security and well being of the inhabitants of the District of Columbia, the people must be given a major role not only in defining its needs, but in establishing its priorities.

On June 6, 1969, in the City Council chambers, IT WAS RESOLVED, by the group assembled in attendance, that "funds appropriated for the deployment of an ABM system be applied as a downpayment for the needs of our residents and our city."

The strength of our society which is predicated on equality, dignity, and the well-being of man, must be restored—for that in the last analysis is our only security.

PANEL

Rev. Joe Gipson, Chairman.
Rep. George E. Brown (June 6 only).
Councilman Joseph Yeldell (June 6 only).
Mr. Julius Hobson.
Mrs. Etta Horne.
Dr. George Wiley (June 4 only).
Mrs. Sophie Reuther (June 4 only).
Mr. Victor Reuther (June 6 only).

WITNESSES

Hon. Andrew Jacobs—Congressman from Indiana, Member of the District of Columbia Committee.
Dr. Jeremy Stone—Council of the Federation of American Scientists.
Rev. Channing E. Phillips—Democratic National Committeeman from the District of Columbia.
Prof. Amatai Etzioni—Institute of War and Peace Studies, Columbia University.
Mr. John Carter—Emergency Transportation Committee.
Mr. Warren Morse—American Federation of State and Municipal Employees.
Rev. Tom Torosian—Capital Group Ministry.
Rev. Ralph Dwan—Washington Planning & Housing Association.
Mrs. Martha Swain—D.C. School Board.
Mr. Frank Wallick—United Auto Workers of America.
Mr. William Carpenter—Federal Employees for a Democratic Society.
Mr. Gus Johnson—Chairman, Democratic Central Committee, 10th District of Virginia.
Mrs. Marrianne Hurt—Fairfax County Democratic Committee.
Dr. Fern Wood Mitchell—SANE.
Mrs. Willie Hardy—Metropolitan Community Aid Council.
Hon. George E. Brown—Representative from California.
Dr. Leonard Rodberg—University of Maryland.
Mr. Ralph Fertig—Americans for Democratic Action, Washington Chapter.
Dr. Herbert S. Dinnerstein—
Mr. Marion Barry—Pride, Inc.
Mr. Don Goldman—Capital Hill American Civil Liberties Union.

By submission

Mr. Carlos Moore—International Brotherhood of Teamsters.
Chester C. Shore—American Veterans Committee—D.C. Chapter.
Rev. George W. Malzone—Center for Christian Renewal.
Dr. Richard Barnet.
Mr. Elliot Stanley.
Mrs. Folly Foder—Women Strike for Peace.
Mrs. Ethel Lubarsky—Prince Georges County Ad Hoc Committee Against the ABM.
Rev. Dan McGuire.
Mrs. Louise Alexander—Circle on the Hill.
Mr. David Alexander—Capitol Hill Action Group.
Mrs. Lola Boswell—National Capitol Humanist Association.
Mr. Joseph Eis—Montgomery County Alliance for Democratic Reform.
Mrs. Ellie Robbins—Northern Virginia Action Committee.
Mr. Donald Green—New Democratic Coalition.
Rev. Harry Applewhite—Council for Social Action of the United Church of Christ.
Mrs. Judith Rosen—Northern Virginia New Democratic Coalition.
Mr. Melvyn Meer—Maryland State New Democratic Coalition.

WASHINGTON AREA CITIZENS AGAINST THE ABM

The Council of Churches of Greater Washington.
Washington Association of Scientists.
Alliance for Democratic Reform of Montgomery County.
National Capital Humanist Association.
Washington Area Council of United World Federalists.
D.C. Chapter of American Veterans Committee.
Women's Strike for Peace.
New Democratic Coalition of Prince Georges County.
Women's International League for Peace and Freedom.
Sane.
Social Action Group of Saint Stephen & The Incarnation Church.
Mt. Pleasant Neighbors Association Inc.
Council for Christian Social Action of the United Church of Christ.
Potomac Association of the United Church of Christ.
City Wide Welfare Alliance.
Legislative Task Force.
The Capitol Group Ministry.
Northern Virginia New Democratic Coalition, National and Urban Affairs Workshop.
Cook's Union Local # 209.
Committee of Return Volunteers, Washington Chapter.
Legislative Assistants Against the ABM.
D.C. Democratic Central Committee.
American Federation of Government Employees.
Federal Employees for a Democratic Society.
Washington Mobilization for Peace.
Veterans for Peace in Vietnam.
Center for Christian Renewal.
Success, Inc.
Northeast Organizers.
Washington Lay Association, Board of Directors.
Northwest Citizens on the Urban Crisis.
Capital Hill Action Group.
Circle on the Hill.
North Virginia Action Committee.
Emergency Committee on the Transportation Crisis.
Washington Peace Center.
Center for Emergency Support.
Democrats for Peace and Progress.

THE BOEING 747—A NEW TECHNOLOGY

Mr. MAGNUSON. Mr. President, recently Air Transport World did a study on the impact the introduction of the Boeing 747 is having on the management of Pan Am, the first company to put this aircraft into operation.

The 747 is truly new technology. It can perform feats that are truly staggering in dimension. It will fly higher, faster, and farther than anything now in operation.

And new technology requires new

management techniques to achieve maximum aircraft utilization and volume traffic. Pan Am and its founder, Juan Trippe, are bringing in a new generation of executives to realize fully the potential of this great aircraft.

This study is timely; I therefore ask unanimous consent that it be printed in the RECORD.

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

PAN AMERICAN IS "ALL CHANGE" ON EVE OF 747 INTRODUCTION

(By Joseph S. Murphy)

Pan American, the airline that Juan Trippe built, is undergoing the biggest transformation in its history. It involves both new management philosophies and new operating philosophies.

And it's all taking place on the eve of the biggest single expansion in Pan Am's history—the introduction of 25 giant Boeing 747s into service within the short span of only nine months.

The key figure involved in much of the change at Pan American is its president Najeeb Halaby whose job it is to see that the big jumbo jets get into service when they're supposed to, that Pan Am is ready to operate them and that it sells the seats it will take to make them profitable.

The fact that Harold Gray, Pan Am's chairman and chief executive officer has delegated to Halaby the responsibility for operations, traffic and sales is one of the biggest changes that has taken place in the airline's 41-year history.

It means that, unlike Juan Trippe who built and ran Pan Am until he retired last May, Harold Gray is not trying to run the whole show himself. He is keeping matters of finance, legal, public relations and labor relations for himself. But in operations, traffic and sales (plus Pan Am's subsidiary operations, except hotels) Jeeb Halaby is now the boss.

What's more, he is making his presence felt.

Satellite check-in stations to ease airport congestion, a passenger service rep aboard each big international flight, a choice of meals in economy, even a 747 "shakedown cruise" with 365 Pan Am employes aboard to Honolulu or London . . . these are just a handful of examples of new thinking at Pan Am designed to make the going even greater.

"We can't use paying passengers as guinea pigs for new experiments in passenger loading and the like," Halaby says. And he has a seven-man Boeing/Pan Am audit group (or "murder squad" as the U.S. Navy would call it) to challenge just about everything that's being done to prepare for the 747. Their role is to make sure there won't be any surprises when the big jet starts flying.

One of Halaby's pet topics is service and it's an area getting more than its normal share of attention. The dispersal of passenger check-in facilities to eight new locations in the New York metropolitan area is just the start of this thinking on the ground. Soon Pan Am will add a special arrivals terminal at JFK Hangar 17 for noncustoms or pre-cleared flights to further reduce congestion at its main Kennedy terminal.

One of the best clues to Pan Am's intent as regards to service was the naming of Harold Graham to the job of VP-service earlier this year. Graham has a reputation for being a thinker and a doer who just completed an eight-year stint getting all of Pan Am steamed up over air freight. His new job is service, both passenger and cargo, and the ball is already starting to roll since he took on the new post in February.

One big change is the passenger service rep now going aboard all major flights. Graham already has 37 and the figure will be up to 75 by June. These are management-caliber, bilingual, college grad types whom Pan Am expects will fly the line for perhaps a year, then move into sales or other positions with a solid indoctrination of what an airline operation is all about.

Meals, too, are getting Graham's attention. There will be 100 or more new menus and a choice of menu in economy on many flights. Pan Am currently is spending $35 million on new commissary and flight kitchen facilities alone. Graham feels that Pan Am, today, has a better than average airline food service but aims to improve upon that, particularly in such areas as getting a first beverage service to the passenger sooner, consistency of service (the on-board reps should help here) and the like.

EXECS IN ECONOMY

Although Pan Am management executives historically have reported their experience on flights as to quality of service, this program now is being expanded to take in operations personnel. Also, says Graham, from now on all traffic and sales management are being required to travel one leg of their trips in economy to get a taste of what the majority of Pan Am's customers are experiencing.

In cargo, Graham feels that shippers are getting a good shake everywhere in the world except at JFK airport in New York. The situation here should improve as airlines become more successful in bypassing airport terminal logjams with containerized freight.

Graham's job in service is only part of the changing scene taking place at Pan Am under sr. VP-traffic and sales, Norman Blake. For the two big airline jobs for which Jeeb Halaby is responsible—sales and operations—Blake heads one and T. J. "Tom" Flanagan, the other. Like Halaby, both are "second generation" management in Pan Am. As Willis Lipscomb and John Shannon were Trippe's and Gray's strong men in these fields, now Halaby looks to Blake and Flanagan.

Blake already has more than two years under his belt as sr. VP-traffic and sales since he took over from the retiring Lipscomb in January 1967. Since he took over, Pan American's advertising has shown a marked improvement to a point where it is generally ranked often with United as the best in the business.

Its "Pan Am Makes The Going Great" stands as one of the strongest sell lines yet developed and just won an American TV Commercial Festival award. Over the years, J. Walter Thompson has done a great job for Pan Am, but it has been at its best in the last two years.

But now, with stepped up IATA demands, 747 planning and the new emphasis on service, sales cannot be neglected and to make sure they aren't, in February Blake named James Montgomery to the top sales job. He is without doubt one of the best sales brains in the airline business. But he has his job cut out for him as Pan Am late this year begins the biggest capacity hike in its history as it pumps in 25 747s over a nine-month span.

THINKING MASS SALES

The big job that Montgomery is tackling is to get Pan Am's sales organization worldwide to think in terms of mass selling, no longer of personal travel or individual account sales.

He looks to travel agents for 70% of his business now and an even higher figure tomorrow. But he feels airlines must work harder with agents to step up the efficiency of their operations, to give them the professional tools they need to keep pace with demand.

He sees a big need for airline attention to the tour operator for the traffic growth that must come to fill the jumbos. The tour product today, he feels, is only one-tenth of what it should be. The tour offerings to the U.S. today are at about the same state that tour packages to Europe were 15 years ago.

Montgomery feels the airlines should help build a strong outside tour operator industry rather than have each carrier get into that business itself.

Finally, he thinks U.S. government involvement is a must in a successful Visit-USA program, that the head of USTS should be at the asst. secretary level with a $30 million promotional budget and that this, with the Discover America Travel Organizations as a private industry ally, could do the job that must be done.

Montgomery is quick to correct the misunderstanding that the new bulk inclusive tour fare is a defensive fare mechanism brought about by competition from the supplementals. The BIT fare is a normal market development device in filling the capacity offered by the 747s and Montgomery is hopeful the 747 will make possible some additional thrust promotional fares.

The shift of Montgomery from VP-passenger sales to the top job and Graham from VP-cargo sales to service means no change of emphasis in Pan Am. In fact, says Montgomery, he has been spending more time on cargo lately than passengers and in this market sees a 30% increase per year for Pan Am for the next five years. It does mean there are two top sales jobs open at Pan Am, a VP-passenger sales and VP-cargo sales which should be filled by Montgomery before the year runs out.

In operations, the new head man is T. J. "Tom" Flanagan and he has moved to the top at a fast pace. Only two years ago, he was named VP-Far East after setting up Pan Am's R&R operation for U.S. Vietnam servicemen. Before that he ran the Internal German Service or IGS as Pan Am calls it. The first real clue to his future came a year ago when he was tabbed VP and asst. to the retiring Shannon.

As with just about all other aspects of Pan Am these days, 747 planning is the big item in operations, too, and the man most affected in Flanagan's shop is R. W. "Randy" Kirk, VP-ground operations.

About 80% of the decisions on major items of 747 support systems have now been made, Kirk told *ATW*. The rest haven't been decided mostly because there is nothing critical in the way of lead time involved with them.

The next big activity starts up at Pan Am with the delivery of its first training 747 in September. While it is training pilots at Roswell, N. Mex., it also will be checking out ground systems, baggage loaders and the like and training personnel to use them.

In all, Pan Am this year is spending $27 million for ground support equipment for the 747 alone. Of the 132 airports it serves in 80 countries, 32 will see 747 service in the initial go around.

If Pan Am's present plans hold, the first 747 flight will take off for London on December 15, going on to Frankfurt. Paris/Rome service will start in December as will U.S. West Coast-Hawaii. In January, the 747 will go to Tokyo and the Caribbean and by June the first jumbo jet should be flying Pan Am's round-the-world route.

Pan Am in 1968 was about a $1.25 billion operation with airline revenues of $1.036 billion accounting for about 83%. The Aerospace division at Kennedy Space Center contributes about 10% and the Business Jet Division and Inter-Continental Hotels each about 3% to 4%.

Both of the latter are moving at a strong pace. The Business Jet division had sold 30 Falcons in the first five months of 1969, more than it did in all of 1968. And among his major roles with subsidiaries, president Halaby both flies and sells the Falcon.

HOTELS PAY OFF, TOO

For I–CH, 1968 was about an $80 million year although with the mixture of Pan Am owned, partly owned and just managed hotels, the net revenues from I–CH were nearer to $40 million. Right now it has 47 hotels in 34 countries, will open four more before 1969 runs out and will have 65 hotels in 45 different countries by 1972.

Pan American is a perfect example of what the jet has done for international air transportation in the short span of 10 years.

From a $357 million operation in 1959, the first year of jets, it blossomed into its first billion-dollar-plus year in 1968. From 3.2 million passengers in '59, Pan Am has tripled the figure to 9.7 million and will move into the 10-million bracket this year. Over the 10-year span, its average passenger distance has grown 18% from 1427 to 1693 miles.

In efficiency, Pan Am's cost per revenue ton-mile was 54.4¢ in its first year of jets. This dropped sharply to 30.3¢ in 1967 and for the first time reversed a nine year trend by bending back upward to 30.9¢ in 1968.

Over the first decade of jets, Pan Am has moved from a net profit of about $7 million a year (1959–1961) to as high as $83 million in 1966. In 1968 its net was off sharply from $60 million the year before and would have fallen almost to the 1959 level had it not been for a stretchout on its depreciation period which added to its profit in '68.

Over the 10-year span of jet operation, Pan Am's accumulative profit after taxes amounted to about $353 million on total revenues of $6.4 billion for a return of about 5.5% on sales. However, most of this was contributed during the five-year span from 1963 through 1967. Here are the actual results by year:

	Revenue (million)	Net profit (million)	Percen return on revenue
1959	$357	$7.4	2.0
1960	413	7.1	1.7
1961	460	7.2	1.6
1962	504	15.0	3.0
1963	561	33.6	6.0
1964	605	37.1	6.1
1965	669	52.1	7.8
1966	841	83.7	9.9
1967	942	60.5	6.4
1968	1,036	49.2	4.7
Total	6,388	352.9	5.5

The top management transition at Pan Am has been one of the smoothest in the airline business. As far back as 1964 Trippe named Harold Gray president and moved up to chairman and chief executive himself. Four years later he retired, moving Gray into both top spots and Halaby, who came aboard in 1965, in as president. Trippe is still there, in a consulting capacity, but he's there.

Jeeb Halaby, at 53, represents quite a change as the president of Pan Am. Compared to the relatively inconspicuous although powerful behind the scenes techniques of Juan Trippe, and the more open yet conservative ways of Harold Gray, Halaby is a real mover.

He rarely, if ever, shirks a speaking engagement. He has already held one brainstorming session with a flock of Pan Am stewardesses to find out what they like and don't like in the cabin. He still flies (and sells) Pan Am's Fanjet Falcon business jets.

He finds running an airline is a lot tougher job than most credit it to be. With all the regulation of routes, rates and rights, you'd think you'd find some relief in the form of a monopoly or near monopoly, notes Halaby. Not only is that not there, he observes, but instead ever-increasing competition, plus dynamic change both in equipment operated and in the markets upon which airline profitability relies.

But as a pilot, a lawyer and a politician in that order, Halaby is finding good use for all three talents as Pan Am president. He has the support of the airline's new generation management team. They seem to like him. They like the new spirit he is pumping into Pan American. The result can't help but ease the burden for Jeeb Halaby and Pan American as the curtain is raised later this year on the era of the jumbo jet in air transportation.

A CASE FOR THE ABM

Mr. MUNDT. Mr. President, a recent editorial in the Daily Plainsman, a widely read newspaper blanketing central South Dakota, provides a strong endorsement for President Nixon's proposed ABM program. It emphasizes the gross inconsistency contained in the arguments of those willing to spend billions of dollars for further research and development of ABM weapons but who would hamstring our Government from testing and deploying the results of this research on the operational sites where the ABM is to be utilized.

Naturally, I am honored and flattered by the extent to which the Plainsman editor drew from my own speech on the ABM in developing his persuasive point of view.

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

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

[From the Huron (S. Dak.) Daily Plainsman]

A CASE FOR THE ABM

With the immediate future of the antiballistic missile program to be determined in the United States Senate this week, the long debate has finally been limited as opposing factions jockey for the crucial votes that will determine whether the ABM effort will be limited to research and development or whether it will include actual deployment.

Both sides have marshalled eminent scientists to argue the pros and cons of the ABM system during the long and sometimes acrimonious debate that is now drawing to a close. And the experts have done a pretty good job of contradicting each other on the subject of whether or not the system will actually work.

In view of the contradictory technical testimony we believe that Sen. Karl Mundt has advanced one of the best arguments for supporting the ABM. Says Mundt:

"Debate will never determine an accurate answer to the question, 'will it work?' The only way to be sure on that point is to research, develop, design and deploy an ABM system which can be tested on its operative site. If those of us who believe it will work are wrong and should win the vote, all we shall have lost is the money expenditure involved (about $2 per year per individual American). But if those who oppose the ABM and believe it will not work are wrong and should win the vote, we may have lost everything dear to all of us, including a second chance to try to rectify this error in judgment.

"Russia already has an ABM system installed around Moscow and is testing and developing additional antiballistic missiles. We have none. I completely favor pressing forward with nuclear disarmament talks with the Soviet Union because, in the end, I firmly believe the only complete protection against possible mutual annihilation through a nuclear war is to set up a system of complete nuclear disarmament accompanied by unchallenged and unchallengeable mutual inspection on both sides . . . On this point, it seems to me every realist must recognize that for the USA to have any chance of inducing the Russians to join us in such a mutual disarmament of our nuclear weapons, it is imperative that we do not permit the USSR to outstrip us or to outarm us in any important aspect of nuclear armament. The monopolized capacity to ward off any atomic attack through use of antiballistic missiles is too great an advantage to give any potential foe of the USA."

There, stripped of technical jargon, is the issue on which the Senate is scheduled to vote on Tuesday. The monetary gamble involved in deploying a limited ABM system is small, the impact on future events may be tremendous.

We believe that the past history of negotiations with the Russians supports the position of Sen. Karl Mundt.

ABM LIBERALS

Mr. DODD. Mr. President, as we approach a vote on the question of whether or not to proceed with the deployment of the Safeguard ABM, I invite the attention of Senators to an article written by Stewart Alsop which appeared on the newsstands yesterday.

The article, which is captioned "ABM and the Liberals," is, in my opinion, the most effective and succinct reply to the critics of Safeguard that I have yet come across.

Mr. Alsop points out that in proposing that we build more Minutemen as an alternative to Safeguard, or that we empty our silos at the first sign of a Soviet attack, the liberals have made themselves advocates of the doctrine of "massive retaliation" which they once repudiated.

He also says quite rightly that "the passion which has gone into the attack on the ABM * * * is essentially a protest against a tragic, unwon war." But, he says, "it is not logical to protest the loss of some 37,000 American lives by denying to a future President the option he may desperately need if he is to have a chance of saving 250 million lives. It is not liberal either."

Mr. President, I ask unanimous consent to have printed in the RECORD the complete text of Mr. Alsop's article.

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

[From Newsweek magazine, Aug. 11, 1969]

ABM AND THE LIBERALS

(By Stewart Alsop)

WASHINGTON.—During the long debate on the ABM, it became more and more obvious that the anti-ABM senators and their allies in the liberal-intellectual community were not really attacking a weapons system—they were attacking a symbol. It also became more and more obvious that they had chosen the wrong symbol.

The attack on the ABM was basically a way of expressing the furies and frustrations generated by the war in Vietnam. But the ABM was in several ways a very bad symbol of what the liberals wanted to attack. As a result, they were forced to take positions which were both illogical and illiberal.

The liberals' first line of attack was that the system wouldn't work; and that even if it did, there was no need for it, because the Russians could not build the kind of offensive missile force which could really threaten our Minuteman retaliatory force. Neither

senators, nor columnists, nor scientists from wholly different fields who like to see their names in the papers are capable of discussing certain complex technical subjects intelligently. But even in this arcane field, common sense is still useful, and in recent weeks two leading scientists made remarks to this reporter which sounded like common sense.

Some time before Neil Armstrong and Edwin Aldrin performed their moon-walking miracle. Dr. John Foster, chief Defense Department scientist, remarked that "of course, ABM is a much easier proposition, technically, than the moonshot." Surely this is common sense. Surely if we can put men on the moon we can build a workable missile defense.

COMMONSENSE

Dr. Albert Wohlstetter, a widely respected specialist in the nuclear-strategic field, made the other common sensible remark. When the ABM opponents say the Russians won't be able to build the kind of missile force which could knock out our Minuteman complex in a first strike, Dr. Wohlstetter remarked, they are assuming that the Russians several years from now won't be able to do what we know how to do right now. This, he added sensibly, is not a safe assumption to make.

The liberals' second line of attack has been that the ABM is just another expensive boondoggle of the "military-industrial complex." This line was best expressed by Tom Wicker, able columnist for the anti-ABM New York Times. The ABM, Wicker wrote, is an example of the "unlimited military expenditure in the quest of security," which has led the military to demand "more and more weapons . . . and more and more money to support them."

The notion that more and more money has been spent for more and more strategic weapons is an article of faith among the anti-ABM liberals. But it just doesn't happen to be true. In fact, as Dr. Wohlstetter points out, we are actually, allowing for inflation, spending about half as much for strategic forces now as we were in General Eisenhower's last year as President—$13.6 billion in 1959, as against an estimated $8 billion for 1970. The money has gone, not into more and more strategic weapons, but into the war.

ABM A RESPONSE

The liberals' third line of attack is that the ABM is aggressively "escalatory." This has been a hard line to maintain, simply because the wholly defensive ABM system could not hurt a single hair of a single Russian head. As Russian Premier Kosygin has said, such defensive weapons "are not the cause of the arms race." The ABM is, of course, a response to the rapidly growing (offensive) force of multi-megaton, multiple-targeted Soviet SS–9 missiles. The people who have really been spending "more and more money" for strategic weapons are the Russians. On this point the "intelligence community" is in a rare state of unanimity.

The last, and oddest, liberal line has been that the best response to the Russian offensive missiles is not defensive missiles but more American offensive missiles. If it turns out that the SS–9s are a real threat to the Minutemen, then build more Minutemen. And if nuclear war threatens, then all we have to do is "empty the holes"—fire our missiles before the Soviet missiles could knock them out. Thus have the liberals become, rather surprisingly, advocates of the "massive retaliation" theory of the late John Foster Dulles.

The trouble with the theory is that it would give a future President no choice between capitulation and a nuclear war which, according to the best estimates, would kill about a quarter of a billion Americans and Russians. The whole point of the ABM project is not simply to maintain what Winston Churchill called "the balance of mutual terror," but also to give a future President what John Kennedy called "a choice between Armageddon and surrender."

Obviously, there would be no choice if our cities were attacked. But the SS–9s are designed to hit the Minuteman complex, not the cities. The simple existence of a missile defense would make a "counterforce attack" on the Minuteman complex far less likely. If it came, a future President could choose to ride it out, in the knowledge that he retained the bargaining power inherent in a surviving retaliatory force.

THE ERRING GENERALS

Surely it is rather odd that the liberals should wish to deny this option to a future President. The main reason is that many liberals simply want a stick—any stick—with which to beat the "military-industrial complex."

Undoubtedly, the attitude of Congress, and of recent Presidents too, has been much too reverent toward the military. Almost all generals, as this reporter pointed out before it became fashionable to do so, are almost always wrong about all wars. This is so not because generals are bad people (most of them are able and honorable men) but because the process of getting to be a general endows a man with a built-in bias about wars. There has been no war in recent history about which almost all Americans generals have been wronger than the war in Vietnam.

Moreover, almost all generals are wasteful, and no generals are morse wasteful than American generals, partly because America is rich. But the main reason generals are wasteful is that wars are wasteful. The worst of war's waste is in human lives, of course, for in all wars young men, who have done nothing to deserve death, die.

A war which is not won is intolerably wasteful. This explains the passion which has gone into the attack on the ABM, for it is essentially a protest against a tragic, unwon war. But it is simply not logical to protest against the war, and the generals who were wrong about it, by attacking the ABM. It is not logical to protest the loss of some 37,000 American lives by denying to a future President the option he may desperately need if he is to have a chance of saving 250 million lives. It is not liberal either.

SIXTY-THREE NATIONS HAVE SIGNED THE HUMAN RIGHTS CONVENTION ON POLITICAL RIGHTS OF WOMEN

Mr. PROXMIRE. Mr. President, as of May 1, 1969, 63 nations had signed the Human Rights Convention on the Political Rights of Women. I regret to say that the United States is not among them. Many of the nations who have ratified this convention are not as old as the convention itself. Many we would consider to be less democratic than ourselves. Some are our opponents in the cold war.

These nations have joined their world partners to show support for the universal political rights of women, and to encourage all nations to adopt these ideals.

Mr. President, I ask unanimous consent that a list of signatories of this convention be printed in the RECORD.

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

SIGNATORIES OF THE CONVENTION ON THE POLITICAL RIGHTS OF WOMEN

Afghanistan, November 16, 1966.
Albania, May 12, 1955.
Argentina, February 27, 1961.
Belgium, May 20, 1964.
Brazil, August 13, 1963.
Bulgaria, March 17, 1954.
Byelorussia SSR, August 11, 1954.
Canada, January 30, 1957.
Central African Republic, September 4, 1962.
Chile, after 1966.
China, December 21, 1953.
Congo (Brazzaville), October 15, 1962.
Costa Rica, after 1966.
Cuba, April 8, 1954.
Cyprus, after 1966.
Czechoslovakia, April 6, 1955.
Denmark, July 7, 1954.
Dominican Republic, December 11, 1953.
Ecuador, April 23, 1954.
Ethiopia, after 1966.
Finland, October 6, 1958.
France, April 22, 1957.
Gabon, after 1966.
Ghana, December 28, 1965.
Greece, December 29, 1953.
Guatemala, October 7, 1959.
Haiti, February 12, 1958.
Hungary, January 20, 1955.
Iceland, June 30, 1954.
India, November 1, 1961.
Indonesia, December 16, 1958.
Ireland, after 1966.
Israel, July 6, 1954.
Italy, after 1966.
Jamaica, August 14, 1966.
Japan, July 13, 1955.
Korea, Republic of, June 23, 1959.
Laos, after 1966.
Lebanon, June 5, 1956.
Madagascar, February 12, 1964.
Malawi, June 29, 1966.
Malta, after 1966.
Mongolia, August 18, 1965.
Nepal, April 26, 1966.
New Zealand, after 1966.
Nicaragua, January 17, 1957.
Niger, December 7, 1964.
Norway, August 24, 1956.
Pakistan, December 7, 1954.
Philippines, September 12, 1957.
Poland, August 11, 1954.
Romania, August 6, 1954.
Senegal, May 2, 1963.
Sierra Leone, July 25, 1962.
Sweden, March 31, 1954.
Thailand, November 30, 1954.
Trinidad and Tobago, June 24, 1966.
Tunisia, after 1966.
Turkey, January 26, 1960.
Ukrainian SSR, November 15, 1954.
Union of Soviet Socialist Republics, May 3, 1954.
United Kingdom, after 1966.
Yugoslavia, June 23, 1954.

Mr. PROXMIRE. Mr. President, for a number of these nations, ratification was not a simple procedural step. For them, it required a difficult, controversial step away from traditional values and practices. In several nations, new constitutions and other legal instruments conferring equal political rights for men and women have had to be enacted. Among those who have experienced these changes are Brazil, Laos, Romania, Spain, Cuba, Ireland, Italy, Japan, Poland, and the Soviet Union. Even nonsignatories have taken important steps in granting political rights to women as a result of the encouragement for reform offered by this Human Rights Convention and its signatories. Among these are Dahomey, Honduras, Sudan, Togo, and Uruguay. A more notable example is Switzerland.

Mr. President, 63 nations have already made great strides in promoting women's rights around the world. Sixty-three nations can stand proudly upon their

convictions. These nations have taken progressive steps that, in several cases, broke with strong traditions. We in the United States are not required to suffer the agonizing controversy of breaking with tradition to ratify this convention.

The United States has long encouraged other nations to adopt the ideals embodied in our own Constitution. Where women's rights are concerned, why should the United States relinquish the lead?

Mr. President, I call upon the Senate to ratify the Convention on Political Rights of Women without further ado.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10:30 tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 57 minutes p.m.) the Senate took a recess until tomorrow, Thursday, August 7, 1969, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 6 (legislative day of August 5), 1969:

INTERNATIONAL MONETARY FUND

Nathaniel Samuels, of New York, to be U.S. Alternate Governor of the International Monetary Fund for a term of 5 years; U.S. Alternate Governor of the International Bank for Reconstruction and Development for a term of 5 years; U.S. Alternate Governor of the Inter-American Development Bank for a term of 5 years and until his successor has been appointed; and U.S. Alternate Governor of the Asian Development Bank.

IN THE NAVY

Vice Adm. Lot Ensey, U.S. Navy, for appointment to the grade of vice admiral on the retired list pursuant to title 10, United States Code, section 5233.

Having designated Rear Adm. Frederick H. Michaelis, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of vice admiral while so serving.

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

DENTAL CORPS

Lowery, Huey P., 3197343.
MacDonald, Gerald B., 3235867.
Munford, Arthur G., 3162305.
Noren, Gaylord D., 3235741.
Paetz, Bill L., 3186862.

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

Abendschein, Frederick E., 3175725.
Ackerman, Thomas E., 3172642.
Adair, Harmon L., Jr., 3193189.
Adams, Gerald R., 3170768.
Adams, Harold B., 3177108.
Agnew, John T., 3175726.
Ahl, Wolfgang A., 3172343.
Albasio, John A., 3153741.
Alexander, Gary F., 3175044.
Alexander, Winser E., 3160869.
Alford, Benjamin F., 3192960.
Alley, Charles E., 3178809.
Allgood, John R., 3177360.
Alpert, Harold S., 3191128.
Alverson, Kintner W., 3192961.
Amann, John J., 3174169.
Amick, Leonard B., Jr., 3171667.
Anders, Billy D., 3173009.
Anderson, Angus M., 3153748.
Anderson, Darwin C., 3176752.
Anderson, James M., 3179096.
Anderson, John M., 3163222.
Anderson, Ralph J., 3175727.
Anderson, Robert C., Jr., 3172490.
Andrew, Thomas J., 3178883.
Anstee, Richard P., 3174665.
Anthony, Ronald R., 3189462.
Antol, Wayne M., 3175805.
Applegate, William P., 3173989.
Armstrong, Richard F., 3171876.
Arneson, David A., 3177481.
Arns, John H., Jr., 3173776.
Ash, Alan I., Jr., 3179415.
Atkins, Walter J., Jr., 3171584.
Aungier, Ronald H., 3174309.
Avant, James R. Jr., 3171242.
Bacon, William G., 3179467.
Badger, Robert C., 3170927.
Bailey, Frank L., 3178170.
Bailey, Joseph R., 3176143.
Bailey, Michael H., 3179278.
Bailey, Richard W., 3159147.
Bain, Gary H., 3179348.
Ball, Willis H., III, 3177524.
Ballard, Ronald D., 3158343.
Balthazar, Paul R., Jr., 3179858.
Banachowski, Chester A., 3157660.
Banfe, Albert C., Jr., 3153832.
Bannister, Jeffrey A., 3179457.
Barber, John S., 3179493.
Barger, William T., 3192792.
Barnes, Barney F., Jr., 3177426.
Barnes, Michael P., 3153774.
Barrilleaux, James L., 3162230.
Barton, Charles H., Jr., 3179221.
Base, John R., 3174468.
Basinski, Gary J., 3189430.
Batiste, John L., 3163157.
Bauer, Edward R., 3158502.
Bayer, Anthony R., Jr., 3171639.
Beall, Clarence W., III, 3178204.
Beam, Jack E., III, 3173861.
Beams, William A., 3153929.
Beasley, Jay N., 3172347.
Beaty, Joseph K., 3172348.
Bebber, Gary D., 3178799.
Beck, Dennis G., 3179692.
Beck, Gerald D., 3179160.
Becker, Donald A., 3193231.
Belisle, Robert J., Jr, 3193429.
Bell, Gary C., 3179785.
Bell, Roscoe J., 3179240.
Bender, Ralph A., 3174810.
Benner, Joseph G., 3173166.
Bennes, James M., 3179853.
Bennett, Bryan L., 3174811.
Bennett, Jerry W., 3175391.
Bennett, John J., 3171379.
Bergene, John C., 3153901.
Bernstein, Lewis A., 3179023.
Betourne, Gary P., 3172826.
Betzing, Martin H., 3179690.
Bey, Victor L., 3175392.
Biezad, Daniel J., 3189224.
Billingsley, Samuel F., III, 3179603.
Black, Charles E., 3158695.
Blackburn, Alan D., 3174605.
Bland, John R., Jr., 3162979.
Blatz, Durand B., Jr., 3190033.
Blau, Lionel H., 3177910.
Blewitt, James R., 3178770.
Bochicchio, Leonard P., 3172293.
Bodenheim, Bodie R., 3176990.
Bok, Frederick C., 3171527.
Boley, Roger A., 3177607.
Boll, Raymond J., 3179173.
Booher, David L., 3175041.
Bopp, James H., 3174073.
Boraas, Bruce F., 3173560.
Bost, Thomas D., 3171784.
Boucher, Douglas W., 3189225.
Boyd, James A., Jr., 3179090.
Boyd, Michael L., 3179000.
Boyd, Sterling W., 3179647.
Boykin, Kenneth S., 3179224.
Boykin, Samuel V., Jr., 3170779.
Brackenhoff, Don M., 3179099.
Bradley, John L., III, 3193522.
Bradley, Larry A., 3179675.
Brady, John M., 3172446.
Brandt, Conrad R., 3170931.
Brannum, Edward S., 3153849.
Branson, Grant E., 3173810.
Bray, Donald M., Jr., 3179775.
Breard, Robert F., 3177147.
Breidling, John C., 3176509.
Breneman, James R., 3159030.
Brewer, Jerry D., 3172351.
Brickley, David G., 3175734.
Bridge, Thomas J., 3175648.
Bright, Donald W., 3175463.
Brister, Donald R., 3179351.
Brocavich, Ronald G., 3171382.
Brock, James M., 3178723.
Brockmeier, Jerry D., 3179309.
Brodie, James E., 3179284.
Brodkorb, Richard E., 3158598.
Brodock, Harry L., 3179303.
Brom, Theodore E., Jr., 3153883.
Brooks, Jacob H., 3161348.
Brown, Carroll S., 3161872.
Brown, Joe B., 3192798.
Brown, John M., 3176151.
Brown, Joseph R., Jr., 3159180.
Brown, Robert L., 3179667.
Brown, Samuel H., VII, 3153722.
Brubaker, David E., 3175686.
Bruner, William P., Jr., 3170711.
Bruns, Richard P., Jr., 3179004.
Bryan, Robert F., II, 3176201.
Buchanan, Timothy G., 3172856.
Buck, Erik S., 3179052.
Buckholtz, David W., 3178740.
Buickerood, Richard W., 3174076.
Bull, William W., 3153681.
Burgess, James D., 3173892.
Burich, William J., Jr., 3172353.
Burkepile, Dick L., 3189674.
Burkhart Frederich M., 3175806.
Burr, David P., 3179537.
Burton, Gary H., 3172776.
Butler, Robert L., 3179137.
Byers, John M., 3172354.
Byrd, Willie, Jr., 3193899.
Cabral, Charles A., Jr., 3171478.
Cain, John H., 3170713.
Campbell, Francis G., 3178807.
Campbell, James W., 3175712.
Campbell, Tom J., 3178323.
Carlson, Rodney L., 3154285.
Carnes, Robert M., 3160776.
Carpenter, Billie R., 3177578.
Carpenter, James B., 3153666.
Carr, Richard E., 3177525.
Carson, Leonard R., III, 3176775.
Carter, Edward B., 3192550.
Case, Billy D., 3193053.

Chalfont, Alan C., 3176611.
Chamberlain, Peter S., 3179514.
Chambers, Charles E., 3160365.
Chan, Joseph W., 3172320.
Chaney, Clifford D., 3171384.
Chapman, Thomas J., 3173580.
Chappell, Marvin L., 3193236.
Chase, Gerald H., 3179713.
Chew, James P., 3179035.
Chidester, James R., Jr., 3171123.
Chittick, James E., 3179764.
Christensen, Gary C., 3173940.
Christensen, Jens E., 3176202.
Church, James W., 3172659.
Clark, Gary W., 3161282.
Clarke, Bradlee F., Jr., 3174395.
Clay, Earl L., 3171448.
Cleaves, Mark M., 3154369.
Cleckler, Jimmy J., 3154324.
Clevenger, James D., 3177115.
Clifford, George B., 3157776.
Clough, James A., Jr., 3176156.
Clow, Douglas J., 3172660.
Clyburn, Lewis M., 3156383.
Cobb, Harvey G., 3172978.
Cobern, James M., 3177196.
Cocks, Joel P., 3177562.
Coffman, Joseph M., Jr., 3153872.
Cohn, Samuel E., 3192641.
Cole, Theodore M., III, 3171125.
Conklin, Benjamin H., Jr., 3191546.
Conkright, Terry L., 3179188.
Conway, John F., 3179570.
Cook, Lee W., 3175106.
Cooke, Ian N., 3173374.
Copher, Ernest A., 3179186.
Cornelius, Richard, 3179238.
Cornish, Richard K., 3177321.
Cornwell, John C., III, 3171248.
Cotton, Jerry L., 3176204.
Covi, John H., 3191811.
Cox, Wayne P., 3179716
Craft, Robert D., 3171796.
Craig, Patrick R., 3188915.
Craig, Samuel, 3170887.
Craver, Clarence F., Jr., 3177604.
Cream, Bertram W., 3160663.
Crook, James L., 3173699.
Crosby, Anthony J., 3154316.
Crouch, Charles D., 3172563.
Crowder, Donald E., 3179502.
Crowell, Glenn D., 3177708.
Crowther, Wayne R., 3179426.
Crump, Manning L., 3192127.
Crutchfield, William G., Jr., 3179829.
Cullen, Bruce J., 3179252.
Cunningham, John D., 3176720.
Curtis, Charles W., 3161112.
Cuthbert, Stephen H., 3178783.
Daly, Patrick F., 3175610.
Dampier, Ronald L., 3153898.
Dannheiser, Charles C., 3172565.
Davidson, Frank R., 3153761.
Davidson, John P., 3179847.
Davidson, William F., 3179208.
Davies, John W., 3154317.
Davis, Bobby J., 3177526.
Davis, Edward R., 3171389.
Davis, Guy A., Jr., 3176563.
Davis, James H., 3173120.
Davis, John R., 3183840.
Davis, Richard S. Jr., 3174750.
Dawkins, Barry L., 3153878.
Dean, Ronald J., 3154250.
Dean, Thomas O., Jr., 3179815.
Dearing, Munro G., III, 3178116.
Deason, Mauriece D., 3179534.
Degrand, James M., 3177406.
Degrande, Joe, Jr., 3177152.
Delaney, Douglas B., 3174401.
Delaura, Lewis, 3177595.
Delpintorres, Jose M., 3175951.
Demo, Robert W., 3178781.
Dendy, Charles S., 3153788.
Denton, Richard P., 3190184.
Desch, Joseph M., 3179256.
Deshields, James C., 3191464.
Devore, Timothy, 3178847.
Dickinson, William A., IV, 3190806.
Diefenbach, Brent O., 3193729.
Dietsch, David A., 3175082.
Diggins, William H., 3172321.
Dinkle, Ralph E., 3159396.
Dishman, Benton G., Jr., 3172917.
Dittman, Henry Jr., 3176722.
Doan, John H., 3192563.
Dolcourt, Victor E., 3171482.
Donahue, James L., 3171390.
Doney, Edward D., 3162909.
Dorau, Warren G., 3153828.
Dorman, William K., 3179243.
Dorsey, Fred A., 3171975.
Downs, Stelvin L., 3172036.
Dozier, Grover L., Jr., 3154352.
Drinnon, Paul T., 3183717.
Droddy, Jesse D., 3179121.
Dudgeon, Foster E., 3193114.
Dugas, Richard J., 3189983.
Duisenberg, Peter D., 3179786.
Dull, Richard F., 3154305.
Duncan, Ralph E., 3154318.
Dunker, Gene L., 3179649.
Dunne, Brian J., 3178998.
Dunnigan, Edward J., 3157461.
Dupre, Roger P., 3183864.
Dushlek, Robert W., 3153655.
Duwel, Philip S., 3179119.
Dwdraczyk, John F., 3162249.
Dymek, Chester J., Jr., 3173246.
Eason, Robert A., Jr., 3179403.
Eaves, James W., 3171704.
Eckhardt, Gary D., 3178154.
Eddie, Carroll T., Jr., 3179689.
Edwards, James L., 3153686.
Egedenissen, Stig., 3179808.
Elder, James S., 3176928.
Ells, David B., 3175559.
Elwood, John F., 3179290.
Ely, Richard N., 3179676.
Elzinga, Richard G., 3179685.
Emerson, Roy G., 3191659.
Endres, William J., 3177504.
Engle, James T., 3177718.
Ennis, Tolbert L.,3179699.
Eramo, Daniel J., Jr., 3174537.
Eshelman, Byron D., 3177200.
Essex, Jackie G., 3178856.
Evans, Ted R., 3178754.
Fagan, Michael T., 3178389.
Fannin, Charles B., 3153802.
Faulhaber, Robert L., II, 3173634.
Faulk, Albert W., 3191494.
Fazekas, Frank S., 3191093.
Fekke, Peter L., 3171249.
Ferebee, B. John, 3170987.
Ferguson, William F., 3175689.
Fett, Paul, Jr., 3177599.
Fette, John H., 3179113.
Fiedler, Harald P., 3174253.
Fields, Eric D., 3161557.
Finch, James F., 3178718.
Findlay, William R., 3153850.
Fisher, David R., 3175250.
Fitzpatrick, William E., 3179321.
Fleming, James P., 3177119.
Flora, Gerald J., 3179390.
Fluck, Peter A., 3172232.
Flynn, Gerald R., 3173429.
Flynn, William A., Jr., 3176097.
Flynt, Hal H., Jr., 3176377.
Folse, Paul J., 3154340.
Foos, Larry D., 3171449.
Forbes, Stephen T., 3175849.
Ford, Ralph H., 3178753.
Forde, Dale F., 3191496.
Forys, Edward, 3178861.
Foster, Billy J., 3176270.
Fowler, Donald L., 3171393.
Fowler, Robert F., 3171252.
Fralick, Don E., 3190942.
Frantz, Ronald G., 2178846.
Franz, George M. R., 3153896.
Frazey, Lynn A., 3179435.
Frazier, Robert J., Jr., 3174406.
Frazier, William H., II, 3170800.
Freeman, Carey L., 3190456.
Freeman, Norman A., 3177325.
Freilinger, Mich J., 3172118.
Freitas, Michael A., 3171253.
Frey, Charles D., 3179708.
Friestad, David E., 3177251.
Frith, Richard W., 3154336.
Frohman, David R., 3178925.
Frost, Fredric H., III, 3177644.
Fuller, David L., 3179597.
Fuquay, Gary H., 3172568.
Furlong, Daniel J., Jr., 3178301.
Furr, Marshall W., 3176165.
Fye, Falko K., 3177538.
Gadd, Clayton T., 3172951.
Gallagher, David G., 3178827.
Gant, Clark W., 3171081.
Garcia, Miguel, 3153899.
Gardner, James R., 3172369.
Garner, William J., 3178997.
Gaspard, Arthur L., Jr., 3173027.
Gates, Robert M., 3177528.
Gaven, Edward J., 3157917.
Geleott, Ronald W., 3178748.
Gelzer, Randell E., 3176008.
George, Gary L., 3179466.
George, Raymond D., 3176441.
Ghizzoni, Alan A., 3175216.
Gibson, Charles M., 3170989.
Gillespie, David C., 3172793.
Gillespie, David L., 3193901.
Gilliam, William T., 3171893.
Gingerich, Jon S., 3171045.
Glackman, John C., III, 3154304.
Gladden, Frederick O., 3170942.
Glaspell, Wilson L., 3193732.
Glavin, Terrence J., 3174616.
Glidden, Donald J., 3179152.
Goodman, Geoffrey H., 3191212.
Goodman, James W., 3175749.
Goodwin, James F., 3179543.
Gordon, Jerome D., 4159134.
Gose, Arthur E., Jr., 3179802.
Gosnell, Larry L., 3161061.
Gossick, Roger V., 3154337.
Graham, Daniel J., 3159087.
Grant, David B., 3179172.
Grant, Louis W., 3172987.
Grant, Wayne A., III, 3173089.
Grasso, Nicholas, 3174191.
Gray, Charles A., 3177159.
Graziano, Peter J., 3174095.
Greaves, Douglas D., 3173787.
Greebon, Oliver R., 3176567.
Green, Dale A., 3192574.
Green, Daniel F., 3171101.
Green, Don W., 3174758.
Green, Frederick L., 3172988.
Greene, Gerard M., 3175750.
Greene, William D., 3176380.
Greenwood, George R., 3174098.
Grigg, Dale, 3179115.
Grove, John W., 3174322.
Groves, Claude D., Jr., 3176936.
Grubb, Peter A., 3153800.
Grumet, David L., 3154332.
Gundel, James T., 3179237.
Gunnels, Charles W., III, 3171980.
Hahn, Roland E., 3153744.
Haire, William R., 3179843.
Haldi, Richard T., 3179779.
Hale, Loren E., 3192131.
Hamilton, Michael C., 3162264.
Hamon, Thomas V., 3178939.
Handel, David P., 3179626.
Handschumacher, James F., 3175219.
Hanley, Peter F., 3177677.
Hanna, Richard B., 3189942.
Hannigan, John F., Jr., 3189444.
Hansen, Harold N., 3178258.
Hansen, Richard A., 3153747.
Hanson, Brian P., 3176621.
Hanson, David E., 3183845.
Hardaway, Ben C., Jr., 3172923.
Harper, Michael J., 3174888.
Harrold, Robert D., 3170728.
Hart, John M., 3176012.
Hart, Varnell C., 3153657.
Hartley, William B., Jr., 3170814.
Hartman, Don O., 3183809.
Hartsell, William S., III, 3192579.
Hartshorn, Harold G., 3174619.
Haupt, William T., 3175691.
Hawk, Thomas R., 3179643.
Hays, Larry R., 3183810.
Headrick, Larry R., 3192754.
Hecht, Lawrence W., 3177164.

Hedditch, David R., 3153664.
Heft, Robert G., III, 3172796.
Helgoth, Harry G., 3178891.
Helms, James M., 3190462.
Helms, Rumsey H., Jr., 3174856.
Helwig, Roger D., 3171401.
Hersey, Howard J., 3173870.
Hertler, Robert J., 3190646.
Hicklin, Fred M., Jr., 3192658.
Higa, Ronald J., 3172003.
Higdon, Lawrence I., 3171984.
Higgins, Michael W., 3173517.
Higgins, Scott P., 3179045.
Hileman, Lonnie C., 3179834.
Hill, Robert N., 3154338.
Hillman, Paul, Jr., 3174103.
Himmel, Richard W., 3175592.
Hinds, James L., 3175062.
Hines, Roderick G., 3154246.
Hinkle, Ronald K., 3173035.
Hintz, James A., 3159699.
Hitt, George C., 3170731.
Hlad, Dennis F., 3179519.
Hoag, Robert J., III, 3154329.
Holden, James T., Jr., 3178979.
Holdiness, Philip C., 3154301.
Holland, Jackie D., 3179581.
Hollomon, Michael R., 3176275.
Holmgren, Douglas B., 3177291.
Homich, George H., 3173709.
Hooyer, David A., 3193613.
Hope, Jon W., 3177567.
Hopping, Cecil R., 3172379.
Hotsko, Anthony M., 3173789.
Houck, Elmer D., 3179153.
Howard, Robert P., 3154364.
Howard, Rodger L., Jr., 3179198.
Howell, Cleves H., III, 3158372.
Howell, Harold E., 3183816.
Hrdina, Douglas J., 3158542.
Hubbard, George C., 3174859.
Hubbard, Robert M., 3179469.
Hubbard, Ronald P., 3179367.
Hubert, Craig C., 3179567.
Huff, Stephen A., 3172245.
Hughes, David K., 3154372.
Hughes, Paul E., 3160457.
Hummel, Dennis K., 3172606.
Humphries, Wade C., 3170824.
Huntsman, James M., III, 3160812.
Hvozdovic, Michael J., Jr., 3176946.
Ingle, Edward C., Jr., 3178865.
Ingle, James A., 3174890.
Irwin, David J., 3173441.
Jackelen, George G., 3179668.
Jacks, Donald R., 3171049.
Jackson, James H., Jr., 3176623.
Jackson, Kenneth K., 3179510.
Jacobsen, Allan H., 3172618.
Janelle, Donald G., 3154560.
Jehle, James R., II, 3177744.
Jennings, Gary L., 3172133.
Johnson, Albert F., 3154323.
Johnson, Daniel F., 3192156.
Johnson, Dennis, Jr., 3179471.
Johnson, Jay H., 3179255.
Johnson, Robert L., 3179291.
Johnson, Stephen D., 3172925.
Johnson, William R., 3178956.
Johnston, Donald J., 3177469.
Johnston, Richard L., 3179441.
Jolley, Richard H., 3162782.
Jones, Arthur G., 3153730.
Jones, Barry E., 3179476.
Jones, James L., Jr., 3178782.
Jones, Joseph A., 3172926.
Kaehlert, Ronald C., 3172069.
Kaeppel, Paul H., 3153709.
Kallenbach, Daniel P., 3179007.
Kalmuk, Eugene J., Jr., 3178960.
Kammann, Philip H., 3154368.
Kasemeier, Douglas G., 3177167.
Kaufman, Warren F., 3153889.
Kearns, Michael W., 3179656.
Keenan, Philip S., 3179835.
Kehoe, William W., 3177564.
Kelley, Donald O., 3157470.
Kelsey, David J., 3153932.
Kennedy, James J., 3172327.
Keppler, James S., 3179722.
Kerr, David T., 3190528.
Kiesel, Stephen R., 3172573.
Kifer, Stephen J., 3172386.
Kiffer, James J., 3179316.
Kildebeck, James S., 3163232.
Kimbell, Earl S., Jr., 3177697.
King, David P., 3179527.
King, Odel T., Jr., 3153784.
King, Robert W., 3171053.
King, Stanley G., 3179229.
King, Thomas A., 3179680.
King, Winston H., 3193126.
Kinnaman, Stephen B., 3177169.
Kirby, Gary L., 3179787.
Kirchhoff, William J., 3192219.
Kirsch, John P., 3179235.
Kirschen, Phillip B., 3179494.
Kjeldsen, John P., 3193696.
Kmetz, Michael P., 3183820.
Knirsch, George R., Jr., 3171003.
Knitter, Raymo E., Jr., 3175221.
Knoblock, Kenneth J., 3177563.
Knuth, Dale E., 3193657.
Kobussen, Richard W., 3163178.
Koerber, Harold M., 3154357.
Koger, Olin D., 3172072.
Kolar, John F., 3179166.
Kollmer, Roy D., 3179037.
Kopplin, William L., 3192590.
Korker, Fred C., 3179282.
Kozuch, John C., 3176678.
Kozyra, Robert E., 3177014.
Kribs, Leonard K., 3175593.
Kritzer, Tamara E., 3179077.
Krug, Stephen H., 3171408.
Kubicko, Richard M., 3153916.
Kuchel, Terrence G., 3183848.
Kueltzo, Carl N., 3172137.
Kuhlmann, Alfred J., Jr., 3173041.
Kwolek, Richard A., 3179468.
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Ziegler, Randall K., 3180699.
Zielie, Paul A., 3198973.
Zimmerman, Myron P., 3182507.
Zimney, Raymond A., 3181246.
Zucker, Irwin, L., 3180320.
Zukowski, Robert J., 3190334.
Zwerg, John W., 3180111.

Subject to medical qualification and subject to designation as distinguished graduates, the following students of the Air Force Reserve Officer Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provisions of Chapter 103, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Baker, Larry M.	Marshall, Marvin D.
Berry, Michael J.	Morales, Epifanio, Jr.
Brock, James R.	Nelson, Lyle T.
Campbell, John H.	O'Neal, Michael R.
Cavin, Houston L.	Oshiro, Lawrence H.
Conley, John C.	Player, Vinroe S.
Doehling, Robert E.	Rutledge, John W.
Dove, Edgar L.	Sargent, James F.
Eslick, William L.	Sawyer, Miles L.
Hannah, Darryl E.	Seymour, Raymond P.
Harvey, Jack R.	Shankel, Robert D.
Hatcher, Thomas D.	Siekfer, John B.
Henderson, Charles R.	Simmons, Thomas R.
Hooker, Walter C.	Smith, William B.
Huddleston, James R.	Tanaka, Patrick Y.
Johnson, Jackie L.	Torrado, Miguel A.
Johnston, Lawrence D.	Valenzi, Richard R.
Long, Edward D., Jr.	

CONFIRMATION

Executive nominations confirmed by the Senate August 6 (legislative day of August 5), 1969:

U.S. MARSHAL

Albert A. Gammal, Jr., of Massachusetts, to be U.S. marshal for the district of Massachusetts for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Wednesday, August 6, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is good; His mercy is everlasting; and His truth endureth to all generations.—Psalm 100: 5.

O God, who art the Lord of heaven and earth, whose love lives forever and whose truth endureth through all generations, hear us as we pray lifting our hearts unto Thee.

Thou hast called us to live together as brothers and hast taught us that we belong to each other. Do Thou bless all endeavors leading toward peace in our world, justice in our Nation, and good will in all our hearts.

Let Thy spirit so live in men and so move among them that the leaders of our Nation and of every nation may seek peaceful means to settle disputes, to maintain order, and to establish justice.

Help us all to learn that peace depends upon understanding love; that law and order must be built upon righteousness and truth; and that justice can live only in the hearts of men of good will.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 714. An act to designate the Ventana Wilderness, Los Padres National Forest, in the State of California.

The message also announced that Mr. DOLE be appointed a conferee on the bill (S. 1072) entitled "An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended," in lieu of Mr. PACKWOOD, excused.

The message also announced that the Senate insists upon its amendments to