

"Yes, he was in my car pool until the door fell off my car."

"Did you know his wife went to school with Ralph Nader?"

"No, I didn't? He never talked about his wife."

"Does the name Dmitri Kessel mean anything to you?"

"I played golf with him once or twice."

"Did you know that Dmitri Kessel's wife bought some bad hamburger at a supermarket and reported the store to the health authorities?"

"I wasn't aware of it."

"Feldkamp, it would be easier for you if you told us the names of all the consumers

you know. If you confess, the Department of Commerce will show some leniency towards you."

"I'm innocent."

"All right, Feldkamp. You've had your chance. We're turning over your file to Secretary of Commerce Stans. He's not as broad-minded about these matters as we are."

## SENATE—Wednesday, October 8, 1969

(Legislative day of Tuesday, October 7, 1969)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

Most Rev. John S. Spence, D.D., Auxiliary Bishop of the Archdiocese of Washington, Washington, D.C., offered the following prayer:

Heavenly Father, from whom all blessings flow, we implore Your special blessing upon the Members of this great legislative body. In the past Your guidance has been manifest in the skill with which they have found solutions to so many complex problems affecting the well-being of our Nation. But, dear Lord, never has any Congress had to grapple with such gigantic, ramified, and fundamental issues as does this present Senate. We beg You to fill every lawmaker with Your gifts of wisdom and prudence, in upholding justice and charity in all of their deliberations and conclusions. Dispel upon them some of Your celestial light, through which they may be enabled to choose those things which are of primary importance and which demand immediate action, and those which can be allowed a lower priority, all according to Your most holy will.

You, who created all men and who know all men and their needs, pilot our Senators rightly and safely between the urgencies of domestic and foreign issues, between the dangerous eddies of a just and lasting peace on the one hand, and a prolonged and devastating war on the other; between the costly conquest of space and the even costlier neglect of human needs on this planet. In all of their dilemmas, O God, we implore Your omnipotent and never failing guidance, so that whatever they do may be in accord with Your will and the world's happiness. Amen.

### THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, October 7, 1969, be approved.

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

### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order of yesterday, the Senator from Iowa (Mr. HUGHES) is now recognized for not to exceed 1 hour.

Mr. SCOTT. Mr. President, will the

distinguished Senator from Iowa yield to me 1 minute?

Mr. HUGHES. I am happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. I thank the distinguished Senator from Iowa.

### THE 25TH ANNIVERSARY OF THE DEATH OF WENDELL WILLKIE

Mr. SCOTT. Mr. President, I wish to note that today is the 25th anniversary of the death of Wendell Willkie; that the hearts of many of us are filled with the warmth of recollection, with an awareness of how much this one man contributed to one world, and with a sense of indebtedness for the inspiration which he gave to all of us, particularly those of us who—like myself and like President Nixon, who today has written me a letter, which I will later include in the RECORD, in observance of this anniversary—began our national political lives as advocates and earnest speakers in the cause of Wendell Willkie.

When Wendell Willkie died, a magazine said his death had run like a seismic shock through the populace, a feeling of half angry disbelief, a shudder, and a realization. And then the people said, "There was a man."

So it is an honor for me to recall the passage through this life of a really great man and a great inspiration to mankind, and to note the presence in the Capitol of Wendell Willkie's widow, the very lovely Mrs. Wendell Willkie.

At a later date I shall ask unanimous consent to have printed in the RECORD the proceedings at a breakfast of commemoration which was held in the Capitol this morning.

I ask unanimous consent to have printed in the RECORD the letter from President Nixon.

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

THE WHITE HOUSE,  
Washington, October 7, 1969.

HON. HUGH SCOTT,  
Minority Leader,  
U.S. Senate,  
Washington, D.C.

DEAR HUGH: My very first personal connection with national politics came in 1940, when I made a number of local speeches in California for Wendell Willkie. I have always regarded his words, his life, and his character as an important source of personal inspiration.

I am pleased to know that the twenty-fifth anniversary of Wendell Willkie's untimely death is being observed on Capitol Hill this

Wednesday. At such a time, it would be appropriate, I believe, for all of us to think—and think seriously—about the philosophy that Willkie called his creed, and which he expressed in words that are now inscribed on a marker near his grave in Indiana.

"I believe in America," he said, "because in it we are free—free to choose our government, to speak our minds, to observe our different religions. Because we are generous with our freedom, we share our rights with those who disagree with us. Because we hate no people and covet no people's lands. Because we are blessed with a natural and varied abundance. Because we have great dreams and because we have the opportunity to make those dreams come true."

At a time when many in our nation are preoccupied by our problems, Willkie's words remind us of our strengths. When many dwell only on what is wrong with America, his words speak as persuasively today as they did a generation and more ago about what is right with America. And, finally, his words remind us of the great challenge which still is ours—the challenge of realizing ever more perfectly the ideals which he expressed so well and worked for so ardently, the challenge of "making those dreams come true."

"I would rather lose in a cause that I know some day will triumph," Wendell Willkie once said, "than to triumph in a cause that I know some day will fail." How important those words are for all of us. I am happy to join you in saluting the memory of a great American.

Sincerely,

RICHARD NIXON.

Mr. HUGHES. Mr. President, the Senator from Iowa is more than honored to join the distinguished minority leader in this tribute to Wendell Willkie.

### SENATE RESOLUTION 268—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT CERTAIN MEASURES SHOULD BE TAKEN BY THE GOVERNMENT OF SOUTH VIETNAM

Mr. HUGHES. Mr. President, I submit a resolution on behalf of myself, the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. MONDALE), the Senator from Texas (Mr. YARBOROUGH), the Senator from South Dakota (Mr. McGOVERN), the Senator from Ohio (Mr. YOUNG), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. McCARTHY), the Senator from Idaho (Mr. CHURCH), and the Senator from Oregon (Mr. HATFIELD).

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, will be printed in the RECORD.

The resolution (S. Res. 268) was referred to the Committee on Foreign Relations, as follows:

S. RES. 268

*Resolved*, That it is the sense of the Senate that the Government of South Vietnam should promptly be urged to take the following steps within the next sixty days:

1. Grant liberty and amnesty to all of those presently held in custody as political prisoners;
2. Lift the censorship of all communications media, foreign and domestic, including especially those newspapers which have been closed down;
3. Permit political parties the freedom to organize and operate without governmental controls; and
4. Present a plan for a provisional government, broadly representative of the main political, ethnic, and religious groups of South Vietnam, whose principal functions will be to maintain government effectively during the transition from war to peace.

*Resolved, further*, That it is the sense of the Senate that if each of these conditions is not satisfied, in whole or in substantial part, then the United States should declare officially that its commitment to the present Government of South Vietnam is ended, and that with all responsible haste it will terminate its military, political, and economic assistance to that Government.

Mr. HUGHES. Mr. President, a few days ago, the minority leader of the Senate, the distinguished Senator from Pennsylvania (Mr. SCOTT), backed by other administration spokesmen, made the proposal that a 60-day moratorium be invoked on criticism of the administration's Vietnam war policy.

It seems to me that this suggestion might deserve serious consideration if linked to substantive plans for effecting the disengagement from the Vietnam war that Mr. Nixon promised the American people.

An increasing number of American citizens of all political faiths have reached the point that they are no longer willing to sacrifice American lives—and the lives of other nationals as well—to prolong this war in its present sterile impasse.

Clearly, a new initiative, a fresh plan of action, is imperative.

There is growing talk these days of timetables for withdrawal. Even President Thieu has asked Mr. Nixon for a timetable for the withdrawal of American troops.

It occurs to me that within the 60-day period suggested by Senator SCOTT, a timetable of action could be set that could conceivably break the impasse blocking the peace negotiations without being inconsistent with the main line of national policy in Vietnam.

We all sympathize with Mr. Nixon's vast problems in trying to end a war which he inherited, and we honor his sincere desire for peace.

But it is my conviction that he will continue to fail to make significant progress toward peace until something decisive is done about a major roadblock—the present Saigon government.

If Mr. Nixon believes it is necessary to continue supporting the present Saigon regime, which support is apparently contributing to the deadlock of peace negotiations, I believe he might seriously consider certain measures that would

effect desperately needed reforms within South Vietnam and at the same time open up new possibilities for negotiation.

The Hughes-Eagleton resolution sets forth these suggested measures.

In brief, the resolution expresses the sense of the Senate that, within 60 days, the present regime in South Vietnam should end press censorship, release political prisoners, allow political organizations to operate without interference, and develop a plan for a provisional government, broadly representative of the main political, ethnic, and religious groups of South Vietnam.

The resolution further provides that if each of these conditions is not satisfied, in whole or in substantial part, then the United States should declare officially that its commitment to the present Government of South Vietnam is ended, and that it will terminate, with all responsible haste, its military, political, and economic assistance to that Government.

I want to make it clear that this resolution relates specifically to suggested new initiatives that Mr. Nixon might take and does not in any way contradict proposals for cease-fire, accelerated troop withdrawal, and other substantive peace moves that have been recommended in recent months. Nor does it indicate any lessening of my support for the October 15 Vietnam student moratorium which the New York Times has described as "an appeal by deeply concerned students to the Nation's conscience."

I do not want to belabor the obvious points about the imperative need to end this war. We are all sick of the vicious conflict that has resulted in the loss of more than 40,000 American lives, a quarter of a million American wounded and expenditures of more than \$100 billion in economic resources, critically needed at home.

However, it seems to me that in our preoccupation with certain essential aspects of disengagement—for example, troop withdrawal and cease-fire—we are losing sight of some points that can, in their own right, produce a stymie in our peace efforts.

It is ironic that part of our effort in Vietnam is in support of a military junta-type government that practices censorship, throws its political opponents in jail, and exerts harsh control over the activities of other political parties.

But the important point we need to make at this juncture is that these practices and conditions have an important bearing on the deadlock of the peace moves.

Mr. President, as you know, dozens of newspapers have been closed and have remained closed—even after it was announced by the Government that censorship was to be lifted.

Conservative estimates indicate that there are at least 20,000 non-Communist political prisoners that have been jailed by the Thieu regime, including student leaders, newspaper editors, and leaders of the Buddhist struggle movement. I want to make it clear that in speaking of political prisoners I refer to individuals who have been placed in prison

purely as a consequence of political activities—not prisoners of war.

So long as these injustices, plus the repressive control of political parties, exist within the Saigon regime, it is obvious that talk of free elections and other democratic political institutions does not carry much conviction.

The truth is that in South Vietnam the political balance of power is decisively against the Government we are supporting. The only way that Government can survive is by keeping in jail the elements that oppose it.

This situation can be preserved only by the massive American military presence. Even if there were no NLF, it is doubtful if the Saigon regime could serve on a truly democratic basis. The present administration simply does not represent a majority of the non-Communists of South Vietnam.

The four-point proposal contained in the Hughes-Eagleton resolution could provide the Nixon administration with the kind of mandate it needs to get free of the Thieu regime's dominating partnership so that the United States could maneuver more effectively for peace.

It could create the kind of climate for productive peace negotiations, a climate that might help loosen the stiff backs of the North Vietnamese at the negotiating table.

Sixty days may not seem like a very long period in which to accomplish these objectives, but time is of the essence because additional time means the expenditure of more American lives. And it must be recognized that at any point the present low level of engagement could be drastically escalated. Despite the optimistic statements of some of our military leaders these days—and these statements have a fatal resemblance to earlier rosy statements made by our generals throughout this vicious war—the present comparatively subdued level of hostilities reflects a withholding of forces rather than any substantial change in the military balance.

It is unrealistic to trust a regime that jails peaceful citizens who are politically opposed to it.

It is unrealistic to expect such a regime to organize "free" elections.

Moderate leaders, opposed to the present military triumvirate in Saigon, are either in jail or otherwise restrained from part in the political life of that country.

It all adds up to the fact that the emphasis on elections, under the control of the present regime, moves away from the objective of true representation in Government, rather than toward it.

The essential precondition to meaningful elections is a provisional government that enjoys the confidence of at least the major political groups in the country.

The idea of a provisional government is to connect the end of violence with the conception of some kind of just and workable political compromise.

The provisional government would be a domestic, caretaker government whose main job would be to preserve peace.

The central thrust of the Hughes-Eagleton resolution is not to effect a total unilateral withdrawal, but to create

the political preconditions for ending the war. If these conditions can not be met, an appropriate change of policy is indicated.

In other words, by calling for the steps contained in this resolution, we are exploring the last remaining possibilities for sustaining our involvement in South Vietnam on any constructive basis.

Neither this nor any other plan of action toward disengagement in Vietnam is guaranteed to be free of flaws. But the steps outlined in this resolution are feasible within the framework of present national policy. And it must be recognized that the present status quo course in South Vietnam simply cannot be allowed to continue.

The present status of the peace talks is hapless and hopeless. The Thieu regime and the Nixon administration have hardened their already tough lines on the war in recent weeks. Hanoi shows no likelihood of budging or even of adopting a civilized attitude about the American prisoners of war in North Vietnam.

Largely because of the rigidity of our relationship with the present Saigon regime, we have not been able to make a positive move for negotiation at Paris—or even to respond to Hanoi's. Whatever one thinks of Hanoi's proposals made last May, the fact remains that these were formal and serious proposals raising most of the important, relevant issues. This administration had a number of months of relative freedom from stringent criticism to find a way of settlement. Hobbled by its relationship with the Saigon regime, however, the administration has made no progress either in Paris or South Vietnam.

Mr. President, I sincerely believe that the steps outlined in this resolution would open new vistas in the peace talks.

To those who have contended that we should keep pampering the Thieu regime in order to have strength at the negotiating table, I commend the words of Ambassador Harriman:

While one can consider different sorts of strength that might be desirable in negotiation, there is one kind of strength that is absolutely essential . . . that is the strong determination to come to an agreement.

In summary, Mr. President, we are presently locked into a vicious cycle in our relationship with the Government of South Vietnam. Our massive military presence stifles the Vietnamization of the war because the Thieu regime, with its limited popular support, relies more on the U.S. Armed Forces for its stability and less on the people.

Conditions imposed by the Thieu regime on the negotiations put any meaningful settlement out of sight.

I do not mean to suggest that the North Vietnamese, on the other hand, are anything but difficult to deal with at the negotiating table and elsewhere, but they are our enemy in this conflict, not our ally. We have a right to expect a more cooperative, less inflexible attitude from our allies.

The fighting and the killing continue. The enormous economic waste goes on. The time has come to pursue peace by making an energetic effort to get at the

most obvious and accessible bottleneck in the quest for peace—the Saigon regime in its present image.

Mr. EAGLETON. Mr. President, will the Senator from Iowa yield?

Mr. HUGHES. I am very happy to yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, first of all, I compliment the Senator from Iowa for a thorough and workmanlike presentation of the issues involved in the present and ever-continuing dilemma of Vietnam.

The Senator from Iowa has an incisive mind which is reflected in the presentation he has just made.

I would ask the indulgence of the Senator from Iowa so that I might expand briefly on his remarks and then perhaps other Senators may wish to expand thereafter.

Mr. President, after 14 years of American aid to Vietnam, 5 years of hot war, and 9 months of administration inaction, the war continues and the President asks for silence.

There are very basic differences between those who support the administration policy, or lack of it, and those who oppose it. For many, the disagreements go beyond the timetable for American withdrawal and to the very core of what the Vietnam struggle means to America.

Secretary Laird stated President Nixon's policy:

We hold firmly to a single objective for Vietnam: permitting the people of South Vietnam freely to determine their own destiny. We want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese.

According to this and previous administrations, our wealth and youth have been sacrificed in the pursuit of this goal.

But beyond the high wall of noble rhetoric one will find the shabby reality of Vietnam. In fact, American interference propped up the successive governments of Diem, Minh, Tho, Khanh, Huong, Oanh, Quat, Ky, and most recently the Thieu-Ky regime—governments unable to stand on their own in the dangerous eddies, cross currents, and tides of nationalistic Vietnamese politics.

These successive governments have enabled an elite to remain in power—an elite all too often engaged in the pursuit of personal gain and advantage rather than in the quest for social justice and reform.

And it is American power that enables the Saigon regime to ignore the various nationalists, even those who are not pro-communist but pro-peace; allows the government to repress dissent and censor news; and prevents the numerous and diverse groups in Vietnam—the nationalists and Communists, Catholics and Buddhists, northerners and southerners, military men and civilians—from finding the right mix and balance of power from which Vietnamese stability must ultimately come.

As long as American lives, wealth and fortune are pledged in support of the Thieu-Ky government, the artificiality in Vietnamese politics will continue.

And so will the instability. And so will the killing.

Mr. President, every American President since President Eisenhower has recognized the legitimacy of withholding support if reforms were not instituted.

As President Eisenhower stated on October 23, 1954, almost 15 years ago to this very day, in his original commitment of aid to South Vietnam:

The purpose of this offer is to assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means. The Government of the United States expects that this aid will be met by performance on the part of the Government of Vietnam in undertaking needed reforms. It hopes that such aid, combined with your own continuing efforts, will contribute effectively toward an independent Vietnam endowed with a strong government. Such a government would, I hope, be so responsive to the nationalist aspirations of its people, so enlightened in purpose and effective in performance, that it will be respected both at home and abroad and discourage any who might wish to impose a foreign ideology on your free people.

This is the premise upon which aid was originally committed 15 years ago by President Eisenhower to Vietnam, a commitment that had these conditions of reform at the time the aid was given.

Sadly, 15 years later, there is not a government which is responsive to the nationalist aspirations of its people, there is not a government that is so enlightened in purpose and effective in performance, there is not a government that is respected abroad or at home.

Mr. President, I said on July 28:

Unless and until we are willing to take the final step of withdrawal if reforms are not instituted, the small, elite group of Vietnamese running a government distinguished primarily by its corruption, repression, and inefficiency will continue to exercise great control over American lives, American wealth, and American destiny.

This control by Thieu and Ky over American policy must end. I believe today, as I stated on September 3:

This can be done by explicitly and categorically stating our commitment to a reasonable but unequivocal timetable, similar to the so-called Clifford formula, for the withdrawal of all American combat troops from Vietnam while at the same time demanding that the Saigon government be broadened to include the many diverse and still unrepresented elements of South Vietnam.

If the second demand is met the United States should continue its orderly withdrawal on schedule. Such a course of action is not without uncertainties and dangers.

The Saigon regime may not be able to respond quickly enough to win the support of its people.

Even with massive American material aid, it may not be able to fight its own war.

As I said then, and repeat now:

But as John F. Kennedy said of the Vietnamese over 6 years, \$100 billion, and 200,000 American casualties ago: "In the final analysis, it is their war. They are the ones who have to win it or lose it."

It is time to heed that wise counsel.

If, however, the Government of Vietnam, after a reasonable amount of time had elapsed, refuses to take the necessary steps toward reform and accommodation, refuses

to give representation to the unrepresented, continues to be controlled by a military and social elite for the betterment of that elite, the United States should withdraw with all possible speed, consistent with the safety of American troops.

This position must be made clear to the rulers in Saigon. If it is impossible for our present Ambassador to South Vietnam, Ambassador Bunker, to convey these demands to the Thieu, Ky, and Khlem regime, he should be replaced by someone who can.

That is the end of the quotation from the September 3 speech.

Today's resolution, as introduced by Senator HUGHES and myself, and other Senators, is the partial embodiment of that thinking.

In the resolution the "reasonable amount of time" is specifically stated as 60 days. The necessary steps toward reform are clearly outlined.

To send thousands more American men to their deaths and countless thousands more to be maimed in the cause of protecting the present Saigon regime is unconscionable.

I believe the American people now recognize the wisdom of this resolution and the folly of shedding more American blood in a futile war, in a distant land, in a cause betrayed by Saigon's leaders themselves.

I thank the Senator from Iowa for yielding to me. I commend him once again for his leadership in the drafting and the presentation of the resolution which he has made here today.

Mr. HUGHES. I thank the distinguished Senator from Missouri who has displayed a very penetrating insight into this problem, ever since he first spoke on the floor of the Senate.

Over the course of the last few months he has embodied in previous speeches on the floor of the Senate many of the ideas suggested and incorporated in the resolution which is being offered this morning by the Senator from Missouri, by me, and by other Senators. So I am very pleased to have the opportunity this morning of joining with the Senator from Missouri in presenting the resolution for consideration by the Senate.

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

Mr. HUGHES. I yield to the Senator from Idaho.

Mr. CHURCH. Is the object of the resolution offered this morning such that it could be summed up as a warning to the Saigon government in this simple way: "Either shape up or we ship out"?

Mr. HUGHES. I think, in a sense, the resolution this morning says to the Saigon government: "There are certain things you can and must do. These are reasonable things that should have been done long ago, and are certainly long overdue, in order to gain the popular support of your people in South Vietnam who are going to have to support any government in Saigon that proposes to officiate in any free and open elections there. Unless you meet these basic requirements in substantial part or in whole, we are going to proceed with all responsible haste to take care of the interests of the U.S. Government, cease support of the government, militarily, economically, and politically, and

proceed to handle our own interests and proceed with our disengagement in Vietnam."

Mr. CHURCH. I am wholeheartedly in sympathy with the resolution. I think, from what the Senator has said, it can be accurately characterized as a plain-spoken warning to Saigon: "Either shape up or we ship out."

As the Senator well knows, there is very little likelihood, in view of the past performance of any number of Saigon governments, that within the next 60 days any significant shaping up will take place.

I recall that when President Eisenhower made the first commitment of American aid to the Government of South Vietnam, it was carefully conditioned upon an understanding that the Saigon government undertake reforms of the kind that we felt would give it a broader base of popular support. Those reforms were never implemented, either by the government at that time, or by the successor governments that followed.

Despite this, our own aid increased steadily until we reached the point where we actually substituted our own Army in place of the South Vietnamese forces to protect the Saigon government from collapse.

I must say, in all candor, that in view of the many years we have tried to persuade the authorities in Saigon to undertake the kind of reforms necessary to broaden the base of the Government and to give it the kind of popular support necessary if it is to survive, I have no real hope that we can now achieve that goal.

Nevertheless, I want to say to the Senator and to his associate, the distinguished Senator from Missouri, that the resolution has much merit, because it once again puts it up to Saigon to do the things it must do if it is going to win over the support of its own people. Failing that, the resolution will constitute another reason why we should adopt forthwith a policy of full and complete disengagement from the war.

I think the time has come when we must face up to this necessity, when we must look to our own national interests, when we must stop sacrificing so many American lives, for the benefit of a regime in Saigon which has continuously failed to undertake those internal reforms necessary to give it broad-gaged, indigenous support.

For these reasons, I am happy to commend the Senator for the step he has taken this morning. I want to associate myself with it, and I would be honored if he would permit me to add my name as a cosponsor of the resolution.

Mr. HUGHES. I would be delighted to have the name of the distinguished Senator from Idaho entered as a cosponsor of the resolution. I am also delighted he is here to add his comments and remarks as he has, week in and week out, through the long effort of trying to bring some reason and sanity into our position in Vietnam and Southeast Asia.

I am also deeply appreciative of the fact that he seems to express little hope or little confidence that this effort will succeed, due to past performance on both

sides; but I do think, in light of the administration's and the minority leader's request for a 60-day moratorium on criticism if it is fair to consider any moratorium at all, it is fair to expect that during that period of time these steps toward peace be taken, that we engage in some kind of activity through which we could hope to break the deadlock, and that we continue to move positively toward the goal we have espoused—withdrawal and disengagement.

The ACTING PRESIDENT pro tempore. Without objection, the name of the Senator from Idaho will be added as a cosponsor of the resolution.

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

Mr. HUGHES. I am delighted to yield to the distinguished Senator from California.

Mr. CRANSTON. I think the Senator from Iowa has introduced a resolution that is of great significance and can be a very constructive move in the unhappy situation in which the people of this land and the people of Vietnam find themselves associated.

I do not believe that the current American objective—the de-Americanization of the war or, putting it in a more positive sense, Vietnamizing the military aspects of that war—is enough to meet our purposes. I do not believe we can accomplish the de-Americanization or the Vietnamization of that conflict without reforms in Vietnam exactly along the lines the resolution calls for.

Without these reforms, it is plain that the people of South Vietnam do not feel they have a stake that is worth their losing their lives, or their shouldering the burden of the conflict. If that is the view of the people of South Vietnam in their own land, it seems to me that we Americans, who have now lost so many lives and spent so many dollars there, should also wonder whether there is a government there that is worthy of further sacrifice.

It seems to me totally incredible that we are fighting a war to keep in power a government that does not have public support, and that does not respond in any way to the popular will of the people of South Vietnam, and prohibits an expression of that popular will. Is this self-determination for the people of South Vietnam—the avowed objective, according to our President and our most recent ex-President, of our effort in South Vietnam?

How can there be self-determination when we are helping prop up a government that denies self-determination to its own people?

It seems to me that it is plain that the United States stands as a symbol, in Southeast Asia, against Communist dictatorship; but that the United States also stands as a symbol in support of a corrupt dictatorship in South Vietnam. The United States does not, under present policy, represent a clear voice and a positive force for democracy in Southeast Asia.

It is conditions bred by corrupt, self-serving, self-seeking dictatorships, like the regime with which we are now aligned in South Vietnam, which pro-

duce the circumstances and the conditions where communism can be most successful in finding support among oppressed and unhappy people. Therefore, as long as we prop up the present government, without demanding change in that government in its approaches to democracy and to political problems and to the institutions of self-government, we are helping breed the very conditions where communism flourishes here and is most easily able to progress.

We must not support a rigid, authoritarian military elite, devoted only to its own interests and totally disinterested in building a free and modern nation. The points the Senator has set forth in his resolution state the very minimum we can expect of that government if the people of Southeast Asia and South Vietnam are to have a stake in their own self-defense.

There has been some confusion in some minds about two aspects of the Senator's resolution. I should like to ask him about those two points.

He speaks of the necessity for the freeing of political prisoners in South Vietnam. I assume that he is referring to the Buddhists, the Catholics, and others who have voiced their opposition to procedures and policies that might lead to the negotiation of a successful peace. I assume he was not speaking of enemy agents and terrorists who are presently held in prison for purposes plainly related to the defense of that country.

Mr. HUGHES. I certainly am not referring to those people who are known to be enemy agents and terrorists. It has been estimated that there are considerably more than 20,000 political prisoners in the jails and prisons of Southeast Asia. But I point out to the distinguished Senator from California that many of the people in the jails are being held up to 2 years on suspicion alone, without any representation, in many instances without any charges having been brought, and without even the opportunity of proving their innocence.

So, if the people of whom the Senator speaks are concerned about releasing prisoners of war or known terrorists or those people who have been, by destructive methods, trying to overthrow the regime in Saigon, the answer certainly is no; but if they are concerned about newspaper editors and those who have been in disagreement with the policies of the Saigon regime, or political opponents of those presently in power, the answer would be yes, we need to have a look at it.

I might, at this point, read some points put into the RECORD on July 22 of this year by the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) as to what has been going on in some of these areas. This is a quotation from an article published in the St. Louis Post-Dispatch. I quote from page S8377 of the RECORD:

A four-week inquiry into the situation by the Post-Dispatch has produced a mass of evidence that President Thieu is operating a semipolice state. There is not much dispute about this, but there is wide disagreement as to whether it is necessary.

Some of the bitterest comments encountered came from a Vietnamese lawyer to whom high American embassy officials had

repeatedly referred the reporter as a reliable source.

The attorney supplied details of several cases of false arrest and torture. He said the fingers of one of his clients had been broken in the course of third-degree interrogation the previous day. He denounced the arrest and imprisonment of Thich Thien Minh, a prominent Buddhist monk, and Nguyen Lau, publisher of the Saigon Daily News.

"We have authoritarian rule in South Vietnam," the lawyer said. "According to the constitution, we have freedom. Actually we have none. We have an unofficial police state."

Somewhere between 15,000 and 35,000 South Vietnamese citizens are now in prison for alleged political crimes ranging from active participation in the Viet Cong to merely advocating coalition with the Viet Cong or a neutral Vietnam.

So I think it can be seen that when we talk about political prisoners, we have a wide cross section, and an investigation is needed.

Mr. CRANSTON. I think it is plain that we understand that language in the resolution in the same sense. I certainly am as opposed as is the Senator to the concept of preventive detention in South Vietnam by a government with which we are so closely associated, just as I am sure we agree that we do not want anything like preventive detention in the United States of America, where we have heard suggestions that it might be wise to have it.

In the meat of the Senator's resolution, after the four conditions that he asks be met by the Government of South Vietnam, the four steps that he would require them to take if we are not to declare officially that our commitment to the present Government of South Vietnam is ended, I would have preferred the language "any commitment" in the resolution. I am not certain what commitment we have to them. I am not certain that any commitment was ever made to them.

I have been surprised to learn, of late, that we were never asked by South Vietnam to send combat troops to that country. I would gather, and I suppose that we have to face the fact, that there were some implied commitments to them, based upon what we have thus far done; but I would like to ask the Senator one further question. In the event that the Government of South Vietnam heeds this call and complies with these steps, what then should our policy be in relationship to the government in Saigon?

Mr. HUGHES. I think if the present heads of the government in Saigon comply with these steps, they would certainly weaken their own position in the government, and they would have to appeal to the broad spectrum of the public of South Vietnam which is not now supporting the government in Saigon.

It is said that about 20 percent of the people of South Vietnam support the Saigon government, about 20 percent support the Vietcong, and about 60 percent do not support either one, but form a great neutral mass of people who are simply tired of war and seeking peace.

So I think, very simply, our attitude toward the government in Saigon is going to have to be in the interests of the people, and, as we move toward a ne-

gotiated government, if they will not participate in it, we are going to have to move without them. We are going to have to proceed as scheduled, or hopefully as scheduled, with the withdrawal of our fighting men from Vietnam.

Mr. CRANSTON. In any event?

Mr. HUGHES. In any event. Hopefully, we will continue the so-called Vietnamization of the war, we will bring about the release of all political prisoners, and we will achieve free expression of views by political parties, looking toward a free and open election of a government that will be truly representative of the people of South Vietnam. I think we must proceed on schedule, in any event.

Mr. CRANSTON. If the Government took these steps, and we then found a society and institutions worthy of our support, it is my understanding that the resolution would mean that then we would still, in accordance with the best steps consistent with safety of American troops, get them out of combat in Vietnam, but that we would continue economic and other forms of assistance to the people of South Vietnam, if they were able to have institutions and a society worthy of our support.

Mr. HUGHES. I agree with that statement completely. Of course, I believe that if those steps were taken, we would have, in short order, a cease-fire. We would be disengaged from combat and, in very short order, would be negotiating some sort of peaceful withdrawal and a stabilization of government, and not be worried about losing lives and suffering an increased number of casualties.

Mr. CRANSTON. I totally share that belief. I believe that those steps would lead to a solution of the conflict in Vietnam.

Mr. President, I ask unanimous consent that I may join the Senator from Idaho (Mr. CHURCH) and be a cosponsor of the resolution.

Mr. HUGHES. I thank the distinguished Senator from California. I deeply appreciate his generous support and contributions to the discussion this morning, just as he has always made them in the past, as well.

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

Mr. HUGHES. I am happy to yield to the distinguished Senator from Texas.

Mr. YARBOROUGH. Mr. President, after I came to the Senate, some years ago, I attended a joint meeting with the House of Representatives. The speaker was Mr. Diem, then the head of the Government of South Vietnam. He made an eloquent statement and appeal. He said he was fighting Communists in South Vietnam. Does the Senator from Iowa know what happened to Mr. Diem?

Mr. HUGHES. Mr. Diem was killed.

Mr. YARBOROUGH. He was strongly anti-Communist, was he not?

Mr. HUGHES. So it was indicated, yes.

Mr. YARBOROUGH. Did the Communists or the Vietcong kill Mr. Diem and his brother?

Mr. HUGHES. I am not certain how the records indicate that.

Mr. YARBOROUGH. It was not the Communists and it was not the Vietcong

that killed the Government leaders of South Vietnam, was it? It was assassination among leaders which was how power was achieved in South Vietnam.

Mr. HUGHES. The strange thing is that political assassinations in South Vietnam are not the policy even now, so the political assassination of Diem was unusual.

Mr. YARBOROUGH. Not the policy of what government?

Mr. HUGHES. It does not seem to be the policy of the Vietnamese people. They use prisons and jails, but they have not had a taste for political assassination.

Mr. YARBOROUGH. They do not take people out, line them up against the wall, and shoot them, do they?

Mr. HUGHES. That is called execution.

Mr. YARBOROUGH. They do line up people in villages and shoot them when they are found to be sympathetic to the Vietcong.

Has the Senator read an article published in the Wall Street Journal, describing how people are taken out and shot without a trial?

Mr. HUGHES. Yes; and I also read a clipping just yesterday, reporting that General Ky had indicated that, if the inflationary spiral continued, the businessmen who were contributing to it might be sent before a firing squad and shot.

Mr. YARBOROUGH. I want to commend the Nixon administration for controlling inflation by reducing jobs, and not killing people, as is done in Vietnam.

I wish to express my commendation of the Senator for his leadership in submitting the resolution. Is the Senator familiar with the fact that during the so-called election in South Vietnam, anyone who wanted the war to be settled was not permitted to vote? If one was in favor of settling the war, he was disfranchised. In order to vote, he had to certify that he wanted to continue the war.

Mr. HUGHES. Yes; I am aware of the fact that anyone who proposed neutrality or did not advocate the policies of the government was not permitted to vote.

Mr. YARBOROUGH. So the very few who were permitted to vote were the ones who supported General Ky.

We read news releases about the great numbers of people in Vietnam who turned out to vote for the administration, when, as a matter of fact, they had already been disfranchised because they wanted to settle the war.

Mr. HUGHES. I have heard the distinguished Senator from Texas describe what happened in some villages to people who were thought to be sympathizers with the Vietcong.

Mr. YARBOROUGH. I do not think Americans ought to support assassinations. I think it was wise that the charges against the Green Berets were dropped. I participated in the war crimes trials following World War II, trials which were conducted under the rules established by the Americans. We supported the rules that were laid out for us. The higher-ups were tried first. If assassinations had been committed, we were to follow the rules that were made for trials in Germany and Japan, and try those high in authority first.

If we are going to spend the lives of our people, we ought not to spend them in support of a government which does not follow the basic rules of humanity.

On the floor of the Senate a few days ago, I mentioned the rumors that are rampant in South Vietnam. They were told to me by a number of Americans last November and December, when I was over there. I was told that Marshal Ky's wife was getting a rice plantation in her own name. I do not know if the rumors are true, but I hope that some committee of the Senate, whether the Committee on Armed Services or the Committee on Foreign Relations, will investigate this charge. If true, we ought to know it; if not, the rumor ought to be laid to rest. The rumor was told to me by Americans in Vietnam.

Stories are told of favoritism and of the rapid accumulation of vast wealth by some of the district chiefs, I think they are called. They are not called by the title "governor" because the French used that title. In one instance, a Cabinet officer was sent from Saigon to become the chief of a province.

If the wife of Marshal Ky has obtained a rich rice plantation in South Vietnam, as I have been told she has, that is something about which the American people are entitled to know. I hope that a committee of the Senate will investigate it and determine whether we are permitting the leaders of that country to pile up wealth while we are paying for the conduct of the war.

If we are supposed to be supporting basic democracy, I think we ought to be supporting basic democracy, and not a couple of dictators who are getting rich from this war.

Every time a South Vietnamese newspaper criticizes Thieu and Ky, the operations of that newspaper are suspended. There should be an end to censorship of the newspapers and a granting of liberty among them and a granting of freedom to those who are held as political prisoners. We should not continue to support with our blood and money, any government that does not follow the principles of democracy.

Mr. HUGHES. I thank the Senator from Texas for his penetrating insights into the problems of government in South Vietnam. Since becoming a Member of the Senate, I have listened to him as he has presided as chairman of the Committee on Labor and Public Welfare. He has fought for adequate programs in the fields of health and education and the well-being of the people of America. After listening to the testimony of almost every agency of the Government, we realize that the funds for these programs are so scarce that we cannot obtain them, regardless of the fact that we recognize that they are not being done, because we are spending \$3 billion a month in this tragic conflict and are basically supporting a government that does not have the support of its own people. Certainly it does not seem to be the moral thing to do under this set of circumstances.

In recapitulation and in conclusion, I merely wish to say that I think we are all concerned with and share the agonies

of our President, Mr. Nixon, during these trying times, when he has been seeking a way to peace. We attribute to him the same desires that all of us have to bring this tragic conflict to an end. But I know that many among the American people feel that when a request is made to remain silent for 60 days more; when there are no signs on the horizon, visible or invisible, that anything material is being done; while we continue to support a government in Saigon which apparently has the support of only 20 percent of the South Vietnamese people, which seems to be guilty of jailing over 20,000 people as political prisoners, which suppresses the press and political parties that advocate neutrality or disagree with the government in Saigon—while we continue supporting a government of this kind, we cannot reasonably hope to make a breakthrough in negotiations.

So, Mr. President, again I submit that, if this moratorium is to be seriously considered, the President of the United States, reenforced by this sense of the Senate resolution, could take the proper steps, during this 60-day period, to make a major breakthrough for peace. At the same time, this does not conflict with the calls for cease fire. It does not conflict with any proposed plan of disengagement of troops, whether it be 100,000 by December or 200,000 by the end of the year. It does not even conflict with the request for total disengagement that has been made by some Members of this body. But it is, in my opinion, a progressive step in the right direction that can be taken with little effort on the part of our Government. It would be a major breakthrough, in my opinion, in our negotiations and in our relationship with the people of South Vietnam. It could result in the saving of thousands of lives, tens of thousands of injuries, the heartache of the Vietnamese people and the heartbreak of the people of our country as we tend to destroy ourselves from within while we are so horribly engaged with this soul-draining conflict without.

Mr. President, I thank the distinguished Senators from Texas, California, Missouri, and Idaho, who have joined in this discussion with me this morning.

I yield back whatever time I have remaining.

#### THE NOMINATION OF JUDGE HAYNSWORTH TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mrs. SMITH of Maine. Mr. President, a week ago on September 30, 1969, I informed the President of the United States that I did not feel that I could support the Haynsworth nomination and that I hoped Judge Haynsworth would request that the nomination be withdrawn.

I wrote the President:

Lest my silence at the Leadership meeting this morning be misleading, I feel obliged to tell you that I do not feel that I can support the Haynsworth nomination. I felt very strongly against the Fortas nomination for reasons very similar to those on the Haynsworth nomination. I do not believe that I can adopt a double standard which would be applied against his Democratic predecessor and for nominee Haynsworth because he was nominated by a Republican President.

I feel that there is much more opposition to the Haynsworth nomination among Republican Senators than is generally realized. I would hope that Judge Haynsworth would himself resolve the situation which has become embarrassing to many Republican Senators by asking you to withdraw his name from nomination.

Mr. President, I feel that any nominee for the Supreme Court of the United States—and most particularly for the seat vacated by the resignation of Mr. Fortas under the conditions under which he resigned—should be free from suspicion.

However unfair and however unwarranted, Judge Haynsworth is not free from suspicion. There is considerable public doubt about him.

Next to ending the war in Vietnam, one of the most important objectives of the administration should be to reestablish confidence in the Supreme Court and the judiciary.

The Haynsworth nomination will not help restore or reestablish such desperately needed confidence in the Supreme Court and the judiciary.

To the contrary, it will further damage the public confidence in the Court.

Perhaps it is not valid to observe that how things look sometimes seems more important than how things really are—that appearance seems more important than fact.

But of one thing I am sure—that a judge cannot allow even the appearance of impropriety. The very canons of judicial ethics demand that a judge avoid impropriety and the appearance of impropriety.

The confirmation of the nomination of Judge Haynsworth would at best be a pyrrhic victory for the President.

These observations are not original with me nor exclusive with me.

They have clearly and pointedly been made to the President.

No one of us is perfect—none of us is without our own errors.

But I do not believe that the recognition of this should cause us to falter in striving for as much perfection as possible on a Supreme Court nomination.

Last year at this time when I was in the hospital, in response to the request of Senator GRIFFIN, I authorized pairing me against the Fortas nomination.

Now, a year later, I agree with Senator BAYH's opposition to the Haynsworth nomination for the same basic and fundamental reason that I agreed with Senator GRIFFIN's opposition to the Fortas nomination a year ago.

I do not believe in a double standard. Nor do I see a political justification for it or placing party loyalty ahead of conscience.

I am not a lawyer and I may very well be naive. But it has been my concept that the role, mission, duty, and work of a judge or Justice is to judge and to judge as wisely as possible.

The relation of the mere words of "judge" and "judgment" make crystal clear the imposition of exercising impeccable judgment on any judge not only with respect to his official duty and work on the bench but as well to his unofficial life, including his financial transactions.

I think that a Supreme Court Justice should be a person of impeccable judgment. Yet, Judge Haynsworth has admitted to some faulty judgment in his financial affairs as related to his judicial status.

To me, his admitted faulty judgment alone is sufficient for me to withhold my approval of his sitting on the highest court in the land where we must always strive for impeccable judgment.

Let us not forget that Justice Fortas was forced to resign because of his outside business transactions.

And in remembering that so recent matter, let us recognize that the amount of evidence that should be necessary to justify refusing a confirmation is much less than the amount properly required to justify demanding his resignation after one has been confirmed and served.

Mr. MANSFIELD. Mr. President, I can only say that, as always, the distinguished senior Senator from Maine has expressed her conscience as she sees things. No one is in doubt as to what her position is, and I commend her for the consistent course she has taken down through the years in carrying out her responsibilities—and they are great—and her duties as a Senator of the United States.

Mrs. SMITH of Maine. Mr. President, I thank the majority leader from the bottom of my heart for his kind remarks. He has always been so very generous.

#### WATER QUALITY IMPROVEMENT ACT OF 1969

The PRESIDING OFFICER (Mr. ALLEN in the chair). Under the order of the Senate, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

#### COMMITTEE MEETINGS DURING SENATE SESSION

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

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

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

Mr. MANSFIELD. I yield.

Mr. KENNEDY. Mr. President, I understood the Committee on the Judiciary had scheduled a meeting earlier today. A number of members of that committee from this side of the aisle were prepared to meet and consider what I think all of us realize is one of the most important measures to come before the Committee on the Judiciary, the nomination of Judge Haynsworth. I think it is extremely appropriate that these meetings take place and proceed in an orderly

and responsible way, that questions which are raised be raised within that committee, and if additional time is necessary, the committee should make that determination.

I think it is extremely important for Members of this body to realize that the postponement or delay of that meeting was not at the suggestion of Members from this side of the aisle. When we hear so much talk and read so much about delays of action by Congress, it is appropriate to mention at this time that delay in the committee meeting this morning was not at the suggestion of Members from this side of the aisle.

I am hopeful that meetings will take place expeditiously and that we can get on with the business of the nomination.

Mr. MANSFIELD. Mr. President, has the unanimous-consent request been agreed to?

The PRESIDING OFFICER. Yes.

Mr. MANSFIELD. Mr. President, for the information of the Senate I have dispatched a telegram to all Democratic members of the Committee on the Judiciary asking them to be present at 10 o'clock tomorrow morning, when the next meeting of the committee will be held. It is my understanding that the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), will make the same request of the Republican membership. It is our hope that this matter will be faced up to and disposed of one way or another, so that the Senate can fulfill its responsibility and get on with the various matters of business which are at hand.

#### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

The PRESIDING OFFICER. Is there objection?

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

#### AMBASSADORS

The assistant legislative clerk proceeded to read sundry nominations of Ambassadors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations of Ambassadors be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations of Ambassadors are considered and confirmed en bloc.

#### DISTRICT OF COLUMBIA COUNCIL

The assistant legislative clerk read the nomination of Henry S. Robinson, Jr., of the District of Columbia, to be a member of the District of Columbia Council.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

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

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

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

**INCREASE IN THE MAXIMUM RATE OF PER DIEM ALLOWANCE FOR GOVERNMENT EMPLOYEES TRAVELING ON OFFICIAL BUSINESS**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 446, H.R. 337.

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

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 337) to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations, with amendments, on page 1, line 4, after the word "thereof", strike out "\$22" and insert "\$25"; at the beginning of line 6, strike out "\$35" and insert "\$40"; in line 7, after the word "thereof", strike out "\$15" and insert "\$18"; at the beginning of line 10, strike out "22" and insert "25"; on page 2, line 1, after the word "thereof", strike out "\$35" and insert "\$40"; in line 2, after the word "thereof", strike out "\$15" and insert "\$18"; and after line 2, insert a new section, as follows:

SEC. 3. The seventh paragraph under the heading "Administrative Provisions" in the Senate section of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b), is amended by striking out "\$18" and inserting in lieu thereof "\$25"; and by striking out "\$30", and inserting in lieu thereof "\$40".

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

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

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. HARRIS subsequently said: Mr. President, I am happy to note that the Senate has passed today, unanimously, H.R. 337, which provides for an increase in the maximum rate of per diem allowance for employees of the Federal Government traveling on official business. The Government Operations Committee,

of which I am a member, amended H.R. 337 to increase the maximum rate of per diem allowance from \$22 per day as passed by the House to \$25 as proposed in my bill on this same subject, S. 820. This increase, of course, is long overdue, because it is not possible at today's prices for Government employees traveling on official business to meet their expenses at the present figure of \$16 per diem. I feel that the increase to a maximum of \$25 per day as recommended by the Senate Committee is fully justifiable, and I certainly hope that the House will accept H.R. 337 as enacted by the Senate. Thank you.

**AMENDMENT OF SECURITIES EXCHANGE ACT OF 1934**

Mr. SPARKMAN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 112.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the resolution (S.J. Res. 112) entitled "Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934", which were to strike out all after the resolving clause, and insert:

That section 19(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e)) is amended—

(1) by striking out in paragraph (1) "September 1, 1969" and inserting in lieu thereof "September 1, 1970"; and

(2) by striking out in paragraph (4) "\$875,000" and inserting in lieu thereof "\$945,000".

And to strike out the preamble, and insert:

Whereas additional time is required for the Securities and Exchange Commission to complete its institutional investors study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934: Now, therefore, be it

Mr. SPARKMAN. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

**S. 3003—INTRODUCTION OF A BILL PROVIDING MORE EFFECTIVE CONTROL OVER EXPENDITURE OF FUNDS BY DOD AND NASA FOR INDEPENDENT RESEARCH AND DEVELOPMENT**

Mr. PROXMIRE. Mr. President, several weeks ago, during the course of the debate on the military authorization bill, we discovered a relatively unknown expense item called independent research and development. At the time very little was known about this special type of research and development. We assumed that research and development was performed under Government contracts. After looking into this independent research and development some truly amazing facts concerning its funding and regulation were discovered.

What we found was both surprising and shocking. First of all, the Govern-

ment neither contracts for, nor directs independent research and development. The contractor simply decides to start work on a project. He decides what he will do and how much money should be spent. But the most shocking fact is that, after all this, the Defense Department pays for the work. In fact, last year the Department of Defense paid over \$685 million for such work. The Department has little or no idea what it is paying for until the work is completed. It has no assurance that the work will be of any value to the Defense Department or the Government as a whole. And, yet, the Defense Department pays for the work.

What is even more astonishing is that the Defense Department does not even require that the work be related to its interests. It actually encourages contractors to do work which is of little value to the Defense Department's requirements or those of the Government in general. Defense Procurement Circular No. 7 specifically states that the Armed Services Procurement Regulation requirements do not mean that independent research and development projects must directly benefit, or be related specifically to products for which the Government has contracts.

But there is more. A most frightening new development is the proposed amendment to the Armed Services Procurement Regulation under which it appears that the Government will give up what little control it now exercises over independent research and development. It would throw in the towel completely. Under the proposed revision a straight formula for the payment of I.R. & D. costs would be substituted for the present policy of limited acceptance of such costs. What is more, the revision would eliminate any existing requirements that I.R. & D. projects bear any relationship to Government product lines.

Upon discovering these astonishing facts about independent research and development—I.R. & D.—my first question was, just what is independent research and development? I found, first of all, that it is totally unrelated to what is otherwise called research and development. Also, the term has both a general and a specific meaning. Independent research and development, as used in its general sense, includes three types of related technical effort. The first is independent research and development, a specific type of technical effort undertaken by a contractor without a Government contract. Second is bidding and proposal—B. & P.—expense. Third is a category known as other technical effort—OTE. These three collectively are referred to as independent research and development. If this seems confusing, the reason is that the types of technical effort involved in each category are very similar, so similar that many experts consider the differences between the three categories to be only a matter of opinion.

Mr. President, I was so disturbed when I learned all of these details about independent research and development that I proposed an amendment to elimi-

nate these expenditures. Upon conferring with both the distinguished Senator from New Hampshire (Mr. McINTYRE) and the distinguished chairman of the Armed Services Committee (Mr. STENNIS), we decided that since large sums of money were involved, the best course of action would be to place a ceiling of \$468 million on these expenditures for this year. We also agreed that this matter needs further study and that I would introduce a bill later calling for the elimination of the program which would provide the basis for extensive hearings to be conducted by the Armed Services Committee. In all of these, the Senate unanimously agreed and expenditures for I.R. & D. were cut by one-fifth of the amount that would have been allocated for such expenses this year in the military authorization bill.

Today, I am introducing a bill which would bring the independent research and development policies of the Department of Defense and the National Aeronautics and Space Administration into line with the policy of the Atomic Energy Commission. Essentially the bill would prohibit payment to any contractor for I.R. & D., B. & P., or OTE unless such effort was specifically called for in the contract, or unless such work is of direct or indirect benefit to the contract work.

To understand the purpose of this bill, it is necessary that we achieve a full understanding of independent research and development and those elements which it includes. One essential characteristic of all three costs is that the Government does not contract for the work. In effect, the Defense Department is presented a bill for services rendered which it never specifically requested. Of crucial importance is the fact that none of the work included in these three categories has to be directed toward the completion of Defense Department or even Government contract work. It can be, and often is, totally unrelated to either Defense Department or Government business. In this respect, it is fundamentally different from regular research and development which must be directed toward the completion of Government contract work. This is a crucial difference between the two programs. I.R. & D. is not contracted for.

Under I.R. & D. programs, the contractor, and not the Government, decides what type of work will be done, whether it will be related to Government or commercial business, and how much will be spent. Thus, unlike regular research and development, independent research and development is not controlled or specifically directed by the Government. The Government accepts independent research and development purely as an overhead cost. It is written off, and reimbursed by the Government, as a normal cost of doing business, whether or not that business is Government business.

#### DIFFERENCES IN GOVERNMENT HANDLING OF I.R. & D. COSTS

Although, as I have already stated, the type of technical effort involved in all three categories, independent research

and development, bidding and proposal expenses, and other technical effort, is very similar, there are some critical differences in the way the Government handles each category.

The differences as to how the Government handles I.R. & D. as it is narrowly defined have already been explained. The second category, namely, bidding and proposal expenses, are by definition those costs involved in preparing bids and proposals for not only the Government, but commercial contracts as well. Unlike I.R. & D. costs which are subject to limited acceptance, bidding and proposal expenses are not subject to even these minor limitations. Although the types of costs involved are very similar to I.R. & D. costs, the Government normally pays 100 percent of those costs the contractor decides to call bidding and proposal expenses.

This practice has even provided an incentive for contractors to classify the narrowly defined I.R. & D. efforts as bidding and proposal expenses to insure their acceptability. The full significance of this practice will become clear shortly.

#### OTHER TECHNICAL EFFORT

Like bidding and proposal expenses, other technical costs are normally underwritten 100 percent by the Government. These too, are closely related to I.R. & D. work. Yet, despite repeated efforts, I have been unable to obtain a clear definition of other technical effort. No one seems to be able to define this category. Yet the Government normally accepts 100 percent of the costs labeled "OTE" by the contractor. Since no one can precisely define other technical effort, no one can say what should, or should not, be included under this expense item. This is truly the contractor's dream: Since the Government itself is not sure what "OTE" is, it simply allows, generally without any limitation, those costs labeled "OTE" by the contractor. What a way to run a railroad.

The outstanding characteristic about the entire I.R. & D. program is the almost total lack of Government control over these expenditures. Supporters of the program confidently assure the public that because of the use of advance agreements, in which the Government agrees to the amount of I.R. & D. work it will finance, and because of the use of frequent technical evaluations, I.R. & D. work will be valuable to the Government. They also state that this insures that the cost will be reasonable. A careful evaluation of these two forms of alleged control leads one to quite different conclusions.

#### CONDITIONS NOT FULFILLED

Advance agreements negotiated between the Government and the contractor before the work on an I.R. & D. program starts are intended to limit the amount of I.R. & D. costs which the Government will pay. They are also intended to provide the Government with information on the contractor's I.R. & D. program in order that a judgment can be made as to the value of the I.R. & D. projects to the Government. Unfortu-

nately, neither of these requirements have been fulfilled in recent years.

A special U.S. Army audit of the I.R. & D. work of 28 major Government contractors revealed the following concerning the use of advance agreements:

First, in many cases, advance agreements have never been entered into, even though the circumstances warrant such agreements.

Second, most have not contained cost-sharing arrangements, and accordingly, a contractor has no incentive to carefully manage costs.

Third, most are entered into after-the-fact and accordingly, the very problems the agreements attempt to avoid have been present during subsequent negotiations.

#### AGREEMENTS AFTER THE FACT

Concerning the failure to negotiate advance agreements prior to cost incurrence, a special GAO study of all advance agreements negotiated by DOD for 1966 found that only 38 percent of them had been established in advance of cost incurrence. One firm studied had not completed an advance agreement before starting I.R. & D. work since 1962. The Army audit study declared:

In fact, in most instances the agreements were consummated after the fact and in some instances as much as a year or two after the incurrence of the costs.

Quoting the Army audit report again:

At one contractor I.R. & D. costs rose from \$145,000 a year to over \$1.8 million in just five years. Despite the significant increase, a substantial amount of these costs continued to be allocated to Government work without benefit of any advance agreement whatsoever.

At another contractor whose identified I.R. & D. approximated \$8 million a year, there were no advance agreements at all for I.R. & D. work done from September 1961 to September 1964. During this period the Government continued to pay for I.R. & D. work it had never even reviewed, much less approved.

What is even more astonishing is that the present regulations actually encourage contractors not to negotiate advance agreements. The Armed Services Board of Contract Appeals ruled on August 8, 1967, that even if there is no advance agreement the DOD is still authorized to allow up to 100 percent of a contractor's I.R. & D. costs.

#### PROVISIONS OF AGREEMENTS NOT FOLLOWED

Even where advance agreements have been entered into, contractors have frequently completely ignored the provisions of the agreement and have done whatever they wished. Quoting the Army audit report once again:

Our audits disclosed that contractor's performance under I.R. & D. agreements did not follow proposed plans in the areas of technical performance, cost, and in the assignment of key personnel. As a result, the Government's objectives for entering into I.R. & D. advance agreements with contractors were not attained.

Contractors' brochures describing the proposed I.R. & D. work to be undertaken are important if the Government

is to have any control over the type of work being done and its value to the Government. Yet, contractors have consistently ignored the plans contained in their own brochures and started entirely different projects. The Army found numerous cases where this had occurred. One contractor whose work was studied added over \$400,000 of new programs which were not included in the original brochure presentation, or considered during the negotiations of the advanced agreement. The same contractor, although originally budgeting only \$35,000 for a particular project actually spent over \$118,000 for the program. Another contractor in the Army study had a cost overrun of 85 percent on a particular project while spending only 40 percent of the budgeted amount on another project. When the auditor attempted to obtain the details about these overruns and underruns, the contractor stated he was not required to furnish such data to the Government.

In one case studied by the Army a contractor either did not start or substitute for 75 percent of the projects presented in the original brochure which had been used to evaluate the contractor's I.R. & D. program. Of the 29 original I.R. & D. projects listed by the contractor, with an estimated cost of \$2.6 million, nine projects were never undertaken while 13 new projects which were not in the approved program were later started. These cost almost half a million dollars. Despite this flagrant abuse of the original agreement, the Government still paid for the entire program. Thus, the Government ended up paying for a program which was almost entirely different from the one originally approved. This, despite the fact that the original program had been rated only "average" as far as its benefits to Government interests.

In another case studied the contractor's brochure emphasized the qualifications of those technical personnel who would perform the I.R. & D. work. The Army representative stated that these personnel profiles were given significant weight in his evaluation of the program. After approval of the program, the contractor substituted inexperienced personnel for those listed in the original brochure. Of the new personnel assigned to the work, six had no previous experience at all, while four had graduated only 2 years before. The Government was never consulted before these personnel changes were made. The Government paid for the entire project.

#### TECHNICAL EVALUATIONS NOT EFFECTIVE

The second major argument used by supporters of the I.R. & D. program is that frequent technical evaluations of contractor I.R. & D. projects insures their value to the Government. Once again the facts lead one to a very different conclusion.

The Army audit report made the following conclusions concerning the effectiveness of technical evaluations:

Our review disclosed that members representing the three armed services were performing evaluations independently and were not functioning as a committee as prescribed in the Department of Defense instructions.

Thus, the intent of bringing the full weight of available Government technical and scientific knowledge to bear on the evaluation of the proposed IR&D program is not being accomplished. This has resulted in an inconsistency of ratings submitted by individual technical evaluators.

Just how thorough the technical evaluators were is indicated by the Army audit report:

In some instances, the report contained only an overall contractor appraisal regarding its status of operations, reputation, competence, etc. We were informed that the ratings were supposed to be indicative of the potential degree of benefit of the programs to the Government. However, there was no information in these reports which would give guidance as to what percentage of the cost should be supported by the Government.

Just how careful the technical evaluators are in their work is shown by the following comment from one Navy investigator:

I believe that as long as a "creative atmosphere" is maintained, the IR&D project is justified.

A special GAO study confirmed the Army audit conclusions:

We found that the Government laboratories (which do the evaluations of contractor IR&D work for the government) do not usually devote much time to technical evaluation.

#### DUPLICATION OF REGULAR RESEARCH AND DEVELOPMENT EFFORTS

One of the most important functions of these technical evaluations is to prevent duplication of effort between individual contractors, and more important, duplication of regularly contracted R. & D. work. Despite the fact that the Government invests almost \$8 billion a year in regular R. & D., the facts show that very little is being done to make sure that I.R. & D. does not duplicate regular research and development done under Government contracts.

The Army audit reported that no systematic records of contractor I.R. & D. effort are kept. According to the report:

As a result, there are no means of avoiding underwriting an IR&D program when another contractor has already effected a break through, and may be operating in the same area under a regular government sponsored R&D contract.

The Army audit further points out that:

It is also conceivable, under the present procedures, that unknowingly one of the military services is supporting a program which was previously supported by another service and was abandoned.

The GAO study found that most technical evaluators do not even make an effort to avoid duplication of I.R. & D. programs with regularly contracted R. & D. work. To quote the study:

Army laboratory personnel that we contacted were aware of only one case in which laboratory work had been specifically redirected because of contractor IR&D studies. Although Army laboratory personnel are now required to report duplication of research effort to the Army ASPSC member, no such requirements exist in either the Air Force or the Navy.

Thus almost no effort is made to insure that the Government is not spend-

ing millions for I.R. & D. work which duplicates existing or previous research and development done under Government contracts.

#### I.R. & D. EXPENDITURES OUT OF CONTROL

Mr. President, the almost total lack of Government control over I.R. & D. expenditures is absolutely unjustified. Just how serious this problem is, is indicated by a recent Department of Defense audit covering 94 of the Department's major contractors. From a total of \$459 million in 1963, I.R. & D. and related costs have skyrocketed to \$685 million in 1968. Although sales by these 94 contractors to the Department of Defense have increased by only 28 percent between 1963 and 1968—\$17,916,000,000 to \$22,875,000,000—the amount of I.R. & D. and related costs reimbursed by the Government for the same period to these contractors has increased almost 50 percent—49.2 percent. Thus I.R. & D. costs reimbursed by the Government rose almost twice as fast as the increase in sales to the Department of Defense.

#### I.R. & D. WORK UNRELATED TO GOVERNMENT NEEDS

The most disturbing fact about the entire I.R. & D. program is that much of the work done is unrelated to Government and military contract needs. Increasingly I.R. & D. work is being directed toward the promotion of commercial business and toward the solution of domestic problems unrelated to military contracts. Current armed services procurement regulations state that an I.R. & D. project, to be acceptable, "must be related to the product lines for which the Government has contracts." Unfortunately the interpretation of the term "product lines" has never been clear. The term has been construed so broadly that almost anything has been accepted.

One method which contractors have used to insure acceptance of questionable I.R. & D. projects has been to classify expenses relating to these projects as bidding and proposal expenses. As stated earlier, the types of costs involved in these categories are quite similar, and it is often difficult to differentiate between I.R. & D. expenses and bidding and proposal costs. There is one very crucial difference between I.R. & D. and B. & P., however. Unlike I.R. & D. costs, bidding and proposal costs are underwritten 100 percent by the Government. This fact has provided an incentive to contractors to classify I.R. & D. efforts which they know would never be accepted, as bidding and proposal expenses which are not questioned. What is more, it is almost impossible to challenge projects included under B. & P. expenses since according to the Army audit study:

The various types of technical effort are so similar that separate identification is almost a matter of opinion.

For example, the bid and proposal expenses of one large military contractor increased 263 percent from 1961 to 1963 while the sales volume of the contractor increased by only 36 percent. Thus the contractor's bid and proposal expenses rose almost 7 times as fast as his increase in sales. Additionally, this same contractor projected for 1964 a figure in

excess of 50 percent over the 1963 figure, while forecasting a decrease in sales volume for the same period.

The Army audit's analysis of another contractor's recorded bidding expenses for a 10-month period showed a total of almost \$400,000 which actually represented independent research and development work out of a total reported \$1,083,000. The Army found that the contractor had spent almost \$190,000 for development of a new type of command reconnaissance vehicle which originally had been budgeted for only \$10,000. The additional \$180,000 of unsolicited work was charged off to bid and proposal expenses, and was completely paid by the Government.

The most flagrant examples of abuse, however, are found in the practices of the very largest of military contractors. In a report prepared by the Comptroller General released in 1967, it was reported that at least half of the \$3.8 million of B. & P. expenses claimed by one of the largest Government contractors "were either similar to independent research and development costs or were not, in our opinion, clearly necessary to support the contractor's bids and proposals." According to the study the items in question were costs incurred, first, after the Government indicated it was not interested in the proposal; second, before the time a request for proposal was received; third, after a bid or proposal had been presented to the potential customer; and, fourth, to develop capability to respond to future anticipated requests for proposals.

In one case this contractor undertook an analysis and commentary on a proposal prepared by Eurospace, a private nonprofit organization set up to promote space activities in Europe. The contractor, as a corresponding member had been invited to undertake the study. The contractor charged the costs of the study to bid and proposal expense and ultimately allocated these costs to U.S. Government contracts. The contractor attempted to justify the work by showing that the purpose was to establish a capability for future participation in new program areas. As such they were totally unrelated to any Government work being done by the contractor.

This same contractor claimed almost a quarter of a million dollars for studies pursued on three different projects after it had been notified the Government was not interested in its proposals. These costs were charged to B. & P. expenses.

In another case, this same contractor continued work on an advanced orbital proposal after it had been notified that funds were not available for this program, and that the Government was no longer interested in the proposal. Almost \$21,000 was paid by the Government for work it had specifically requested it did not want done.

As I stated earlier many times a contractor will charge I.R. & D. projects of very questionable value to the Government to bid and proposal expenses. This is particularly true when the Government has imposed a ceiling on I.R. & D. expenses which it will accept. The Army

audit study reported one instance where a contractor undertook research on the extraction of water from rocks. Quoting the Army audit report:

We feel that this effort should have been charged to IR&D. However, since the contractor's IR&D costs had already reached the ceiling limitation, had the cost of this effort been included in IR&D, the amount would have been unallowable as an excess over ceiling. By classifying these costs as B&P expenses, the contractor avoids any form of government review of the project and insured its acceptability.

At a major space contractor studied by the Army Audit Agency whose workload was practically 100-percent Government, over 50 percent of its unsponsored technical effort were included in other cost classifications such as conceptual studies, technical operations, and so forth. In the opinion of the Army Audit Agency most of the work should have been classified as I.R. & D. Yet these programs were not submitted to the Government for review and evaluation even though the costs were allocated to Government contracts.

#### NEED FOR A CHANGE

It is clear from these examples that the Government is supporting a great deal more I.R. & D. work than reported figures would indicate. What is more, it is supporting work it has no knowledge of, has never reviewed, much less approved.

Mr. President, the record of the I.R. & D. program has not been good. Not only is the I.R. & D. program running out of control, but much of the work being performed is either duplicating regular R. & D. efforts, or is of little value to the Government. Despite repeated requests, the Department of Defense and NASA have failed to tighten up on I.R. & D. funding principles. The need for major revisions in the I.R. & D. program are clear.

The simple fact is that much of the research being done is both unrelated to the mission of the agency and of little or no value to the Government. Just saying that any research, related or unrelated to the agency's mission or to the Government needs, is good can no longer be tolerated.

The Government can no longer accept vague promises when it spends the taxpayer's money. It must be assured that the purpose of the project undertaken is of value to the agency. Only by limiting R. & D. to work that is related to the mission of the agency can we accomplish this goal. We must restore the fundamental principle to our R. & D. effort that the Government will pay for only that work which it requests and which it needs. The Departments must know what they are paying for. They must know in advance.

The abuses of these fundamental funding principles under the present system can no longer be tolerated. The money which is being wasted on unneeded I.R. & D. is needed badly elsewhere.

The Government has spent over \$3 billion on I.R. & D. in the last 6 years. Last year alone, the Government spent over three times the amount on the I.R. & D. program that it spent on Federal pollu-

tion control efforts. The question which must be answered is, Did we get our money's worth? How many valuable projects have actually come out of contractor I.R. & D. programs? More important, could the same amount of value have been obtained at much less expense through the normal research and development program? Unless supporters of the I.R. & D. program can show projects worth the expenditure of over \$3 billion, the program should be stopped.

Mr. President, there is no question that research is needed if the country is to maintain its position of technological superiority. However, before the Government pays for such research it has the obligation to know the purpose of what it is paying for. Blind faith that something good will come out of it is not enough. We do not have money to throw down dark alleys merely in the hope we can produce a few rays of light at the other end. There are too many urgent needs in the country for us to spend money frivolously. I.R. & D. supports neither specific research nor fundamental research. It is little more than a bonanza for the fortunate.

It is for these reasons that I am introducing today a bill which will insure money spent for independent research and development by the Department of Defense or NASA will be related to the mission of the agency. It will also bring the future I.R. & D. policies of the Department of Defense and NASA into line with those policies of the Atomic Energy Commission, thus eliminating many of the problems caused by lack of a uniform Government policy.

It will provide proper controls over independent research and development expenditures. The Government will know what it is buying and will pay for that which it wants and needs. Research unrelated to the Department needs will not be supported. That is a legitimate expense of the companies.

Mr. President, let me also make it very clear that this bill will not prevent the Department of Defense from funding certain valuable I.R. & D. projects now being undertaken. The bill is designed to eliminate only those I.R. & D. projects which are of little or no benefit to the agency sponsoring them. The bill will insure that the Government knows what it is supporting, and that the project will be of value. It will guarantee both the taxpayer and the Government the most for his research dollar.

Mr. President, action on the I.R. & D. problem is needed. The need is now urgent. Every Federal dollar spent increases the inflationary danger. Priorities must be established. We are already spending over \$8 billion every year for regular research and development. Spending an additional half a billion dollars each year on additional independent research and development simply cannot be justified in the face of so many other crying needs. The Congress can no longer afford to merely pay lip-service to the need to cut spending. The need for action is now. The need for action is urgent. Cutting back on the I.R. & D. program is the first step.

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

The bill (S. 3003), to provide for more effective control over the expenditure of funds by the Department of Defense and the National Aeronautics and Space Administration for independent research and development, and for other purposes, introduced by Mr. PROXMIRE, was received, read twice by its title, and referred to the Committee on Armed Services.

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer 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.)

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

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

#### WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

##### AMENDMENT NO. 217

Mr. STEVENS. Mr. President, I call up my amendment, No. 217, offered on behalf of myself and the Senator from Massachusetts (Mr. KENNEDY), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by Mr. STEVENS is as follows:

At the end of the bill insert the following:

##### "TITLE IV—ALASKA VILLAGE SAFE WATER FACILITIES

"SEC. 401. The Federal Water Pollution Control Act is amended further by inserting at the end thereof a new section as follows:

##### "ALASKA VILLAGE SAFE WATER FACILITIES

##### "SHORT TITLE

"SEC. 23. (a) This section may be cited as the 'Alaska Safe Water Facilities Act'.

##### "FINDINGS OF FACT

"(b) The Congress hereby finds and declares that—

"(1) in numerous villages in the State of Alaska there are presently no facilities for the provision of safe water and hygienic sewage disposal;

"(2) because of the absence of such water and sewage facilities in such villages and the attendant insanitary conditions stemming from such absence, there is a widespread incidence of sickness and disease which is responsible for serious, and in some instances, permanent impairment or even death to the residents of such villages; and

"(3) it is the responsibility of the Federal Government, in providing for the health and general welfare of Indian and native Alaskan citizens of the United States, to take appropriate measures to protect the lives and health of residents of such villages by enabling them to enjoy the benefits of safe water and hygienic sewage disposal facilities.

##### "DECLARATION OF POLICY

"(c) It is therefore the policy of this section to establish a special emergency program designed to provide safe water and hygienic sewage disposal facilities in Alaskan villages which presently do not have such facilities.

##### "PROVISION OF FACILITIES

"(d) (1) In order to provide safe water and hygienic sewage disposal facilities in villages in Alaska which presently do not have such facilities, the Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') is authorized to institute and carry out a program designed to provide for the installation of such safe water and hygienic sewage disposal facilities in Alaskan villages as are necessary to assure that there will be at least one facility for safe water and hygienic sewage disposal in each village.

"(2) (A) Any facility constructed under this subsection shall be available for use by the general public and be housed in a suitable structure, designed to assure year-round use of such facility, and shall include, at a minimum, a source of clean water (such as a well with pumping facilities or utilization of surface water treated so it is safe and healthy for use), shower bath facilities, an adequate means of hygienic sewage disposal, and facilities for the washing of clothes. The building housing any such facility shall, if the Secretary determines it to be feasible and appropriate, also contain suitable quarters to be used as a community health service office.

"(B) The location of any facility constructed under this subsection shall be determined after consultation with the village council (or other comparable governing body) of the village in which such facility is located, as well as with appropriate public agencies (such as, but not limited to, the Alaska State Housing Authority and the Federal Field Committee for Development Planning in Alaska), in order to achieve maximum coordination in public development plans and activities affecting the community in which the facility is to serve.

"(3) (A) The Secretary shall provide for the construction of facilities under this subsection in the most expeditious manner feasible, and is authorized to provide for such construction by contract or through grants to public agencies or private nonprofit organizations, or otherwise. No contribution toward the cost of the construction of a facility will be required from the users thereof.

"(B) Payments of any grants made under this subsection may be made in advance or by way of reimbursement and subject to such conditions as the Secretary may impose to assure that the purposes of this section will be properly carried out.

"(C) In the construction of any facility under this subsection, there shall be utilized to the maximum extent feasible workmen from the village in which such facility is being constructed.

"(4) It shall be the responsibility of the village council (or other comparable village governing body) to maintain and operate the safe water and hygienic sewage disposal facility constructed therein under this subsection, and, upon completion of such facility, the Secretary shall execute such transfers of title as may be necessary to vest complete ownership of such facility in such council or body. The Secretary shall not construct under this subsection any facility in any village unless he first receives satisfactory assurances from the village council (or other comparable governing body) thereof that such council or body will, upon completion of such facility, accept ownership thereof and will accept responsibility for the operation and maintenance thereof.

"(5) For purposes of carrying out the provisions of this subsection, there is authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1970, and such sums as may be necessary for each of the next three fiscal years thereafter. Funds appropriated for any fiscal year under this paragraph shall remain available until expended and be utilized for both construction of the facilities and for the engineering and administrative costs necessary to design and plan such construction.

"(e) (1) The Secretary shall conduct through the health aide, in each community wherein there is located a safe water and hygienic sewage disposal facility provided under subsection (d), an appropriate educational and informational program designed to familiarize the residents of such community as to the health advantages to be achieved by their full utilization of such facility.

"(2) Whenever the Secretary determines that the village council (or comparable governing body), which has accepted ownership and responsibility for operation and maintenance of a facility provided under subsection (d), has financial resources which (when combined with the financial assistance available to it from the village, State, or other sources) are less than the amount necessary to enable such council or body properly to operate and maintain such facility, then the Secretary may make grants to such council or body in amounts which (when combined with the amounts available from other sources) will be sufficient to enable such council or body properly to operate and maintain such facility.

"(f) The Secretary of the department actually administering the provisions of this section shall for the fiscal year which ends June 30, 1970, and for each of the succeeding three fiscal years, submit to the Congress a full and complete report of the activities undertaken pursuant to the authority contained in this section, which report shall indicate each of the villages wherein safe water and hygienic sewage disposal facilities under subsection (d) have been established, the extent to which such facilities are being utilized, and the contribution made toward such utilization by the educational and informational program established pursuant to subsection (e) (1). The report of such Secretary for the fiscal year ending June 30, 1970, shall be submitted not later than July 30, 1970, and the report for each of the three succeeding fiscal years shall be submitted not later than the July 30 which immediately follows the close of such fiscal year.

"(g) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each succeeding fiscal year, such sums as may be necessary to carry out the provisions of subsections (e) and (f) of this section.

"(h) In order to prevent duplication of effort and to promote economy of administration, the Secretary shall to the maximum extent feasible utilize the facilities of the Department of Health, Education and Welfare or the facilities of other appropriate

public agencies in the administration of the provisions of this section."

Mr. STEVENS. Mr. President, we have offered this amendment to bring to the attention of the Senate the great problem of pollution in the rural areas of Alaska, particularly in the native and Indian areas.

I accompanied the Senator from Massachusetts (Mr. KENNEDY) on his hearings in our State during the early part of this year. As a result of that trip, our staffs collaborated and prepared this amendment to S. 7 as an approach that would be feasible, in our opinion, to deal with the pressing problems in these areas.

In 178 villages, only 8 percent of the homes, as I pointed out yesterday, have any kind of inside sewage or water facilities.

The purpose of the amendment would be to attempt to bring into each village a safe water facility as quickly as possible.

We realize, after our trip through these areas, that it would be impossible, from a financial point of view, to put water and sewage facilities into every one of these village homes, which are substandard, and which we are trying to replace. It would be uneconomical to attempt to put sewage and water facilities into each home, as we would envision replacing the homes under the remote housing program and the Bartlett housing program.

I am indebted to the Senator from Massachusetts for his support and also to the chairman of the committee for his consideration.

I have discussed this matter with the chairman and I understand the position he is prepared to explain in connection with the amendment.

Mr. KENNEDY. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. KENNEDY. During the spring of this year, when the Subcommittee on Indian Education traveled through Alaska, our prime interest and responsibility was to try to review in some detail the educational opportunities, or, more accurately, the lack of educational opportunities, for the native population, Indian as well as Eskimo.

During the three and a half days of extremely comprehensive travel throughout the State of Alaska, in which we were joined by the distinguished Senator from Alaska (Mr. STEVENS), the subcommittee was constantly reminded not only of the inadequacy of education, but also of one of the greatest impediments in the pursuit of education; namely, the lack of basic and fundamental sanitary conditions.

This appeared to me as a condition which I never realized could exist in this country of ours, a country which has such extraordinary affluence and wealth. Upon visiting many smaller, and even moderate-sized villages, we found absolutely no kind of sanitary facilities at all. Children were drinking polluted water, and from this contracting a variety of diseases which prohibited their even attending school. Eighty-five percent of the

native children there had ear infections, which directly affect their whole learning process. Nearly 15 percent of native children were hospitalized by serious sicknesses last year.

In our conversations with a number of schoolteachers, they pointed out that many of the native children, Eskimo and Indian children, were not learning well because they suffered from hearing deficiencies.

In talking with Public Health officials, we found that the principal reason for their suffering was lack of clean and adequate water supplies. As a result of using polluted water to bathe and wash in, and even drink, they were contracting diseases peculiar to Alaska, particularly the southwestern part of that State.

We could elaborate, and I know the Senator from Alaska (Mr. STEVENS) could elaborate, on the details of the conditions we found there, but they were some of the most desperate I have seen, including those in the barrios of Latin America and the hovels of Asia.

It seems to me that an important step which should be made—and could be made—is providing fundamental kinds of sanitary facilities to many of the smaller communities and villages. I think it would go a long way toward permitting these people to live in some kind of human dignity.

I want to say how much I appreciated working with the Senator from Alaska (Mr. STEVENS) on this problem. We realized full well we have not had the kinds of extensive hearings on this measure that perhaps a measure of this kind should have; but the reason why we are moving in this way is the emergency nature of the situation. It exists today.

We know that this measure, S. 7, provides us with knowledge from members of the committee who have a profound knowledge and understanding of this kind of legislation. If we do not get action at this time, another year will pass by, and any kind of progress will be interminably delayed. We feel that this is no time for delay.

So we are extremely hopeful that some benefit will come from what I think is an emergency measure. We have seen how the Senate can act in times of emergency, whether it be a hurricane in Louisiana or the tragedy of an earthquake in Alaska. We are talking about a human tragedy which deserves as much expeditious consideration as natural disasters do.

Mr. STEVENS. I thank the Senator from Massachusetts for his comments. One of my colleagues asked yesterday why Alaska, with its new-found wealth, did not finance this program. I would like to point out that this is Federal land. These are villages which are under the supervision of the Bureau of Indian Affairs, and our Public Health Service is responsible for their health. The measure contemplates a working relationship between the Secretary of Interior and the Secretary of Health, Education, and Welfare. There are less than 500 acres of land in private ownership in this area, which is twice the size of California.

The reason why the State cannot move in that area is that it does not own the land. It has no way to get security for the advancement of any funds. There is no way for the State of Alaska to deal with this problem today. The Federal Government has both the title to the land and supervision over the people. They are wards of the Government until there is action taken on the Alaska native land claims settlement bill. This is another reason for the urgency of the matter.

The State is now in a position where it can move ahead and try to improve the lot of the people through better housing conditions, schools, and roads, but until the State has some legal right to do it, we must rely upon the Federal Government. I feel we must move into this area now with a bold program to try to prevent the rapid increase in the death rate.

Yesterday I pointed out that one-fifth of the children in this area die in the first year of their life, and those who survive have a life expectancy of 34½ years. These are most appalling statistics.

Mr. KENNEDY. Mr. President, will the Senator yield on the point of the infant mortality rate?

Mr. STEVENS. I yield.

Mr. KENNEDY. The infant mortality rate for Alaskan native children is the highest of any group in this country.

Mr. STEVENS. It is 10 times higher than any other group.

Mr. KENNEDY. Once again, it can be directly related, I think, as was brought out in our conversations with the Public Health personnel there, to the question of basic and fundamental sanitary conditions. That is one of the prime reasons for that condition, as we heard from the Public Health personnel who were there dealing with this problem and have made many, many surveys of the health problems.

On another point, as the distinguished Senator from Alaska pointed out, these are Federal land areas. I think all of us realize we have additional kinds of responsibility, not only in the field of Indian education, for example, where the Federal Government has had an opportunity and unfortunately has reneged on that responsibility, but in trying to provide the kinds of facilities which are essential to a decent kind of existence.

The statistics given by the Senator from Alaska are most dramatic in terms of human misery. Once again, I think they reinforce the emergency nature of our proposal.

Mr. STEVENS. I thank the Senator. I pointed out that this is not something that is impossible. Each one of the villages has a school run by the Bureau of Indian Affairs, in which the children can use hot and cold running water and showers. The trouble is they go from their 20th century daytime schoolhouse into their stone age home at night. They go into homes which have one room, in which 10 to 20 people live, with no kind of water or sanitary facilities.

There is great difficulty in teaching

these children who have no continuity in life. They have the highest school dropout rate. They have the lowest attainments in terms of educational levels. And one of the basic problems they face is polluted water. Safe water is one thing we can make available to them now.

I know the chairman of the subcommittee would like to comment on this matter, but first I ask unanimous consent that the amendment we have offered show that it is cosponsored by Senators McGOVERN, MONDALE, HUGHES, WILLIAMS of New Jersey, YOUNG of North Dakota, YOUNG of Ohio, and SMITH of Illinois, who have joined the Senator from Massachusetts and me.

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

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

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

Mr. STEVENS. I yield first to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be included as a cosponsor of the proposal by the Senator from Alaska.

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

Mr. MUSKIE. Mr. President, I have, as the Senator from Alaska has indicated, discussed this matter with him. May I say at the outset that I sympathize completely with the Senator's objectives, and I compliment the distinguished Senator from Alaska and the distinguished Senator from Massachusetts for developing the facts relative to this situation and bringing them to the attention of the Senate, first at the time this amendment was introduced last spring and then this morning. I think this part of the record is important.

I point out that when the amendment was submitted last spring, on May 20, the committee had already completed its hearings on S. 7, and, indeed, we had already embarked on executive sessions, which stretched from March until late June, undertaking to work out the provisions of the bill which are now pending before us.

We entertained the hope at that time that before this session was ended, we would get to additional hearings on the problems of financing waste treatment plants. So last spring we indicated to the Senator from Alaska that, in connection with those hearings which we hoped to hold, we would have hearings on his amendment, with a view to developing a viable solution to the problem.

Unfortunately, other developments in connection with the funding of waste treatment plants have taken place or are underway in Congress this year. I have high hopes that, with the assistance of the able and distinguished Senator from Louisiana, the funding level can be raised through the appropriations process. For that reason, and in order to submit our efforts on the appropriations process this year, we did not get into the questions of alternative means of funding waste treatment plants; and as a consequence, we have not gotten to hearings on the Senator's proposal.

But because of the obvious merit and urgency of the problem, I have agreed with the Senator to take his amendment to conference, if the Senate approves, for the purpose of bringing it to the attention of the House of Representatives as well as the Senate. I would not predict what the conference result may be, but at the very least, I think, by this procedure we can alert the House of Representatives to the urgency of the problem and lay the basis for further and perhaps more effective consideration by our committee later on.

So I am willing to take this amendment on that basis.

Mr. STEVENS. I thank the Senator for his comments. I am sure that the Senator from Massachusetts and I understand the problem that is involved in the committee's consideration, and we are grateful to the chairman for his comments and his appreciation of the problem and his willingness to work with us to try to solve it.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the substitute committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute is open to further amendment.

Mr. MUSKIE. Mr. President, yesterday there was some discussion of the oil pollution liability section of S. 7; and in view of the comments made on the insurability of the liabilities set forth in the bill, I should like to briefly to discuss the considerations which led the committee to conclude that the reverse burden of proof—limited negligence concept would not adequately protect the U.S. Government in the event of a catastrophic oil spill.

These provisions in the legislation, Mr. President, sparked a great deal of controversy. A number of representations have been made to members of the Committee on Public Works and other Senators by representatives of the British insurance industry, the international merchant marine, and the American merchant marine, recommending the adoption of negligence liability, with limits of \$100 per gross ton or \$10 million, whichever is lesser.

I should like briefly to discuss why this concept, which was included in the House passed bill, was not accepted.

The Committee on Public Works did not ignore the need to protect the ability of the United States to transport oil by vessel. It was for precisely this reason that the committee established the limitation of liability at \$125 per gross ton, or \$14 million, whichever is lesser, for any oil spill which was not the result of negligence or a willful act. It was also for this reason that the committee provided certain exceptions suggested, I might say, by the industry, which, if proved by the owner or operator of the discharging vessel, would relieve the vessel from liability.

In other words, if the owner cleans up the spill and is later able to prove that the discharge was caused solely by one of the four exceptions which the commit-

tee included in the bill, the U.S. Government will reimburse the owner for his costs up to \$14 million.

Mr. President, I think it is important, at this point, to suggest some facts relative to the risks which are involved from this kind of spill and discuss the relationship of liability to those risks.

The House bill would limit the liability of a vessel owner or operator to \$100 per gross ton or \$10,000,000, whichever is lesser. That bill would provide that, regardless of how willful or how negligent the discharge happened to be, the innocent beach owner, the innocent boatowner, or the innocent commercial fisherman would have to pay those cleanup costs in excess of \$100 per gross ton of the discharging vessel even though that beach owner, that fisherman, that boatowner had absolutely no responsibility for the spill.

Mr. President, this approach would greatly reduce the capacity of the United States to collect cleanup costs for the discharge of oil from a major supertanker. Today, \$100 per gross ton would provide maximum liability coverage for a 100,000-gross-ton vessel. However, we are approaching the era of the supertanker. The recent success of the tanker *Manhattan* in breaching the Northwest Passage for commercial purposes will cause construction of immense supertankers which will transport oil from Alaska's north slope to the east coast of the United States. Already one oil company has ordered two supertankers to move oil from the north slope of Alaska to California.

If the committee's figures are accurate and they were almost all supplied by the oil companies and the insurance industry, a disaster on the order of the *Torrey Canyon*, in which the vessel was lost, cost approximately \$118 per gross ton to clean up based on the settlement figures.

If a 200,000 gross ton tanker were to break up off the coast of the United States and if the cost of cleanup were to be only \$118 per gross ton, the cost to the United States would be \$23.6 million. Under H.R. 4148, the United States would be out of pocket \$13.6 million even if negligence was proved. Under the legislation proposed by the committee the major oil company which will own that supertanker would be liable for the entire cost of cleanup if the U.S. Government were able to prove negligence. If that discharge occurred without fault on the part of the discharging vessel, the oil company would be liable for a maximum of \$14 million. If the oil company owning the vessel could prove that the discharge was solely the result of an act of God, an act of war, an act of third party or an act of U.S. Government negligence there will be no liability whatsoever. In fact, if the oil company which owned the vessel cleaned up the spill and later proved that the discharge was a result of one of the exceptions that oil company could be reimbursed by the United States for the cost of cleanup.

Mr. President, in a matter of equity as between the discharging vessel and

the American public, I have to choose for the American public. I firmly adhere to the position taken by the committee that the negligence on the part of anyone involved in the operation of the vessel should remove liability limits and the cost of cleanup should be borne by the vessel, not the innocent beach owner, fisherman or boatowner.

I ask unanimous consent that there be included in the RECORD at this point a letter commenting on the liability provisions of S. 7, from Allan I. Mendelsohn.

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

WASHINGTON, D.C.,  
September 26, 1969.

Senator EDMUND S. MUSKIE,  
Old Senate Office Building,  
Washington, D.C.

DEAR SENATOR MUSKIE: In a recent New York Times article, George Horne described several of the current efforts by the British marine underwriters, joined by the American shipowners, to oppose your legislation revising and modernizing the archaic limitations of liability that have up to the present time protected foreign and U.S. flag tanker owners in the event of oil spills causing extensive pollution damage to the beaches and sea coasts of this country.

As a former treaty negotiator for the United States Government on this and similar limitation subjects and as former Chairman of the joint United States Government-Industry committee on international maritime law, I believe I might be of some help to you in presenting the other and public side of this controversy.

The British marine insurers, together with the American flag shipowners, have traditionally and consistently opposed every effort, domestic as well as international, to raise the archaic United States limitations of shipowner liability up to realistic amounts. It is scandalous that, by reason of the limitations of liability enacted by the United States Congress in 1851, a Torrey Canyon disaster occurring off the coast of Miami or Cape Cod would result in no recoveries for the American citizens whose fishing, wildlife, hotel and beachfront interests are seriously damaged. It is even more scandalous that if the 1851 limitation law, as amended in 1936, is applied to the survivors of the 90 victims of the 1965 Yarmouth Castle disaster, no survivor would recover more than \$2,700 per victim.

Yet, each time some effort is made to modernize these limits, the marine insurers and the shipowners join together in opposition. As is the case with your bill, one of their usual arguments is that the capacity of the insurance market is incapable of meeting the risks that could be involved if high limits are adopted. In short, the marine insurance market does not have enough money or enough avenues by which this money can be obtained.

But this argument is plainly inadequate. I do not believe it is necessary, in this respect, again to point your attention to the many inconsistencies that appeared in the testimony of the British insurers on the several occasions they testified before your Committee. In an article to be published in next month's issue of the George Washington University Law Review, I describe and analyze these inconsistencies in some detail, pointing up how their testimony changed in each of the successive hearings held by the House Committees and your Subcommittee. Suffice it to say now, however, that each time they appeared, market capacity seemed to shrink and costs seemed to increase finally to the point even of doubling for halved limits.

For my part, I have no doubt whatever that if your bill were to pass with no limitations of liability much less the limitations now proposed in your bill, the marine insurance industry would find the necessary market capacity within at most a 6 month period—if only to be able to continue today's lucrative oil tanker trade. One need only mention, in this respect, that when limitations of liability for international airline crashes were raised in 1966 from \$8,300 to \$75,000, the international aviation insurance market discovered the capacity almost overnight even though prior to the event they too had argued, like the marine underwriters today, that the capacity was not there. In domestic aviation, where there are no limitations of liability the U.S. airlines are presently gearing up for potential liability, with the new 747 jumbo jets, of upwards of \$100 million per aircraft per accident. Yet the British marine underwriters can argue that their market cannot absorb even a limit as low as \$15 million.

Moreover, one questions the role of the oil companies in this controversy. It is a fact that 7 major American oil companies own almost half of the total tanker tonnage operating under the American flag. It is also a fact that the 7 oil companies operating the largest amounts of American flag tanker tonnage also happen to be among the 9 oil companies enjoying the largest allocations under this country's oil import quota system. It is still further a fact that the oil companies and tanker owners have realized immense savings with the introduction of the giant tankers ranging anywhere from 200,000 to 500,000 dead weight tons. A 200,000 ton tanker alone can carry upwards of roughly 55,000,000 gallons of crude oil. Certainly, with the profits realized through these automated and, indeed, subsidized (by way of the import quota system) operations, oil should and must be expected to pay its way by assuring that the insurance market capacity is in fact adequate. For if the oil tanker and oil industry do not pay their way, that way will necessarily be paid through lower, inadequate recoveries by private American citizens who fall victim to future pollution disasters.

To be sure, I am not enamored of all the provisions of your bill. For example, I fail to see why, if there is to be a limit at all, there should be any exceptions to liability. Under modern legal principles, such as exist in international air law today, a limitation may be accorded to the carrier but only in return for that carrier's accepting absolute liability. If a carrier can avoid liability by proving, for example, that the accident resulted not from his fault but rather from acts of God, war, or third parties (the present exceptions in your bill), then, failing such proof, he should be entitled to no limitations of liability and thus be liable for damages in full. This latter situation prevails today in domestic United States aviation. Yet, in your bill, the carrier enjoys the exceptions but still has a limited liability. Moreover, even if absolute liability is adopted, I fail to see any persuasive reason why an overall ceiling must be included. It is enough to provide only a per ton limit and, indeed, I might add that this was the system that appeared in your Committee Print No. 3. To change that system by incorporating an overall ceiling of \$10 million or \$14 million does no more than protect the largest tanker owners who presumably need this protection the least.

Moreover, the most significant failing of your bill is that it covers only clean-up costs of government and does not at all change the repressive 1851 limitations as they apply to suits by private citizens. I realize, of course, that this failing is not of your doing and that you, together with the members of your Committee, would have preferred to have broadened the bill but were unable to under the circumstances.

But with all these defects in the bill, it still remains the first major and long overdue breakthrough in this country's maritime limitation law. If the British insurers, the oil industry, and the American shipowners succeed, by imposing their groundless apprehensions on you, in blocking the passage of even this first step of progress, I fear for the consequences to the American public in all of the future steps of progress that are so necessary in our maritime limitation law.

It is for these reasons and despite its defects that I vigorously support your bill and offer you my assistance in any way towards its enactment. The only compromise that should be acceptable—and one that I would personally prefer—is an unbreakable limit (notwithstanding negligence or willful misconduct) of \$150 per ton, no overall limit, and a system of absolute liability with only one exception, namely, the unique case where the Government itself causes or contributes to the causing of the accident. Adoption of such a system would be fully in accord with modern tort law principles which predicate liability not on grounds of fault or negligence but on ability to absorb and distribute risk.

Perhaps in view of the present circumstances, the various concerned industries might be more prone to accept this proposed compromise system than the one presently in your bill. If so, this system, with all of its legal and practical advantages in offering certainty and avoiding litigation, should be adopted. But if not, your bill is the next best alternative and, despite the objections traditionally heard from the insurers and shipowners, it should be enacted forthwith.

Sincerely yours,  
ALLAN I. MENDELSON.

Mr. BAKER. Mr. President, I fully concur with the distinguished chairman of the subcommittee in his description of the liability provisions of S. 7; particularly the position that in the final analysis the provisions of S. 7 establish the principle that as between the public and an owner or operator, the owner or operator shall bear expenses associated with cleanup.

I would like to add only a few points.

A paramount concern of the committee is a desire to apply a uniform standard of liability. To do so it was necessary to adopt an approach that would enable the relevant courts to decide issues of liability with as little reference as possible to State law. Consequently, the committee adopted a standard of liability that would give complete and sufficient guidance to the Federal courts in deciding basic issues. The only deviation from this pattern is where an exception is made from limitation of liability where the United States can prove negligence. In considering an allegation by the United States of such negligence, the Federal court, of course, would refer to relevant State law.

The basic liability standard, however, avoids immediate reference to State law by adopting liability in the nature of absolute liability, then providing exceptions from this liability where an owner or operator can prove that a particular discharge was caused solely by an act of war, act of God, or negligent act of the Government or the act of a third party. It is hoped that the exceptions are sufficiently clear in the bill so that, along with the report language, a Federal court will be able to decide the issue of liability with a minimum reference to State

law and thus achieve as close to a uniformly applied standard as is possible.

The bill defines an act of God to mean an act occasioned exclusively by violence of nature without the interference of human agency. This does not mean, therefore, a common law or statutory definition of act of God that exists under State law. This language provides a higher standard, and one that means a violent act of nature that could not have been avoided by the exercise of foresight and prudence. In the words of the testimony of the American Petroleum Institute this would include an event such as an earthquake or tidal wave in an area without any prerecorded history of such event.

The remaining exceptions are clear on their face and should enable a Federal district or other court to determine all issues with little reference to State law.

S. 7 has been written to avoid a full range of controversy that is inherent in any reference in a statute to burden of proof or prima facie case. The record should show that there is no such thing as a simple reversal of the burden of proof and as responsible legislators we should avoid such a procedural trap.

If we used language of burden of proof we could not describe what burden we are talking about for such matters are properly matters of State law. To use such language, therefore, would raise the same problems we are attempting to avoid in refraining from using negligence as the basic test of liability.

Burden of proof is a variously defined concept. It can mean the burden of going forward with the proof, or the burden which disappears with any proof to the contrary or one that requires substantial proof to overcome the presumption, or even an irrebuttable presumption.

If we get into the procedural aspects of presumptions and reversal thereof, it seems to me we have sown the seeds of very extensive litigation.

That there is in fact the manner in which burden of proof language would be interpreted let me quote from a brief filed by the Maritime Law Association on this very point:

Further, the liabilities imposed by the two bills are comparable neither in theory nor application. The *prima facie* case established in Section 17(e) (2) of H.R. 4148 would be satisfied by proving that one's acts or omissions did not proximately cause the damage. This initial *burden of evidence* being satisfied, the plaintiff Government, as other plaintiffs, would properly proceed with its *burden of proof* as to the proximate cause of a spill.

It is exactly this procedural quagmire we seek to avoid in S. 7.

Mr. President, a question has been raised concerning the applicability of cleanup liability provisions to facilities to receive supertankers currently being designed and constructed beyond 3 miles of the coast of the United States.

It is my understanding, and I think shared by members of the Committee on Public Works that to the extent liability is not established by other provisions of law the liability established by this act shall apply if any essential part of such facility, such as a pipeline, passes

through the navigable waters of the United States. Under the definition of on or offshore facilities of section 12(a) (11) a facility includes "related appurtenances." As used in that definition "related appurtenances" should not be interpreted as meaning only those appurtenances occurring in the navigable waters but to include all essential parts of a particular facility no matter where located. Therefore, a terminal facility beyond 3 miles that has the pipeline or other necessary part passing through the navigable waters can be included in the liability provisions of S. 7.

Mr. MUSKIE. Mr. President, I send to the desk an amendment in the nature of a substitute to title II of S. 7.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered, and the amendment will be printed in the RECORD.

The amendment in the nature of a substitute for title II is as follows:

On page 74, beginning with line 1, strike out all through line 21 on page 80, and insert in lieu thereof the following:

"TITLE II—ENVIRONMENTAL QUALITY

"SEC. 201. This title may be cited as the 'Environmental Quality Improvement Act of 1969'.

"FINDINGS, DECLARATIONS, AND PURPOSES

"SEC. 202. (a) The Congress finds—

"(1) that in the pursuit of social and economic advancement man has caused changes in the environment;

"(2) that the degree of such changes endangers a harmonious relationship between man and his environment;

"(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment, increasing the severity of the physical, social, psychological, and economic problems of our society; and

"(4) that changes in the environment should be restricted, insofar as possible, to avoid adverse effects on man, other species and the environment itself.

"(b) The Congress declares that there is a national policy for the environment enunciated in laws relating to air, water and land pollution which—

"(1) provides for the enhancement of the quality of our air, water, and land environment;

"(2) recognizes the primary responsibility for implementation of this policy rests with State and local governments; and

"(3) encourages and supports implementation of this policy through appropriate regional organizations.

"(c) The purposes of this title are—

"(1) to assure that each Federal department or agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law and by the President pursuant to this title; and

"(2) to authorize and to provide staff for an Office of Environmental Quality.

"OFFICE OF ENVIRONMENTAL QUALITY

"SEC. 203. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (herein referred to as the "Office").

There shall be in the Office a Director and a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The compensation of the Director and the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director and the Deputy Director of the Bureau of the Budget.

"(c) The Director is authorized to employ such officers and employees as may be necessary to enable the Office to carry out its functions under this title.

"(d) In carrying out the provisions of this section the Director shall—

"(1) provide assistance to the President on policies and programs of the Federal Government, including review of existing and proposed projects, facilities and activities, which affect environmental quality, and recommended priorities thereon;

"(2) provide staff and support for any board, council or committee established by the President or authorized by the Congress to coordinate Federal activities which affect policies and programs established to protect and enhance environmental quality;

"(3) review the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

"(4) promote advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

"(5) assure evaluation of new and changing technologies for their potential effects on the environment prior to their implementation;

"(6) review and comment on the coordination of the programs and activities of Federal departments and agencies which affect, protect, and improve environmental quality;

"(7) review and comment on the development and interrelationship of environmental quality criteria and standards established through the Federal Government; and

"(8) collect, collate, analyze, and interpret data and information on environmental quality and issue reports thereon, as he deems appropriate;

"(9) develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

"(10) establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals; and

"(11) perform such other duties and functions as directed by the President.

"(e) In carrying out the provisions of this section, the Director is authorized to contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) for research and surveys regarding any potential or existing problem of environmental quality.

"EFFECT ON EXISTING AUTHORIZATIONS

"SEC. 204. The policies and goals set forth in this title are supplementary to existing authorizations of Federal agencies.

"AUTHORIZATION

"SEC. 205. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1969, and for each of five succeeding fiscal years, such amounts as may be necessary for the purposes of this title."

Mr. MUSKIE. Mr. President, I will ask for the yeas and nays on the substitute both as an indicator of the Senate's interest in this proposal and as instructions to the Senate conferees to support the agreed-upon compromise language for S. 1075.

The statement I am about to make on title II involves title II of S. 7 and S. 1075, sponsored by the distinguished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON). The Senator from Washington (Mr. JACKSON) will make a statement to the same effect, which is the essence of our agreement on these two bills.

The substitute amendment for title II of S. 7 is largely similar to the title as reported by the committee. The justifications as discussed in my remarks and the committee report still exist without modification. The language has been modified to assure minimum of overlap or conflict with the proposed version of S. 1075.

The substance of title II remains the same: all Federal and federally assisted public works projects would be directed to implement environmental policies established by the President and existing air, water, and land pollution laws; and there would be established in the Executive Office of the President, an Office of Environmental Quality to assist the President in review and development of environmental programs and policies.

As revised, title II of S. 7 no longer provides for establishment of advisory committees by the Director of the Office of Environmental Quality, nor is the Director authorized to conduct a biennial forum on environmental problems. Both of these functions would be transferred to S. 1075 as activities more properly conducted by the Board of Environmental Quality Advisers.

As revised, the Office of Environmental Quality would be available to provide staff support to the Board of Environmental Quality Advisers, the President's Council on Environmental Quality and to the President directly.

Also, the Office would carry on certain data collection and analysis functions previously included in S. 1075. This ongoing monitoring function would provide a means of developing needed information to determine potential environmental changes which are caused or could be caused by any activity in which the Federal Government is involved.

The report required under title III of S. 1075 would be transmitted in whole or in part to the committees which traditionally have exercised jurisdiction over the environmental subject matter contained therein. For example, if such a report discusses the problems of air quality, either that section of the report or the report in its entirety would be referred to the Committee on Public Works as well as other committees which might have interest in other portions of the report. This type of distribution to the appropriate congressional committees will provide maximum participation in the development of a meaningful legislative response to the problems posed by this report from the President.

The revisions included in this substitute essentially would clarify the staff

role of the Office of Environmental Quality while leaving to Senator JACKSON's proposed Board of Environmental Quality Advisers the function of independent oversight of Federal policies and programs which affect the environment. Because Senator JACKSON will discuss the board's function in some detail, I will confine my remarks to the compromise version of S. 1075 as it relates to title I, the so-called national policy statement.

Mr. President, at this point, I ask unanimous consent that the text of the revised version of S. 1075 be printed in the RECORD.

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

#### S. 1075

A bill to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality

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

#### SHORT TITLE

SECTION 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

#### PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

#### TITLE I

##### DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(b) identify and develop methods and procedures, subject to review and approval of the Board of Environmental Quality Advisers established by Title III of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

- (i) the environmental impact of the proposed action;
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;
- (iii) alternatives to the proposed action;
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any established agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, including those authorized to develop and enforce environmental standards, shall be made available to the President, the Board of Environmental Advisers and to the public as provided by 5 U.S.C. 552 and shall accompany the proposal through the existing agency review processes.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President such measures as may be necessary to make their authority consistent with this Act.

SEC. 103. Nothing in section 102 shall in any way affect the specific statutory obligations of any Federal agency (a) to comply with criteria or standards of environmental quality, (b) to coordinate or consult with any other Federal or State agency, or (c) to act, or refrain from acting contingent

upon the recommendations or certification of any other Federal or State agency.

SEC. 104. The policies and goals set forth in this Act are supplementary to existing authorizations of Federal agencies.

#### TITLE II

SEC. 201. To carry out the purposes of this Act, the Board of Environmental Quality Advisers is hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality to the extent that such activities do not overlap or conflict with similar activities authorized by law and performed by established agencies;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes; and

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps.

SEC. 202. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(b) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(c) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(d) to assist the Board of Environmental Quality Advisers established under title III of this Act and any council or committee established by the President to deal with environmental problems.

SEC. 203. There is hereby established in the Office of Science and Technology an additional office with the title "Deputy Director of the Office of Science and Technology." The Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Director of the Office of Science and Technology shall from time to time direct, and shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

#### TITLE III

SEC. 301. (a) There is created in the Executive Office of the President a Board of Environmental Quality Advisers (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interest of this Nation. The President shall designate the Chairman and Vice Chairman of the Board from such members.

(b) Members of the Board shall serve full time and the Chairman of the Board shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Board shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 302. (a) The primary function of the Board shall be to study and analyze environmental trends and the factors that effect

these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Board shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice, assistance, and support to the President on the formulation of national policies to foster and promote the improvement of environmental quality; and

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment and make recommendations thereon to the President.

(c) It shall be the duty and function of the Board to assist and advise the President in the preparation of the annual environmental quality report required under section 303.

(d) The Board shall carry out its duties under the provisions of this Act at the direction of the President and shall perform whatever additional duties he may from time to time direct.

SEC. 303. (a) The President shall transmit to the Congress, beginning June 30, 1970, an annual environmental quality report which shall set forth: (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

(b) Such report shall be referred in whole or in part to the committees of each house of the Congress which have exercised jurisdiction over the subject matter contained therein.

SEC. 304. (a) In order to obtain assistance and independent advice in the development and implementation of the purposes of this title, the Board may from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of the other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical sciences, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science, who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committees appointed pursuant to this title shall be entitled to receive compensation at a rate to be fixed by the Board, but not exceeding \$100 per diem, including traveltime, and while 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 of the United States Code for persons in the Government service employed intermittently.

(c) The Board shall organize and convene a biennial forum on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof, and participants in such forums shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields

of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

SEC. 304. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 305. There are hereby authorized to be appropriated \$1,000,000 annually to carry out the purposes of this title.

Amend the title so as to read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

Mr. MUSKIE. Mr. President, as Senators are aware, the Subcommittee on Air and Water Pollution has been examining specific air, water, and solid waste pollution problems since its creation in 1963. It is worthy of note that the subcommittee has heard over 1,100 witnesses and accumulated 15,877 pages of testimony in the past 6 years on environmental matters. Prior to that time, and as far back as 1899, the Committee on Public Works and its predecessors have initiated or handled pollution control legislation.

The fact that the Nation has a capacity to deal with air pollution, water pollution, and to a lesser extent, solid wastes, is due in a large part to the activities of this subcommittee and the continued, unanimous support of the Committee on Public Works.

The legislation which has been enacted on these subjects is indicative of two important trends in the Nation's concern for the quality of its environment; first, that we are willing to make a commitment of our financial resources to finding and applying solutions to difficult pollution problems; and second, that there is a need for orderly pollution control procedures, both in identifying the extent of control required and in establishing implementation programs.

The philosophy of air and water quality legislation has been first to develop the criteria which indicate the effects of pollutants on the various aspects of the public health and welfare and then to apply available, feasible control technology. This philosophy has been based on two elemental concepts—that only those measures which were designed to enhance air and water quality would be acceptable and that local and State government have the prime responsibility to implement those measures.

It was against this background of study, hearings, discussion and legislation that members of the subcommittee became concerned with the potential interpretation of title I of S. 1075, as passed by the Senate. Section 102(c) of the bill would require every Federal agency to include as a part of any legislative proposal, report on legislation or any major action, which has a significant effect on the quality of the environment, a finding of environmental impact, adverse

environmental effects, commitments of resources, and other potential justifications for the legislation or activity.

The concept of self-policing by Federal agencies which pollute or license pollution is contrary to the philosophy and intent of existing environmental quality legislation. In hearing after hearing agencies of the Federal Government have argued that their primary authorization, whether it be maintenance of the navigable waters by the Corps of Engineers or licensing of nuclear powerplants by the Atomic Energy Commission, takes precedence over water quality requirements.

I repeat, these agencies have always emphasized their primary responsibility making environmental considerations secondary in their view.

It is for this reason that the legislation pending before the Senate includes a provision which would require water quality compliance by Federal agencies in both their own activities and the activities in which they are involved. Section 16 of S. 7 would require water quality compliance as a precondition of Federal activities; it would not leave the determination of water quality effects to the polluter. By requiring compliance certification from the water pollution control agency, section 16 would assign policing responsibility to those agencies most qualified to make an environmental decision and not to those committed to carrying out some other function at minimum cost.

The proposed compromise language developed for section 102(c) clearly indicates the extent to which the polluter is involved in determining environmental effects. This language eliminated the requirement that a "finding" be made but provides that environmental impact be discussed as a part of any report on legislation, or any decision to commence a major activity. The requirement that established environmental agencies be consulted and that their comments accompany any such report would place the environmental control responsibility where it should be.

Other provisions of the compromise on S. 1075 include elimination of the requirement that the President designate a lead agency to conduct data collection and make grants to carry out the purposes of the act. To a large extent these functions are either presently delegated to existing agencies or would be carried on by the office of environmental quality.

Mr. President, S. 1075 brings into focus the Senate's continuing concern for the quality of the Nation's environment. S. 1075 focuses attention on an environmental need which is not included in either bill pending before the Senate today and is only covered in part by existing legislation.

The Clean Air Act and the Federal Water Pollution Control Act provided for specific development of criteria which define the impact of water and air pollutants on health and welfare. Pending solid waste legislation would require the same type of systematic analysis of the relationship of pollutants to the land environment.

On the basis of these criteria, standards of environmental quality have been and are being developed. But obviously criteria and standards designed to protect and enhance the quality of our air and water and enhance our ability to deal with our solid wastes in an orderly, efficient, and healthful manner do not provide an effective or orderly manner to consider all forms of environmental degradation. For example, there are no criteria which indicate the various levels of noise which affect the health and welfare of people nor are there criteria on which local or even national esthetic judgments can be based.

We need to begin to focus our attention on developing legislation which will provide for the development of criteria which would indicate the effects of a nuclear test on a wildlife refuge or the effects of development of a permafrost region on the ecology of the area.

We cannot afford to fight out environmental battles on a crisis-by-crisis basis not can we afford to shut down tomorrow on the basis of today's fears. By development of meaningful methods of measurement of environmental impact, through development of standards-setting procedures at the local level, through careful analysis of existing and future land uses, we can begin to order our progress without environmental chaos.

Mr. President, it is in the spirit and with this approach in mind that the distinguished Senator from Washington (Mr. JACKSON), the ranking Republican, the distinguished Senator from Colorado (Mr. ALLOTT), the distinguished Senator from Delaware (Mr. BOGGS) and myself from the Public Works Committee, as well as the Senator from West Virginia (Mr. RANDOLPH), the chairman of the full committee, have undertaken to resolve our differences with respect to the relationship of S. 7 and S. 1075.

I think that we have succeeded in doing so in a way which does violence to neither and which advances the broad objectives which we both seek to serve.

Mr. JACKSON. Mr. President, I fully agree with the purposes of section 16(c) of S. 7. It is my understanding that there was never any conflict between this section and the provisions of S. 1075. If both bills were enacted in their present form, there would be a requirement for State certification, as well as a requirement that the licensing agency make environmental findings.

The compromise worked out between the bills provides that the licensing agency will not have to make a detailed statement on water quality if the State or other appropriate agency has made a certification pursuant to section 16(c).

Mr. AIKEN. Mr. President, I commend the Senator from Maine for bringing out this bill; it goes a long way toward cleaning up some forms of stream pollution with which we are afflicted. What I particularly wish to ask him is, am I correct in assuming that under the new section 16, all nuclear powerplants are covered, but only some of the conventional fuel powerplants are covered?

Mr. MUSKIE. That is correct. As conventionally fueled powerplants increase in size, they will be increasingly subject

to certificate by reason of the need to obtain a permit from the Corps of Engineers for one reason or another.

I think the Senator from Vermont might like me to read into the RECORD at this point testimony by Mr. Ramey, Commissioner of the Atomic Energy Commission, on this point.

Mr. AIKEN. Yes.

Mr. MUSKIE. This testimony reads as follows:

We have been informed that a substantial percentage of conventionally fueled plants of the larger sizes—sizes comparable to the currently popular sizes of nuclear plants—need some sort of Federal permission.

For example, we understand from an examination of data developed by the Corps of Engineers that during 1967, 12 conventionally fueled plants over 400 megawatts—electrical—in size went on the line.

Of these 12 relatively large sized plants, eight or 66 2/3 percent, required and had secured a Federal permit.

Seven of the plants required a permit from the Corps of Engineers because their construction plans included structures on navigable waters; one plant had intake and outfall structures located on U.S.-owned land and required a permit.

One additional plant was built by the Tennessee Valley Authority and did not require a permit.

This suggests, I think, some of the reasons why the proposed legislation might apply to some of the larger fossil fuel plants but might not apply to all of them.

Mr. AIKEN. I think that is a sound explanation. It is well to go as far as the bill goes in that direction. I am sorry it cannot cover all of the smaller fossil fuel plants.

The real reason I asked the question is that we hear various kinds of propaganda which is designed to alarm the people and cause them to believe that only atomic powerplants create thermal pollution. That, of course, is not true. According to information furnished by the Federal Water Pollution Control Administration there were 10 cases of fish kill caused by discharge from power generating plants during the years 1962 to 1968. Every one of them was from a conventional powerplant. To date, to my knowledge, there has been no case whatever of fish kill being caused by thermal discharges from a nuclear powerplant. I wanted to make that clear.

Yesterday I submitted two amendments in somewhat of a hurry, and they were printed. Upon further study of the situation, I realized that probably the bill which the Senator from Maine is now sponsoring would go as far as it is possible to go legislatively at this time and therefore I will not call up these amendments.

I have one other question. It is about a matter which disturbs me considerably, in that apparently the certification procedure in the bill does not cover all industrial plants. We have had experiences in my State with paper mills, tanneries, and other types of industrial plants which contribute heavily to the pollution of our lakes and rivers. To what extent, if any, will the bill cover that type of pollution?

Mr. MUSKIE. It will cover it in one possible respect and in another clear re-

spect. To the extent that any large industrial plant might require a permit from the Corps of Engineers because of intrusion upon navigation, that permit will make the industry subject to section 16.

But beyond that, the procedures established by the Water Quality Act of 1965, the Secretary of the Interior is in a position to assume leadership by requiring the setting of standards by the States to deal with thermal pollution from all sources. That authority is on the books. The States are required, under that legislation, to set standards.

I think this Record might be a good place in which to urge the Secretary to use his mandate and begin tightening these standards.

As the Senator from Vermont probably knows, water quality standards have been set pursuant to the Water Quality Act of 1965. We have used the section 16 approach in order to put the Federal Government's house in order. This, we hope, will be followed by the States, in order to enforce their own water quality standards.

Mr. AIKEN. I think some of the Federal agencies can stand some improvement in this respect. The reason why I have raised the question at this time is that there are so many different types of industrial plants which I do not believe are covered.

For a long time there has been a paper mill on the New York side of Lake Champlain. Vermont has, I think, pretty good water quality standard laws. New York has only recently tightened its standards. But before anything was done, probably the lower quarter of Lake Champlain had become so contaminated that the people who live on the Vermont side could not use the water for domestic purposes. Of course, for a long time the Vermont standards were much higher than they were across the lake, in New York.

Now the paper company on the New York side of Lake Champlain is building a very large mill, just up the lake from the old mill. Their representatives have told me that they will use about a thousand cords of hardwood a day. That is a very sizable mill. When the paper company representatives came to see me they told me that they can control, and plan to control the waste and contamination from the mill which would otherwise, as it did from the old mill, have emptied practically untreated into the lake. They now plan to recover the fiber, and possibly the chemicals, and other matter which contribute to pollution. I do not know how far they will go, and I hope they are right. I am watching the situation closely.

The new mill has been granted a license by the Corps of Engineers to construct an intake and outfall pipe into Lake Champlain.

One thing which caused me to be a little apprehensive was that in looking at the plans, I found that the discharge pipe from the paper mill empties on the Vermont side of the lake. I wanted to be sure that this bill could correct a situation like that, in the event that the mill

does not control all the population which it will create.

Mr. MUSKIE. These discharges would be controlled by the Water Quality Act and the standards that have been set under that act by both States. If those standards are not adequate, I should think that the appropriate State agencies ought to review and revise them.

Mr. AIKEN. Assuming that the pollution is not controlled and that it is emptied on the Vermont side of the lake or the New York side for that matter, what recourse would Vermont have then? Of course, it is Federal water anyway, but how could the State control any possible pollution? Under the Senator's bill, would the Federal Government enter the picture and require the enforcement of the law?

Mr. MUSKIE. The enforcement provisions of the 1965 act would be applicable.

Mr. AIKEN. I hope the Senator is correct.

Mr. MUSKIE. The bill now before us would not be needed to deal with that situation.

Mr. AIKEN. The paper company officials insist that they will have the situation under control so that the amount of pollution will be almost zero. It will be a great step forward if that is done.

Mr. MUSKIE. The Senator from Vermont and I have had considerable experience with this kind of situation in the past. I think the best point in time at which to make sure is before the plant is built.

Mr. AIKEN. Many of the people of Vermont depend on the water of Lake Champlain for domestic purposes. We have large water systems which draw water from the lake for distribution to many farms and homes.

I shall not insist on offering my amendments because, frankly, I do not know how far the Senator's bill will go. But I hope it will go a long way toward correcting situations which never should be permitted to exist.

Mr. MUSKIE. The bill represents what we believe is a meaningful first step in dealing with thermal as well as other pollution, and we intend to consider future amendments to cover situations included in the Senator's amendments, to the extent they may not now be covered.

Mr. AIKEN. Let me assure the Senator from Maine that I will be delighted to cooperate with him in securing effective legislation.

Mr. MUSKIE. I thank the Senator from Vermont.

Mr. JACKSON. Mr. President, first of all, I compliment the able and distinguished Senator from Maine (Mr. MUSKIE) for his very fine statement. He has indicated that we have been able to work out the differences—in which I concur—in a way which is satisfactory to both committees. More important, of course, is the fact that this agreement will be extremely helpful in seeing to it that appropriate legislation is enacted in this all-important area of environment administration.

I express my appreciation to the distinguished Senator from Maine, the

chairman of the subcommittee, who has been handling these matters. I also want to express my appreciation to the chairman of the full committee, the Senator from West Virginia (Mr. RANDOLPH), who has taken a keen interest in this matter.

We have had a number of discussions on the minority side with the able and distinguished Senator from Colorado (Mr. ALLOTT), the ranking minority member, who has followed all this closely and has been extremely helpful, especially to the chairman of the Committee on Interior and Insular Affairs, in trying to work out an appropriate solution to this problem. I express to him my deep appreciation for his support.

Mr. President, a number of questions have been raised in recent days regarding the relationship between S. 1075, the National Environmental Policy Act of 1969, which was passed by the Senate on July 10 and by the House on September 23, and title II of S. 7, the Water Quality Improvement Act of 1969 now before the Senate.

All of these questions have been carefully considered by the respective chairmen and by other concerned members of the Public Works Committee and the Interior and Insular Affairs Committee.

As a result of a review and a comparison of the two measures it has been agreed that an effort will be made to modify the provisions of title II of S. 7 by offering an amendment in the nature of a substitute. In addition, it has been agreed that the Senate conferees of S. 1075 will seek to have certain changes incorporated into the provisions of S. 1075 when that measure is considered by the conference committee.

The agreement on this matter was made after it was discovered that the Interior Committee and the Senate had acted and that the Senate was about to act upon different, but, in some respects, parallel legislative proposals which involve the creation of new governmental institutions for the overview and administration of Federal programs related to the management of the Nation's environment. This duality of effort by the two committees does not, as I understand it, involve any direct conflict in purpose or intent. Both measures can, however, be improved in some respects by adoption of the agreed-upon changes. For the most part, these changes are designed to insure that duplication of effort does not occur and that congressional directives to the executive branch in the two proposals are consistent.

The proposed changes are reflected in the amendment in the nature of a substitute to title II of S. 7 which has been introduced, and in a copy of S. 1075 which will be printed in the Record when the motion is made later today to disagree to the amendments of the House to S. 1075 and to agree to the conference requested by the House.

Mr. President, this rather unusual procedure is, in part, the outgrowth of some basic and still unresolved questions relating to the jurisdiction of the standing committees of both Houses of the Congress on legislative matters relating to Federal policies on preserving and main-

taining the quality of man's environment. The historic committee jurisdiction on routine legislation—air and water pollution legislation, outdoor recreation proposals, minerals policy, rivers and harbors projects, and so forth—has been long established and, insofar as I am aware, is not challenged.

In new and emerging areas of legislative concern, however, the die has not been cast, and many different committees of the Congress have quite properly expressed interest. Examples here include weather modification, national land-use planning, the establishment of policies for the resources of the Outer Continental Shelf, some areas of water resource policy, and policies related to the management of man's environment.

In these areas, jurisdiction is either shared by committees or it has gravitated by the force of precedent to the committee or committees which have actively participated in hearings on the particular subject matter involved.

With respect to legislation related to "pollution control" it is clear that the Public Works Committee has exercised jurisdiction and will continue to have jurisdiction over future proposals related to air, water, and solid waste pollution. Legislative jurisdiction over "pollution control" does not, however, mean that the Public Works Committee—or any other committee—has jurisdiction over all matters which relate to maintaining and improving the quality of the human environment. Maintaining and improving the quality of the surroundings and the quality of life enjoyed by the American people is a basic and fundamental task of all the committees of Congress and of all of the agencies of the executive branch.

The Committee on Interior and Insular Affairs has historically played a very large and a very important role in this area. The legislation handled by the committee and enacted by the Congress over the past 10 years shows the scope of the Interior Committee's role and the diligence with which it has been pursued.

The committee has approved the following general legislation in recent years: the National Water Commission Act, the Water Resources Planning Act, the Water Resources Research Act, the Federal desalting program, the Federal Water Projects Recreation Act, the land and water conservation fund, the Public Land Law Review Commission Act, the reclamation program, the Wilderness Act, the Wild and Scenic Rivers Act, and many other general measures related to resource, environmental, and land use policies.

In addition, over the past few years, the committee has approved measures to set aside for future generations four new national parks, eight new national recreation areas, nine new national seashores and lakeshores, almost 100 new wilderness areas, national monuments and historic sites. All of these measures relate to the quality of the human environment.

The committee's legislative activities over the past 10 years in the area of new governmental institutions and policies for resource and environmental management are set out in the legislative his-

tory section of the committee's report on S. 1075.

The important role played by the Interior Committee in preserving, protecting, and improving the quality of the environment does not, however, give the Interior Committee predominant jurisdiction in this area.

The concept of "environment," like that of "economics" cuts across the jurisdiction of all congressional committees. Actions taken by the Finance Committee, for example, on depreciation, charitable contributions, foundations, and the taxation of trusts will have a major impact on the future role private enterprise and individual action will play in preserving our environment for future generations. The same may be said with respect to other committees: the Commerce Committee's action on the development of an estuarine program, a transportation policy, and an alternative to the internal combustion engine; the Agriculture Committee's actions on pesticide control, soil erosion, and the development of new opportunity in rural America; the Banking and Currency Committee's activities in the development of urban programs; and the activities of many other committees of the Congress.

It is clear that all committees have an important role to play in this area. The Legislative Reference Service tabulated over 100 bills in the 90th Congress which were directly concerned with environmental issues. In the present Congress there are even more. Recent reports indicate that of the 16 standing committees of the Senate, eight have broad jurisdiction in this area. Of the 21 House standing committees, 11 are similarly involved.

On a subject so pervasive, broad, and important as "environment" and the "quality of life," no committee may exercise exclusive jurisdiction. It is also clear that there is a need to give specialized and regularized consideration to these subjects. Because of this need, I have proposed, and I plan to join with other Members of the Senate and, I hope, Members of the House of Representatives, to sponsor and to advance legislation to establish a nonlegislative joint committee on the environment.

The enactment of S. 1075 and S. 7 will give the Nation an environmental policy as well as appropriate governmental structures in the executive branch to implement the policy. The next logical step, in my view, is to insure that the legislative branch has an institution equally well adapted to provide continued oversight on environmental matters. A joint committee would provide such an institution.

During my service on the Interior Committee, I have found that the lack of an overall national policy on the environment often frustrates efforts to preserve, protect and to improve man's surroundings. A recent example may be seen in connection with the water supply and jet airport controversy which currently threatens the existence of the Everglades National Park. Under present law, the Corps of Engineers and the Department of Transportation appar-

ently do not have a clear statutory mandate to see that the environmental and natural values found in the park are not damaged or endangered by their flood control and transportation activities.

It is my belief, based on extensive committee hearings, that the problems associated with the Everglades could have been avoided if there had existed a clear statement of goals and procedures designed to make clear that all Federal agencies have a responsibility for the preservation and protection of environmental values. S. 1075, as passed by the Senate, clearly states the Nation's goals and the responsibilities of all Federal agencies with respect to the maintenance of a safe, healthy, productive and esthetically pleasing environment. Enactment of S. 1075 will prevent many of the environmental problems caused by Federal agencies and their activities.

The Interior Committee has experienced similar problems in other contexts. The controversy over the construction of dams in the Grand Canyon, for example, could have been resolved at a much earlier date if the Department of the Interior had been required to present Congress with alternative proposals where, as in that case, there were unresolved major environmental conflicts. Section 102(d) of S. 1075 would go far toward resolving such problems by requiring the development and presentation of alternatives in all future legislative reports on measures involving major unresolved environmental conflicts.

Other basic provisions of S. 1075 are also designed to minimize the conflict between resource development and the maximization of environmental values. Subsection 102(a) requires all agencies to utilize the expertise and learning of all relevant disciplines in planning and decisionmaking on actions which may have an adverse impact on man's environment. Subsection 102(b) requires the development of procedures designed to insure that all relevant environmental values and amenities are considered in the calculus of project development and decisionmaking. Subsection 102(c) establishes a procedure designed to insure that in instances where a proposed major Federal action would have a significant impact on the environment that the impact has in fact been considered, that any adverse effects which cannot be avoided are justified by some other stated consideration of national policy, that short-term uses are consistent with long-term productivity, and that any irreversible and irretrievable commitments of resources are warranted.

The agreed-upon changes mentioned previously would change the language of some of these requirements, but their substance would remain relatively unchanged.

The provisions of S. 1075 are designed to establish a policy and a set of planning procedures which will prevent instances of environmental abuse and degradation caused by Federal actions before they get off the planning board. It is my hope that the House will accept these provisions in conference committee on S. 1075.

If enacted, titles I and II of S. 1075

will give all agencies a mandate, a responsibility, and a meaningful tool to insure that the quality of America's future environment is as good or better than today's. Departments such as the Departments of Defense, Transportation, Commerce, and Housing and Urban Development will then no longer have an excuse for ignoring environmental values in the pursuit of narrower, more immediate, mission-oriented goals. Agencies such as the Atomic Energy Commission which now contend they have no legislative authority to consider environmental values will be given the authority, the responsibility, and a directive to do so. In view of the recent public concern over AEC activities in connection with Project Bronco and the Amchitka test, it is time that AEC be given a larger mandate against which to weigh the environmental impact of its planned and proposed activities. The same is true of many other agencies.

Mr. President, I ask unanimous consent that a comparison of the present provisions of S. 1075 as passed by the Senate, S. 7 as reported by the Public Works Committee, and S. 1075 as amended by the House be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a memorandum discussing the agreed-upon changes in S. 1075 and title II be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibits 1 and 2.)

Mr. JACKSON. Mr. President, the purpose of the agreed-upon changes is to avoid duplication and to avoid any inconsistent directives to agencies in the executive branch. Some of the changes insure that there will be coordination between agencies and that appropriate agencies will be given an opportunity to comment upon activities of other agencies which may have adverse environmental consequences. A new proposed section 103 in S. 1075 would be added to make explicitly clear that section 102 does not in any way affect the specific statutory obligations of Federal agencies to comply with environmental standards, to coordinate their activities, or to condition their actions upon and State or Federal certifications now required by law or which may be required by law. The language of this section is designed to insure that the provisions of section 16, and particularly section 16(c) of S. 7 are consistent with the requirements of section 102 of S. 1075. Section 16(c) of S. 7 would have the effect of exempting the Corps of Engineers, the Atomic Energy Commission, and some other agencies from the requirement in S. 1075 for a detailed statement on the environmental impact of proposed actions involving any discharge into the navigable waters of the United States. Under the terms of section 16(c) of S. 7 as now drafted, the State or other appropriate organization would be charged with certifying that any discharge in substantial compliance with appropriate

water quality standards. This certification would be a condition precedent to obtaining any Federal license or permit required by law before making any discharges into the navigable waters of the United States.

Mr. President, the major precepts of an environmental policy are not controversial though, as we have found over the past few weeks, the specific language may be difficult to draft. What is involved is a declaration that we do not intend, as a government or as a people, to initiate actions which endanger the continued existence or the health of mankind. That we will not intentionally initiate actions which will do irreparable damage to the resources which support life on earth.

An environmental policy is a policy for people. Its primary concern is with man and his future. The basic principle of the policy is that we must strive, in all that we do, to achieve a standard of excellence in man's relationships to his physical surroundings. If there are to be departures from this standard they will be exceptions to the rule and the policy. And as exceptions they will have to be justified in the light of public scrutiny.

S. 1075 as passed by the Senate, and with the changes which have been agreed upon, will provide the American people with a policy that is in the best interests of present and future generations. I am hopeful that the major provisions of this policy will emerge from the conference committee.

EXHIBIT I  
COMPARISON OF ENVIRONMENTAL QUALITY MEASURES

S. 1075	S. 7	H.R. 12549
		(S. 1075 AS AMENDED)
Title	Title	Title
National Environmental Policy Act of 1969.	Environmental Quality Improvement Act of 1969 (Title II).	An Act to provide for the establishment of a Council on Environmental Quality.
<i>Declaration of policy</i>	<i>Declaration of policy</i>	<i>Declaration of policy</i>
Six-part Congressional declaration of policy (sec. 101(a)).	Statement of environmental problems and citation of existing statutes (section 202 (a) and (b)).	Brief statement of policy.
<i>Recognition of environmental rights</i>	<i>Recognition of environmental rights</i>	<i>Recognition of environmental rights</i>
Congress recognizes right of persons to healthful environment (sec. 101(b)).	No provisions.	No provision.
<i>Directions to Federal agencies as follows:</i>	<i>Directions to Federal agencies as follows:</i>	<i>Directions to Federal agencies as follows:</i>
Congress authorizes and directs all Federal agencies to perform functions and make certain findings in support of the policy (sec. 102).	Public works agencies are directed to implement the policies established by the President pursuant to the Act (Sec. 203).	No provision. (Council to make recommendations.)
All agencies shall:		
<i>1. Interdisciplinary approach</i>	<i>1. Interdisciplinary approach</i>	<i>1. Interdisciplinary approach</i>
1. Utilize interdisciplinary approach to planning and decision-making (sec. 102(a)).	No provision.	No provision.
<i>2. Environmental values</i>	<i>2. Environmental values</i>	<i>2. Environmental values</i>
2. Develop methods to include presently unquantified values in decisions (sec. 102 (b)).	No provision.	No provision.
<i>3. Make findings</i>	<i>3. Make findings</i>	<i>3. Make findings</i>
3. Must make findings in connection with proposals and decisions that:	No provision.	No provision.
<i>a. environmental impact</i>		
(a) Environmental impact has been considered.		
<i>b. adverse effects</i>		
(b) Adverse effects are justified.		

S 1075—Continued

S. 7—Continued

H.R. 12549—Continued  
(S. 1075 AS AMENDED)

*c. short-term uses*

(c) Short-term uses are consistent with long-term productivity.

*d. irreversible commitments*

(d) Irreversible commitments are justified.

*4. Alternatives*

4. Study and present alternatives where conflicts occur.

*5. International effects*

5. Support international programs for the environment.

*6. Present authority*

6. Review existing statutory authorities and recommend legislation to conform to this Act.

*Supplement to existing enabling acts*

Act is made supplementary to existing mandates and authorizations of Federal agencies (sec. 103).

*Data collection and dissemination*

Federal agencies are authorized to collect and disseminate environmental and ecological data (sec. 201).

*Grant program*

The President is authorized to designate agencies to:

1. Administer a grant program (sec. 202 (a) (1)).

*Project inventory*

2. Inventory resource projects (sec. 202 (a) (2)).

*Ecological research*

3. Collect ecological research data (sec. 202 (a) (3)).

*Assistance to States*

4. Assist State (sec. 202(a) (4)).

*Deputy Director for Office of Science and Technology*

Establishes new Deputy Director in OST (sec. 203).

*Board of Environmental Quality Advisors (Council, Office)*

Creates a 3-man Board in the Executive Office of the President. Appointed by President with advice and consent of Senate (sec. 301).

*1. Annual report to President*

1. Make annual report to the President (302 (a) (1)).

*2. Assist President*

2. Advise, assist, and support President (302(a) (2)).

*3. Collect data*

3. Collect and disseminate information on environmental quality (sec. 302(a) (3)).

*4. Review Federal activities*

4. Review, appraise and make recommendations concerning Federal programs, projects, activities, and policies (302(b)).

*5. Assist in President's report to Congress*

5. Assist President in preparation of annual report on the environment (sec. 302 (c)).

*6. Other assignments*

6. Other duties directed by President (sec. 302(d)).

*7. Support Cabinet Council*

7. All Federal agencies (sec. 201(g)).

*4. Alternatives*

No provision.

*5. International effects*

No provision.

*6. Present authority*

No provision.

*Supplement to existing enabling acts*

No provision.

*Data collection and dissemination*

No provision.

*Grant program*

Contract authority vested in office (sec. 204(e)).

*Project inventory*

No provision.

*Ecological research*

No provision.

*Assistance to States*

No provisions.  
(Office will consult, sec. 204(c) (11).)

*Deputy Director for Office of Science and Technology*

No provision.

*Board of Environmental Quality Advisors (Council, Office)*

Creates an Office of Environmental Quality in Executive Office of President. Director and Deputy appointed by President with advice and consent of Senate. Compensation keyed to salary of Director and Deputy Director of Bureau of the Budget (sec. 204 (a) and (b)).

*1. Annual report to President*

No provision.

*2. Assist President*

2. Advise and Assist President (sec. 204 (c) (1)).

*3. Collect data*

No provision.

*4. Review Federal activities*

4. Review, appraise, and make recommendations on proposed projects, facilities, programs, policies and activities of certain agencies (sec. 204(c) (3)).

*5. Assist in President's report to Congress*

No provision.

*6. Other assignments*

No provision.

*7. Support Cabinet Council*

7. Provide staff and support for Cabinet Council (sec. 204(c) (2)).

*4. Alternatives*

No provision.

*5. International effects*

No provision.

*6. Present authority*

No provision.

*Supplement to existing enabling acts*

Nothing in act shall change existing authorities (sec. 9).

*Data collection and dissemination*

No provision.

*Grant program*

No provision.

*Project inventory*

No provision.

*Ecological research*

No provision.

*Assistance to States*

No provisions.  
(Council will consult, sec. 7(a)).

*Deputy Director for Office of Science and Technology*

No provisions.

*Board of Environmental Quality Advisors (Council, Office)*

Creates a Council of Environmental Quality in Executive Office of President. Composed of 5 members appointed by President (sec. 3).

*1. Annual report to President*

Make annual report to President (sec. 6).

*2. Assist President*

2. Prepare reports as President directs (sec. 5(e)).

*3. Collect data*

3. Gather data and prepare reports (sec. 5(b)).

*4. Review Federal activities*

4. Appraise programs and activities (sec. 5(c)).

*5. Assist in President's report to Congress*

5. Assist and advise President in preparing annual report (sec. 5(a)).

*6. Other assignments*

6. Make such studies as requested (sec. 5(e)).

*7. Support Cabinet Council*

7. No provision.

S 1075—Continued

8. *Review monitoring system*  
8. President designates agency (sec. 202 (a) (3)).
9. *Promote knowledge*  
9. All Federal agencies (sec. 201(a)).
10. *Develop policies*  
10. Board to assist President (sec. 302 (a) (2)).
11. *Recommend priorities*  
11. No provision.
12. *Evaluate techniques*  
12. All agencies (sec. 102(b)).
13. *Coordinate programs*  
13. Board reviews programs (sec. 302(b)).
14. *Review criteria*  
14. Board reviews policies (sec. 302(b)).
15. *Consult with state and local government*  
15. All agencies advise states, counties, etc. (sec. 201(d)).
- Annual report to Congress*  
President shall submit report to Congress (sec. 303).
- Employment of officers*  
Board may employ (sec. 304).
- Appropriations*  
For grant programs, \$500,000 first year, \$1 million each successive year (sec. 202(b)).  
For Board—\$1 million annually (sec. 305).
- Biennial forum*  
No provision.
- Advisory committees*  
No provision.

S. 7—Continued

8. *Review monitoring system*  
8. Review existing environmental monitoring system (sec. 204(c) (4)).
9. *Promote knowledge*  
9. Promote advancement of scientific knowledge and methods (204(c) (5)).
10. *Develop policies*  
10. Develop policies and programs (sec. 204(c) (6)).
11. *Recommend priorities*  
11. Recommend priorities (sec. 204(c) (7)).
12. *Evaluate techniques*  
12. Assure evaluation of new technologies (sec. 204(c) (8)).
13. *Coordinate programs*  
13. Review and comment on coordination of programs (sec. 204(c) (9)).
14. *Review criteria*  
14. Review and comment on environmental standards (sec. 204(c) (10)).
15. *Consult with state and local government*  
15. Consult with and advise state and local governments (sec. 204(c) (11)).
- Annual report to Congress*  
Director reports to Congress annually on progress (sec. 204(f) (1)). Other reports as he deems necessary (sec. 204(f) (2)).
- Employment of officers*  
Director may employ (sec. 204(c)).
- Appropriations*  
Open ended (sec. 206).
- Biennial forum*  
Director to convene a biennial forum on current environmental problems and issues (sec. 204(f) (3)).
- Advisory committees*  
Director shall establish committees of part-time advisers as he deems appropriate (sec. 205).

H.R. 12549—Continued

(S. 1075 AS AMENDED)

8. *Review monitoring system*  
8. No provision.
9. *Promote knowledge*  
9. No provision.
10. *Develop policies*  
10. Develop and recommend policies (sec. 5(d)).
11. *Recommend priorities*  
11. No provision.
12. *Evaluate techniques*  
12. No provision.
13. *Coordinate programs*  
13. No provision.
14. *Review criteria*  
14. No provision.
15. *Consult with state and local government*  
15. Consult with state, local and private groups (sec. 7(a)).
- Annual report to Congress*  
President shall transmit to the Congress (sec. 2).
- Employment of officers*  
Council may employ (sec. 4).
- Appropriations*  
\$300,000 for first year.  
\$500,000 for second year.  
\$1 million annually thereafter (sec. 10).
- Biennial forum*  
No provision.
- Advisory committees*  
No provision.

## EXHIBIT 2

AGREED-UPON CHANGES IN S. 7 AND S. 1075  
TITLE II OF S. 7 AND THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE

The amendment in the nature of a substitute would make the following changes in Title II of S. 7 as reported by the Public Works Committee.

1. Section 202(b) would be stricken and new language inserted. This section had declared that is a national policy for the environment found in certain Acts previously considered by the Public Works Committee. The amendment in the nature of a substitute states that there is a policy and states this policy in general terms as being "the enhancement of the quality of our air, water and land environment."

2. Section 202(c) is rewritten to state that the purposes of this title are to assure that each Federal agency supporting public works activities which affect the environment implement existing policies and policies established by the President pursuant to this title.

3. Section 203 is stricken and its substance is incorporated into section 202(c).

4. Section 204 is changed to Section 203. This section establishes an Office of Environmental Quality.

Subsection (d) of section 203 which sets forth the duties of the Director of the Office has been substantially revised. The purpose of these revisions is to insure that the duties and functions performed by the Office and the Board of Advisers established by title III of S. 1075 are consistent and do not result in duplication, overlap or conflict.

Subsections 203(d) (3), (6), (7), and (11) have been deleted because these duties are more appropriately functions to be performed by the Board of Environmental Advisers established by S. 1075. Subsections 203(d) (1) and (2) have been rewritten to clarify the type of assistance, staff and support the Office would give the President and other councils or committees charged with environmental responsibilities. Subsections 203(d) (2) recognizes that Congress may soon establish a Board of Environmental Advisers as proposed in title III of S. 1075.

The new subsection 203(d) (8) was drawn from subsection 203(f) which would be stricken.

Subsections 203(d) (9) and (10) were taken from subsections 202(a) (2) and (3) of S. 1075. These functions of data collection and inventory systems are more appropriately duties of an Office than of a semi-independent Board of Environmental Advisers.

5. Subsection 204(f) and Section 205 of Title II of S. 7 are deleted and the authority to convene a biennial forum on environmental problems and to establish advisory committees is vested with the Board of Advisers established by Title III of S. 1075.

6. A new section 204 making the provisions of this Act supplementary to existing authorizations of Federal agencies is inserted. This language parallels language found in title I of S. 1075.

PROVISIONS SENATE CONFEREES WILL SUPPORT  
IN CONFERENCE ON S. 1075

The Senate Conferees will support in Conference Committee certain agreed-upon changes in S. 1075 which are designed to

avoid any inconsistency or duplication with provisions of Title I and with Title II of S. 7. The major agreed-upon changes are briefly described below.

1. The directive to the agencies set out in Section 102(b) is made subject to the review and approval of the Board of Environmental Advisers.

2. The requirement for a "finding" by the responsible official in Section 102(c) is changed to a requirement for a "detailed statement."

The directives to the responsible official which are set out as subsection 102(c) (1) through (iv) of S. 1075 are revised.

New language is added to Section 102(c) which will require the responsible official to consult with and obtain the views of other agencies having jurisdiction or special expertise with respect to the particular environmental impact involved in the proposed action. Language is also added requiring that copies of the responsible official's statement and the comments of other agencies be made available to the President, the Board and the public.

3. A new Section 103 is added to make explicitly clear that section 102 does not in any way affect the specific statutory obligations of Federal agencies to comply with environmental standards, to coordinate their activities, or to condition their actions upon any State or Federal certifications now required by law or which may be required by law. The language of this section is designed to insure that the provisions of law such as Section 16(c) of S. 7 not affected by the requirements of Section 102 of S. 1075. Sec-

tion 16(c) of S. 7 would have the effect of exempting the Corps of Engineers and the Atomic Energy Commission and some other agencies from the requirement for a detailed statement on the environmental impact of proposed actions involving any discharge into the navigable waters of the United States. Under the terms of Section 16(c) of S. 7 as now drafted, the State or other appropriate organization would be charged with certifying that any discharge is in compliance with water quality standards. This certification would be a condition precedent to obtaining any Federal license or permit required by law before any discharges into the navigable waters of the United States.

4. Title II of S. 1075 would be revised to make clear that the functions set out in subsections 201 (a), (b), and (c) are functions to be performed by the Board of Environmental Advisers.

5. The remaining functions set out in Section 201 would continue to be functions all Federal agencies are authorized to undertake under a new section 202.

6. Section 202 would be deleted and part of the authority would be transferred to the Office of Environmental Quality established by Title II of S. 7.

7. Portions of Section 203 would be deleted in recognition that under title II of S. 7 the Office of Environmental Quality would provide staff and support for the President's interdepartmental Council on the Environment.

8. Section 303 would be revised to explicitly provide that the annual environmental quality report would be referred in whole or part to any or all of the Committees of each House of the Congress having jurisdiction over the subject matter of the report.

9. New language would be added to Title III authorizing the Board of Environmental Advisers to establish advisory Committees and to organize and convene a biennial forum on environmental problems. This language was taken from Title II of S. 7.

Mr. CHURCH. Mr. President, today the decisions reached by the Senate on legislation pertaining to the quality of our environment, in my judgment, marks an important milestone in the life of every American. I want to especially commend the junior Senators from Washington and Maine, Mr. JACKSON and Mr. MUSKIE, for their leadership and great personal contribution in the efforts of Congress toward improving the quality of the life of all of our citizens. I believe that the amendments to title II of S. 7 and the proposed revision of S. 1075, now ready for conference, display the skill and creative leadership of these two Senators in resolving what is admittedly a very special problem of overlapping committee jurisdiction. But rather than seeking to delay and argue over jurisdiction, both Senators have commendably, and I might add, characteristically, reasoned and resolved any differences by the time-honored method of legislative compromise.

It is especially crucial that all levels of government move as quickly as possible toward wiser management of our environment. The public interest demands that we act wisely and with all deliberate speed. Time is growing short. It is no longer safe to substitute words in lieu of action to implement the needed remedies to this growing national problem. I think that the efforts today on the pending bill and the forthcoming consideration of S. 1075, will have the overwhelming support of the American people. I

believe our citizens are more aware than ever before that we of this generation are trustees of our Nation's resources and of our total environment. We must assume our duty to preserve and enhance our habitat as we prepare to pass it along to future generations. As a member of the Senate Interior Committee, I will be honored to serve as a conferee on S. 1075. In my judgment this far-reaching legislation is one of the most important conservation-environmental measures that has been considered by the Congress of the United States in many years. It marks an effort for the first time to impress and implant on the Federal agencies an awareness and concern for the total environmental impact of their actions and proposed programs. This awareness will be built into the agencies' planning processes at the lowest levels, where, as we all know, most decisions are formulated and even finalized. In the future it may be possible to avoid conflicts of one program objective with others through the mechanisms provided in this bill.

It is good and necessary legislation which should be written into law as quickly as possible.

Mr. BOGGS. Mr. President, I wish to associate myself with the remarks of the Senator from Maine (Mr. MUSKIE) in his discussion on the amended language of title II, the Environmental Quality Improvement Act of 1969. These changes, together with the changes to S. 1075, create a necessary resolution of a very real controversy. This is a controversy that goes beyond the jurisdictional interests of various committees in this vital field of environmental enhancement and extends to the very definition of the words "environment" and "pollution."

A policy of environmental quality cannot be segregated from a policy for pollution control, for they are inevitably linked. We would not today consider important issues of pollution if pollution did not damage our environment. We would not be considering environmental quality policy today if our environment were not endangered by pollution.

It is my position, and I believe the position of the membership of the Public Works Committee, that a national policy for the environment has been laid down in legislation already in existence. This policy dates to nearly the creation of the Public Works Committee in 1946.

A number of water pollution control bills have been reported by the Public Works Committee, and enacted into law. In 1948, the Congress passed the Water Pollution Control Act, Public Law 80-845. Four years later it adopted an extension of the Water Pollution Control Act, Public Law 82-579. In 1956, the Congress adopted the Federal Water Pollution Control Act, Public Law 84-660. Congress amended the Water Pollution Control Act in 1961 with Public Law 87-88. Each of these bills, as well as the water pollution legislation passed in 1965 and 1966, was reported to the Senate floor by the Public Works Committee.

The Public Works Committee's concern for the field of air pollution, and its impact on the environment, has been as

strong. In 1955, the Congress passed a bill to provide research and technical assistance relating to air pollution control, Public Law 84-159. This legislation was reported to the Senate floor by the Public Works Committee. In 1959, with the signing of Public Law 86-365, Congress extended the life of the air pollution legislation, and 2 years later adopted legislation that was to become Public Law 87-761. In 1963, at the urging of the Public Works Committee, the Congress adopted the Clean Air Act, Public Law 88-206, and since then has amended that law twice and in 1967 passed the Air Quality Act.

Another pervasive form of pollution is the solid wastes that clutter our cities and landscapes. The Public Works Committee pioneered in this field with the Solid Waste Disposal Act of 1965. The committee as recently as last week held 4 days of hearings in the consideration of a bill, S. 2005, to extend and augment the Solid Waste Disposal Act.

Clearly, a national policy already exists to create a quality environment in America. The new language of title II reiterates and reinforces this policy, and augments its implementation through the creation of an Office of Environmental Quality. This office will serve as an important adjunct to the President's Environmental Quality Council.

I do not wish to detain the Senate any longer in its deliberations. However, I would like to state my personal thanks to the committee chairman (Mr. RANDOLPH), the chairman of the subcommittee (Mr. MUSKIE), the Senator from Washington (Mr. JACKSON) and the other members of the Public Works and Interior Committees for their efforts toward achieving an America with a quality environment. I commend this amended language to my colleagues.

Mr. ALLOTT. Mr. President, I appreciate the remarks of both the distinguished junior Senator from Maine and the distinguished chairman of the Committee on Interior and Insular Affairs on this matter. I have not actually been a participant in any of the discussions that have gone on between the two Senators, but the chairman of the Committee on Interior and Insular Affairs, I believe, has kept me informed of the progress of these matters for some time.

Before commencing a short statement, I note that on page 36 of the report No. 91-351, the Air and Water Pollution Subcommittee of the Committee on Public Works held extensive hearings on title I of S. 7. These hearings included statements from various agencies of the Federal Government. The administration testified through the Department of the Interior, the Department of Transportation, and the Atomic Energy Commission. However, my review of the report fails to disclose any information concerning hearings on title II. Since title II creates a new office within the Executive Office of the President, I would be most interested in learning what the administration's reactions and comments were with respect to this title.

Therefore, I would direct this question to the distinguished chairman of the subcommittee, if he would direct me to

the appropriate reference in the report concerning the administration's views on title II of S. 7.

Mr. MUSKIE. May I say to the distinguished Senator that we did not have specific hearings on title II. May I point out that the 1-day hearing on S. 1075 was on a different version of S. 1075 than was reported. I do not recall that there were hearings on title I of S. 1075. I am not sure about title II, but I have now reviewed S. 1075 with that in mind.

S. 1075 in its present form was introduced in the Senate on May 29 of this year. The 1 day of hearing on April 16 was on a bill that was introduced in February. So both the provisions of title II of S. 7 and S. 1075 might be faulted in their provisions, in their floor version in that they were not subject to hearings.

But may I say that title II of S. 7 was extracted from S. 2391, which I introduced in July of this year with 42 Senate cosponsors. Title II is taken from that bill.

That bill was the product of some 6 or 7 years of hearings we held on such environmental matters as air quality and water quality and solid waste.

Title II was developed as representing subjects, problems, points of view that had been discussed in those hearings over that period. Those hearings included some 1,100 witnesses, some 16,000 pages of testimony, much of which is relevant to title II.

The accurate answer to the Senator's question is that there is no specific testimony in the hearings this year on title II. I repeat that the same point can be made with respect to many of the provisions of S. 1075.

Mr. ALLOTT. I cannot agree with the last statement. I would like to ask the Senator—

Mr. MUSKIE. May I suggest that there be included on this point the text of the bill (S. 1075), as it existed at the time of the hearing on April 16 this year?

Mr. ALLOTT. I have no objection to that.

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

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

#### S. 1075

A bill to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the purpose of this Act to promote and foster means and measures which will prevent or effectively reduce any adverse effects on the quality of the environment in the management and development of the Nation's natural resources, to produce an understanding of the Nation's natural resources and the environmental forces affecting them and responsible for their development and future well-being, and to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans, through a comprehensive and continuing program of study, review, and research.

#### TITLE I

SEC. 101. The Secretary of the Interior (hereinafter referred to as the "Secretary"), in order to carry out the purposes of this title, is authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(c) to develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

(d) to establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals;

(e) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps;

(f) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment.

(g) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(h) to encourage other public or private agencies planning development projects to consult with the Secretary on the impact of the proposed projects on the natural environment;

(i) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Secretary and which are under the jurisdiction of other Federal agencies; and

(j) to assist the Council on Environmental Quality established under title II of this Act.

SEC. 102. In carrying out the provisions of this title, the Secretary is authorized to make grants, including training grants, and enter into contracts or cooperative agreements with public or private agencies or organizations, or individuals, and to accept and use donations of funds, property, personal services, or facilities to carry out the purposes of this Act.

SEC. 103. The Secretary shall consult with and provide technical assistance to other Federal agencies, and he is authorized to obtain from such departments and agencies such information, data, reports, advice, and assistance as he deems necessary or appropriate and which can reasonably be furnished by such departments and agencies in carrying out the purposes of this Act. Any Federal agency furnishing advice or assistance hereunder may expend its own funds for such purposes, with or without reimbursement by the Secretary.

SEC. 104. The Secretary is authorized to participate in environmental research in surrounding oceans and in other countries in cooperation with appropriate departments or agencies of such countries or with coordinating international organizations if he determines that such activities will contribute to the objectives and purposes of this Act.

SEC. 105. Nothing in this Act is intended to give, or shall be construed as giving, the Secretary any authority over any of the authorized programs of any other department or agency of the Government, or as repealing, modifying, restricting, or amending existing authorities or responsibilities that any department or agency may have with respect

to the natural environment. The Secretary shall consult with the heads of such departments and agencies for the purpose of identifying and eliminating any unnecessary duplication of effort.

SEC. 106. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

#### TITLE II

SEC. 201. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of this Nation. The President shall designate the Chairman and Vice Chairman of the Council from such members.

SEC. 202. (a) The primary function of the Council shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Council shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice and assistance to the President on the formulation of national policies to foster and promote the improvement of environmental quality;

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Council shall periodically review and appraise new and existing programs and activities carried out directly by Federal agencies or through financial assistance and make recommendations thereon to the President.

(c) It shall be the duty and function of the Council and the Secretary of the Interior to assist and advise the President in the preparation of the biennial environment quality report required under section 203.

SEC. 203. The President shall transmit to the Congress annually beginning June 30, 1970, an environmental quality report which shall set forth (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

SEC. 204. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 205. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

Mr. ALLOTT. Of course, it was changed from the time it was introduced.

Mr. MUSKIE. And so was S. 7.

Mr. ALLOTT. But we had hearings on S. 1075.

Mr. MUSKIE. I would be glad to put in the RECORD an analysis of the points in the present bill, S. 1075, that were not covered in the hearings of April 16.

Mr. ALLOTT. Then, I understand the Senator's reply to be that there is nothing in the record from the administration commenting upon title II of S. 7.

Mr. MUSKIE. I thought I had already answered the Senator's question. There is no comment.

Mr. ALLOTT. I thank the Senator.

Mr. President, the last thing I would want to do would be to try, even if I could, to reflect on the work that any Senator has done in any given field or area; and the Senator from Maine is well known for his work in this area, particularly in the field of water and air pollution, and he has been acting in this field for many years now.

I think I should make it clear that while the distinguished Senator from Maine, chairman of the subcommittee, and the chairman of the Committee on Interior and Insular Affairs do have a clear understanding about how they want to handle the matter, I personally am not a party to that agreement. I think the Senator will agree with that.

Mr. MUSKIE. I was not aware of that fact, but I accept the Senator's statement. The Senator has participated in the discussions, and I just assumed he was a party to it, but if he wishes to disassociate himself from it, I have no objection, and it will make no difference in my attitude.

Mr. ALLOTT. I shall disassociate myself from it in a moment. The only discussion I have ever participated in with the Senator from Maine was for about 10 minutes in the Democratic cloak-room yesterday afternoon. I think he will agree to that.

Mr. MUSKIE. I was present for that time. It was my impression that the Senator from Colorado was present for longer than that time. But I am interested in the fact that we have undertaken to achieve an agreement and now I understand the Senator does not support it.

Mr. ALLOTT. Mr. President, I just want to make my position clear. The Senator from Washington, our chairman, has always known that I had some reservations about this particular matter.

Mr. MUSKIE. Will the Senator yield for a question?

Mr. ALLOTT. I yield.

Mr. MUSKIE. It is a very important question. It relates to what the Senator has just said. As I say, I am not trying to impose a position on the Senator. That is not my responsibility; it is his. But an important part of this compromise was the assurance I had from the distinguished Senator from Washington, the Senate conferees on S. 1075, who will include the Senator from Washington and the Senator from Colorado, will do their best to see that the compromise provisions of S. 1075 are accepted by the conference. I take it, from what the Senator from Colorado is saying, that this may not be correct with respect to

him. If it is not, then I hope he will make it clear, because that might change my view of this compromise.

Mr. ALLOTT. If the Senator will permit me to continue, I will make my position clear.

I have stated before, and I should not have to state this again, that the chairman of the Committee on Interior and Insular Affairs has kept me faithfully informed of all of the discussions that have gone on about this matter, so I cannot say that I am uninformed in any respect about the discussions, and I do not pretend to be, nor am I trying to insinuate in any sense that the Senator from Colorado was not made fully aware of the discussions that have led to this point.

I do not know why this should be necessary, but I will say that whatever the Senate does here today with respect to the appointment of conferees, the Senator from Colorado will fulfill his obligation to the Senate just as much as the Senator from Maine or any other Senator would. I want to make that very clear. I do not think any Senator will accuse the Senator from Colorado of ever having done less.

The thing that I wish to discuss—and I am sorry that we got the discussion off on this basis—is the situation in which we find ourselves here today.

Both houses of Congress have passed S. 1075, which is intended to halt the rapid degradation of our environment; and believe me, there is no one on this floor, and no one in the United States, for that matter, who has an exclusive concern with our environment. Today we are considering S. 7, a bill which, according to its title, is also intended to halt this degradation of the environment.

I should like to take just a moment to explore the consequences of the impending vote, as I see them.

The adoption of title II of S. 7, together with the enactment of S. 1075, in my opinion, will create an administrative two-headed monster. It is two-headed because of the duplication of functions of both the proposed new high level environmental organizations, and a monster because of the problems which that duplicity will create.

The President created a Council on Environmental Quality earlier this year. The Senate's version of S. 1075 adds an Environmental Quality Board of three persons, and title II of the pending bill, S. 7, creates an Office of Environmental Quality within the Executive Office of the President.

As I look at it, Mr. President—and I have analyzed these bills very carefully, and have had my staff working on them for a long time—these organizations are both new and separate creations within the Executive Office of the President. Both organizations are high level creations in the President's Office and let me explain what I mean when I say high level.

The three board members created by S. 1075, are all subject to Senate confirmation, and the chairman is to be remunerated at level 2 of the executive pay schedule. The Director of the Office of Environmental Quality is also subject

to Senate confirmation, and his salary may be set at the same level as that of the Director of the Bureau of the Budget, which means that these two officers are at a very high level of governmental employment.

Both organizations have as their main goal and purpose to advise and assist the President on problems of environment.

Both organizations are to prepare reports and make recommendations to the President on the problems of environment.

Both organizations are authorized to employ experts and consultants.

Both organizations will deal with the same subject matter, that is, the environment, and both will be reviewing Federal and other public programs which affect the environment.

Mr. President, I think there is a little too much of a tendency, probably not in the committees involved here, but on the part of the public, to regard environment as involving only air pollution and water pollution. That is probably because these two problems have become so prevalent, and therefore are on the minds of the people of this country today perhaps more than some of the other environmental problems which may come to the fore in the future.

In our studies of this matter, I believe we determined that there are some 20 or 21 agencies of the Government which are directly involved with problems which affect the environment. For example, it is impossible to think about future environments without thinking about the Department of Housing and Urban Development of our Government. It is impossible to think of them without thinking of HEW, because the environment does not involve only water and air; as suggested by the distinguished Senator from Maine, it involves noise—and we are all becoming acutely conscious of this factor. More and more as time goes on—environmental questions will also involve land distribution, land planning for the future, what kind of future cities we will plan, and what we will do about the ghettos—for the ghettos are a part of the environmental picture, and, as a responsibility of HUD, are also a part of this question.

We could go on endlessly, bringing in the various departments and agencies of Government which, sooner or later if not now, will be actively engaged in problems and fields which do involve the environment.

To sum up, I simply wish to repeat that the environmental situation is not one which is confined merely to air, water, and noise. The degradation of our environment can occur in all these ways. It can even occur from the improper farming methods of those who erode and waste our soil. So the Department of Agriculture could be a part of this movement. It also plays a part in preserving the environment through its supervision of our forest lands. As I have said, I could continue almost endlessly to discuss the environmental problems which the great pressure of population in this country has brought on us and will continue to bring on us. I am, therefore, no less concerned than the Senator from

Maine and have given the population and food problems considerable study as they affect the future environment of our country.

Although I have never spent much time in the State of the Senator from Maine, I am aware that it is a great and beautiful State. I am certainly aware of the beauty of my own State and of the State of Washington and of other States. I think that some of us who are fortunate enough to come from such beautiful places are aware of the threats from environmental impairment—and I use the words "environmental impairment" in the whole context of which I am speaking. I am aware of the threats that come from environmental degradation. We who are fortunate enough to live in places that are relatively free from such degradation appreciate what the dangers to our environment are probably as much as those who are now directly afflicted with, for example, acute water pollution, acute air pollution, or acute noise pollution.

So it seems to me that with respect to the matter that we are discussing today, instead of the application of Parkinson's law and the natural propensities of bureaucracy to create agencies and to advise and assist the President, when the President has not been asked to comment on the provisions of title II of S. 7 we have placed the President in the position of being an arbitrator between the two agencies. In addition, the President has already created the Environmental Quality Council, which he considers to be of such great importance that he retains the chairmanship of it himself.

I wish to say one concluding word on this subject. Since the understanding has been reached between the distinguished chairmen of the two committees, the chairman of the Committee on Interior and Insular Affairs and the chairman of the subcommittee, I have not indicated to any Senator how he should vote on this question; but I feel so strongly that our population pressures and the changes in our country in the next few years will create environmental problems, some of which we are not even aware of now, and some of which we can only surmise in our minds, that we should create a clean-cut type of organization to handle it.

The President's council now exists; and now, title II of S. 7 will authorize the Office of Environmental Quality; and S. 1075, will create the Board of Environmental Quality Advisers. I am afraid we are creating something that is administratively unsound. Therefore, I shall be compelled to vote against the motion, which I believe is the parliamentary situation, to agree to the amended version of title II. I should think, as I look at the situation, that I would be fulfilling less than my duty as a Senator, having analyzed and studied the proposal in the manner that I have, if I did not cast my vote against it.

I am sure that the motion to adopt the amendment will be agreed to overwhelmingly. Nevertheless, I shall support the bill even if the amendment is included, because I feel that the subject of

title I is of such importance to the Nation that Congress must deal with it quickly and effectively. Whatever other Senators may do is for them to decide, and I have made no effort to proselytize other Senators. But I feel strongly that we are going to have to face up to the problem and provide administrative structure that is really workable. I should much prefer, for my own part, however, to have a single office created in the executive branch—as the focal point—to deal with the problem.

I yield the floor.

Mr. MUSKIE. Mr. President, a great deal of labor has gone into developing a resolution of the relationship between S. 1075 and S. 7. I have no desire to indulge in provocative or argumentative statements and upset that settlement. Nevertheless, I think, in the light of the comments made by the Senator from Colorado, that in order to assure as complete a record as I can make, I should make some points.

First, with respect to title II of S. 7, in common with all of S. 2391, of which it was part: it is the product, in a real, evolutionary sense of some 7 years of hearings held by the Subcommittee on Air and Water Pollution, involving some 16,000 pages of testimony and 1,100 witnesses.

Second, title II is extracted almost bodily, as it was reported to the Senate, from S. 2391, which was cosponsored by 42 Senators. The bill was introduced on June 12, 1969, and all the executive agencies were solicited for comments. We have received none as of this point.

The next point I should like to make is that with respect to the Board of Environmental Quality Advisers, provided by S. 1075, on which a 1-day hearing was held on April 16, Secretary of the Interior Hickel said this:

It is our belief that the proposed new Environmental Quality Council makes unnecessary the kind of council proposed in S. 1075.

The Secretary further said:

It is our recommendation that legislation such as that contained in Title I of S. 1075 not be enacted until the new council has had a full opportunity to address itself to this need.

I may say this in addition: I have been involved in environmental pollution-control legislation for many years. We have always listened responsively and constructively to recommendations of the executive branch under President Kennedy, under President Johnson, and under President Nixon. We have undertaken to support such recommendations as stood up after hearings. But we have never been reluctant, and we are not reluctant now, to initiate legislative proposals ourselves. We regard this as a part of the prerogatives of the legislative body.

Every piece of legislation in the air and water quality field that we have reported to the Senate has the unmistakable mark of the Committee on Public Works and the Subcommittee on Air and Water Pollution, standing independently of presidential recommendations. This was true of the Clean Waters Restoration Act of 1966. It was true of the Air Quality Act of 1967. It was true of the automobile exhaust legislation in 1965,

which the administration opposed totally when we held our hearings. But we formed our own judgment, reported it to the Senate, and the Senate approved.

I think that record of approval suggests the confidence in which the Senate came to hold our recommendations.

S. 7 is a similar piece of legislation. We have responded to executive testimony whenever it was available, but we did not hesitate to incorporate in legislation ideas that our judgment indicated were sound, and everything in S. 7 bears that stamp.

I am not holding against S. 1075 Secretary Hickel's adverse comment on the Board of Environmental Quality Advisers. Whatever reservation I may have had about the process under which S. 1075 was considered, I took it to be the considered judgment of Senator JACKSON and his committee that they thought this to be a sound proposal.

So when we got down to the task of meshing these two bills, I did not reprove them and have not reprovved them on the Senate floor because they did not do what Secretary Hickel asked them to do, and I do not reprove them now. He opposed it. They disagreed with him and reported it to the Senate.

What I have undertaken to do, with Senator JACKSON, is to marry the two into a viable organizational structure. I think we have done that, and I have no apologies for the result.

The Senator from Colorado is privileged to vote as he pleases on this matter, and I do not consider him bound to any other vote than that dictated by his own convictions; but I thought that these additions to the record were essential if the record is to have some semblance of balance on these points.

I am ready to vote.

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

Mr. MUSKIE. I yield.

Mr. RANDOLPH. Mr. President, this discussion permits me the privilege of indicating that I believe that the Members of the Senate—yes, of the House of Representatives, as well—have often failed in their responsibility to write legislation on Capitol Hill rather than just to pass measures which have been forwarded from the agencies of the executive branch of the Government.

I think we have failed oftentimes in our responsibilities to do what we should do—that is, to write legislation as well as to pass it.

In broad concept, any administration has the responsibility to forward to Congress the outlines and the policies of the administration, and the proposed legislation is then referred to the respective committees.

I call attention to our failure to act effectively and responsibly in such situations as that referred to by Senator MUSKIE—when we determine, on the basis of testimony and considered study and judgment, that committee action must depart from the legislative recommendations of the executive branch.

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

Mr. RANDOLPH. I yield.

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on the amendment. The yeas and nays were ordered.

Mr. RANDOLPH. I return to my basic belief that if the Committee on Public Works, or the Committee on the Interior, or any other committee, is in disagreement with the administration, then we in good conscience have the responsibility to work our will as elected Members of Congress. There can be comity between the legislative and executive branches of our Federal Government. However, there must not be capitulation.

Mr. President, with respect to the specific matter of the agreed upon language modifying S. 1075 and title II of S. 7, I ask unanimous consent to include in the RECORD at this point a telegram I recently received from the major conservation organization.

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

Senator JENNINGS RANDOLPH,  
Senate Committee on Public Works,  
Washington, D.C.

The undersigned commend you for your continuing leadership in the field of environmental quality that brings us close to an early major policy and legislative enactment. We trust there will be full discussion on the floor of the Senate in conjunction with S. 1075 to the end that the strongest and best measure will be agreed to and reported promptly by the Senate-House conference committee. This is a unique opportunity for the country to take a major step forward in protection of environmental values.

Joseph W. Penfold, Izaak Walton League of America; Dr. Ira Gabrielson, Wildlife Management Institute; Stewart M. Brandborg, Wilderness Society; Thomas L. Kimball, National Wildlife Federation; William E. Towell, American Forestry Association; Dr. Elvis Stahr, National Audubon Society; Dr. Spencer Smith, Citizens Committee on Natural Resources; and Lloyd Tupling, Sierra Club.

Mr. RANDOLPH. Mr. President, the proposed modifications of S. 1075 and the committee substitute language for title II of S. 7 are the product of many hours of conferences between the staffs as well as the members of the Committee on Public Works and the Committee on Interior and Insular Affairs. These conferences resulted in, I believe, a strengthened version of S. 1075 and a further clarification of title II of S. 7.

Taken together these two measures represent a major step forward in coordination and strengthening of our efforts to improve the quality of the environment. Taken together these two measures represent the accord between the two principal committees in the Senate dealing with environmental problems. The conferences and the language agreed on have resolved difficult problems from differing viewpoints on the substance of this legislation and from the jurisdictional ambiguities inherent in a field as broad as the environment.

Members and the staff of the two committees are to be commended for reaching a constructive resolution of these problems. Especially to be commended

are the able chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON), and the knowledgeable chairman of the Subcommittee on Air and Water Pollution (Mr. MUSKIE), for their reasonable and cooperative approach toward a difficult and complex situation.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The question is on agreeing to the amendment of the Senator from Maine.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from South Dakota (Mr. MCGOVERN), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Michigan (Mr. GRIFFIN) and the Senators from Illinois (Mr. PERCY and Mr. SMITH) are detained on official business.

If present and voting, the Senator from Michigan (Mr. GRIFFIN), the Senators from Illinois (Mr. PERCY and Mr. SMITH) and the Senator from Ohio (Mr. SAXBE) would each vote "yea."

The result was announced—yeas 77, nays 6, as follows:

[No. 115 Leg.]  
YEAS—77

Alken	Ervin	Muskie
Allen	Fannin	Nelson
Anderson	Fong	Packwood
Baker	Goldwater	Pastore
Bayh	Goodell	Pearson
Bellmon	Gore	Pell
Bennett	Gurney	Prouty
Bible	Hart	Proxmire
Boggs	Hatfield	Randolph
Brooke	Holland	Ribicoff
Burdick	Hollings	Schweiker
Byrd, Va.	Hughes	Scott
Byrd, W. Va.	Jackson	Smith, Maine
Cannon	Javits	Sparkman
Case	Jordan, N.C.	Spong
Church	Kennedy	Stennis
Cook	Long	Stevens
Cooper	Mansfield	Symington
Cotton	Mathias	Talmadge
Cranston	McClellan	Thurmond
Dodd	McGee	Tydings
Dole	Metcalf	Williams, Del.
Dominko	Miller	Yarborough
Eagleton	Mondale	Young, N. Dak.
Eastland	Mundt	Young, Ohio
Ellender	Murphy	

NAYS—6

Allott	Hansen	Jordan, Idaho
Curtis	Hruska	Tower

NOT VOTING—17

Fulbright	Magnuson	Percy
Gravel	McCarthy	Russell
Griffin	McGovern	Saxbe
Harris	McIntyre	Smith, Ill.
Hartke	Montoya	Williams, N.J.
Inouye	Moss	

So Mr. MUSKIE's amendment to the substitute committee amendment was agreed to.

Mr. MUSKIE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I commend the distinguished Senator from Maine for the fine work that he and his Subcommittee on Air and Water Pollution have done in reporting this bill. I was in communication with him while the bill was still in committee and voiced some reservations about certain provisions that were contained in an earlier version of the bill. As revised and reported, I believe the sections of the bill of particular interest and concern to me—dealing with water pollution control by Federal agencies—have been substantially improved. They are not 100 percent what I would like them to be, but they are sufficiently close to the mark to permit me to support their passage.

Among the bill's new requirements is one that any applicant for a Federal license or permit to conduct any activity which may result in any discharge into the navigable waters of the United States must provide to the Federal licensing agency involved certification from the State in which the discharge will originate that there is reasonable assurance the activity will comply with applicable water quality standards. Without the required certification such Federal agency cannot issue the license or permit.

Moreover, if the certification is obtained and the license or permit is issued, it must contain any conditions which the Secretary of the Interior finds necessary to insure compliance with the water quality standards of any downstream States which might be adversely affected by discharges from the licensed facility.

The Atomic Energy Commission and the Corps of Engineers are prime examples of the Federal agencies affected by this legislation. In the case of the AEC, while the legislation does not impinge upon or in any way interfere with the AEC's comprehensive regulatory controls over the radiological effects of source, byproduct, and special nuclear material, except as certain of these authorities may be transferred to qualified States, it does have the effect of assuring that, in addition to the AEC's exhaustive radiological health and safety review, the design of nuclear powerplants will be reviewed by appropriate State and Federal authorities from the standpoint of their thermal effects upon adjoining waters.

Nuclear plants are, of course, already subject to water quality standards adopted by the States and approved by

the Secretary of the Interior pursuant to the Water Quality Act of 1965. Now, however, we will have the added protection of a prelicensing review to assure that the plants have been designed in such a way as to assure compliance with applicable water quality standards.

At least as to those activities subject to Federal approvals, this will add an important ounce of preventive medicine to the curative measures already available. My chief regret is that not all non-nuclear powerplants will be subject to these new controls. As I understand the bill, only coal, oil, and gas-fired powerplants that occasionally require a Federal license or permit will be covered by the bill. Unfortunately, even this limited coverage was opposed by representatives of the coal industry during the subcommittee's hearings on the legislation.

Another principal regret relates to proposed new section 16(a) of the Federal Water Pollution Control Act. As a member of the Appropriations Committee, I find this section somewhat disturbing. It would require that each Federal agency take whatever measures were needed to insure that property and activities under its jurisdiction shall comply with applicable water quality standards and the purposes of the act. The subsection would also authorize appropriations of "such sums as may be necessary to carry out the provisions of this section."

I notice that S. 7, as reported by the committee, is silent with relation to an exception being made in connection with Federal agencies in the case where the interests of the United States might be involved either as to national defense or other important national activities, whereas the House passed bill, H.R. 4148, explicitly makes such an exception.

I prefer the House version for reasons that are obviously understandable in the national interest.

I do not propose an amendment at this time to insert such an exception in S. 7 but would strongly suggest and recommend to the conferees that this matter be exhaustively discussed in conference and that the House version be given all possible weight in the national interest.

On this point, I should like to ask my distinguished colleague what his off-the-cuff reaction is to the statement I have just made with regard to the national interest, in making an exception in cases of that kind.

Let us assume, for example, that we are in a state of war. I am wondering how much the Government will be obligated to comply with some of these provisions if the national interest is paramount to the prevailing subject or issue at hand. Take the Hanford production reactor, for example, which produces material for the national defense.

Mr. MUSKIE. Is the Senator addressing himself to the impact of section 16?

Mr. PASTORE. Yes, Section 16(a), and in large measure section 16(b) as well.

I do not want to press the Senator too much, but the House committee went into this matter to quite some extent. It is going to be in conference, and I hope the Senator, as usual, will lend a very attentive ear to the arguments made in that regard.

Mr. MUSKIE. I will do so.

In other portions of the bill, dealing with other questions, we have recognized the point the Senator has raised.

For example, in the application of the vessel pollution requirements as to ships of war, we have recognized this point and have made provision for it; and I assure the Senator that we will look into this point as well.

Mr. PASTORE. Under the pending bill considerable autonomy is given to the States in regard to operation of Federal facilities. In effect activities being carried on for Federal purposes will be subject to water quality standards adopted by the States in which they are located. The grassroots public opinion, more or less, is given a say in the matter of thermal effects, and I think that is proper, because, after all, they are the people who have to bear the brunt. And, insofar as thermal effects are concerned, I believe the States are fully and well qualified to set such standards.

But sometimes a State could be obstinate in the case of an emergency, and there ought to be an overriding consideration in the case of an emergency. I am not saying a willy-nilly situation; but in one in which the national interest is involved, I think we ought to make some provision. The House has done it, and the Senator from Maine has not said one way or the other whether we should or should not, but I would hope that he would consider that very seriously in conference.

Mr. MUSKIE. I assure the Senator of my interest, and we will do that.

Mr. BROOKE. Mr. President, over the last several months the coastline and estuaries of Massachusetts has been ravaged by one oil spill after another. From January through mid-July, the shoreline of the Bay State has been hit on six different occasions by oil slicks that have killed fish and birdlife, closed beaches and caused property damage to docks and pleasure craft. Three weeks ago, a seventh spill dumped more than 134,000 gallons of home heating oil onto the waters and shoreline of eastern Buzzards Bay. From this disaster, the Smithsonian's Center for Shortlived Phenomenon has documented the destruction of more than 25 different varieties of the areas of marine life. This oil spill has denuded one of Cape Cod's finest striped bass fishing grounds. Not even the Cape Cod National Seashore, a national landmark and tourist attraction offering some of this Nation's most beautiful beaches has been immune to the desecration of negligent and thoughtless tanker captains, who use the first opportunity of open water to eliminate residue oil from their ballast tanks and bilges. This oil covers the beach like asphalt, leaving it unusable by anyone.

In the final analysis, I doubt that we can ever eliminate the threat of oil pollution entirely. The opportunity for accident is simply too great. Of the ships involved in trade along the Atlantic coast, one vessel in every five carries oil as its principal cargo. As long as tankers and barges ply our coastal and inland waterways there will be navigational errors, faulty towlines, and untrained captains. New England, because she has no pipeline for the transportation of her

oil products from the refineries located to the south, must rely on ships and barges to supply a large percentage of these petroleum products.

It might even be said that the threat of oil pollution is a byproduct of our own advancing industrial development. Nowhere is the demand for oil of every grade and variety greater than in the industrial areas which depend on our great port cities such as Boston, New York, Baltimore, Norfolk, Charleston, and many others. The ever-expanding demand for oil in these areas has increased the chance of accident and the possibility of disastrous oil spillage. The cost of cleaning up one barrel of the type of oil used to run a power turbine might run as high as \$75. Most coastal tankers carry hundreds of thousands of barrels of oil. If we are to protect our environment against this undesirable side effect of industrial development, we must have strong oil pollution control provisions to handle the cleanup of this menace.

We surely cannot forbid the use of tankers and barges in the transportation of oil. However, we can regulate oil transportation in such a way as to make the constant threat of oil pollution a more manageable one. The provisions in S. 7 which provide for liability on vessels and onshore and offshore facilities to be based on a test of negligence with the burden of proof on the owner is a badly needed provision. By utilizing a concept of absolute liability, the possibility of damage and loss that would result from an oil spill is now as great a risk to the vessel owner as to the public.

With the enactment of title I of this bill, the Federal Government will have significant new authorization to step in and clean up oil spills after they have occurred. However, the Federal Government should simultaneously be considering other programs stressing prevention as much as S. 7 stresses cure. It is accepted that ships are equipped to move with adequate accuracy and general safety across the remote reaches of the high seas. The immediate concern is with the heavily traveled areas nearshore such as bays, channels and harbors of the Nation's convoluted coastline. There should be a drastic updating of effective standards and certification systems that govern licensing of officers and rating of crewmembers to assure that those responsible for the operating of vessels are properly trained for their work. Such standards and certification should be expanded to require special training for all personnel responsible for handling of oil and other hazardous materials, including the off-landing of vessels. Particular attention should be given to uniform standards, training, and certification of personnel on towboats not presently subject by law to Coast Guard licensing. It is presently possible to tow an oil barge through the narrow and sinuous Cape Cod Canal—an Army Corps of Engineers facility—without ever having been through before, even in daylight. A rigid system of certification should be a minimum for the use of any Government-owned or operated facility such as the Cape Cod Canal.

The use of sea lanes for traffic routing is a major step toward reducing the risks of collisions in congested areas. Such lanes are already in use around most of our major ports. Particular efforts should be made to extend traffic patterns to all ports receiving appreciable amounts of oil.

Furthermore, substantial research is needed to determine the feasibility of some form of shorebased-guidance system to promote safe movement of shipping. Such a "sea traffic control system" could be similar to our present air traffic control system which is operated by the Federal Aviation Administration. This system could reserve special lanes for use by ships or barges transporting hazardous substances such as oil.

Work is already underway on some of the provisions I have mentioned. For instance, the House is today holding hearings on the licensing of towboat captains. The fight against oil pollution will not and should not stop with the passage of S. 7. All aspects of this problem must be given the closest scrutiny.

S. 7 is a vital step in the direction of reducing the threat of oil pollution. It effectively underscores that responsibility for clean water does not reside solely with the Federal Water Pollution Control Administration, but rather it belongs with every agency of the Federal Government. Mr. President, I am pleased to support S. 7.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, informed the Senate that pursuant to the provisions of section 2(a), Public Law 89-801, the Speaker appoints as a member of the National Commission on Reform of Federal Criminal Laws, Mr. MRYVA of Illinois, to fill the existing vacancy thereon.

The message announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. ADAIR, and Mr. MAILLIARD, were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the bill (S. 267) for the relief of Lt. Col. Samuel J. Cole, U.S. Army, retired, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 1471. An act to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes;

S. 1857. An act to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81-507, as amended; and

S. 2564. An act to amend the Act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land

therein, in order to authorize an additional amount for the acquisition of certain lands for such park.

The message also announced that the House had passed the following bills in which it requested the concurrence of the Senate.

H.R. 1703. An act for the relief of the Clayton County Journal and Wilber Harris;

H.R. 1783. An act to incorporate the Paralyzed Veterans of America;

H.R. 2477. An act for the relief of Comdr. John N. Green, U.S. Navy;

H.R. 4560. An act for the relief of Sa Cha Bae;

H.R. 5106. An act for the relief of Rogello Tabhan;

H.R. 6402. An act for the relief of Sanborn Lumber Co., Inc.;

H.R. 6600. An act for the relief of Panagiotis, Georgia, and Constantina Malliaras;

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes;

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas;

H.R. 10156. An act for the relief of Lidia Mendola;

H.R. 11968. An act for the relief of Maj. Louis A. Deering, U.S. Army;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife; and

H.R. 13218. An act for the relief of Mr. and Mrs. Joseph E. Begnoche.

#### ENROLLED BILLS SIGNED

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

S. 265. An act for the relief of John (Giovanni) Denaro;

S. 330. An act for the relief of Dr. Konstantinos Nicholas Baballaros;

S. 620. An act for the relief of Richard Vigil;

S. 1110. An act for the relief of Nickolas George Polizos; and

H.R. 9825. An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

#### HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes; to the Committee on Agriculture and Forestry.

H.R. 1703. An act for the relief of the Clayton County Journal and Wilber Harris;

H.R. 1783. An act to incorporate the Paralyzed Veterans of America;

H.R. 2477. An act for the relief of Comdr. John N. Green, U.S. Navy;

H.R. 4560. An act for the relief of Sa Cha Bae;

H.R. 5106. An act for the relief of Rogello Tabhan;

H.R. 6402. An act for the relief of Sanborn Lumber Co., Inc.

H.R. 6600. An act for the relief of Panagiotis, Georgia, and Constantina Malliaras;

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas;

H.R. 10156. An act for the relief of Lidia Mendola;

H.R. 11968. An act for the relief of Maj. Louis A. Deering, U.S. Army;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife; and

H.R. 13218. An act for the relief of Mr. and Mrs. Joseph E. Begnoche; to the Committee on the Judiciary.

#### TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that some time toward the shank of the afternoon, there be a time set aside for the transaction of morning business, with speeches limited to the usual 3 minutes.

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

#### CONVENTION BETWEEN THE UNITED STATES AND THE KINGDOM OF BELGIUM, RELATING TO CONSULAR RELATIONS—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive F, 91st Congress, first session, the consular convention with the Kingdom of Belgium, signed at Washington on September 2, 1969, and two exchanges of notes related thereto, transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

EXECUTIVE F, 91-1

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the consular convention between the United States of America and the Kingdom of Belgium, signed at Washington on September 2, 1969, and two exchanges of notes related thereto.

The convention deals with the conduct of consular relations between the two countries and the functions, privileges, and immunities of their respective consular officers. Upon entry into force it will replace the consular convention of March 9, 1880 between the United States and Belgium. Like other recent consular conventions of the United States, the new convention with Belgium covers such important matters as the obligations of the two countries to assure free communication between a citizen and his consul, to inform consular officers of the arrest or detention of their countrymen, and to permit visits by consuls to any of their countrymen who are in prison. It covers consular functions and responsibilities in such fields as the issuance of visas and passports, and the performance of notarial services. It provides for the inviolability of consular communications, documents, and archives, and the obligations of the host country to protect consular premises against intrusion or damage.

I recommend that the Senate give early and favorable consideration to the convention and related exchanges of notes and give its advice and consent to the ratification thereof.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention and exchanges of notes.

RICHARD NIXON.

THE WHITE HOUSE, October 8, 1969.

#### ORDER IN THE SENATE

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order. Will the Chair direct the Sergeant at Arms that all attachés either take seats or leave the Chamber?

The PRESIDING OFFICER. The Sergeant at Arms is directed to make sure that attachés leave the Chamber or take seats.

Mr. YOUNG of Ohio. Mr. President, a point of order. That rule will be in effect throughout the remainder of today, will it not?

The PRESIDING OFFICER. The Senator from Ohio is correct.

Mr. YOUNG of Ohio. I thank the Chair.

#### ESTABLISHMENT OF A BOARD OF ENVIRONMENTAL QUALITY ADVISERS

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1075.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers, which was to strike out all after the enacting clause and insert:

That the Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, both living and nonliving, and the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

Sec. 2. The President shall transmit to the Congress annually beginning June 30, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environ-

ment; (2) current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Sec. 3. There is created in the Executive Office of the President a Council on Environmental Quality (hereafter referred to as the "Council"). The Council shall be composed of five members who shall be appointed by the President, one of whom the President shall designate as chairman, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise programs and activities of the Government in the light of the policy set forth in subsection (a) of this section, and to formulate and recommend national policy to promote the improvement of our environmental quality.

Sec. 4. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

Sec. 5. It shall be the duty and function of the Council—

(a) to assist and advise the President in the preparation of the Environmental Quality Report;

(b) to gather timely and authoritative information concerning the conditions and trends in environmental qualities both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subsection (a) of this section, and to compile and submit to the President studies relating to such conditions and trends;

(c) to appraise the various programs and activities of the Federal Government in the light of the policy set forth in subsection (a) of this section for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(d) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet social, economic, and other requirements of the Nation; and

(e) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

Sec. 6. The Council shall make an annual report to the President in May of each year.

Sec. 7. In exercising its powers, functions, and duties under this section—

(a) the Council shall consult with such representatives of science, industry, agriculture, labor, conservation, organizations, State and local governments, and other groups, as it deems advisable; and

(b) the Council, shall, to the fullest extent possible, utilize the services, facilities,

and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided.

Sec. 8. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(20) Chairman, Council on Environmental Quality."

(b) Section 5315 of title 5, United States Code, is amended by adding, at the end thereof, the following:

"(92) Members, Council on Environmental Quality."

Sec. 9. Nothing in this Act shall increase, decrease, or change any responsibility or authority of any Federal official or agency created by other provision of law.

Sec. 10. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$500,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

And, amend the title so as to read: "An act to provide for the establishment of a Council on Environmental Quality, and for other purposes."

Mr. JACKSON. Mr. President, on July 10, 1969, the Senate passed S. 1075, the Environmental Policy Act of 1969. On September 23 the House of Representatives passed H.R. 12549, "a bill to provide for the establishment of a Council on Environmental Quality, and for other purposes," by a vote of 372 to 15. Following adoption of H.R. 12549, a motion was offered to strike all after the enacting clause of S. 1075, and to substitute therefor the text of the House passed bill, H.R. 12549.

The motion was agreed to, the House insisted on its amendments to the Senate bill—S. 1075—and requested a conference on the disagreeing votes of the two Houses.

Mr. President, upon the conclusion of my remarks on the history and content of the House and Senate passed bills, and the important differences in the two measures, I intend to call up S. 1075, and move that the Senate disagree to the amendments of the House, agree to the conference requested by the House, and appoint the conferees for the Senate.

Mr. President, over the past decade there have been some very remarkable changes in public attitudes toward the manner in which the Nation's natural resources are administered. In the past, the public was concerned about policies designated by the terms "conservation," "preservation," and "multiple use." Today, a new set of words and concepts have come into wide public use in discussing the Nation's irreplaceable natural resource base. These words and concepts include "ecology," "environment," and the "inter-relatedness" of all aspects of the physical environment.

These changes in public attitudes and the growing public awareness and concern over man's limited natural resource base were perhaps best articulated during the decade of the sixties by former Secretary of the Interior Stewart Udall. Secretary Udall made the inadequacy of the Nation's knowledge, policies, priorities and institutions for the administration of the public's resources and man's total environment an important public issue.

The inadequacy of present knowledge, policies, and institutions is reflected in our Nation's history, in our national attitudes, and in our contemporary life. It touches every aspect of man's existence. It threatens, it degrades, and destroys the quality life which all men seek.

We see increasing evidence of this inadequacy all around us: haphazard urban and suburban growth; crowding, congestion, and conditions within our central cities which result in civil unrest and detract from man's social and psychological well-being; the loss of valuable open spaces; inconsistent and, often, incoherent rural and urban land-use policies; critical air and water pollution problems; diminishing recreational opportunity; continuing soil erosion; the degradation of unique ecosystems; needless deforestation; the decline and extinction of fish and wildlife species; faltering and poorly designed transportation systems; poor architectural design and ugliness in public and private structures; rising levels of noise; the continued proliferation of pesticides and chemicals without adequate consideration of the consequences; radiation hazards; thermal pollution; an increasingly ugly landscape cluttered with billboards, powerlines, and junkyards; growing scarcity of essential resources; and many, many other environmental quality problems.

#### LEGISLATIVE HISTORY

##### S. 1075

The need for a comprehensive national policy on resource, conservation, and environmental administration has long been a matter of active concern to the Senate Interior and Insular Affairs Committee. This history of active concern is set out in the legislative history section of the committee's report on S. 1075.

Senate passage of S. 1075 in July of this year culminated 10 years of active consideration of legislation on conservation, resource, and environmental policy and the need for new governmental institutions in this important area of Federal responsibility.

During the 86th Congress 4 days of hearings were held on Senator Murray's bill, S. 2549, the Resources and Conservation Act which was introduced in 1959. The concept that there is a need for a high-level Council of Conservation, Resource, or Environmental Advisers first found legislative expression in this measure. This measure also represented the first expression of need for a unified and comprehensive statement of conservation, resource, and environmental policy.

During the 87th Congress hearings were held on a similar measure sponsored by Senator Engle and others.

In subsequent sessions of Congress the same and related measures have been introduced and referred to the Interior Committee for consideration.

In the 89th Congress hearings were held before the Interior Committee on S. 2282, Senator NELSON'S Ecological Research and Surveys Act. The major provisions of this measure were later incorporated into S. 2805, introduced by Senator Kuchel and myself in the 90th

Congress. S. 2805 would have authorized a program of ecological and environmental research and established a Council of Environmental Advisers in the Executive Office of the President.

S. 2805 and other measures dealing with environmental and resource policy were discussed at a unique joint House-Senate colloquium to discuss a national policy for the environment, sponsored by the Senate Interior Committee and the House Science and Astronautics Committee in July 1968. All concerned Members of the Congress were invited and many attended.

Prior to the colloquium, a special report entitled a "National Policy For The Environment" was prepared for the Interior Committee as a background document on the need for a policy. After the hearings, a congressional white paper on "A National Policy for the Environment" was prepared. This paper summarized the colloquium proceedings, discussed alternatives for congressional action, and attempted to state the elements of a national policy.

During the 91st Congress, three separate major bills dealing with environmental and resource policy and the establishment of new institutions for overview and oversight purposes were introduced and referred to the Interior Committee. The bills were S. 237, McGOVERN; S. 1075, JACKSON; and S. 1752, NELSON. Hearings were held on these measures on April 16, 1969.

Following a staff review of the hearing record, amendment No. 25, an amendment in the nature of a substitute of S. 1075, was introduced on May 29, 1969. This amendment added a new title to S. 1075 and was substantially incorporated into S. 1075 as ordered reported to the Senate on June 18.

Before the committee's report was filed, the Bureau of the Budget requested that the committee reconsider the measure and recommended further amendments. The bill was reconsidered on July 8, amendments were adopted and the measure was ordered reported. The committee report was filed on July 9 and the bill was passed by the Senate on July 10.

S. 1075 was not referred to committee in the House because of a question over which committee or committees had legislative jurisdiction over the subject matter of the bill. The measure was held at the Speaker's desk until the House passed H.R. 12549, a measure similar to S. 1075 in many respects.

##### S. 1075 AS AMENDED BY THE HOUSE (H.R. 12549)

On September 23, the House passed H.R. 12549 and substituted the text of the House-passed bill for the text of S. 1075. The House disagreed with the language of S. 1075, requested a conference and appointed conferees.

H.R. 12549—DINGELL and others—and a number of other identical and similar measures were the subject of hearings before the House Merchant Marine and Fisheries Committee in May and June of this year. H.R. 12549 is similar to title III of S. 1075 in that it would establish a Council of Environmental Advisers and require the President to submit an annual

Environmental Quality Report to the Congress.

Following committee consideration, H.R. 12549 was amended and was ordered reported to the House on July 11. In late September a rule was granted by the House Rules Committee and the measure was scheduled for debate. Following floor debate on September 23, and the adoption of amendments, H.R. 12549 was passed. S. 1075 was then amended by substituting the text of the House-passed bill. The House insisted upon its amendments to S. 1075, and a conference was requested.

S. 1075 as passed by the Senate included a number of provisions which are not in the House version. Among these provisions are some which are essential if the Congress is to enact a sound national policy for the environment.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a statement on the differences in the Senate- and House-passed versions of S. 1075; the legislative history; excerpts from a special report of the Committee on Interior and Insular Affairs; excerpts from a congressional white paper on a national policy for the environment; a comparison of the measures, and a section-by-section analysis.

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

##### DIFFERENCES IN THE SENATE- AND HOUSE-PASSED VERSIONS OF S. 1075

The following major provisions of S. 1075 as passed by the Senate are not included in the House bill:

##### TITLE I—DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

The House version includes, as Section 1, a brief statement of Congressional policy recognizing the importance of environmental management as a function of the Federal government. This statement, however, does not include the specific statement of goals and requirements for specific action on the part of Federal agencies which are set forth in Title I of the Senate version.

Congressman Daddario offered an amendment on the floor of the House which would have incorporated the Senate language of Title I into the House bill. A point of order was raised on procedural grounds, however, and the House did not have an opportunity to consider the amendment on its merits.

Title I of the Senate version includes the following provisions:

Sec. 101 (a) is a declaration by the Congress of a national environmental policy. It recognizes mankind's dependence upon the environment and the increasing pressures of population growth and technological advancement. Six broad national goals are set forth to guide the environmental management efforts of the Federal establishment.

Sec. 101 (b) asserts congressional recognition of each person's fundamental right to a healthful environment.

Sec. 102 provides for the integration of the policies and goals set forth in Section 101 into the existing activities of the Federal agencies.

In many areas of Federal action there is no body of experience or precedent for substantial and continuing consideration of environmental factors in governmental decisionmaking. In some areas of Federal activity, existing legislation does not provide clear authority to consider environmental factors which are in conflict with other objectives. In other areas, lack of express authority has been in-

terpreted to prohibit consideration of environmental factors.

To permit all Federal agencies to implement the goals and policies stated in the Act, Sec. 102 authorizes and directs all agencies to follow certain operating procedures:

(a) to utilize a broad interdisciplinary team approach in the planning of Federal projects and activities which have an impact on environmental values,

(b) to develop new methods of evaluating environmental values which are at present not considered in cost-benefit analysis and other methods used in Federal decision-making,

(c) to accompany each proposal for major activities with explicit findings concerning the environmental impact which will or which may result from the proposed activity,

(d) to study and describe alternatives in instances where environmental conflicts cannot be avoided;

(e) to support international efforts to protect the environmental quality of other nations and the world, and

(f) to recommend legislation which will facilitate the implementation of the policies set forth in the Act.

Sec. 103 provides that the policies and goals set forth in the Act are supplementary to the existing mandates and authorizations of Federal agencies.

#### TITLE II

Sec. 201 provides authorization for the Federal agencies to include certain environmental management functions among their ongoing activities. These activities include the collection, utilization, and dissemination of ecological and environmental data; research on environmental matters; and assistance to the Council.

Sec. 202 authorizes the President to designate an agency or agencies to perform certain specific functions regarding environmental management including:

1. a program of training and research grants, in the amount ultimately of \$1 million annually,
2. an inventory of Federal projects,
3. an information retrieval system, and
4. assistance and advice to State and local governments.

Sec. 203 would establish a second Deputy Director's position in the Office of Science and Technology. This position was requested by the Bureau of the Budget, and is required to strengthen the organization of OST to support its increasingly broad functions. Among the duties recently assigned to OST is staff support for the President's newly formed Environmental Quality Council.

#### LEGISLATIVE HISTORY

S. 1075, the National Environmental Policy Act of 1969, was introduced in the 91st Congress on February 18, 1969, by Senator Jackson. Hearings on this and two related bills introduced by Senators Nelson (S. 1752) and McGovern (S. 237) were held on April 16, 1969, before the full Committee on Interior and Insular Affairs.<sup>1</sup> Following a staff study

<sup>1</sup> National environmental policy, hearings held before the Committee on Interior and Insular Affairs, U.S. Senate, 91st Cong., first sess., on S. 1075, S. 1752, and S. 237, Apr. 16, 1969. S. 1752, as introduced by Senator Nelson, would create a five-member Council on Environmental Quality in the Office of the President. This Council would be responsible for assisting the President in preparing an annual environmental quality report which would be transmitted to Congress. The report would be reviewed by a Joint Committee on Environmental Quality. The measure would also authorize the Secretary of the Interior to conduct studies of the natural environment, evaluate and disseminate such information, and consult with and provide technical assistance to departments and agencies of the Government.

and consultations with the staff of the Office of Science and Technology and with representatives of a number of the Federal departments, the committee considered S. 1075 in executive session on June 18, 1969. Following the adoption of a number of committee amendments, the measure was ordered reported to the Senate on June 18, 1969. At the request of the Director of the Office of Science and Technology and representatives of the Bureau of the Budget, the committee voted, on July 8, 1969, to reconsider the measure for the purpose of considering additional amendments. The amendments were proposed by the Bureau of the Budget in a July 7, 1969, letter to the chairman of the committee. The proposed amendments to titles I and II of S. 1075 were adopted. Amendments proposed to title III by the Bureau of the Budget were adopted in part and rejected in part. Following the adoption of other amendments suggested by members of the committee, the measure was ordered reported to the Senate on July 8, 1969.

S. 1075, as introduced, was substantially the same measure as S. 2805 which was introduced in the 90th Congress on December 15, 1967, by Senators Jackson and Kuchel. The far-reaching objectives of S. 2805 and similar legislation introduced in the 90th Congress by Members of both Houses were considered at a unique joint House-Senate colloquium convened by the chairmen of the Senate Committee on Interior and Insular Affairs and the House Committee on Science and Astronautics on July 17, 1968, to discuss a national policy for the environment.<sup>2</sup>

Following the colloquium, a "Congressional White Paper" was prepared at the request of Cochairman Henry M. Jackson and George Miller by the Legislative Reference Service, Library of Congress. This document, issued as a joint committee print by the Senate Interior Committee and House Science and Astronautics Committee and distributed to the entire Congress in October 1968, summarized the key points raised in the dialog between Members of the Congress and the colloquium participants which included five Cabinet Secretaries, the President's Science Adviser, Mr. Laurance Rockefeller, and Dean Don K. Price of Harvard.

A special report to the Committee on Interior and Insular Affairs on "A National Policy for the Environment" was prepared for the committee's use and was printed as a committee print on July 11, 1968. The report was prepared by Dr. Lynton K. Caldwell of Indiana University and William J. Van Ness, Special Counsel to the committee. The report was used as a background document for the colloquium. It raises and discusses in detail many of the issues and questions implicit in establishing a national environmental policy.

Many of the concepts and ideas incorpo-

S. 237, as introduced by Senator McGovern, would require that the President transmit to the Congress an annual report on the state of the environment. The measure would also authorize the creation of a Council of Advisers on Resources, Conservation, and the Environment which would be in the Executive Office of the President. The three-member Council would assist the President in the preparation of the annual report and in developing and recommending national policies to maintain and improve the environment. For the purpose of consideration of the annual report and plan, this bill would establish in the Senate and the House, special committees to be known as the Select Committees on Resources, Conservation, and Environment.

<sup>2</sup> The proceedings were published under the title: "Joint House-Senate Colloquium To Discuss a National Policy for the Environment," hearing before the Committee on Interior and Insular Affairs, U.S. Senate, and the Committee on Science and Astronautics, U.S. House of Representatives, 90th Cong., 2d sess., July 17, 1968.

rated in S. 1075 were drawn from ambitious measures introduced in previous Congresses. Of particular relevance were S. 2549, the Resources and Conservation Act, introduced by Senator Murray in 1959 and S. 2282 introduced by Senator Nelson in the 89th Congress. The Murray bill, endorsed by a distinguished group of Senators in the 86th and subsequently in the 87th Congress, called for the establishment of more efficient machinery in the President's Office to coordinate resource conservation on the basis of national goals. The Nelson bill included broad provisions to cope with inadequate use and application by Federal agencies of ecological knowledge and research methods for attaining better management of our physical environment. Extensive hearings were held on each of these and other environmental measures before the Senate Interior Committee.<sup>3</sup>

Other concepts and ideas incorporated into S. 1075 were drawn from the proceedings of the previously mentioned joint House-Senate colloquium, from technical reports, conferences and symposia, and from books and journals dealing with environmental problems.<sup>4</sup>

In addition, the committee has reviewed and drawn upon concepts and ideas incorporated into many measures introduced in this and previous Congresses related to various aspects of environmental management.<sup>5</sup>

#### STATEMENT BY SENATOR HENRY M. JACKSON

Over the years, in small but steady and growing increments, we in America have been

<sup>3</sup> Proposed Resources and Conservation Act of 1960, hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 86th Cong., second sess. on S. 2549, Jan. 25, 26, 28, and 29, 1960. Ecological Research and Surveys, hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 89th Cong., second sess., April 27, 1966, on S. 2282.

<sup>4</sup> For a detailed listing of these documents see app. A, entitled "A Documentation on Environmental Problems," p. 25, in A National Policy for the Environment, committee print, Senate Interior and Insular Affairs Committee, July 11, 1968; see also the "Bibliography on Environmental Issues," pp. 192-204 in National Environmental Policy, hearing before the Committee on Interior and Insular Affairs, U.S. Senate, 91st Cong. on S. 1075, S. 237, and S. 1752, Apr. 16, 1969.

<sup>5</sup> In the closing days of the 90th Cong., the Legislative Reference Service tabulated over 100 bills which were directly concerned with environmental issues, covering a broad area of interest—cleaning up the Nation's rivers and better approaches to smog control, improving the use of open space and prevention of disorderly encroachment by super-highways, factories and other developments, improved protection of areas of high fertility, wiser application of pesticides, whose residues affect both man and wildlife, and the control of urban sprawl, unsightly junkyards, billboards, and power facilities that lower the amenities of landscape.

In the present Congress, an initial tabulation indicates that over 40 bills have been introduced which are concerned either with a national policy for the environment or the establishment of machinery to study the overall problems of the human environment. Of the 16 standing committees of the Senate, eight have broad jurisdiction of this type of legislation. Of the 21 House standing committees, 11 are similarly involved. See "A National Policy for the Environment," app. B, p. 29, committee print of the Senate Interior and Insular Affairs Committee, July 11, 1968; "Congressional White Paper on A National Policy for the Environment," app. p. 17, Senate Committee on Interior and Insular Affairs and the House Committee on Science and Astronautics, October 1968; and Legislative Reference Service Multith, TP 450, SP 170 entitled "Environmental Quality: Selected Bills and Resolutions," June 20, 1969.

making very important decisions concerning the management of our environment. Unfortunately, these haven't always been very wise decisions. Throughout much of our history, the goal of managing the environment for the benefit of all citizens has often been overshadowed and obscured by the pursuit of narrower and more immediate economic goals.

It is only in the past few years that the dangers of this form of muddling through events and establishing policy by inaction and default have been very widely perceived. Today, with the benefit of hindsight, it is easy to see that in America we have too often reacted only to crisis situations. We always seem to be calculating the short-term consequences of environmental mismanagement, but seldom the long-term consequences or the alternatives open to future action.

This report proposes that the American people, the Congress, and the administration break the shackles of incremental policymaking in the management of the environment. It discusses the need for a national environmental policy and states what some of the major elements of such a policy might be. It also raises a number of questions implicit in the establishment of such a broad-based and far-reaching policy.

The report does not purport to deal exhaustively with these subjects. Rather, it attempts to place some of the fundamental questions concerning the need for and the elements of a national environmental policy in the arena of public debate. If the report is successful in encouraging discussion and in refining some of the issues involved, it will have performed a worthwhile purpose. In the last few years, it has become increasingly clear that soon some President and some Congress must face the inevitable task of deciding whether or not the objective of a quality environment for all Americans is a top-priority national goal which takes precedence over a number of other, often competing, objectives in natural resource management and the use of the environment. In my judgment, that inevitable time of decision is close upon us.

If we are to make intelligent decisions which are not based in the emotion of conservation's cause celebre of the moment or in the error of simply perpetuating past practices, there is a very real need to develop a national capacity for constructive criticism of present policies and the development of new institutions and alternatives in the management of the environmental resources of land, air, water, and living space. Developing this capacity will require that representatives from all elements of our national life—industry, the university, Federal, State, and local government—participate in forming this policy. It will require the creative utilization of technology to improve environmental conditions and to prevent unanticipated future instances of costly abuse. It will also require that government, business, and industry pay closer attention to a far greater range of alternatives and potential consequences when they make environment-affecting decisions than they have in the past.

Finally, it needs to be recognized that the declaration of a national environmental policy will not alone necessarily better or enhance the total man-environment relationship. The present problem is not simply the lack of a policy. It also involves the need to rationalize and coordinate existing policies and to provide a means by which they may be continuously reviewed to determine whether they meet the national goal of a quality life in a quality environment for all Americans. Declaration of a national environmental policy could, however, provide a new organizing concept by which governmental functions could be weighed and evaluated in the light of better perceived and better understood national needs and goals.

This report was prepared for the use of the Senate Interior Committee by Prof. Lynton K. Caldwell, chairman, Department of Government, Indiana University, with the assistance of Mr. William J. Van Ness, special counsel to the committee, and the Natural Resources Division, Legislative Reference Service, Library of Congress. Professor Caldwell's contribution was, in part, made possible through an arrangement with the Conservation Foundation.

#### A NATIONAL POLICY FOR THE ENVIRONMENT INTRODUCTION

This report is based upon the assumption that the threat of environmental mismanagement and deterioration to the security and welfare of the United States has been established. (See app. A.) There are differences of opinion as to the severity and relative urgency of various hazards to the environment. Some scientists believe that man's environmental relationships have reached a point of crisis; others do not see the condition of the environment generally as having yet reached a critical stage. But there is, nevertheless, general consensus throughout most walks of life that a serious state of affairs exists and that, at the least, it is approaching a crisis of national and international proportions. The focus of this report is therefore on national policy to cope with environmental crisis, present or impending, rather than with documenting the facts related to environmental deterioration.

#### PART I—REQUIREMENTS FOR POLICY EFFECTIVENESS

Effective policy is not merely a statement of things hoped for. It is a coherent, reasoned statement of goals and principles supported by evidence and formulated in language that enables those responsible for implementation to fulfill its intent. This section of the report describes some of the interrelating conditions that appear necessary to an effective national policy for the environment. The discussion will be developed under the following five headings:

- (1) Understanding Imminent Need.
- (2) Recognizing Costs.
- (3) Marshaling Relevant Knowledge.
- (4) Facilitating Policy Choice.
- (5) National Policy and International Cooperation.

##### 1. Understanding imminent need

An effective and enlightened environmental policy is a response to the needs of man in relation to his environment. The response may involve the control of man's behavior on behalf of the larger interests of mankind where those interests are clearly perceived and widely held. Man's relationship with his environment are, of course, multitudinous and complex. Control by governments, by international organizations, or by other institutions, cannot feasibly be extended to every aspect of the environment nor to more than a fraction of the actual points of impact of individual man upon his environment. Policy effectiveness consequently depends very largely upon the internalization, in the human individual, of those understandings, values, and attitudes that will guide his conduct in relation to his environment along generally beneficial lines. A major requisite of effective environmental policy is therefore intelligent and informed individual self-control.

There is substantial evidence to indicate that large numbers of Americans perceive the need for halting the spread of environmental decay. It is also evident, however, that few recognize the connection between the conditions which they deplore, and the absence of any explicit and coherent national policy on behalf of environmental quality.

Man is confronted by a circumstance that is totally new in human history. He has rapidly completed the occupancy of the easily

inhabitable areas of the earth while his numbers have increased at an exponential and accelerating rate. Simultaneously, unprecedented economic power and advances in science and technology have permitted man to make enormously increased demands upon his environment. In no nation are these coincidental developments more dramatically evident than in the United States. And yet many Americans find it difficult to understand why sound environmental management should now suddenly become "everybody's business." Long-accepted ways of thinking and acting in relation to one's surroundings are now being called into question. Understanding of what has happened can be helped by a simple exercise in arithmetic.

At the time of the American Revolution the total human population of the present-day continental United States could hardly have exceeded 3 million individuals. The demands of the American Indian and European colonists on the Atlantic seaboard were very light when contrasted with current exactions. By the close of the 20th century, if the population of this same area approximates 300 million, the daily stress man places on the environment will, on the basis of mere numbers, have increased 100 times over. Technology has alleviated some forms of stress (as on forests for fuel or on wild-life for food), but it has greatly increased environmental stress in general. The net result has been enormously increased demands upon the environment in addition to the increase in population. Calculation of an average per man-year stress upon the environment, estimated from A.D. 1700 to 2000, and adjusted for technological factors at particular historical periods, would be a powerful persuader of the need for a sensitive and forward-looking national environmental policy. The exponential increase in the pressure of man and his technology upon the environment, particularly since World War II, is the major cause of the need for a national environmental quality effort.

The rate at which the Nation has changed since 1890 when the frontier officially ceased to exist has been unexceeded by any other social transformation in history. Scarcely one long generation removed from the last days of the frontier, America has become an urbanized and automated society with publicly institutionalized values in social security, labor relations, civil rights, public education, and public health that would have been utopian less than a century ago. In the absence of a system for adequately assessing the consequences of technological change, who could have predicted the many ways in which applied science would transform the conditions of American life? Powerful new tools applying the discoveries in chemistry, physics, biology, and the behavioral sciences were put to work for improving the health, wealth, comfort, convenience, and security of Americans. Utilizing the vast natural resources of the American environment, the world's highest standard of living was achieved in an amazingly short period of time. Unfortunately, our productive technology has been accompanied by side effects which we did not foresee. Experience has shown us that there are dangers as well as benefits in our science-based technology. It is now becoming apparent that we cannot continue to enjoy the benefits of our productive economy unless we bring its harmful side effects under control. To obtain this control and to protect our investment in all that we have accomplished, a national policy for the environment is needed.

Although Americans have enjoyed prodigious success in the management of their economy they have been much less successful in the management of natural resources. As a people we have been overly optimistic,

careless, and at times callous in our exactions from the natural environment. The history of soil exhaustion and erosion, of cut-over forest lands, of slaughtered wildlife document a few of our early failures to maintain the restorative capacities of our natural resources. Fortunately many of these early failures have been corrected or are now being remedied. But our exploding population and technology have created more subtle dangers, less easily detected and more difficult to overcome.

These more recent dangers have been documented in testimony before the Congress and in the reports of scientific committees (app. A). They confront us with the possibility that the continuation of present trends affecting, for example, (a) the chemistry of the air, (b) the contamination of food and water, (c) the use of open land and living space, and (d) the psychophysical stress of crowding, noise and interpersonal tension on urban populations, may infinitely degrade the existence of civilized man before the end of this century. These are not the exaggerated alarms or unsubstantiated predictions of extremists; they are sober warnings of competent scientists supported by substantial demonstrable evidence. The practical course is, therefore, to forestall these threats before they have outgrown our technical, economic, legal, and political means to overcome them. Fortunately, we still have a choice in this matter. We still have a relatively wide range of alternatives available in managing the environment.

It may be contended that the problems of the environment must wait until more urgent political issues are resolved. Problems of national security, poverty, health, education, urban decay, and underdeveloped nations have just and appropriate claims for priority in national attention and public expenditure. Yet many aspects of these problems involve environmental policy. Three of the most urgent—the slums and ghettos of the great cities; increasing disability and death from diseases induced by environmental factors (for example, cancer, emphysema, mental disorders); and the decline and decay of rural areas (for example, in Appalachia) furnish persuasive reasons for a national environmental policy. Before billions of dollars are spent in attempts to alleviate these social ills, it would be wise to be sure that environmental factors causing or accompanying these conditions are properly identified and remedied. We may otherwise worsen the state of our economy and environment without solving the underlying social problems.

In summary, within the present generation the pressures of man and technology have exploded into the environment with unprecedented speed and unforeseen destructiveness. Preoccupied with the benefits of an expanding economy the American people have not readily adopted policies to cope with the attendant liabilities. Popular understanding of the need to forestall the liabilities in order to preserve the benefits is now becoming widespread, and provides the political rationale for the development of a national policy for the environment, and for a level of funding adequate to implement it.

### 2. Recognizing costs

The nation long ago would probably have adopted a coherent policy for the management of its environment, had its people recognized that the costs of overstressing or misusing the environment were ultimately unavoidable. This recognition was arrived at belatedly for several reasons: *First*, environmental deterioration in the past tended to be gradual and accumulative, so that it was not apparent that any cost or penalty was being exacted; *second*, it seemed possible to defer or to evade payment either in money or in obvious loss of environmental assets; *third*, the right to pollute or degrade the environment (unless specific illegal damage

could be proved) was widely accepted. Exaggerated doctrines of private ownership and an uncritical popular tolerance of the side effects of economic production encouraged the belief that costs projected onto the environment were costs that no one had to pay.

This optimistic philosophy proved false as many regions of the Nation began to run out of unpolluted air and water, as the devastation of strip mining impoverished mining communities, as the refuse of the machine age piled up in manmade mountains of junk, as the demand for electricity and telecommunications arose to fester on the Nation with skeins of cables strung from forests of poles, and as the tools of technology increasingly produced results incompatible with human well-being. Under the traditional "ground rules" of production, neither enterprise nor citizen was called upon to find alternatives or to pay for measures that would have prevented or lessened ensuing loss of environmental quality. Payment contained to be exacted in the loss of amenities the public once enjoyed, and in the costs required to restore resources to usefulness and to support the public administration that environmental deterioration entailed. When the public began to demand legislation to control pollution and to prevent environmental decay, the reaction of those involved in environment degrading activities was often one of counter-indignation. Businessmen, municipalities, corporations and property owners were confronted with costs in the form of taxes or the abatement of nuisances that they had never before been called upon to pay. They were now about to be penalized for behavior which America had long accepted as normal.

What is now becoming evident is that there is no way in the long run of avoiding the costs of using the environment. The policy question is not whether payment shall be made; it is when payment shall be made, in what form, and how the costs are to be distributed. Hard necessity has made evident the need for payment to obtain air and water of quality adequate to meet at least minimum standards of health and comfort. Scientific knowledge and rising levels of amenity standard have added to public expectation that protection against environmental damage will be built into the products and production costs of manufacturers.

Lack of a national policy for the environment has now become as expensive to the business community as to the Nation at large. In most enterprises a social cost can be carried without undue burden if all competitors carry it alike. For example, industrial waste disposal costs can, like other costs of production, be reflected in prices to consumers. But this becomes feasible only when public law and administration put all comparable forms of waste-producing enterprises under the same requirements. Moreover it has always been an advantage to enterprise to have as clear a view as possible of future costs and requirements. When public expectations and "ground rules" change, however, as they have been changing recently on environmental quality issues, the uncertainty of resulting effects upon business costs, and the necessity for adjustment to unexpected expenses and regulations, is disconcerting and hardly helpful.

A national policy for the environment could provide the conceptual basis and legal sanction for applying to environmental management the methods of system analysis and cost accounting that have demonstrated their value in industry and in some areas of government. It has been poor business, indeed, to be faced with the billions of dollars in expense for salvaging our lakes and waterways when timely expenditures of millions or timely establishment of appropriate policies would have largely preserved the amenities that we have lost and would have made unnecessary the cost of attempted restoration. A national system of environmental cost

accounting expressed not only in economic terms but also reflecting life-sustaining and amenity values in the form of environmental quality indicators could provide the Nation with a much clearer picture than it now has of its environmental condition. It would help all sectors of American society to cooperate in avoiding the overdrafts on the environment and the threat of ecological insolvency that are impairing the national economy today.

It is not only industrial managers and public officials who need to recognize the unavoidable costs of using the environment. It is, above all, the individual citizen because he must ultimately pay in money or in amenities for the way in which the environment is used. If, for example, he likes to eat lobster, shrimp or shellfish, the citizen must reconcile himself to either paying dearly for these products or indeed finding them unobtainable at any price, unless we find ways to preserve America's coastline and coastal waters. The individual citizen may also have to pay in the cost of illness and in general physical and psychological discomfort. And these costs, of course, are not incurred voluntarily.

In the interest of his welfare and of his effectiveness as a citizen the individual American needs to understand that environmental quality can no longer be had "for free." Recognition of the inevitability of costs for using the environment and of the forms which these costs may take is essential to knowledgeable and responsible citizenship on environmental policy issues.

In summary, the American people have reached a point in history where they can no longer pass on to nature the costs of using the environment. The deferral of charges by letting them accumulate in slow attrition of the environment, or debiting them as loss of amenities will soon be no longer possible. It is no longer feasible for the American people to permit it. The environmental impact of our powerful, new, and imperfectly understood technology has often been unbelievably swift and pervasive. Specific effects may prove to be irreversible. To enjoy the benefits of technological advance, the price of preventing accidents and errors must be paid on time. From now on "pay-as-you-go" will increasingly be required for insuring against the risks of manipulating nature. This means merely that provision must be made for the protection, restoration, replacement, or rehabilitation of elements in the environment before, or at the time, these resources are used. Later may be too late.

### 3. Marshaling relevant knowledge

For many years scientists have been warning against the ultimate consequences of quiet, creeping, environmental decline. Now the decline is no longer quiet and its speed is accelerating. The degradation is destroying the works of man as well as of nature. We are confronted simultaneously with environmental crisis in our cities and across our open lands and waters. The crisis of the cities and the crisis of the natural and rural environments have many roots in common, although they may erroneously be viewed as extraneous to one another, or even as competitive for public attention and taxation. In fact, both crises stem from an ignorance of and a disregard for man's relationship to his environment.

An effective environmental policy in the past might have prevented and would certainly have focused attention upon the wretched conditions of urban and rural slums. It would surely have stimulated a search for knowledge that could have helped to correct and prevent degraded conditions of living. It is now evident that the fabric of American society can no longer contain the growing social pressure against slum environments. Today, remedial measures are being forced by social violence and by the social and economic costs of environmental decay;

but it is not certain that the remedies take full account of the nature of the ailment. The pressure upon the urban environment is acute and overt; it is dramatized, it has obvious political implications, and it hurts. Conversely, the degradation of natural and rural environments is more subtle. Stress may reach the point of irreparable damage before there is full awareness that a danger exists. What is needed therefore is a systematic and verifiable method for periodically assessing the state of the environment and the degree and effect of man's stress upon it, as well as the effect of the environment and environmental change on man.

One would expect to be able to look to the universities and to the great schools and institutes of agriculture, engineering, and public health as constituting an environmental intelligence system. Unfortunately however, no such system exists. Man-environment relationships per se have seldom been studied comprehensively. Various disciplines have concerned themselves with particular aspects of environmental relationships. Geographers, physiologists, epidemiologists, evolutionists, ecologists, social and behavioral scientists, historians, and many others have in various ways contributed to our knowledge of the reciprocal influences of man and environment. But the knowledge that exists has not been marshaled in ways that are readily applicable to the formulation of a national policy for the environment. At present, there are many gaps in our knowledge of the environment to which no discipline has directed adequate attention.

It should not be surprising that there is a lack of organized knowledge relating to environmental relationships. Society has never asked for this knowledge, and has neither significantly encouraged nor paid for its production. By way of contrast, public opinion has supported the costs of high-energy physics as reasonable, even though direct and immediate applications to public problems are relatively few. But public opinion has been guided in part by the judgment of the scientific community and of the leaders of higher education. Only recently have the scientific community and the universities begun to interest themselves institutionally in man-environment relationships, perceived in the totality in which they occur in real life.

Environmental studies in the universities are as yet largely focused on separate phases of man-environment relationships. This, in itself, is not undesirable; it is in fact necessary to obtain the degree of specialization and intensive study that many environmental problems require. The inadequacy lies in the lack of means to bring together existing specialized knowledge that would be relevant to the establishment of sound policies for the environment. There is also need for greatly increased attention to the study of natural systems, to the behavior of organisms in relation to environmental change, and to the complex and relatively new science of ecology. There is need for synthesis as well as for analysis in the study of man-in-environment.

A reciprocal relationship exists between the interests of public life and the activities of American universities. Public concern with a social problem when expressed in terms of public recognition or financial support, stimulates related research and teaching in the colleges and universities. Research findings and teaching influence the actions of government and the behavior of society. This relationship has been exceptionally fruitful in such fields as agriculture, medicine, and engineering. It has not, as yet, developed strength in the field of environmental policy and management. Nevertheless a beginning is being made in some colleges and universities, and in a number of independent research organizations and foundations, to provide a more adequate informational base for environmental policy.

Recognition of the need for a more adequate informational base for environmental policy has not been confined to academic institutions or to government. Speaking to the 1967 plenary session of the American Institute of Biological Sciences, Douglas L. Brooks, president of the Traveler's Research Center, declared that " \* \* \* We need to recognize environmental quality control as a vital social objective and take steps to establish the field of environmental management as a new cross-disciplinary applied science professional activity of extraordinary challenge and importance."

To date, action by Government to assist the marshaling of relevant knowledge has been uncoordinated and inconstant. With the exception of defense and space-related technical investigations, the amount of money made available for environmental research has been relatively meager and has been allocated largely along conventional disciplinary lines. Specialized aspects of research on man-environment relationships have been well funded by the Atomic Energy Commission, the Department of Defense, and the National Aeronautics and Space Administration. But much of this work is highly technical and is appropriately directed toward problems encountered in the missions of these agencies. More broadly based are the interests of the National Science Foundation, but the Foundation's resources for funding academic research relating to environmental policy are small. For a brief period the most promising source of support for the kind of knowledge needed for environmental policy effectiveness was the U.S. Public Health Service. In the mid-1960's, the Service began to assist the establishment of broadly based environmental health science centers in selected universities. But a shift of emphasis in the Public Health Service brought this effort to an untimely standstill. The National Institutes of Health fund a significant body of health-related environmental research, but little of it appears to be policy-related.

The Science Information Exchange of the Smithsonian Institution, surveying the general field of Government-funded research for the Senate Interior and Insular Affairs Committee, found (not unexpectedly) that there were heavy concentrations of research where Government funding was heaviest—notably in physical science and the biomedical aspects of the environs. Government-funded research of broadly cross-disciplinary or policy-oriented character appeared to be almost negligible in volume and in funding. It is probable that policy problems are investigated in the course of substantive research; but it is evident that we have not yet made a conscious decision to organize and fund the effort which students of environmental policy and management see as the necessary first step to an adequate environmental information system.

To provide facilities and financial support for new research on natural systems, environmental relationships and ecology on an independent, but publicly financed basis, a National Institute of Ecology has been proposed by a group of scientists associated with the Ecological Society of America and assisted by the National Science Foundation. The functions proposed for this institute are worth restating in brief, as indicative of the contribution that ecologists would like to make toward strengthening the Nation's capacity to cope with its environmental problems. Defining ecology to be " \* \* \* the scientific study of life-in-environment," the proponents of a National Institute of Ecology state that it is needed (1) to conduct large-scale multi-disciplinary field research beyond the capacities of individual researchers or research institutions, (2) to provide a central ecological data bank on which ecologists and public agencies can draw, (3) to coordinate and strengthen activities of ecologists in relation to ecological issues in pub-

lic affairs, and to promote the infusion of ecology into general education at all levels, and (4) to perform advisory services for government and industry on active programs affecting the environment. The principle purpose of the proposed institute is not, however, to study public policy or education, but to do more and better ecology.

These efforts and proposals, and many others unreported here, are constructive contributions to the task of marshaling the knowledge needed for an effective national policy for the environment. They do not, however, add up to a national information system, nor do they necessarily present information and findings relative to the environment in forms suitable for review and decision by the Nation's policymakers. The ecological research and surveys bill introduced by Senator Gaylord Nelson in the 89th Congress would have established a national research and information system under the direction of the Secretary of the Interior. Similar proposals have been incorporated in a number of bills introduced in the 90th Congress, including S. 2805 by Senators Jackson and Kuchel. (See app. B.) An important difference between the proposals before the 90th Congress and the efforts and proposals described in the preceding paragraphs is that in pending legislation the knowledge assembled through survey and research would be systematically related to official reporting, appraisal, and review. The need for more knowledge has been established beyond doubt. But of equal and perhaps greater importance at this time is the establishment of a system to insure that existing knowledge and new findings will be organized in a manner suitable for review and decision as matters of public policy.

In summary, to make policy effective through action, a comprehensive system is required for the assembly and reporting of relevant knowledge; and for placing before the President, the Congress, and the people, for public decision, the alternative courses of action that this knowledge suggests. With all its great resources for research, data processing, and information transmittal, the United States has yet to provide the financial support and operational structure that would permit these resources to implement a public policy for the environment.

#### 4. Facilitating policy choice

The problem of organizing information for purposes of policy-oriented review leads directly to the need for a strategy of policy choice. Environmental policymaking presents certain organizational difficulties. It must draw heavily upon scientific information and yet it embraces important considerations and issues that are extraneous to science policy. Insofar as environmental policy is dependent upon scientific information, it is handicapped by the insufficiency of the research effort and the inadequacies of information handling described in the preceding paragraphs. In a review of U.S. science policy by the Organization for Economic Cooperation and Development, the European examiners cited environmental problems as one of the areas of inquiry that American science was not well organized to attack. The criticism was directed not at the accomplishments of American science in support of major technical undertakings; it was instead concerned with the absence of a system and a strategy adequate to deal with the problems of the environment, and of social relationships and behavior, on a scale which their comprehensive and complex subject matters require.

Insofar as science is an element in environmental policymaking, the Office of Science and Technology affords a mechanism for enlisting the resources of the scientific community, for establishing study groups and advisory panels on specific issues, and for presenting their recommendations to the President. In the coordination of scientific aspects of environmental policy, the Federal Council of Science and Technology, in as-

sociation with the Office of Science and Technology, is the more general of several coordinative or advisory bodies in the executive branch. (See app. C.) The establishment of special councils for marine resources and engineering development, for water resources, for recreation and natural beauty, among other purposes, complicates to some extent the function of policy advice. None of these bodies are constituted to look at man-environment relations as a whole; none provide an overview; none appear fully to answer the need for a system to enable the President, the Congress, and the electorate to consider alternative solutions to environmental problems.

Possible answers to the need for a system to assist national policy choice may be found in legislative proposals to create councils on environmental quality or councils of ecological advisers. These councils are conceived as bridges between the functions of environmental surveillance, research, and analysis, on the one hand, and the policymaking functions of the President and the Congress on the other. The particular and indispensable contribution of the Council to environmental policy would be twofold. The first would be, using S. 2805 for purposes of illustration, " \* \* \* to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation." Most proposals call for a report on the state of the environment from the Council to the President and from the President to the Congress. S. 2805, for example, states that the Council shall provide advice and assistance to the President in the formulation of national policies, and that it shall also make information available to the public. The bill further provides that " \* \* \* The Council shall periodically review and appraise new and existing programs and activities carried out directly by Federal agencies or through financial assistance and make recommendations thereon to the President."

From this enumeration of the Council's functions several inferences may be drawn. First, the proposed environmental advisory councils are not science advisory bodies. They are instructed in pending legislative proposals to take specified factors, including the scientific, into account in the course of their analysis and recommendations on environmental policy issues. Second, the councils are not primarily research or investigating bodies even though they have important investigatory functions. They are essentially policy-facilitating bodies. Third, their functions are those of analysis, review, and reporting. Their nearest functional counterpart is probably the Council of Economic Advisers. Fourth and finally, councils on the environment, such as proposed by some of the measures listed in appendix B, must be located at the highest political levels if their advisory and coordinative roles are to be played effectively. For this reason the proposals have generally established the Council in the Executive Office of the President. However, the Technology Assessment Board proposed by Representative Emilio Q. Daddario, which would perform many functions similar to those of the environmental councils, would be an independent body responsible primarily to the Congress.

This brings the discussion to the role of the Congress in facilitating policy choice. Some have found the formal committee structure of the Congress to be poorly suited to the consideration of environmental policy questions. Senator Edmund Muskie has proposed a Select Committee of the Senate on Technology and the Human Environment to facilitate consideration of related environmental issues that would normally be divided among a number of Senate committees. Others have proposed that a Joint Committee on the Environment, representative of

the principal committee of the House and the Senate concerned with environmental policy issues, should be established to review a proposed annual or biennial report of the President on the state of the environment. Many Congressmen, however, feel that the policy of establishing new committees to deal with each new problem area should be resisted and that the present committees should assume their legislative and oversight responsibilities in this area. Meanwhile the informal and practical operations of legislative business permits the present standing committees to function with remarkable speed and dexterity where the will to legislate exists.

In summary, policy effectiveness on environmental issues will require some form of high-level agency in the executive branch for reviewing and reporting on the state of the environment. No existing body seems appropriate for this function. To meet this need, and under various names, a council for the environment has been suggested and has been incorporated in numerous legislative proposals. Provision for a policy assisting body in the executive branch suggests to some the desirability of a comparable committee in the Congress.

#### 5. National policy and international cooperation

In his address to the graduating class at Glassboro State College on June 4, 1968, President Lyndon B. Johnson called for the formation of a permanent "international council on the human environment." The ecological research and surveys bill first offered in 1965 by Senator Gaylord Nelson authorized participation by the United States with "other governments and international bodies in environmental research." Similarly, S. 2805 and other pending measures authorize " \* \* \* environmental research in surrounding oceans and in other countries in cooperation with appropriate departments or agencies of such countries or with coordinating international organizations \* \* \*"

These and other expressions of the willingness and intent of the United States to cooperate with other nations and with international organizations on matters of environmental research and policy reinforce the argument for a national environmental policy. Although the United States could cooperate internationally on many specific issues without a national policy, it could do so more effectively and comprehensively if its own general position on environmental policy were formally and publicly enunciated.

The United States, as the greatest user of natural resources and manipulator of nature in all history, has a large and obvious stake in the protection and wise management of man-environment relationships everywhere. Its international interests in the oceanic, polar, and outer space environments are clear. Effective international, environmental control would, under most foreseeable contingencies, be in the interest of the United States, and could hardly be prejudicial to the legitimate interests of any nation. American interests and American leadership would, however, be greatly strengthened if the Nation's commitment to a sound environmental policy at home were clear.

#### PART II—QUESTIONS OF IMPLEMENTATION

What significance would adoption of a national policy for the environment hold for the future of government in the United States? At the least, it would signify a determination by the American people to assume responsibility for the future management of their environment. It would not imply an all-inclusive Federal or even governmental environmental administration. The task to too widespread, multitudinous, and diverse to be wholly performed by any single agency or instrumentality. There are important roles to be played at every level of government and in many sectors of the nongovern-

mental economy. Nevertheless a new policy, and particularly a major one, is certain to arouse some apprehensions.

In the Federal agencies, among the committees of the Congress, in State governments, and among businesses whose activities impinge directly upon the environment and natural resources, there would be understandable concern as to what changes for them might be implicit in a national policy for the environment. The objection is certain to be raised that Government is already too large and that there are already too many agencies trying to manage the environment. "Please—not one more," will be an oft-repeated plea. These fears, however, are largely those that always accompany a new public effort regardless of its purpose, direction, or ultimate benefit. Very few people oppose, in principle, public action on behalf of quality in the environment. It is implementation that raises questions and arouses apprehension.

It would be unconvincing to assert that no interest, enterprise, or activity will be adversely affected by a national environmental quality effort. There is no area of public policy that does not impose obligations upon, nor limit the latitude for action of important sectors of society. But while activities harmful to man's needs and enjoyments in the environment must necessarily be curbed, it is also true that all Americans, without exception, would benefit from an effective national environmental policy. In brief, although all would benefit, a relative few might be required to make adjustments in business procedures or in technological applications.

For the foregoing reasons, a report on the need for a national policy for the environment would be incomplete if it did not raise, at least for purposes of discussion, some major questions that the establishment as such a policy would imply. These are mainly questions of how a decision to establish a national policy would be implemented in practice. They are questions to be answered by the Congress and by the President. But in their answers, the policy-determining branches of Government will need to consider a number of issues subsidiary to those major questions.

To better illustrate the issues involved in these questions, reference will be made to S. 2805. No claim of special priority is implied by these references. Many of the bills now pending on this issue have similar provisions. Any one bill might serve as well as any other.

1. What are the dimensions of an environmental policy and how are they distinguishable from other areas of national concern?

This is the fundamental question. It would be unreasonable to expect that its metes and bounds could be defined more clearly than those of the more familiar policy areas of national defense, foreign relations, civil rights, public health, or employment security. The field of definition can be narrowed, however, by identifying those concepts with which it might be confused but from which it should be clearly distinguished.

Environmental policy, broadly construed, is concerned with the maintenance and management of those life-support systems—natural and man made—upon which the health, happiness, economic welfare, and physical survival of human beings depend. (See app. D.) The quality of the environment, in the full and complex meaning of this term, is therefore the subject matter of environmental policy. The term embraces aspects of other areas of related policy or civic action, and it is important that environmental policy and environmental quality, in the broad sense, be distinguished from these related but sometimes dissimilar policies or movements.

Environmental policy should not be confused with efforts to preserve natural or

historical aspects of the environment in a perpetually unaltered state. Environmental quality does not mean indiscriminate preservationism, but it does imply a careful examination of alternative means of meeting human needs before sacrificing natural species or environments to other competing demands.

Environmental quality is not identical with any of the several schools of natural resources conservation. A national environmental policy would however, necessarily be concerned with natural resource issues. But the total environmental needs of man—ethical, esthetic, physical, and intellectual, as well as economic—must also be taken into account.

Environmental policy is not merely the application of science and technology to problems of the environment. It includes a broader range of considerations. For this reason S. 2805, in proposing a Council on Environmental Quality, does not stipulate that its five members be scientists, although it obviously would not preclude scientists among them.

One of the few differences in emphasis among the environmental policy bills now before the Congress has to do with the role of ecologists and of the science of ecology in the shaping of national policy. The need for a greatly expanded program of national assistance for ecological research and education cannot be doubted by anyone familiar with present trends in the environment. The science of ecology can provide many of the principal ingredients for the foundation of a national policy for the environment. But national policy for the environment involves more than applied ecology. It embraces more than any one science and more than science in the general sense.

The dimensions of environmental policy are broader than any but the most comprehensive of policy areas. The scope and complexities of environmental policy greatly exceed the range and character of issues considered, for example, by the Council of Economic Advisors. One may therefore conjecture, without derogation to the unquestionable importance of the economic advisory function, that a council on the environment would, in time, perhaps equal and even exceed in influence and importance any of the specialized conciliar bodies now in existence. For this reason its membership should be broadly representative of the breadth and depth of national interests in man-environment relationships. The ultimate scope of environmental policy, and the relationship of a high-level implementing council to existing councils, commissions, and advisory agencies, are not questions that can be, or need to be, decided now, nor even at the time that a national policy may be adopted. The important consideration is to develop a policy and to provide a means that will permit its objectives to be considered and acted upon by the Congress, the President, and the executive agencies. If we wait until we are certain of the dimensions of environmental policy and of how it will relate to other responsibilities and functions of Government, our assurance will be of no practical value. It will have come too late to be of much help.

2. Upon what considerations and values should a national environmental policy be based?

If it is ethical for man to value his chances for survival, to hope for a decent life for his descendants, to respect the value that other men place upon their lives, and to want to obtain the best that life has to offer without prejudicing equal opportunities for others, then the cornerstone of environmental policy is ethical. That cornerstone is the maintenance of an environment in which human life is not only possible, but may be lived with the fullest possible measures of personal freedom, health, and esthetic satisfac-

tion that can be found. No government is able to guarantee that these values can be realized, but government is able to assist greatly in the maintenance of an environment where such values are at least realizable.

Ethics, like justice, is not easily quantifiable, yet few would argue that society should not seek to establish justice because justice cannot be adequately defined or quantified. Environmental policy is a point at which scientific, humanistic, political, and economic considerations must be weighed, evaluated, and hopefully reconciled. Hard choices are inherent in many policy issues. The sacrifice of a plant or animal species, for example, or of a unique ecosystem ought not to be permitted for reasons of short-run economy, convenience, or expediency. The philosophy of reverence for life would be an appropriate guiding ethic for a policy that must at times lead to a decision as to which of two forms of life must give way to a larger purpose.

The natural environment has been basically "friendly" toward man. Man's survival is dependent on the maintenance of this environment, but not upon the unaltered operation of all of its myriad components. Pathogenic micro-organisms, for example, are not revered by man. Protection against them is a major task of environmental health and medicine. But even here, respect for the incredible variety, resilience, and complexity of nature is a value that environmental policy would be wise to conserve. Frontal attacks upon man's environmental enemies or competitors, identified as pathogens or as "pests," have miscarried too often to encourage the thought that direct action on threats in the environment are always wise, economical, or effective.

The range of values to be served by environmental policy is broad and an indication of how its scope might be defined may be obtained from the provisions of S. 2805 which specify the considerations to which the Council on Environmental Quality should respond: "Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of this Nation."

The assessment and interpretation of these needs and interests is obviously a function that the members of the Council would have to perform to the best of their ability. No more than in the election of legislators or in the appointment of judges, would it be possible to stipulate how these or other values should be understood and weighted. The reputations and characters of the individuals appointed to the Council would offer the best indications of how the specifications of the law might be construed. But the findings and conclusions of the Council need not be wholly subjective or based upon speculative data. The methods of systems analysis, cybernetics, telemetry, photogrammetry, electronic and satellite surveillance, and computer technology are now being applied to a wide range of environmental relationships. New statistical and computerized simulation techniques are rapidly bringing ecology from what has been described as "one of the most unsophisticated of the sciences," to what may become one of the most complex, intellectually demanding and conceptually powerful of the sciences.

In brief, the values and considerations upon which a national environmental policy should be based should be no less extensive than the values and considerations that men seek to realize in the environment. In the interpretation of these values and considerations science can play a role of great importance. But neither science, nor any other field of knowledge or experience, can provide all of the criteria upon which environmental

policies are based. The full range of knowledge and the contributions of all of the scientific and humanistic disciplines afford the informational background against which value judgments on environmental policy may most wisely be made.

3. How should the information needed for a national environmental policy be obtained and utilized?

Of all major questions on the implementation of environmental policy, this one is probably the least difficult. It is in part a technical question; yet to describe it as technical is not to suggest that it can be easily answered. There is no present system for bringing together, analyzing, collating, digesting, interpreting, and disseminating existing information on the environment. There is accordingly no reliable way of ascertaining what aspects of man-environment relationships are unresearched or hitherto unidentified. The question is less difficult than others primarily because it is clearly possible to design an information system, to fund its implementation, and to put it into effect. The particular form in which the data should finally appear, and the method of its subsequent disposition are more problematic.

Title I of S. 2805, and other measures proposed on behalf of a national environmental policy, make provision for the functions of information gathering, storage and retrieval, dissemination, and for enlarging the available information through assistance to research and training. The detailed provisions of S. 2805 on an environmental information system are numerous and need not be repeated here. The significant feature of these provisions is that they create an information system designed and intended to serve the policymaking processes of government.

Most of the environmental quality bills place this information function under the direction of the Secretary of the Interior. But they relate its data-gathering functions to those of other Federal agencies and they provide for the transmittal of its findings to a high-level reviewing body and to the President and the Congress. In the provision for organizing environmental information into a form that is usable for policy formation, this proposal represents a step toward greater rationality in government and toward the more effective use of modern information systems and technology to serve public purposes.

4. How should a national environmental policy be implemented and periodically reviewed for refinery or revision?

Some innovation and restructuring of policy-forming institutions will be required to achieve the purpose of a national environmental policy. Our present governmental organization has not been designed to deal with environmental policy in any basic or coherent manner. (See app. C). The extent to which governmental reorganization may be necessary cannot be determined absolutely in advance of experience. But it does seem probable that some new facility at the highest levels of policy formulation will be needed to provide a point at which environmental policy issues cutting across the jurisdictional lines of existing agencies can be identified and analyzed, and at which the complex problems involved in man's relationships with his environment can be reduced to questions and issues capable of being studied, debated, and acted upon by the President, the Congress, and the American people. As we have seen, some of the bills on environmental policy now pending in the Senate and the House of Representatives (see app. B) provide a point of focus for this new area of policy through a high-level board or council. Many of these bills provide for periodic reports on the state of the environment to the policy-determining institutions of the Nation—the President and the Congress—and, as these reports are matters of public record, to the American people who must be

the final judges of the level of environmental quality they are willing to support.

As noted in the preceding paragraphs, improved facilities for the finding, analysis and presentation of pertinent factual data are needed. A vast amount of data is now collected by Federal agencies and by private research organizations; but this data is uneven in its coverage of the various aspects of environmental policy. For example, there is a superabundance of technical information on some aspects of environmental pollution, but comparatively little research on the social and political aspects of environmental policy. Much of the data now available is in a form unsuitable for policy purposes. The sheer mass of data, much of it highly technical on certain major environmental problems, is a serious impediment to its use. For this reason, the legislative proposals on national environmental policy provide a system for reinforcing, supplementing, and correlating the flow of information on the state of the environment.

These two major needs, (a) a high-level reviewing and reporting agency and (b) an information gathering and organizing system, are the essential structural innovations proposed in bills now before the Congress for implementing a national environmental policy. Would these additions to the present structure of government be sufficient to implement a national environmental quality program and how in particular would the proposed high level Council be related to other agencies in the federal structure of government?

New policies and programs imply structures appropriate to their functions and may call for new relationships among existing agencies. To construct a comprehensive structure for environmental administration will require time, and meanwhile the need for leadership in informing the people and in formulating policy recommendations and alternatives grows more urgent. It is for this reason that some of the measures which have been introduced propose that a Council for Environmental Quality be established in the Executive Office of the President. In effect, the Council would be acting as agent for the President. It would need information from the various Federal departments, commissions, and independent agencies that, under prevailing organization, it could not as easily obtain if it were located at a level coequal or subordinate to the division of Government whose programs it must review. Reinforcing this consideration is the distribution of environment-affecting activities among almost every Federal agency.

Objections may be raised that there are already too many councils and committees established in the Executive Office of the President. Some students of public administration argue that a simplification of structure and a clarification of existing responsibilities should take precedent over any new programs or agencies. The answer to this objection lies in an assessment of relative priorities. Is each of the councils or comparable agencies now established in the Executive Office of the President more important, of greater urgency, or of more direct bearing upon the public welfare, than the proposed Council on Environmental Quality? What criteria indicate how many conciliar bodies are "too many"? These questions are not merely rhetorical. Although they cannot be answered here, they are obviously germane to the issue of governmental organization and to the way in which national environmental policy is formulated and made effective.

A strong case can be made a major restructuring of the Federal departments in which public responsibility for the quality of the environment would, like defense or foreign relations, become a major focus for public policy. Proposals tending in this direction and chiefly affecting the Department of the

Interior have been made over several decades. A prominent news magazine took up this line of reasoning in a recent editorial declaring that " \* \* \* the Secretary of the Interior ought to be the Secretary of the Environment." But a major restructuring of functions in the Federal administrative establishment cannot be accomplished easily or rapidly. Such a development would be most plausible as a part of a more general restructuring of the executive branch. The multiplication of high-level councils and interagency committees may indicate that a restructuring is needed. (See app. C.) Some of the complexity of present arrangements for policy formulation and review reflects the confusion often attending a transition from one set of organizing concepts to another.

Among the concepts that have been proposed to reduce the burden of the Presidential office and to provide a more simple and flexible administrative structure, is that of the "superdepartment." One of these agencies already exists as the Department of Defense. A Department of the Environment might be another. The substance and character of the organizational changes that superdepartments might imply are germane to a discussion of environmental administration, but they require no further exploration in this report beyond the following three points: *First*, they would be fewer in number than present departments, probably no more than seven to nine; *second*, they would be oriented broadly to services performed for the entire population, and *third*, they would be planning and coordinative rather than directly operational, assuming, to some degree, certain of the tasks that now fall heavily on the Executive Office of the President.

There may be another answer to the need for a more effective review and coordination of related functions in diverse agencies in the concept of "horizontal authority" or matrix organization. This organizational arrangement has been employed in multifunctional, cross-bureau, projects in the Department of Defense and in the National Aeronautics and Space Administration. Under a temporary structure for project management, it structures across normal hierarchical lines and working relationships among the necessary personnel and skills. The concept might be applicable to interagency attack upon specific problems of environmental policy.

Review of national policy, and revision if and when needed, are functions that the Congress performs for all major policies of Government. The device of an annual or biennial report from the President to the Congress on the state of the environment offers the logical occasion for an examination by the Congress, not only of the substance of the President's message, but of national policy itself. In many respects, the transmission of an annual report on the state of the environment accompanied by a clear and concise statement of the Nation's goals, needs, and policies in managing the environment could attain many of the ends sought by those who propose reorganization.

#### SUMMATION

Although historically the Nation has had no considered policy for its environment, the unprecedented pressures of population and the impact of science and technology make a policy necessary today. The expression "environmental quality" symbolizes the complex and interrelating aspects of man's dependence upon his environment. Through science, we now understand, far better than our forebears could, the nature of man-environment relationships. The evidence requiring timely public action is clear. The Nation has overdrewn its bank account in life-sustaining natural elements. For these elements—air, water, soil, and living space—technology at present provides no substitutes. Past neglect and carelessness are now

costing us dearly, not merely in opportunities foregone, in impairment of health, and in discomfort and inconvenience, but in a demand upon tax dollars, upon personal incomes, and upon corporate earnings. The longer we delay meeting our environmental responsibilities, the longer the growing list of "interest charges" in environmental deterioration will run. The cost of remedial action and of getting onto a sound basis for the future will never be less than it is today.

Natural beauty and urban esthetics would be important byproducts of an environmental quality program. They are worthy public objectives in their own right. But the compelling reasons for an environmental quality program are more deeply based. The survival of man, in a world in which decency and dignity are possible, is the basic reason for bringing man's impact on his environment under informed and responsible control. The economic costs of maintaining a life sustaining environment are unavoidable. We have not understood the necessity for respecting the limited capacities of nature in accommodating itself to man's exactions, nor have we properly calculated the cost of adaptation to deteriorating conditions. In our management of the environment we have exceeded its adaptive and recuperative powers and in one form or another must now pay directly the costs of obtaining air, water, soil, and living space in quantities and qualities sufficient to our needs. Economic good sense requires the declaration of a policy and the establishment of an environmental quality program now. Today we have the option of channeling some of our wealth into the protection of our future. If we fail to do this in an adequate and timely manner we may find ourselves confronted, even in this generation, with environmental catastrophe that could render our wealth meaningless and which no amount of money could ever cure.

#### APPENDIX A—DOCUMENTATION ON ENVIRONMENTAL PROBLEMS

Following is a partial listing of recent writings on environmental problems subdivided under five headings: (1) "Technical Reports," (2) "Conferences and Symposiums," (3) "Journals," (4) "News Articles and Speeches," and (5) "Books, Yearbooks, and Pamphlets."

##### PART 1—TECHNICAL REPORTS

*The Adequacy of Technology for Pollution Abatement.* Report of the Research Management Panel through the Subcommittee on Science Research, and Development to the Committee on Science and Astronautics, U.S. House of Representatives, 89th Congress, 2d session, Washington, 1966.

*Air Pollution: A National Sample.* U.S. Department of Health, Education, and Welfare, Public Health Service Publication No. 1562.

*Alleviation of Jet Aircraft Noise Near Airport.* A report of the Jet Aircraft Noise Panel, Office of Science and Technology, March 1966, Executive Office of the President.

*Disposal of Radioactive Waste on Land.* National Academy of Sciences—National Research Council. Publication 519, 1957.

*Effective Use of the Sea.* Report of the President's Science Advisory Committee.

*Energy R. & D. and National Progress.* An interdepartmental study. (The President designated the Director of the Office of Science and Technology and the Chairman of Economic Advisers as Chairman and Vice Chairman of the Steering Committee.)

*Environmental Improvement: Air, Water and Soil.* Department of Agriculture Graduate School.

*Environmental Pollution: A Challenge to Science and Technology.* Report of the Subcommittee on Science, Research, and Development to the Committee on Science and Astronautics, U.S. House of Representatives, 89th Congress, 2d session, Serial 8, Washington, 1966.

*Municipal Refuse Disposal.* Prepared by

the American Public Works Association, Public Administration Service, Chicago, 1966.

*Interagency Environmental Hazards Coordination: Pesticides and Public Policy.* Report of the Committee on Government Operations, U.S. Senate, made by its Subcommittee on Reorganization and International Organizations. July 21, 1966. Government Printing Office, Washington, D.C.

Kehoe, Robert A. *Public Health in an Industrial Society.* From the Proceedings of the Conference on "Man Versus Environment." May 5-6, 1958. Published with the support of DHEW

McKiever, M. F. *National Health Findings of Occupational Health Interest.* Public Health Services Publication No. 1418.

*Radioactive Contamination of the Environment: Public Health Action.* Report to the Surgeon General by the National Advisory Committee on Radiation.

*Report of the Committee on Environmental Health Problems.* Report of the Subcommittee on Air Pollution. U.S. Department of Health, Education, and Welfare, Public Health Service Publication No. 908, 1962, pp. 65-96.

*Restoring the Quality of our Environment.* Report of the Environmental Pollution Panel, President's Science Advisory Committee, The White House. November 1965.

*Report of Select Committee on National Water Resources.* Senate Report 29, 87th Congress, 1st session, January 1961.

*Report of the Subcommittee on Water Supply and Pollution Control.* U.S. Department of Health, Education, and Welfare, Public Health Service Publication No. 980, 1962, pp. 215-253.

*The White House Conference on International Cooperation.* Natural Resources Conservation and Development Committee.

*Securing Health in Our Urban Future.* Report to the Surgeon General, Public Health Service, by his Advisory Committee on Urban Health Affairs.

*A Strategy for a Livable Environment.* Report to the Secretary of Health, Education, and Welfare by a Task Force on Environmental Health and Related Problems.

*Use of Pesticides.* Report of the President's Science Advisory Committee.

*Waste Management and Control.* National Academy of Sciences-National Research Council. Publication 1400, 1966.

*Weather and Climate Modification.* Report of the Special Commission on Weather Modification, National Science Foundation.

*Weather and Climate Modification Problems and Prospects.* Report of the National Academy of Sciences-National Research Council.

#### PART 2—CONFERENCES AND SYMPOSIUMS

*Beauty for America.* Proceedings of a White House Conference.

Darling, F., and Milton, F. P., eds. *Future Environments of North America.* The record of a conference convened by the Conservation Foundation in April 1965 at Airline House, Warrenton, Va. Garden City, N.Y., National History Press, 1966, 767 pages. (HC95 D33)

Eckardt, R. E. *Challenge of Our Environment.* Archives of Environmental Health 9:127-132. July 1964. Discussion 10:131-134. January 1965.

Lowenthal, D. *Conference on the Future Environment of North America.* Geographical Review 55:438-441. July 1965.

*Minimum Habitable Surfaces.* Family Housing Commission of the International Union of Family Organization. 1957. Conference in Cologne. Published in Brussels.

Texas Conference on our Environmental Crisis, organized by the School of Architecture, the University of Texas, November 21, 22, and 23, 1965. Austin, Tex., 1966. 255 pages.

#### PART 3—JOURNALS

Abrams, C. *Uses of Land in Cities.* Scientific American 213:150-156. September 1965.

*Air Conservation.* Report of the Air Con-

servation Commission of the American Association for the Advancement of Science. Publication No. 80, AAAS, Washington, D.C., 1965.

Altschuler, A. *Goals of Comprehensive Planning.* Response to Altschuler: "Comprehensive planning As a Process." J. Friedmann. American Institute of Planners Journal 31:186-197. August 1965.

Arnold, D. O., and Gold, D. *Facilitation Effect of Social Environment.* Public Opinion Quarterly 28:513-516. Fall 1964.

Bacon, E. N. *City As An Act of Will.* Architectural Record 141:113-128. January 1967.

Baer, R. A. *Land Misuse: A Theological Concern.* Christian Century 83:1239-1241. October 12, 1966. Discussion 83:1445, 1480. November 23-30, 1966.

Bailey, J. *City Meets the Space Age.* Summer study on science and urban development, Woods Hole, Mass. Architectural Forum 126: 60-63+. January 1967.

Barker, R. G. *On the Nature of the Environment.* Journal of Social Issues 19:17-38. October 1963.

Barnes, E. L. *Remarks on Continuity and Change.* Perspecta No. 9-10, 291-298. 1965.

Becket, W. *Creating Man's Environment in Tomorrow's Cities.* Archives of Environmental Health 9:609-614. November 1964.

Brower, S. *Expressive Environment.* Architectural Forum 124:38-39. April 1966.

Cliff, E. P. *A More Beautiful America—Forestry's Latest Challenge.* Southern Lumberman 211 (2632); 102-103. December 15, 1965.

Coleman, W. *Science and Symbol in the Turner Frontier Hypothesis.* American Historical Review 72:22-49. October 1966.

Craig, J. B. *Natural Beauty—The Follow Through.* American Forests 71(10): 12-15, 54-55. October 1965.

Dickinson, William B., Jr. *Noise Suppression.* Editorial Research Reports. October 20, 1963.

Edgerton, R. B. *Cultural Versus Ecological Factors in the Expression of Values, Attitudes, and Personality Characteristics.* American Anthropologists 67:442-447. April 1965.

*Environment and Behavior.* American Behavioral Scientist 10:3-31. September 1966.

Galbraith, J. K. *Economics and Environment.* American Institute of Architects Journal 46:55-58. September 1966.

Johnson, L. B., and Freeman, O. L. *Natural Beauty and Conservation.* Soil Conservation 30:213. April 1965.

Libby, W. F. *Man's Place in the Physical Universe.* Bulletin of the Atomic Scientists 21:12-17. September 1965.

Llewelyn-Davies, R. *Ekistics, the Future Pattern of Human Settlements.* Architectural Review. 138:399-401. December 1965.

Lynch, K. *City as Environment.* Scientific American 213:209-214+. September 1965.

*Man and His Habitat: Symposium.* Bulletin of the Atomic Scientists 21:18-30, March; 16-26, April; 2-11, May; 6-25 June 1965.

*Man's Response to the Physical Environment.* Journal of Social Issues 22:1-136. October 1966.

Michelson, W. *Empirical Analysis of Urban Environment Preferences.* American Institute of Planners Journal 32:355-360. November 1966.

Pierce, Charles D. *Pollution of Water Supplies.* Editorial Research Reports. December 8, 1960, pp. 905-917.

Rockefeller, L. S. *Our Outdoor Heritage—What We Are Doing To Preserve It.* Planning and Civic Comment 30:5-8. March 1964.

Schmid, A. A. *Quality of the Environment and Man: Some Thoughts on Economic Institutions.* Journal of Soil and Water Conservation 21:89-91. May 1966.

Shaffer, Helen B. *Air Pollution.* Editorial Research Reports. Vol. 1, pp. 303-318, April 26, 1967.

Skothelm, R. A. *Environmental Interpretations of Ideas by Beard, Parrington, and Curti.* Pacific Historical Review 33:35-44. February 1964.

Sonnenfeld, J. *Variable Values in Space*

*and Landscape.* An inquiry into the nature of environmental necessity. Journal of Social Issues 22:71-82. October 1966.

Thiry, P. *Total Design.* American Institute of Architects Journal 45:75-78. June 1966.

Thompson, B. *Reflections on Environment.* Architectural Record 139:110-120. January 1966.

Twiss, R. H., and Litton, R. B. *Resource Use in the Regional Landscape.* Natural Resources Journal 6(1):76-81. January 1966.

Udall, S. L. *The Conservation Challenge of the Sixties.* Planning and Civic Comment 30:1-4. March 1964.

Wadleigh, C. H. *Coming to Terms With Nature.* Journal of Soil and Water Conservation 20:43-45. March 1965.

Wolman, A. *Impact of Population Changes on the Environment.* American Journal of Public Health 55:1032-1038; same American Water Works Association Journal 57:811-818. July 1965.

Worenop, Richard L. *Water Resources and National Water Needs.* Editorial Research Reports. Vol. II, pp. 585-601, 1965.

#### PART 4.—NEWS ARTICLES AND SPEECHES

U.S. Dept. of Agriculture. *Creative Conservation of Natural Beauty.* Address by John A. Baker, Assistant Secretary, Department of Agriculture, before Virginia Nurserymen's Association, Arlington, Va. January 23, 1966. Washington, 1966. 9 pages.

Statement by Secretary of Agriculture Orville L. Freeman before 14th annual American Association of Nurserymen industrial landscaping awards luncheon, Washington, D.C. November 15, 1966. 10 pages.

*America the Beautiful.* Economist 214:778. February 20, 1965.

*American City: Crisis or Renaissance.* Senior Scholastic 86:6-9. April 29, 1965.

Brophy, B. *Menace of Nature.* New Statesman 70:351. September 10, 1965.

U.S. Department of Commerce. Remarks by Secretary of Commerce John T. Connor, prepared for delivery to White House Conference for State Legislative Leaders, June 16, 1966. Washington, 1966. 9 pages.

Diamond, H. L. *Politics of Beauty.* Excerpt from addresses. Parks and Recreation 1:138-141+. February 1966.

Malde, H. E. *Environment and Man in Arid America.* Science 145:123-129. July 10, 1964.

*Man and His Bruised Planet.* Science News 91:5-6. January 7, 1967.

U.S. President (Lyndon B. Johnson.) *Preserving Our Natural Heritage.* Message from President of the United States transmitting programs for controlling pollution and preserving our natural and historical heritage. Washington Government Printing Office, 1966. 10 pages (H. Doc. 387, 89th Cong., second sess.)

Revelle, R. *Environment: Land, Air, Water.* New Republic 151:25-28+. November 7, 1964.

Rockefeller, L. S. *Business and Beauty.* Address, December 2, 1965. Vital speeches 32:291-221, January 15, 1966. Same, Audubon Magazine 68: 112-115, March 1966.

Rockefeller, L. S. *Quality of Environment.* Excerpts from remarks, May 21, 1965. American Forests 71:11. June 1965.

Train, R. E. *America the Beautiful.* Keynote address American Forests 71(10): 16-19, 46-47, 49-50. October 1965.

PART 5—BOOKS, YEARBOOKS AND PAMPHLETS

Abrams, C. *The City Is the Frontier.* New York, Harper & Row, 1965. 394 pages. (HT123 A6)

Becker, H. F. *Resources for Tomorrow.* New York, Holt, Rinehart & Winston, 1964. 78 pages. (S930 B4)

*The Big Water Fight.* Produced under the auspices of the League of Women Voters Education Fund, 1966. The Stephen Breene Press, Brattleboro, Vt.

Dasmann, R. F. *The last Horizon.* New York, Macmillan, 1963. 279 pages. (HC55 D33)

Eisenbud, Merrill. *Environmental Radioactivity*. 1963. McGraw-Hill, New York.

Hamm, R. L., and Nason L. *Ecological Approach to Conservation*. Minneapolis, Burgess, 1964. 366 pages.

Heilmann, Harry. *Effect of Air Pollution on Human Health*. In *Air Pollution*. World Health Organization. Columbia University Press, 1961, page 182.

Herfindahl, O. C., and Kneese, A. V. *Quality of the Environment*. An economic approach to some problems in using land, water, and air. Washington, Resources for the Future, 1965. 96 pages. (HC55 H5)

U.S. Department of Housing and Urban Development. *Beautifying Urban America*. Questions and answers on Federal beautification and open-space land programs. Revised September 1966. Washington, 1966. 8 pages. (HUD IP-No. 6)

Hunter, David R. *The Slums: Challenge and Response*. Free Press 1964.

Landsberg, H. *Natural Resources for U.S. Growth: A Look Ahead to the Year 2000*. Baltimore, Johns Hopkins Press, 1964. 260 pages (HC 103.7 L3)

Marsh, G. P. *Man and Nature*. Edited by David Lowenthal. Cambridge, Belknap Press of Harvard University, 1965. 472 pages (GF31 M35)

Parson, R. L. *Conserving American Resources*. 2d ed. Englewood Cliffs, N.J., Prentice Hall, 1964. 521 pages. (S930 P3)

Platt, R. B., and Griffiths, J. F. *Environmental Measurement and Interpretation*. New York, Reinhold, 1964. 235 pages.

Rudd, Robert R. *Pesticides and the Living Landscape*. University of Wisconsin Press, 1964.

U.S. President's Task Force on the Preservation of Natural Beauty. Report. Washington, Government Printing Office, 1965. 28 pages. (QH77 U6A5)

*Radiation Protection Norms*. May 1963. Organization for Economic Cooperation and Development. OECD.

A report on natural beauty to the President, from the Secretary of Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Health, Education, and Welfare, Director, Office of Economic Opportunity, and the Administrator of the Housing and Home Finance Agency, October 1, 1965. Washington, Government Printing Office, 1965. 16 pages. (QH77 U6R4)

*Report of the United Nation's Scientific Committee on the Effects of Atomic Radiation* General Assembly. Official Records: 17th session. Supplement No. 16 (A/5216). 1962. United Nations, New York.

Resources for the Future. *Environmental Quality in a Growing Economy*. Essay from the Sixth RFF Forum, by Kenneth E. Boulding and others. Baltimore, Johns Hopkins Press. 1966. 173 pages. (HM206 R43)

Schnore, L. F. *Urban Scene: Human Ecology and Demography*. New York, Free Press, 1965. 374 pages.

*Science and the City*. 1967 HUD MP-39.

Stapledon, G. *Human Ecology*. London, Faber, 1964. 240 pages.

Tellhard de Chardin, P. *Man's Place in Nature; the Human Zoological Group*. Translated from the French by Rene Hague. London, Collins, 1966. 124 pages. (QH368 T4)

*Urban Life and Health*, chapter 3, in "Our Synthetic Environment" by Lewis Herver, 1962. Alfred A. Knopf, New York.

U.S. Department of the Interior. *America's Department of Natural Resources*. Washington, 1966. 46 pages.

*Quests for Quality*. Conservation yearbook of The Secretary's annual report for 1964. Washington, Government Printing Office, 1965. 96 pages.

*Water Research*. Edited by Allen V. Kuse and Stephen C. Smith. 1965. The Johns Hopkins Press.

Wilner, Daniel, et. al. *The Housing En-*

*vironment and the Family Life*. A longitudinal study of the effects of housing on morbidity and mental health. 1962. Johns Hopkins University Press.

*The Economics of Air Pollution*. Edited by Harold Wolozin, 1966. W. W. Norton & Co., Inc., New York.

#### APPENDIX B—ENVIRONMENTAL LEGISLATION INTRODUCED IN THE 90TH CONGRESS

The two problems—one with respect to national environmental (or resource) policy and the other regarding executive organization—have been the subjects of a large body of proposed legislation. In the 86th Congress, Senator James E. Murray proposed S. 2549 which called for the establishment of a Council of Resource and Conservation Advisers in the Office of the President. Similar or related bills have been introduced in subsequent Congresses. A partial list of bills introduced in the 90th Congress is given below:

#### SENATE

S. 843. Mr. Mondale and others. February 6, 1967. Government Operations. Full Opportunity and Social Accounting Act: Establishes a Council of Social Advisers, and directs it to compile and analyze social statistics, devise a system of social indicators, help develop program priorities, evaluate the effectiveness and impact of our efforts at all levels of government, and advise the President in the establishment of national social policies.

Requires the President to transmit to Congress an annual report on the state of the Nation's social health, specifying progress made, listing goals for the future and specifying policies for achieving these objectives.

Provides for a joint committee of Congress to review the President's annual report on the state of our social health, just as the Joint Economic Committee exercises oversight responsibility in economic matters.

S. 886. Mr. Moss and others. February 7, 1967. Government Operations. Department of Natural Resources Act: Redesignates the Department of the Interior as the Department of Natural Resources. Transfers various departments from the Department of the Interior and others to the Department of Natural Resources.

S. 1305. Mr. Allott and others. March 15, 1967. Labor and Public Welfare. Provides that the President shall transmit to the Congress by January 20, of each year, a report on science and technology which shall set forth (1) the existing major policies of both Federal and non-Federal research organizations, (2) the impact of major developments of science in the progress of such programs, (3) major goals of the Federal Government and of private research organizations, (4) financial information on the funding of science and research projects across the Nation, and (5) his recommendations for necessary legislation.

Establishes a Joint Committee on Science and Technology composed of eight Members of the Senate appointed by the President of the Senate and eight Members of the House, appointed by the Speaker, to assist the President by holding hearings and collecting relevant data, in the compilation of material for the report.

S. 1347. Mr. Javits. March 21, 1967. Labor and Public Welfare. Establish a 12-member Federal Council of Health within the Executive Office of the President, appointed by the President for 3-year terms to (1) make recommendations and continuous evaluation of policies and programs related to the Nation's health, including disaster planning, (2) initiate study and development measures designed to assure the provision of adequate health manpower, services, and facilities and to moderate the rising trend in the cost of medical care, and (3) to advise and consult

with Federal departments and agencies, including the Budget Bureau, on policies and programs concerned with health services, manpower, and facilities.

S. 2789. Mr. Nelson. December 14, 1967. Interior and Insular Affairs. Authorizes the Secretary of the Interior to conduct a program of research, study and surveys, documentation and description of natural environmental systems of the United States for the purposes of understanding and evaluating the condition of these systems and to provide information to those concerned with natural resources management. Authorizes the establishment of an advisory committee.

S. 2805. Messrs. Jackson and Kuchel. December 15, 1967. Interior and Insular Affairs. Authorizes the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality. Establishes a Council on Environmental Quality.

S. 3031. Mr. Nelson. February 26, 1968. Public Works. Requires the President to make an annual environmental quality report to Congress and provides that the report set forth (1) the status and condition of the major natural, manmade, or altered environmental systems of the Nation, and (2) the current and foreseeable trends in management and utilization of such environments and the effect of those trends on the social, economic, and other requirements of the Nation.

Creates a five-member Council on Environmental Quality, members to be appointed by the President and by and with the advice and consent of the Senate, in the Executive Office of the President and directs it to oversee the program of the Federal, State, and local governments to (1) determine to what extent these activities are contributing to the achievement of environmental quality and (2) gather, analyze, and interpret conditions and trends in environmental quality.

Provides that the principal task of the Council be to develop within a 5-year period comprehensive national policies and programs to improve and maintain the quality of our environment.

S. Res. 68. Mr. Muskie and others. January 25, 1967. Government Operations. Provides for the establishment of a Select Committee on Technology and Human Environment.

#### HOUSE

H.R. 258. Mr. Bennett. January 10, 1967. Interior and Insular Affairs. Authorizes the Secretary of the Interior to conduct a program of research, study and surveys, documentation, and description of the natural environmental systems of the United States for the purposes of understanding and evaluating the condition of these systems and to provide information to those concerned with natural resources management. Authorizes the establishment of advisory committees.

H.R. 3753. Mr. Dingell. January 25, 1967. Government Operations. Consolidates water quality management and pollution control authorities and functions in the Secretary of the Interior who shall administer such functions through the Federal Water Pollution Control Administration.

H.R. 4480. Mr. Hathaway. February 1, 1967. Government Operations. Marine and Atmospheric Affairs Coordination Act: Establishes an Executive Department of Marine and Atmospheric Affairs headed by a Secretary appointed by the President with the advice and consent of the Senate. Provides for the appointment of an Under Secretary and three Assistant Secretaries in the same manner.

Transfers to the Department of Marine and Atmospheric Affairs the functions of the major Government agencies concerned with marine and atmospheric affairs.

Establishes as a function of the Department a new coordinating Office of Marine Geology and Mineral Resources.

Establishes a Joint Committee of Congress for Marine and Atmospheric Affairs to carry out the policies outlined in the act.

H.R. 4893. Mr. Moss. February 6, 1967. Government Operations. Consolidates water quality management and pollution control authorities and functions in the Secretary of the Interior who shall administer such functions through the Federal Water Pollution Control Administration.

H.R. 6698. Mr. Daddario. March 7, 1967. Science and Astronautics. Creates a five-member Technology Assessment Board whose members shall be appointed by the President.

Gives the Board the duty of (1) identifying the potentials of applied research and technology and promoting ways and means to accomplish their transfer into practical use, and (2) identifying the undesirable by-products of such research and technology, in advance, and informing the public of their potential in order to eliminate or minimize them.

Provides for a 12-member General Advisory Council to advise the Board, and provides that the Council members be appointed by the President.

H.R. 7796. Mr. Dingell. March 23, 1967. Interior and Insular Affairs; referred to Science and Astronautics, April 17, 1967. Directs the President to submit to Congress beginning June 30, 1968, an annual environmental quality report setting forth the status and condition of the major natural, manmade, or altered environmental classes of the Nation, with a view toward improving man's living conditions.

Creates a three-member Council on Environmental Quality, appointed by the President, to assist in the compilation, coordination, and preparation of environmental data for the report, together with its recommendations for development and improvement of the Nation's environment.

H.R. 8601. Mr. Blatnik. April 17, 1967. Interstate and Foreign Commerce. Provides for the establishment of regional airshed quality commissions and airshed quality regions when so requested by a Governor of one of two or more contiguous States, and when it is found that there is a threatening air pollution situation in such States, an adequate abatement program does not exist, and that action is necessary to protect the public health. Makes provisions for administration of the airshed quality regions and the commission's duties.

Creates a Federal Air Quality Improvement Administration to administer the provisions of this act and the Solid Waste Disposal Act. Provides that the head of this Administration be appointed by the Secretary of HEW, and provides for the appointment of an additional Assistant Secretary of HEW who shall assist the Secretary in supervising the Federal Air Quality Improvement Administration.

H.R. 10261. Mr. Ottinger. May 23, 1967. Government Operations. Establishes a Council of Social Advisers, and directs it to compile and analyze social statistics, devise a system of social indicators, help develop program priorities, evaluate the effectiveness and impact of our efforts at all levels of government, and advise the President in the establishment of national social policies.

Requires the President to transmit to Congress an annual report on the State of the Nation's social health, specifying progress made, listing goals for the future, and specifying policies for achieving these objectives.

Provides for a joint committee of Congress to review the President's annual report on the state of our social health, just as the Joint Economic Committee exercises oversight responsibility in economic matters.

H.R. 13211. Mr. Tunney. September 28, 1967. Science and Astronautics. Creates in the

Executive Office of the President a Council of Ecological Advisers composed of nine members to be appointed by the President by and with the advice and consent of the Senate. Directs the Council to study the national environment and national ecology of the Nation and report to the President. Grants it necessary powers.

H.R. 15614. Mr. Rosenthal. February 27, 1968. Government Operations. Establishes within the executive department a Department of Health to be headed by a Secretary of Health who should be appointed by the President by and with the advice and consent of the Senate. Provides for the appointment of five Assistant Secretaries and a General Counsel to be appointed by the President by and with the advice and consent of the Senate. Transfers to the new Department are the U.S. Public Health Service, the Vocational Rehabilitation Administration, and St. Elizabeths Hospital.

H. Con. Res. 307. Mr. St. Onge. April 6, 1967. Rules. Establishes a 10-member joint congressional committee to study all the problems involved in the extraordinary pollution of air and the navigable waters of the United States, including the Atlantic and Pacific Oceans and the Gulf of Mexico, by the extraction, manufacture, transportation, or storage of substances harmful to human, animal, or plant life.

H.J. Res. 1321. Mr. Ottinger. June 13, 1968. Judiciary. Amends the Constitution by adding a "conservation bill of rights" asserting the "right of the people to clean air, pure water, freedom from excessive and unnecessary noise, and the natural, scenic, historic and esthetic qualities of their environment."

APPENDIX C—FEDERAL ADMINISTRATION OF ENVIRONMENTAL PROGRAMS

The Federal offices, agencies and committees listed below contribute a substantial share of their time and operating effort to administration and study of environment-oriented programs.

1. FEDERAL AGENCIES

*Department of Agriculture*  
Secretary

- Under Secretary:
- Agricultural Stabilization and Conservation Service.
- Farmers Home Administration.
- Rural Community Development Service.
- Forest Service.
- Soil Conservation Service.
- International Agricultural Development Service.
- Agricultural Stabilization and Conservation Service.
- Agricultural Research Service.
- Cooperative State Research Service.
- Federal Extension Service.

*Department of Commerce*  
Secretary

- Under Secretary:
- Assistant Secretary for Science and Technology.
- Environmental Science Service Administration.
- Environmental Data Service.
- Weather Bureau.
- Institutes for Environmental Research.
- National Environmental Satellite Center.
- Coast and Geodetic Survey.

*Department of Defense*  
Secretary

- Corps of Engineers.
- Department of Health, Education, and Welfare*<sup>1</sup>

Secretary

- Under Secretary:
- Public Health Service.

<sup>1</sup> Currently reorganizing.

Office of the Surgeon General.  
Bureau of Disease Prevention and Environmental Control.

National Institutes of Health.  
National Center for Air Pollution Control.  
National Center for Urban and Industrial Waste.  
National Environmental Sciences Center.  
Food and Drug Administration.

*Department of Housing and Urban Development*  
Secretary

- Under Secretary:
- Assistant Secretary for Metropolitan Development.
- Deputy Assistant Secretary:
- Land and Facilities Development Administration.
- Urban Transportation Administration.
- Office of Planning Standards and Coordination.

*Department of the Interior*  
Secretary

- Under Secretary:
- Office of the Science Adviser.
- Office of Ecology.
- Office of Water Resources Research.
- Assistant Secretary:
- Fish and Wildlife and Parks.
- Commissioner of Fish and Wildlife.
- Bureau of Commercial Fisheries.
- Bureau of Sport Fisheries and Wildlife.
- National Park Service.
- Assistant Secretary of Mineral Resources:
- Office of Oil and Gas.
- Office of Mineral and Solid Fuels.
- Office of Coal Research.
- Bureau of Mines.
- Geological Survey.
- Assistant Secretary of Public Land Management:

- Bureau of Indian Affairs.
- Bureau of Land Management.
- Bureau of Outdoor Recreation.
- Assistant Secretary of Water and Power Development:

- Bureau of Reclamation.
- Bonneville Power Administration.
- Southeastern Power Administration.
- Southwestern Power Administration.
- Assistant Secretary of Water Pollution Control:
- Office of Saline Water.
- Federal Water Pollution Control Administration.

*Department of Justice*  
The Attorney General

- The Deputy Attorney General.
- Land and Natural Resources Division.

*Department of State*

- International Boundary and Water Commission—United States and Mexico.
- International Scientific and Technical Affairs.
- Agency for International Development.
- International Joint Commission—United States and Canada.

*Department of Transportation*  
Secretary

- Under Secretary:
- Transportation Policy Council.
- Federal Aviation Administration.
- Federal Highway Administration.
- Federal Railroad Administration:
- Office of High Speed Ground Transportation.
- Coast Guard.

*Executive Office of the President*  
The President

- Bureau of the Budget.
- Council of Economic Advisers.
- Federal Committee on the Economic Impact of Pollution Abatement.
- Office of Science and Technology:
- President's Science Advisory Committee:
- Panel on the Environment.

Federal Council for Science and Technology:

Committee on Environmental Quality.  
Committee on Water Resources Research.  
President's Council on Recreation and Natural Beauty.  
National Council on Marine Resources and Engineering Development.

*Independent agencies*

Atomic Energy Commission.  
Civil Aeronautics Board.  
Federal Power Commission.  
National Aeronautics and Space Administration.  
National Science Foundation.  
Tennessee Valley Authority.  
Water Resources Council.  
Appalachian Regional Commission.  
Delaware River Basin Commission.  
Smithsonian Institution.

2. QUASIGOVERNMENTAL BODIES

National Academy of Sciences-National Academy of Engineering-National Research Council:

Environmental Studies Board: Oversees all environmental quality studies of the NAS, NAE, and NRC. Provides a forum for development and exchange of new ideas and their application to environmental problems.

Committee on Persistent Pesticides.  
Committee on Resources and Man.  
Committee on Agricultural Land Use and Wildlife Resources.  
U.S. National Committee for the International Biological Program.  
Agricultural Board.  
Committee on Solid Wastes Management.  
Committee on Air Pollution.  
Committee on Water Quality Management.  
Committee on Remote Sensing of the Environment.  
Committee Advisory to the Environmental Services Administration.  
Committee for the Development of Criteria for Nonrail Transit Vehicles.  
Committee on Environmental Physiology.  
Committee on Water.  
Advisory Committee to the Federal Radiation Council.  
Building Research Advisory Board.  
Committee on SST-Sonic Boom.  
Committee on Ocean Engineering.  
Committee on Geography.  
Committee on Toxicology and the Advisory Center on Toxicology.  
Committee on Hazardous Materials.  
Ad Hoc Committee on Human Factors in Environmental Change.  
Committee on Urban Technology and Committee on Social and Behavioral Urban Research.  
Highway Research Board.  
Committee on Hearing, Bioacoustics, and Biomechanics.

3. INTERAGENCY COMMITTEES

Source: Federal Council on Science and Technology:  
Interdepartmental Committee for Atmospheric Sciences.  
Committee on Environmental Quality.  
Committee on Scientific and Technical Information.  
Committee on Solid Earth Sciences.  
Committee on Water Resources Research.  
Interagency Committee on Meteorological Services and Interagency Committee on Applied Meteorological Research.  
Federal Committee on Pest Control.  
Armed Forces Pest Control Board.  
Interagency Aircraft Noise Abatement Advisory Committee.  
Federal Advisory Committee on Water Data.  
Interagency Committee on Coordination of Sewer and Water Programs.  
Steering Committee: United States-German Cooperative Program in Natural Resources, Pollution Control and Urban Development.

CONGRESSIONAL WHITE PAPER ON A NATIONAL POLICY FOR THE ENVIRONMENT

PART I. ASPECTS OF ENVIRONMENTAL MANAGEMENT

The colloquium<sup>1</sup> focused on the evolving task the Congress faces in finding more adequate means to manage the quality of the American environment.

In the recent past, a good deal of public interest in the environment has shifted from its preoccupation with the extraction of natural resources to the more compelling problems of deterioration in natural systems of air, land, and water. The essential policy issue of conflicting demands has become well recognized.

Several social attitudes have become the action force in the movement for improved environmental policies and programs. One is the desire for esthetically attractive surroundings. Another is the recognition of the folly of excessive population densities. Still another is the mounting irritation, disgust, and discomfort (aside from actual economic loss) resulting from such anomalies as smoggy air and polluted streams and seashores.

The broad public interest in the natural environment was succinctly defined by a report of the National Academy of Sciences thus:

"We live in a period of social and technological revolution in which man's ability to manipulate the processes of nature for his own economic and social purposes is increasing at a rate which his forebears would find frightening \* \* \* there is a continuing worldwide movement of population to the cities. The patterns of society are being rapidly rearranged, and new sets of aspirations, new evaluations of what constitutes a resource, and new requirements in both types and quantity of resources are resulting. The effects on man himself of the changes he has wrought in the balance of great natural forces \* \* \* are but dimly perceived and not at all well understood. \* \* \* It is evident that the more rapid the tempo of change is becoming, the more sensitive the whole system of resource supply must become in order to cope with the greater rapidity and severity with which inconsistencies, conflicts, and stress from independent innovations will arise. \* \* \* If divergent lines of progress are seen to give rise to ever-greater stresses and strains too fast to be resolved after they have risen and been perceived, then obviously the intelligent and rational thing to do is to learn to anticipate those untoward developments before they arise."<sup>2</sup>

The statements of participants in the colloquium itself are evidence that the issues of the human environment are important to a broad segment of society.

"Mr. ROCKEFELLER. \* \* \* there is a strong and deep seated concern among the American people for a better environment. The quality of our surroundings is emerging as a major national social goal (p. 4)."<sup>3</sup>

"Secretary UDALL. One of the things that I take the most encouragement from is simply the growth of sentiment in the Congress, the number of conservationist Congressmen, the number of organizations, however they define themselves, that are interested in the city problem, that are interested in the total environment problem \* \* \* (p. 62)."

<sup>1</sup> Joint House-Senate Colloquium to Discuss a National Policy for the Environment. Hearings before the Committee on Interior and Insular Affairs, U.S. Senate, and the Committee on Science and Astronautics, U.S. House of Representatives, 90th Cong., 2d sess., July 17, 1968.

<sup>2</sup> NAS-NRC Publications 1000 and 1000A (1962).

<sup>3</sup> Page nos. in parentheses following quotations refer to the hearing transcript, op. cit.

The long-term quality of the environment is seen to be dependent on today's decisions. The means of relating the present to the future is not clear, however.

"Secretary UDALL. The real wealth of the country is the environment in the long run. We must reject any approach which inflates the value of today's satisfactions and heavily discounts tomorrow's resources (p. 14).

"Mr. ROCKEFELLER. \* \* \* we have not set down in clear terms what our goals are for the long-run future (p. 5)."

If America is to create a carefully designed, healthful, and balanced environment, we must (1) find equitable ways of charging for environmental abuses within the traditional free-market economy; (2) obtain adequate ecological guidance on the character and impact of environmental change; (3) where corporate resource development does not preserve environmental values, then consider the extension of governmental controls in the larger public interest; (4) coordinate the Government agency activities, which share with industry the dominant influence in shaping our environment; and (5) establish judicial procedures so that the individual rights to a productive and high-quality environment can be assured.

These and other aspects of environmental management—discussed at the Colloquium and submitted in the form of letters or reports for inclusion in the record—are briefly highlighted below.

*A. Relationships Among Population Growth, Environmental Deterioration, and the Quality of Life*

In an exchange of views on this subject, Secretary Robert Weaver (HUD) pointed out that by 1980 there will be almost 240 million and by the year 2000 about 312 million people in the 48 contiguous States and the District of Columbia, if present projects are borne out. Secretary Stewart Udall (DI) argued that a reasonable adjustment between population growth and our finite resources is required for sound environmental management, while Assistant Secretary Phillip Lee (DHEW) contended that we do not presently have the kind of information to determine what the ideal population for this country would be. Dr. David Gates submitted the following observations in the worldwide context:

"It is clear that all segments of the world—all soils, waters, woods, mountains, plains, oceans, and ice-covered continents—will be occupied and used by man. Not a single solitary piece of landscape will go untouched in the future and in fact not be used repeatedly for as long as man survives. Everything between soil and sky will be moved about, redistributed and degraded as man continues to exploit the surface of the planet. \* \* \* The population will grow until it reaches some equilibrium level. \* \* \* An alternate ultimate destiny is for an earth of half-starved, depressed billions gasping for air, depleted of eutropic water, struggling to avoid the constant presence of one another and in essence continuing life at a degraded subsistence level limited in numbers not by conscience but by consequence. A third possibility exists which is to maintain a reasonable quality for life by means of population control, rational management of ecosystems, and constructive exploitation of resources. \* \* \* (p. 174)."

The issue of high population densities as a source of growing stresses in our society, with profound effects on health and safety, raised a number of comments. Senator Henry Jackson observed that the apparent cause-and-effect relation of congestion and violence should be a consideration in arriving at any decisions concerning what constitutes an optimum population density.

Dr. Paul Weiss submitted the following caveat:

"A stress free environment offering maximum comfort and minimum challenge is not only not optimal but is detrimental. To be exposed to moderate stress is a means of keeping the human faculty for adapting to stress \* \* \* lacking the opportunity for such exercise, man loses that faculty and becomes a potential victim of an unforeseen, but inevitable, stressful occurrence. The optimum environment consists of a broad band of conditions bounded by an upper limit far short of the stress limit and by a lower limit considerably above the ideal zone of zero stress. Within those margins of reasonable safety or tolerance, man must navigate his own responsibility (p. 224)."

Senator Clifford Hansen suggested that the Federal Government might well consider programs which would provide incentives and opportunities leading to a wider and more balanced dispersal of our people. Assistant Secretary John Baker (USDA) agreed and proposed the creation of new community centers as a matter of national environmental policy. Secretary Weaver commented that any Government policy which has to do with such dispersal must be based on the democratic principle of free choice—including for all of our people the alternatives of living in existing large population centers, suburbia, or new towns.

#### B. Broadening the scope of cost accounting

Narrow utilitarian views governing the use of environmental resources were cited as the root of many conflicts and a major barrier to sound environmental management.

"Dr. DONALD HORNIG. In my view national policy must recognize the very wide array of appropriate and necessary uses of air and water and land. It would recognize, too, the existence of a number of beneficial but non-compatible uses, and make provision for resolving these conflicts. It should result in an environment that is safe, healthful, and attractive and that is economically and biologically productive, yet that provides for sufficient variety to meet the differing requirements and tests of man (p. 31)."

Congressman Emilio Q. Daddario questioned whether the industrial objective of immediate profit can be made compatible with long-term environmental management objectives. Congressman Joseph Karth observed that the self-interests of some organizations do not coincide with the public interest. Secretary Wilbur Cohen (DHEW) commented that environmental controls may be costly in the short run, but in the long run they are a bargain both for industry and the public it serves: "What we are really seeking is an enlightened self-interest that industry and commerce have often exhibited."

Dr. Lynton K. Caldwell contended that the social costs of environmental management should not be an undue burden on the business community if all competitors carry it alike:

"Scientific knowledge and rising levels of amenity standards have added to public expectation that protection against environmental change will be built into the products and production costs of manufactures (p. 99)."

The point at which compromise among conflicting uses is reached furnishes one test of adequacy of policy.

"Mr. ROCKEFELLER. \* \* \*

"If you take a black and white approach, you are never going to resolve it. You have a lot of hostility and you don't represent the public constructively (p. 63.)"

#### C. The role of ecology

Ecologists dedicated to the study of man-environment relationships were urged to show a greater willingness to engage with industry in what was termed "ecological en-

gineering." However, Dr. Dillon Ripley argued that this subject involves a kind of ecological study which is still in the formative stage:

"I think it may take a generation perhaps to achieve even the beginnings of the kind of training, the kind of production of original minds and talents that will be able to perform the sorts of—studies—which we stress the urgency of (p. 75)."

By contrast, several participants contended that the science of ecology has already established a number of basic principles, or propositions, which could guide the attitudes and actions of both industry and government toward the environment. The following examples are paraphrased from submissions by Dr. Paul Weiss:

"(i) Organic nature is such a complex, dynamic, and interacting, balanced and interrelated system that change in one component entails change in the rest of the system. Isolated analytical study of separate components cannot yield desired insight. To find solutions to separate problems of hydrology, waste disposal, soil depletion, pest control, et cetera, is not adequate to achieve the optimization of environmental resources generally. All factors and their cohesive impact on each other need to be simultaneously considered.

"(ii) The significance or insignificance of mixtures of components and environmental conditions cannot be judged from sheer data on bulk or averages. This fallacy is a pitfall ignored today by some planners, developers, builders, and other practicing manipulators of the environment. Our tendency to maximize a specific change or result too often sacrifices other interrelated parts without optimizing the total result.

"(iii) Similarly, the concept of single, rigid, linear cause-to-effect chains of natural events has given rise to organically unreal and practically untenable conclusions. More attention should be given to the network type of causal relations in an integrated system that establishes a multiplicity of alternative routes to such a goal of optimizing the development of environmental resources."

Commenting on the complexity of the total systems approach, Mr. Don Price stated:

"I am left with the vaguely uneasy feeling that if we see the continuous complex here as one set of interconnecting realities that have to be understood as a total system, we may be broadening our interest so much that it's impossible to act on it at all (p. 64)."

"Dr. HORNIG. It is a great thing to talk about systems analysis, but the trouble with that is that you have to put in some facts. And, if you do the analysis when the facts aren't available, you are in trouble.

"\* \* \* It needs a basis in sound research that understands, that gives us clear understanding of what the nature of these long-term liabilities are (p. 51)."

#### D. Redirecting research activities

In addition to increased ecological research, the colloquium touched on the need for the entire scientific community to direct a greater share of its total effort to long-term environmental problems. Mr. Laurance Rockefeller argued that we have not yet fully harnessed this Nation's vast technological talent in the effort for a better environment. Dr. Walter Orr Roberts pointed out that cross-disciplinary research on environmental problems offers the utmost challenge from the intellectual standpoint, and also cited the following as an example of neglected research:

"Only modest efforts have been made to mount a sustained research program on the medical effects involved in the slowly developing health impairments, like aging, that result from low-level but long-persistent alterations of the atmospheric environment.

Subtle alterations of the chemical constitution of the atmosphere, through pollutants added in the form of trace gases, liquids, or solids, result from industrial activity or urbanization. This is an area of biometeorology that has significance in every living person, and yet we have not yet seen even the first beginnings of an adequately sustained research effort in this area (p. 216)."

Future values are difficult to judge, particularly when they include non-economic aspects of environmental quality. Social science research and ecology were singled out for increased support.

"Dr. HORNIG. One of the central problems in weighing the future against the present is that we don't know about the future. The reason we can't muster political forces and the reason we can't make decisions is that for the most part the information is not there (p. 51)."

The establishment of criteria for judgment is a primary task of environment management.

"Secretary WEAVER. There are too many things we do not know, basic matters such as how we define quality in the urban environment, how we measure it, and how we strike a balance among competing values (p. 19)."

"Mr. PRICE. There has been a lot of talk lately about social indicators out of a conviction that narrow economic statistical consideration are not an adequate guide to economic policy, and here we are talking about a field in which it is not enough to know about the chemical industry and the biology (p. 67)."

Technology was seen to be the savior as well as the villain in many environmental quality problems.

"Mr. PRICE. There is a tactic or an approach which has received a good bit of attention recently in technological and scientific literature. Mr. Weinberg, I think, called it the technological fix (p. 66)."

"It is obviously true that the development of the specific techniques has proved to be not only the basis of our accumulation of wealth which now makes it possible for us to ask these more sophisticated questions about our environment, to have very much higher standards of environmental control to insist on (p. 68)."

#### E. International aspects of environmental alteration

The urgent necessity of taking into account major environmental influences of foreign economic assistance and other international developments was underscored by Mr. Russell Train.

Dr. Ivan Bennett commented that the Federal Government is now participating, through the Organization for Economic Cooperation and Development, in a series of cooperative programs that will encourage the exchange of environmental information.

Senator Henry Jackson recalled President Johnson's remarks at Glassboro State College on June 4 in which he said:

"Scientists from this country and the Soviet Union and from 50 other countries have already begun an international biological program to enrich our understanding of man and his environment. I propose that we make this effort a permanent concern of our nations (p. 83)."

Dr. Roberts questioned whether these and similar ongoing cooperative efforts were fully adequate, and proposed that a broader international scheme of cooperative "benchmark" observations be made. As an example he described the neglected area of stratospheric contamination:

"It is now very difficult for us to say anything quantitative or certain about the degree to which the atmosphere above New York City, or Zurich, Switzerland, or the

rural regions of the United States, Europe, and Siberia has been changing in respect to the burden of liquid or solid wastes that jet aircraft carry. I have seen many occasions when the skies over my home city of Boulder, Colo., are crisscrossed with expanding jet airplane contrails. Often these grow, in hours, to a general cirrus cover that blankets the entire sky. On these days it is eminently clear that the jet exhausts are stimulating the formation of a cloud deck. Theory suggests that these clouds, in turn, almost certainly modify the strength of incoming sunlight, and the degree to which outgoing infrared radiation is permitted to escape from the earth to outer space. No one can say for sure, today, to what degree, if any, this alters the weather (p. 217)."

Dr. Ripley summarized the feeling of the colloquium:

"\* \* \* to speak about environmental quality without at least referring to the fact of the international components and consequences of even our activity as Americans and considering our own acreage and our own problems with the environment, appears to me to be somewhat shortsighted (p. 74)."

Senator Edmund Muskie argued that existing conservation policies deal too heavily with the permitted levels of resource exploitation at the expense of the equally important objective of enhancing these same resources.

To overcome this difficulty, Mr. Don Price suggested that countervailing policies might be established which would encourage and even make it profitable for private developers not to pollute, but actually upgrade the quality of our environment through the development of new resource-processing methods.

Assistant Secretary Lee mentioned that in the public health area a great deal of consideration has been devoted to the subtle health effects of many pollutants, but that the management problem of setting standards is made all the more difficult by the constantly changing character of chemicals being added to the environment. As part of the standard setting process, he proposed that it may eventually be necessary to require industries

"\* \* \* to demonstrate a positive beneficial effect, or an enhancement of the environment as suggested by Senator Muskie, rather than just an absence of deleterious effect (p. 71)."

Dr. Harvey Brooks argued that we could easily move too far and

"\* \* \* place a presumption so much against new technology that in fact the disincentives to innovation would create more penalties to the society than the protection to the environment that might be afforded (p. 71)."

Standards which are derived from criteria should not be absolute and unchanging, thereby compounding further the difficulties in the management decisionmaking process.

"Dr. HORNIG. \* \* \* the minute one sets standards—standards which cost people money—the question immediately comes: what is the basis for these standards? If they don't have a strong credible basis, not only to the Congress, but to the public, we can't enforce the standards (p. 51)."

"Mr. PRICE. How do we set standards? How do we know what we want to do until we can define more accurately our problems and develop some better measurements for it? (p. 67)."

"It gets especially harder when you move away from the physical or the chemical pollution and you get into the esthetic type of consideration (p. 67)."

"Mr. TRAIN. \* \* \* I'm suspicious of talk of absolute standards. I think that there

must be a great deal of diversity in whatever we get at (p. 81).

"Senator MUSKIE. We ought to avoid the straitjacket of Federal standards \* \* \* (p. 44)."

#### F. The goals of enhancement and recycling

The American landscape is under extraordinary pressure from man-made refuse and other discarded material. Secretary Udall singled out the empty metal beer can as an example:

"Science should come up with containers that readily degrade, disappear, or are made reusable. If we work hard at it, the expense won't be any burden and we won't foist on our grandchildren a mess of some kind as we do so frequently today (p. 50)."

Dr. Gates suggested that the solution to this ubiquitous problem rests in the analogy between natural and human recycling of resources.

"A natural ecosystem recycles its mineral resources. The minerals are taken up into the biomass and on death and decay are returned to the soil. Man leaves his debris of automobiles, cans, bottles, plastics, chemicals, and pavement scattered about the landscape and lets his organic refuse of garbage and sewage be funneled into the rivers and streams to be washed to sea.

"He does not return the used minerals to the factory for reprocessing or the nutrients to the soil, but draws on new concentrated supplies available in nature. Clearly, such a way of life cannot continue indefinitely. Recycling will never achieve 100-percent efficiency; but if it can reach much greater efficiencies than at present, man's lifespan on earth will be much longer (p. 176)."

#### G. New approaches in Government

Senator Henry Jackson argued that new approaches to environmental management are now required, and urged the Colloquium to provide thoughts on the possible "action-forcing" processes that could be put into operation.

Secretary Udall pointed out the difficulty of reorganizing the executive branch on a strictly environmental basis:

"Let no one suppose there is any organizational panacea for dealing with environmental problems at the Federal level \* \* \*. To combine all programs affecting the environment in one department would obviously be physically impossible.

"Each agency should designate responsible officials and establish environmental checkpoints to be sure they have properly assessed this impact.

"Whether or not new institutional arrangements are accepted, the Bureau of the Budget and the Office of Science and Technology must play a central role in collecting facts, anticipating impacts and providing an early warning system for environmental protection (p. 18)."

Secretary Cohen outlined existing patterns of agency leadership:

"In certain discrete, well-defined areas activities have been organized under the 'lead agency' concept \* \* \*. The second pattern involves multiple rather than single agency leadership, primarily because it must accommodate a variety of interests, no one of which takes precedence (p. 38)."

Dr. Donald Hornig stressed the power of the Presidency to coordinate and translate policy into action:

"The principle, the authority for oversight and coordination—and in fact, Executive responsibility for management—is vested in the President; it is exercised through the Executive Office of the President, particularly by the Office of Science and Technology and the Bureau of the Budget in this respect. We have been working very hard on this problem of coordination, and we have made much

progress. But, if our efforts turn out to be insufficient, further steps will surely be necessary and new organizational forms may be needed in the Executive Office (p. 32)."

Assistant Secretary Baker related early experiences of the USDA with the systems approach:

"We [Agriculture] are developing a Department-wide systems analysis capability for evaluating and interpreting the on-going programs. \* \* \* We seek to organize our efforts in ways that will make them compatible with efforts that may be undertaken by other agencies (p. 26)."

Secretary Weaver warned of the difficulties in obtaining a regional or "problem-shed" management of environmental quality:

"There is a serious problem of stubborn resistance to change in our political institutions. This is true at the local and State level, where the term 'metropolitan government' is a spark to the tinder, and where needed cooperation among neighboring local governments is sometimes resisted for fear it will lead to metropolitan government \* \* \*. This means that at the Federal level, we should and we have helped create institutions for metropolitan subsystems that can handle problems affecting the environment of whole areas (pp. 20 and 21)."

Mr. Laurance Rockefeller stressed the value of a commission comprising legislative, executive, and private sector members:

"I suggest to you that an effective means of proceeding might be a Commission on Environmental Policy Organization.

"It may be that this tack can be done by some entity less formal than a Commission. The Citizens Advisory Committee on Recreation and Natural Beauty plans to make the environment subject one of its major interests during the coming year.

"The Committee is, of course, directed to make its recommendations to the President and the President's Council on Recreation and Natural Beauty. (pp. 6 and 7)."

The Congress was discussed in terms of its own organizational confusion in treating environmental issues.

"Mr. ROCKEFELLER. The layman is confused by the organization of Congress in the environmental field. (p. 6.)"

"Secretary UDALL. There is still a lack of overview. (P. 13.) \* \* \* I think Congress ought to be much less bashful about spending more money on strengthening its staff so it can provide the kind of oversight that is needed. (p. 54.)"

"Secretary COHEN. We recommend that the Congress examine its own organization in order to improve its ability to deal in a comprehensive and coordinated manner with the total problem of environmental quality. (p. 40.)"

"Senator ALLOTT. \* \* \* Congress has abrogated its responsibilities to a great extent with respect to legislative oversight. (p. 54.)"

"Mr. PRICE. Congress too might have an eye to its own organization in these matters: How far it would be possible to go on from this kind of occasional informal exchange of views toward either special nonlegislative committees like the Joint Committee on the Economic Report, perhaps in conjunction with some development within the President's Office; how far pieces of jurisdiction could be carved out for legislative committees; how far the burden of coordination could be forced on the Appropriations Committee \* \* \* (p. 69)."

#### PART II. ALTERNATIVES FOR CONGRESSIONAL ACTION

An impressive number and variety of legislative proposals for improving the quality of our environment have been set before the 90th Congress (see appendix). Support for action has come from diverse segments of American society: from the scientific com-

munity, from business, and from public affairs groups.

The Congress should move ahead to define clearly the desires of the American people in operational terms that the President, government agencies at all levels, the courts, private enterprise, and the public can consider and act upon.

The ultimate responsibility for protecting the human-serving values of our environment rests jointly with the legislative, executive, and judicial branches of our Government. The Congress, as a full partner, has the obligation to provide comprehensive oversight of all environment-affecting programs of the executive branch, and also to participate in the overall design of national policy, thus serving both as architect of environmental management strategy and as the elaborator of goals and principles for guiding future legal actions.

Under the present organization of the Congress, varying aspects of environmental management (including air and water pollution control, strip mine reclamation, outdoor recreation, housing and space planning in urban areas, highway construction, atmospheric research, oceanography, and rural conservation) are committed to different committees. While there has been a steady expansion of independent committee interest in specific environmental problems, the Congress so far has not evaluated this field in its entirety with a view toward evolving a coherent and unified policy for national environmental management.

It should be recognized that the declaration of a national environmental policy will not alone better or enhance the total man-environment relationship. The present problem is not simply the lack of a policy. It also involves the need to rationalize and coordinate existing policies, and to provide the means by which they may be reviewed continuously, made consistent with other national policies and ranked in reasonable priority.

The proper development of such a far-reaching body of policy raises many difficult organizational, economic and legal problems. Some individuals who were present at the July 17 colloquium suggested that a congressional mandate on the subject of environment, which would necessarily encompass a very wide range of problems and issues, would be impractical and ineffective. Yet others pointed out that equally broad mandates and satisfactory organizing concepts for managing our economic welfare and for guiding the development of atomic energy have been tested over a period of years, with effective machinery now operating both in the executive and legislative branches to evaluate the extent to which national goals and activities in these fields are meeting public expectations and needs.

In any event, to those involved in the colloquium and recent hearings on this subject, it is clear that two functions must be served: coordination and information gathering. Environmental problems cut across so many existing operational organizations that coordination in both the executive and legislative branches must be improved. Further, an effective channel of information exchange and overview must exist between the Congress and the administration. If, for example, an environmental council were established in the Executive Office of the President, as has been proposed, it should be complemented with a corresponding joint congressional committee for purposes of efficient and continued interaction.

The acquisition and evaluation of information specifically for the Congress must be improved. Raw facts and data from ecological and economic studies must be interpreted to be useful in the legislative process. This

function should be performed in an organization reporting directly to the Congress; for example, a strong joint committee staff or an expanded Legislative Reference Service environmental unit.

Congress (regardless of present or future executive branch approaches) may exert a meaningful influence on the formulation of national environmental policy by embarking on one or a combination of the following steps:<sup>1</sup>

A. A *concurrent resolution* could be introduced declaring the strong interest of the Congress in establishing national environmental policy.

This would represent a firm expression of concern on the part of the Congress about environmental deterioration, but would not be a direct confrontation with the task of defining national policy. The resolution might urge the creation of an appropriate body to investigate all matters relating to environmental management; to analyze the means and methods whereby the organization, administration, and funding of government programs affecting the environment may be improved; and, to determine the ways whereby nongovernmental entities could be encouraged to participate in overcoming further deterioration of the environment in the national interest. Hearings on the resolution could provide a forum for a wide range of opinion.

B. A *joint resolution* calling for an amendment to the Constitution on the subject of environmental values could be introduced.

This would require approval by two-thirds of the Congress and ratification by three-fourths of the States. The amending process is both slow and cumbersome. Moreover, acceptance would require a tremendous groundswell of support. However, a proposed amendment would generate wide discussion and involve the State legislatures which are vitally important in achieving environmental quality goals. The advantage of constitutional amendments lies in the unanimity of national commitment. Such an amendment for the environment could place expanded emphasis on the judicial process as an instrument of controlling future abuse of environmental values.

C. A *joint committee or committees on environmental management* could be established to provide across-the-board oversight on Federal programs, to conduct studies with the assistance of professional staff, and to recommend legislation. Alternatively, select or permanent committees could be established in each House.

Such committees could draw membership from existing legislative committees involved with environmental matters, and perhaps focus primarily on the review of policy and coordination matters dealt with by such groups as the Office of Science and Technology, Water Resources Council, the Council on Recreation and Natural Beauty, and various interagency coordinating committees.

D. A new *environmental surveillance unit* to conduct research and information-gathering services for the Congress could be organized.

In the past, Congress has shown reluctance to add new appendages of this sort to the legislative branch. An alternative might be an expansion of the functions of the Gen-

<sup>1</sup> This white paper deals with action alternatives for the Congress. Obviously the spectrum of organizational and administrative alternatives for policy in the executive branch is equally important. These range from definition of rights with court defense, to regulation by Federal agency, to standard setting, to incentives for voluntary conformance, to subsidy of technology for restoration and maintenance.

eral Accounting Office to make continuing studies of environmental conflicts and to prepare appropriate reports for transmittal to the Congress. New staff positions and additional funding would be required.

E. The Congress could establish a *non-governmental task force* to carry out in its belief a special study of environmental policy needs.

Such a task force could engage the services of private research organizations and draw its membership from the finest talent available in the academic community. The task force could be administered directly by the Congress or made the responsibility of some arm of the Congress such as the Legislative Reference Service, Library of Congress, which has the authority to employ experts on short-term assignments.

F. A temporary *environment management council* could be organized.

Such a council might be similar in organization and operation to the National Council on Marine Resources and Engineering Development. Its purposes could be to identify all unmet needs and opportunities in the environmental field, to study impediments to sound environmental management, conflicts of interest and gaps in existing agency and congressional activities, and to develop recommendations for legislative action within a specified period of years.

The Congress would retain an overview of the council and would control the budget for its operation. Establishment of a policy planning group in the Executive Office of the President forces the generation of proposals to the Congress. A receiving committee should be set up to correspond to this Council, similar to the Joint Economics Committee and the Council of Economic Advisers.

G. A governmental *commission* could be established for the same purposes.

The commission could be composed entirely of Congressmen, perhaps the chairman of key committees which deal with environmental matters. Or it could be a Joint Commission including representation from the executive branch and the public at large. A third type would be a Presidential Commission with members chosen at the discretion of the Chief Executive. Through a combination of studies and hearings, the Commission could be asked to produce a blueprint for legislative action in the environmental field.

H. The *Legislative Reference Service* could be directed to add a central research and evaluation on environmental matters.

A precedent is the establishment of the Science Policy Research Division in 1964.

I. An *environmental counselor* could be placed on the staff of each appropriate standing committee of the Congress.

The purpose would be to increase the technical staff available for committee work. Each counselor could be given the permanent responsibility of advising the committee to which he was assigned on the probable environmental impact of all pending legislation.

#### PART III. ELEMENTS OF A NATIONAL POLICY FOR THE ENVIRONMENT

The following language is suggested for a statement of policy, and reflects primarily the proposed position and attitude of the Federal Government, but also could be used for the guidance of State and local governments, private sector industry and commerce, and individual actions. Activities and relationships which involve man and the physical environment (as contrasted with purely person-to-person or person-to-institution relationships) are the subject of this statement.

It is the policy of the United States that: Environmental quality and productivity

shall be considered in a worldwide context, extending in time from the present to the long-term future.

Purposeful, intelligent management to recognize and accommodate the conflicting uses of the environment shall be a national responsibility.

Information required for systematic management shall be provided in a complete and timely manner.

Education shall develop a basis of individual citizen understanding and appreciation of environmental relationships and participation in decisionmaking on these issues.

Science and technology shall provide management with increased options and capabilities for enhanced productivity and constructive use of the environment.

The requirement to maintain and enhance long-term productivity and quality of the environment takes precedence over local, short-term usage. This policy recognizes the responsibility to future generations of those presently controlling the development of natural resources and the modification of the living landscape. Although the influence of the U.S. policy will be limited outside of its own borders, the global character of ecological relationships must be the guide for domestic activities. Ecological considerations should be infused into all international relations.

World population and food production must be brought into a controlled balance consistent with a long-term future continuation of a satisfactory standard of living for all.

Energy must be allocated equitably between production and the restoration, maintenance, and enhancement of the environment. Research should focus on solar energy and fusion energy for the long term, and on energy conversion processes with minimum environmental degradation for the short term.

In meeting the objectives of environmental management, it will be necessary to seek the constructive compromise, and resolutely preserve future options.

Priorities and choices among alternatives in environmental manipulation must therefore be planned and managed at the highest level of our political system. All levels of government must require developments within their purview to be in harmony with environmental quality objectives.

Alteration and use of the environment must be planned and controlled rather than left to arbitrary decision. Alternatives must be actively generated and widely discussed. Technological development, introduction of new factors affecting the environment, and modifications of the landscape must be planned to maintain the diversity of plants and animals. Furthermore, such activities should proceed only after an ecological analysis and projection of probable effects. Irreversible or difficultly reversible changes should be accepted only after the most thorough study.

The system of free enterprise democracy must integrate long-term public interests with private economic prosperity. A full range of incentives, inducements, and regulations must be used to link the public interests to the marketplace in an equitable and effective manner.

Manufacturing, processing, and use of natural resources must approach the goal of total recycle to minimize waste control and to sustain materials availability. Renewable resources of air and water must be maintained and enhanced in quality for continued use.

A broad base of technologic, economic, and ecologic information will be necessary. The benefits of preventing quality and productivity deterioration of the environment are

not always measurable in the marketplace. Ways must be found to add to cost-benefit analyses nonquantifiable, subjective values for environmental amenities (which cannot be measured in conventional economic terms).

Wherever the maintenance of environmental productivity or the prevention of environmental deterioration cannot be made economical for the private sector, government must find appropriate means of cost-sharing.

Ecological knowledge (data and theories) must be greatly expanded and organized for use in management decisions. Criteria must be established which relate cause and effect in conditions of the environment.

Indicators for all aspects of environmental productivity and quality must be developed and continuously measured to provide a feedback to management. In particular, the environmental amenities (recreational, esthetic, psychic) must be evaluated. Social sciences must be supported to provide relevant and dependable interpretation of information for environmental management.

Standards of quality must not be absolute—rather, they should be chosen after balancing all criteria against the total demands of society. Standards will vary with locality, must be adjusted from time to time, and we must develop our capabilities accordingly.

Decisions to make new technological applications must include consideration of unintended, unanticipated, and unwanted consequences. Technology should be directed to ameliorating these effects so that the benefits of applied science are retained.

Public awareness of environmental quality relationships to human welfare must be increased. Education at all levels should include an appreciation of mankind's harmony with the environment. A literacy as to environmental matters must be built up in the public mind. The ultimate responsibility for improved maintenance and control of the environment rests with the individual citizen.

#### APPENDIX—SELECTED ISSUES AND REPRESENTATIVE LEGISLATION INTRODUCED IN THE 90TH CONGRESS

##### Senate

The bills are grouped as to committee referral. Nineteen committees and over 120 members are represented.

##### [Bill number and introduced by]

Committee on Agriculture and Forestry  
Resource and development projects for fish and wildlife, S. 852, Mr. McCarthy.

Pesticides: Sale and shipment of DDT prohibited, S. 1025, Mr. Nelson.

Federal Pesticide Control Act, S. 2058, Mr. Ribicoff.

##### Committee on Commerce

Tanker Disaster Act, S. 1586, Mr. Magnuson et al.

Alewife control preventing damage to the ecology, S. 2123, Mr. Nelson.

Endangered Species Act, S. 2984, Mr. Yarborough.

##### Committee on Finance

Tax treatment of damages for crop injury through pollution, S. 84, Mr. Holland.

Incentive tax credits applicable to air or water pollution control and abatement facilities. Similar bills introduced by Senators Carlson, Cooper, and Ribicoff, S. 187, Mr. Smathers.

##### Committee on Foreign Relations

Endorsement of International Biological Program, S. Con. Res. 26, Mr. Harris.

##### Committee on Government Operations

Select Committee on Technology and Human Environment, S. Res. 68, Mr. Muskie.

Full Opportunity and Social Accounting Act; establishment of a Council of Social Advisers, S. 843, Messrs. Mondale, Clark, Hart, Harris, Inouye, Kennedy, McGee, Muskie, Nelson, Proxmire.

Department of Natural Resources Act, S. 886, Mr. Moss.

Committee on Interior and Insular Affairs  
National Water Commission, S. 20, Mr. Jackson et al.

Wild Rivers Act: Public lands reserved for National Wild Rivers System, S. 119, Mr. Church.

Nationwide System of Trails, S. 827, Messrs. Jackson and Nelson.

National Mining and Minerals Policy Act, S. 522, Mr. Allott et al.

Land and water conservation fund, S. 1401, Mr. Jackson et al.

National Lakes Preservation Act, S. 2001, Mr. Nelson.

Research program on natural environmental systems of the United States, S. 2789, Mr. Nelson.

Council on Environmental Quality; Investigation of U.S. ecological systems, natural resources, and environmental quality, S. 2805, Messrs. Jackson and Kuchel.

Mined land reclamation, S. 217, Mr. Lausche.  
Inventory and study of the Nation's estuaries, S. 2677, Mr. Metcalf.

Committee on Labor and Public Welfare

Annual Presidential report on science and technology; Joint Committee on Science and Technology, S. 1305, Mr. Allott et al.

Federal Council of Health, S. 1347, Mr. Javits.

Safe Drinking Water Act, S. 3147, Mr. Hill.

##### Committee on Public Works

Air Quality Act of 1967, S. 780, Messrs. Muskie, Baker, Bartlett, Bayh, Bible, Boggs, Brewster, Clark, Cooper, Fong, Gruening, Hartke, Inouye, Long (Mo.), Mansfield, Metcalf, Mondale, Montoya, Morse, Murphy, Nelson, Randolph, Ribicoff, Spong, Tydings, Yarborough, Young (Ohio).

Federal Water Pollution Control Act amplified by: Industrial Air Pollution Abatement and Prevention Act, Navigable Waters Pollution Control Act, S. 847, S. 2410, S. 849, Mr. Nelson.

Clean Lakes Act, S. 1341, Mr. Mondale et al.  
Highway Beautification Act amendment, S. 1666, Mr. Cooper.

Acid mine pollution control, S. 1870, Messrs. Randolph, Clark.

Improved control of pollution from vessels, S. 2525, Mr. Muskie et al.

R. & D. program by Department of Interior for improved control and prevention of pollution, S. 2760, Mr. Muskie et al.

Regional water pollution control advisory boards, S. 2820, Mr. Tower.

Environmental Quality Prevention Act, Council on Environmental Quality, S. 3031, Mr. Nelson.

Extension of Federal assistance for solid waste disposal planning, S. 3201, Mr. Muskie et al.

##### House

##### Committee on Agriculture

##### [Bill number and introduced by]

Federal Pesticide Control Act, H.R. 11846, Mr. Dingell.

Control of noxious plants on federally controlled land, H.R. 14158, Mr. Foley.

Committee on Banking and Currency  
Federal development grants for open space land, H.R. 5865, Mr. O'Hara.

##### Committee on Government Operations

Consolidation of water quality management and pollution control authorities in Department of the Interior, H.R. 3753, Mr. Dingell, H.R. 4893, Mr. Moss.

Establishment of Department of Marine

and Atmospheric Affairs, H.R. 4480, Mr. Hathaway.

Uniform land acquisition policy in urban areas, H.R. 5523, Mr. Dwyer.

Council of Social Advisers, H.R. 10261, Mr. Ottinger.

National Commission on Urban Living, H.R. 12494, Mr. Goodell.

Establishment of Department of Health, H.R. 15641, Mr. Rosenthal.

Committee on Interior and Insular Affairs

National scenic river system, H.R. 90, Mr. Saylor.

Investigation of the natural environmental systems in the United States by Department of the Interior, H.R. 258, Mr. Bennett.

Fresh water supply for the Northeastern United States, H.R. 1022, Mr. Ottinger.

Public Land Law Review Commission, H.R. 12121, Mr. Aspinall.

National Study Commission Act, H.R. 1416, Mr. Ullman.

National Study Commission on Water Conservation and Utilization, H.R. 5020, Mr. Wyatt.

Review of Nation's water resource problems, H.R. 6800, Mr. Helstoski.

Land and water conservation fund, H.R. 8578, Mr. Foley.

Wild and Scenic Rivers Act. Similar bill: H.R. 15429 (Mr. Fulton of Tennessee), H.R. 15690, Mr. Fraser.

Nationwide trails system, H.R. 4865, Mr. Taylor.

Committee on Interstate and Foreign Commerce

Pesticides; standards, H.R. 495, Mr. Dingell.

HUD study of potential damage to environment from erection of overhead electric transmission lines and towers, H.R. 4150, Mr. Ottinger.

Air Quality Act of 1967: The act incorporates provisions which appear as sections of numerous other bills. Some Members who authored similar bills are: Messrs. Horton, Halpern, Springer, Dingell, Adams, Eckhardt, Minish, Ryan, Long of Maryland, McCarthy, Moorhead, Rosenthal, Adams, Dent, Farbstain, Delaney, Gilbert, Murphy, Van Deerlin, Walker, Mrs. Kelly, Messrs. Johnson of Penn-

sylvania, Patten, Howard, Corman, Helstoski, Tunney, Ellberg, Fino, Pucinski, Roybal, H.R. 4279, Mr. Staggers.

Establishes regional airshed quality commissions and airshed quality regions, H.R. 8601, Mr. Blatnik.

Prohibits construction of power transmission lines on interior-designated public lands, H.R. 11509, Mr. Reuss.

Control and abatement of aircraft noise, H.R. 14896, Mr. Scheuer.

Solid wastes: extend and amend Public Health Service Act, H.R. 15768, Mr. Staggers.

Committee on the Judiciary

Conservation bill of rights, H.J. Res. 1321, Mr. Ottinger.

Marine Resources Conservation and Development Act, H.R. 17369, Mr. Willis.

Committee on Merchant Marine and Fisheries

Development and preservation of U.S. estuarine areas, H.R. 25, Mr. Dingell.

Navigable Water Pollution Control Act, H.R. 486, Mr. Dingell.

Protection of fish and wildlife resources from effects of Federal projects, H.R. 6731, Mr. Ottinger.

Coast Guard R. & D. related to release of harmful fluids from vessels, H.R. 9116, Mr. Howard.

Establishment of Marine Sanctuaries, H.R. 11584, Mr. Keith.

Congressional policy concerning authority to control fish and wildlife resources, H.R. 14849, Mr. Vander Jagt.

Endangered Species Act, H.R. 11618, Mr. Lennon.

Coast Guard studies of oil pollution, H.R. 14852, Mr. Keith.

Prevention of damage to fish and wildlife from pesticides, H.R. 15979, Mr. Karth.

Environmental Science Services Administration Commissioned Officers Corps Act, H.R. 17993, Mr. Garmatz.

Committee on Public Works

Federal Water Commission Act, H.R. 1252, Mr. Ryan.

Detergent Pollution Control Act, H.R. 8752, Mr. Ellberg.

Department of Interior's R. & D. program

to improve the quality of lake waters, H.R. 10751, Mr. Hanley.

Federal highway system beautification, H.R. 11705, Mr. Adams.

Clean Lakes Act, H.R. 13407, Mr. Zwach.

Control of acid and mine water pollution; similar bill introduced by Mr. Beville (H.R. 16133), H.R. 14000, Mr. Nedzi.

Oil and Hazardous Substance Pollution Control Act, H.R. 15906, Messrs. Fallon, Blatnik.

Water pollution control, Federal installations, prevention of discharge of heated effluents, H.R. 16852, Mr. Dingell.

Committee on Rules

Joint congressional committee to study problems of extraordinary pollution of air and navigable waters in the United States, H. Con. Res. 307, Mr. St. Onge.

House Standing Committee on Urban Affairs, H. Res. 1062, Mr. Cowger.

Select Committee on Technology and Human Environment, H. Res. 1116, Mr. Brown of California.

Committee on Science and Astronautics

Congressional support of international biological program, H. Con. Res. 6698, Mr. Miller of California.

Technology Assessment Board and General Advisory Council, H.R. 6698, Mr. Daddario.

Council on Environmental Quality, H.R. 7796, Mr. Dingell.

Council of Ecological Advisers, H.R. 13211, Mr. Tunney.

Council of Ecological Advisers, H.R. 14605, Mr. Matsunaga.

Council of Ecological Advisers, H.R. 14627, Mr. Corman.

Committee on Ways and Means

Incentive tax credit for construction of air or water pollution control facilities; similar bills presented by Messrs. Collier, Corbett, Feighan, Casey, Fuqua, Anderson, Perkins, Slack, Byrne, Riefel, Berry, King, Johnson of Pennsylvania, McClory, Zion, Whalley, Schweiker, Halpern, Schneebell, Andrews, Steiger, Cederberg, Kupferman, Keith, Hall, MacGregor, Mize, Meskill, Smith of New York, Teague, H.R. 385, Mr. Clancy.

Clean Lakes Act, H.R. 16257, Mr. Blackburn.

COMPARISON OF ENVIRONMENTAL QUALITY MEASURES

PROVISION	S. 1075	H.R. 12549 (S. 1075 AS AMENDED)
Title.	National Environmental Policy Act of 1969.	An Act to provide for the establishment of a Council on Environmental Quality.
Declaration of policy.	6-part Congressional declaration of policy (sec. 101(a)).	Brief statement of policy.
Recognition of environmental rights.	Congress recognizes right of persons to healthful environment (sec. 101(b)).	No provision.
Directions to Federal agencies as follows:	Congress authorizes and directs all Federal agencies to perform functions and make certain findings in support of the policy (sec. 102).	No provision (Council to make recommendations).
	All agencies shall:	
1. Interdisciplinary approach.	1. Utilize interdisciplinary approach to planning and decision-making (sec. 102(a)).	No provision.
2. Environmental values.	2. Develop methods to include presently unquantified values in decisions (sec. 102(b)).	No provision.
3. Make findings.	3. Must make findings in connection with proposals and decisions that:	No provision.
a. environmental impact.	a. environmental impact has been considered.	
b. adverse effects.	b. adverse effects are justified.	
c. short-term uses.	c. short-term uses are consistent with long-term productivity.	
d. irreversible commitments.	d. irreversible commitments are justified.	
4. Alternatives.	4. Study and present alternatives where conflicts occur.	No provision.
5. International effects.	5. Support international programs for the environment.	No provision.
6. Present authority.	6. Review existing statutory authorities and recommend legislation to conform to this Act.	No provision.

## PROVISION

S. 1075

H.R. 12549

(S. 1075 AS AMENDED)

Supplement to existing enabling acts.	Act is made supplementary to existing mandates and authorizations of Federal agencies (sec. 103).	Nothing in act shall change existing authorities (sec. 9).
Data collection and dissemination.	Federal agencies are authorized to collect and disseminate environmental and ecological data (sec. 201).	No provision.
Grant Program.	The President is authorized to designate agencies to: 1. administer a grant program (sec. 202(a)(1)). 2. inventory resource projects (sec. 202(a)(2)). 3. collect ecological research data (sec. 202(a)(3)). 4. assist state (sec. 202(a)(4)).	No provision.
Project inventory.		No provision.
Ecological research.		No provision.
Assistance to states.		No provisions (Council will consult, sec. 7(a)). No provisions.
Deputy Director for Office of Science and Technology. Board of Environmental Quality Advisors (Council, Office).	Establishes new Deputy Director in OST (sec. 203). Creates a 3-man Board in the Executive Office of the President. Appointed by President with advice and consent of Senate (sec. 301).	Creates a Council of Environmental Quality in Executive Office of President. Composed of 5 members appointed by President (sec. 3).
Duties of Board, Office, Council.		
1. Annual report to President.	1. Make annual report to the President (302(a)(1)).	1. Make annual report to President (sec. 6).
2. Assist President.	2. Advise, assist, and support President (302(a)(2)).	2. Prepare reports as President directs (sec. 5(e)).
3. Collect data.	3. Collect and disseminate information on environmental quality (sec. 302(a)(3)).	3. Gather data and prepare reports (sec. 5(b)).
4. Review Federal activities.	4. Review, appraise and make recommendations concerning Federal programs, projects, activities, and policies (sec. 302(b)).	4. Appraise programs and activities (sec. 5(c)).
5. Assist in President's report to Congress.	5. Assist President in preparation of annual report on the environment (sec. 302(c)).	5. Assist and advise President in preparing annual report (sec. 5(a)).
6. Other assignments.	6. Other duties directed by President (sec. 302(d)).	6. Make such studies as requested (sec. 5(e)).
7. Support Cabinet Council.	7. All Federal agencies (sec. 201(g)).	7. No provision.
8. Review monitoring system.	8. President designates agency (sec. 202(a)(3)).	8. No provision.
9. Promote knowledge.	9. All Federal agencies (sec. 201(a)).	9. No provision.
10. Develop policies.	10. Board to assist President (sec. 302(a)(2)).	10. Develop and recommend policies (sec. 5(d)).
11. Recommend priorities.	11. No provision.	11. No provision.
12. Evaluate techniques.	12. All agencies (sec. 102(b)).	12. No provision.
13. Coordinate programs.	13. Board reviews programs (sec. 302(b)).	13. No provision.
14. Review criteria.	14. Board reviews policies (sec. 302(b)).	14. No provision.
15. Consult with state and local government.	15. All agencies advise states, counties, etc. (sec. 201(d)).	15. Consult with state, local and private groups (sec. 7(a)).
Annual Report to Congress.	President shall submit report to Congress (sec. 303).	President shall transmit to the Congress (sec. 2).
Employment of Officers.	Board may employ (sec. 304).	Council may employ (sec. 4).
Appropriations.	For grant programs, \$500,000 first year, \$1 million each successive year (sec. 202(b)). For Board—\$1 million annually (sec. 305).	\$300,000 for first year, \$500,000 for second year, \$1 million annually thereafter (sec. 10).
Biennial Forum.	No provision.	No provision.
Advisory Committees.	No provision.	No provision.

## SECTION-BY-SECTION ANALYSIS

## Section 1

This section provides that this act may be cited as the National Environmental Policy Act of 1969.

## Section 2

This section sets forth the purposes of the act. The purposes of the act are to declare a national environmental policy; to promote efforts to prevent environmental damage and to better the health and welfare of man; to enlarge and enrich man's understanding of the ecological systems and natural resources important to the Nation; and to establish in the Executive Offices of the President a Board of Environmental Quality Advisors.

## TITLE 1

## Section 101(a)

This section is a declaration by the Congress of a national environmental policy. The declaration is based upon a congressional recognition of mankind's dependence upon his physical and biological surroundings for material goods and cultural enrichment. It is further based upon a recognition of the increasing pressures exerted upon the environment as a result of population growth,

urbanization, industrial expansion, resource exploitation, and technological development.

The continuing policy and responsibility of the Federal Government is declared to be that, consistent with other essential considerations of national policy, the activities and resources of the Federal Government shall be improved and coordinated to the end that the Nation may attain certain broad national goals in the management of the environment. The broad national goals are as follows:

(1) Fulfill the responsibilities of each generation as trustee of the environment for future generations. It is recognized in this statement that each generation has a responsibility to improve, enhance, and maintain the quality of the environment to the greatest extent possible for the continued benefit of future generations.

(2) Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings. The Federal Government, in its planning and programs, shall strive to protect and improve the quality of each citizen's surroundings both in regard to the preservation of the natural environment as well as in the planning, design, and construction of manmade structures. Each indi-

vidual should be assured of safe, healthful, and productive surroundings in which to live and work and should be afforded the maximum possible opportunity to derive physical, esthetic, and cultural satisfaction from his environs.

(3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences. The resources of the United States must be capable of supporting the larger populations and the increased demands upon limited resources which are inevitable in the future. To do so, it is essential that the widest and most efficient use of the environment be made to provide both the necessities and the amenities of life. In seeking intensified beneficial utilization of the earth's resources, the Federal Government must take to avoid degradation and misuse of resources, risk to man's continued health and safety, and other undesirable and unintended consequences.

(4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain wherever possible an environment which supports diversity and variety

of individual choice. The pace of urbanization coupled with population growth and man's increasing ability to work unprecedented change in the natural environment makes it clear that one essential goal in a national environmental policy is the preservation of important aspects of our national heritage. There are existing programs which are designed to achieve these goals, but many are single-purpose in nature and most are viewed as being within the province of a particular agency of Government. This subsection would make it clear that all agencies, in all of their activities, are to carry out their programs with a full appreciation of the importance of maintaining important aspects of our national heritage.

This subsection also emphasizes that an important aspect of national environmental policy is the maintenance of physical surroundings which provide present and future generations of American people with the widest possible opportunities for diversity and variety of experience and choice in cultural pursuits, in recreational endeavors, in esthetics and in living styles.

(5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities. This subsection recognizes that population increases underlie many of the resource and environmental problems which are being experienced in America. If the Nation's present high standards of living are to be made available to all of our citizens and if the general and growing desire of our people for greater participation in the physical and material benefits, in the amenities, and in the esthetic enjoyment afforded by a quality environment are to be satisfied, the Federal Government must strive to maintain magnitude and distribution of population which will not exceed the environment's capability to provide such benefits.

(6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. In recent years a great deal of the emphasis of legislative and executive action regarding environmental matters has concentrated upon the protection and improvement of quality of the Nation's renewable resources such as air and water. It is vital that these efforts be continued and intensified because they are among the most visible, pressing, and immediate concerns of environmental management.

It is also essential that means be sought and utilized to improve the effectiveness of recycling of depletable resources such as fiber, chemicals, and metallic minerals. Improved material standards of living for greater numbers of people will place increased demands upon limited raw materials. Furthermore, the disposal of wastes from the nonconsumptive single use of manufactured goods is among our most critical pollution problems. Emphasis must be placed upon seeking innovative solutions through technology, management, and, if necessary, governmental regulation.

#### Section 101(b)

This subsection asserts congressional recognition of each person's fundamental and inalienable right to a healthful environment. It is apparent that the guarantee of the continued enjoyment of any individual right is dependent upon individual health and safety. It is further apparent that deprivation of an individual's right to a healthful environment will result in the degradation or elimination of all of his rights.

The subsection also asserts congressional recognition of each individual's responsibility to contribute to the preservation and enhancement of the environment. The enjoyment of individual rights requires respect and protection of the rights of others. The cumulative influence of each individual

upon the environment is of such great significance that every effort to preserve environmental quality must depend upon the strong support and participation of the public.

#### Section 102

The policies and goals set forth in section 101 can be implemented if they are incorporated into the ongoing activities of the Federal Government in carrying out its other responsibilities to the public. In many areas of Federal action there is no body of experience or precedent for substantial and consistent consideration of environmental factors in decisionmaking. In some areas of Federal activity, existing legislation does not provide clear authority for the consideration of environmental factors which conflict with other objectives.

To remedy present shortcomings in the legislative foundation of existing programs, and to establish action-forcing procedures which will help to insure that the policies enunciated in section 101 are implemented, section 102 authorizes and directs that the existing body of Federal law, regulation, and policy be interpreted and administered to the fullest extent possible in accordance with the policies set forth in this act. It further establishes a number of operating procedures to be followed by all Federal agencies as follows:

(a) Wherever planning is done or decisions are made which may have an impact on the quality of man's environment, the responsible agency or agencies are directed to utilize to the fullest extent possible a systematic, interdisciplinary, team approach. Such planning and decisions should draw upon the broadest possible range of social and natural scientific knowledge and design arts. Many of the environmental controversies of recent years have, in large measure, been caused by the failure to consider all relevant points of view in the planning and conduct of Federal activities. Using an interdisciplinary approach that brought together the skills of the landscape architect, the engineer, the ecologist, the economist, and other relevant disciplines would result in better planning and better projects. Too often planning is the exclusive province of the engineer and cost analyst.

(b) All agencies which undertake activities relating to environmental values, particularly those values relating to amenities and aesthetic considerations are authorized and directed to make efforts to develop methods and procedures to incorporate those values in official planning and decision-making. In the past, environmental factors have frequently been ignored and omitted from consideration in the early stages of planning because of the difficulty of evaluating them in comparison with economic and technical factors. As a result, unless the results of planning are radically revised at the policy level—and this often means the Congress—environmental enhancement opportunities may be forgone and unnecessary degradation incurred. A vital requisite of environmental management is the development of adequate methodology for evaluating the full environmental impacts and the full costs of Federal actions.

(c) Each agency which proposes any major actions, such as project proposals, proposals for new legislation, regulations, policy statements, or expansion or revision of ongoing programs, shall make a determination as to whether the proposal would have a significant effect upon the quality of the human environment. If the proposal is considered to have such an effect, then the recommendation or report supporting the proposal must include statements by the responsible official of certain findings as follows:

(1) A finding shall be made that the environmental impact of the proposed action has been studied and that the results of

the studies have been given consideration in the decisions leading to the proposal.

(ii) Wherever adverse environmental effects are found to be involved, a finding must be made that those effects cannot be avoided by following reasonable alternatives which will achieve the intended purposes of the proposal. Furthermore, a finding must be made that the action leading to the adverse environmental effects is justified by other considerations of national policy and those other considerations must be stated in the finding.

(iii) Wherever local, short-term uses of the resources of man's environment are being proposed, a finding must be made that such uses are consistent with the maintenance and enhancement of the long-term productivity of the environment.

(iv) Wherever proposals involve significant commitments of resources and those commitments are irreversible and irretrievable under conditions of known technology and reasonable economics, a finding must be made that such commitments are warranted.

(d) Wherever agencies of the Federal Government recommend courses of action which are known to involve unresolved conflicts over competing and incompatible uses of land, water, or air resources, it shall be the agency's responsibility to study, develop, and describe appropriate alternatives to the recommended course of action. The agency shall develop information and provide descriptions of the alternatives in adequate detail for subsequent reviewers and decisionmakers, both within the executive branch and in the Congress, to consider the alternatives along with the principal recommendation.

(e) In recognition of the fact that environmental problems are not confined by political boundaries, all agencies of the Federal Government which have international responsibilities are authorized and directed to lend support to appropriate international efforts to anticipate and prevent a decline in the quality of the worldwide environment.

(f) All agencies of the Federal Government are directed to review their existing statutory authority, administrative regulations, policies, and procedures. The agencies are to propose to the President and to the Congress new executive legislative authority which they find to be necessary to make their authority consistent with the provisions and purposes of this act.

The committee expects that each agency will diligently pursue this review and that appropriate legislative recommendations will be prepared for presentation to the Congress within 1 year's time. The committee recognizes, however, that there is a wide difference in the complexity of legislation dealing with the activities of the various executive agencies and that a specific deadline might prove unreasonably burdensome on some agencies.

#### Section 103

This section provides that the policies and goals set forth in this act are supplementary to the existing mandates and authorizations of Federal agencies. They are not considered to repeal the existing authorizations. Where conflicts occur, they will be resolved under the procedure prescribed in section 102(f).

#### Section 201

This section provides authorization for the Federal agencies to include, as a part of their existing programs and their ongoing activities, certain environmental management functions which will be necessary to support the policies established by this act. No specific authorization of appropriations is provided for these activities. The committee believes that the agencies can perform the functions authorized as a part of the general administration and operation of their existing programs. To the extent that agencies are pursuing activities with environmental management implications, the costs of the functions authorized in this section are

appropriate costs of their work. The functions authorized for each Federal agency are as follows:

(a) To conduct investigations and research relating to ecological systems and environmental quality. It is intended that such activities will be undertaken by each agency when its activities would have an adverse impact on an ecological system or on the quality of the environment.

(b) To collect and document information relating to changes or trends in environmental conditions including ecological systems. It is intended that each agency perform this function in its area of expertise and operation.

(c) To evaluate and publish environmental and ecological data which it has collected.

(d) To make available advice and information at its disposal relating to environmental management.

(e) To utilize ecological information in the planning and development of resource-oriented projects. Each agency which studies, proposes, constructs, or operates projects having resource management implications is authorized and directed to consider the effects upon ecological systems to be a part of the analyses governing its actions and to study such effects as a part of its data collection.

(f) To conduct ecological research and studies within the Federal lands under its jurisdiction.

(g) To assist to the fullest extent possible the Board of Environmental Quality Advisers established by this act and any environmental council or committees established by the President.

#### Section 202(a)

This section authorizes the President to designate an agency or agencies to carry out the following functions regarding environmental management:

(1) Administer a program of grants, contracts and cooperative agreements, training and research to further the programs of ecological study authorized by title II and to accept and utilize donations for this purpose.

(2) Develop and maintain an inventory of Federal projects and programs, existing and contemplated, which have made or will make significant modifications in the environment.

(3) Establish an information collection and retrieval system for ecological research materials.

(4) Assist and advise State and local governments and private enterprise in developing policies and procedures to enhance the quality of the environment.

#### Section 202(b)

Appropriations in the amounts of \$500,000 annually for fiscal years 1971 and 1972 and \$1 million annually for 1973 and each fiscal year thereafter are authorized for the purposes of this section. The funds appropriated would be allotted to the designated agencies as the President recommends.

#### Section 203

This section establishes in the Office of Science and Technology an additional Deputy Director to be compensated at the rate provided for level IV of the executive schedule pay rates.

The Office of Science and Technology (OST) was established by Reorganization Plan No. 2 of 1962 to provide a permanent staff in the Executive Office of the President to advise and assist the President on matters pertaining to or affected by science and technology. It is also directed to take on such other assignments as the President may request. The Director of OST, appointed by the President with the advice and consent of the Senate, also serves as the science adviser to the President.

Since it was provided statutory authority in 1962, the OST has broadened the range and scope of its activities extending beyond

the province of research or policy for science and technology to the interrelations of science to broad national policies and programs. In this sense, the OST is concerned with assuring the most effective and beneficial use of technology in our society.

Thus, the OST deals with broad problems facing the country in health, education, the urban environment, energy policy and environmental quality.

The President's recent Executive order establishing an Environmental Quality Council directed the OST to provide the staff support and assistance to the work of the Council. The President's science adviser was named Executive Secretary of the Council.

In view of the importance of environmental management problems and the important role which the President's Council will have in resolving interagency conflict concerning environmental issues, and in coordinating the ongoing environmental programs of the Federal Government, a significant increase is expected in the already demanding work load of the OST.

The committee feels that the addition of a second Deputy Director as recommended by the Bureau of the Budget in its July 7, 1969, letter to the chairman, will be of great value in strengthening OST's capacity to contribute to effective environmental management.

#### TITLE III

#### Section 301(a)

This subsection creates in the Executive Office of the President a Board of Environmental Quality Advisers. The Board is to be composed of three members appointed by the President with the advice and consent of the Senate and who shall serve at the President's pleasure.

It is intended that the members of the Board shall be persons of broad experience and training with the competence and judgment to analyze and interpret trends and developing problems in the quality of the Nation's environment. The committee does not view the Board's functions as a purely scientific pursuit, but rather as one which rests upon scientific, economic, social, esthetic, and cultural considerations. The members of the Board, therefore, should not necessarily be selected for depth of training or expertise in any specific discipline, but rather for their ability to grasp broad national issues, to render public service in the national interest, and to appreciate the significance of choosing among present alternatives in shaping the country's future environment.

The President shall designate one member of the Board as Chairman and one as Vice Chairman.

#### Section 301(b)

This subsection provides that the members of the Board shall serve full time. The compensation for the Chairman of the Board is set at level II of the Executive Schedule pay rates and at level IV for the other two members. These provisions parallel the compensation provisions established by law for the Chairman and the members of the Council of Economic Advisers.

#### Section 302(a)

The primary function of the Board shall be to carry on continuing studies and analyses related to the status of the environment. The Board will seek to establish or cause to be established within the operating agencies of the Federal Government an effective system for monitoring environmental indicators, collecting data, and analyzing trends. It will further seek to relate trends in environmental conditions to short- and long-term national goals and aspirations.

In carrying out this function, the Board is required to perform a number of specified duties.

First, the Board is required to report at least once each year to the President on the state and condition of the environment.

This report should represent the Board's considered and impartial judgment. The Board's report would be useful to the President in the preparation of the annual environmental quality report which the President is required to transmit to the Congress by section 303.

Second, the Board would provide advice, assistance, and staff support to the President in the formulation of national policies designed to foster and promote the improvement of the quality of the environment. The President is, of course, free to utilize the services of the Board in any manner in which he desires. The committee hopes, however, that the President would rely on the Board's impartial and objective advice in the formulation of national environmental policies.

Third, the Board is authorized to obtain information from all existing sources concerning the quality of the environment. The committee intends and fully expects that all Federal agencies will cooperate and provide any assistance and information necessary to enable the Board to fulfill its duties and responsibilities under this act. The Board is also directed to make information concerning the quality of the environment available to the American people. It is the committee's strong view that there needs to be some one place in Government to which the public and the news media may turn for authoritative and objective information on particular environmental problems. A current example of the need relates to the controversy over the impact of certain chemicals, pesticides, and insecticides. Many news reports and the opinions of many competent scientists indicate that some present practices in the use and application of these substances pose grave health dangers. The extent of the danger, however, is often minimized and, in some cases, even denied by the responsible Government agencies. The Board could provide a useful and needed public function by reviewing all of the facts and furnishing competent judgment and advice on problems of this nature.

#### Section 302(b)

This subsection provides that the Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment. Based upon its review, the Board shall make recommendations to the President.

The committee does not view this direction to the Board as implying a project-by-project review and commentary on Federal programs. Rather, it is intended that the Board will periodically examine the general direction and impact of Federal programs in relation to environmental trends and problems and recommend general changes in direction or supplementation of such programs when they appear to be appropriate.

It is not the committee's intent that the Board be involved in the day-to-day decision-making processes of the Federal Government or that it be involved in the resolution of particular conflicts between agencies and departments. These functions can best be performed by the Bureau of the Budget, the President's interagency Cabinet-level Council on the Environment or by the President himself. The committee does, however, strongly feel that the President needs impartial and objective staff support which can provide him with unbiased information and an accurate overview of the Nation's environmental trends and problems and how these trends and problems affect the future material and social well-being of the American people.

The Board's recommendations to the President are for his use alone, and his actions on their recommendations will depend on the confidence he places in the judgment of the persons he nominates to membership on the Board. Used properly, the Board's review and appraisal of Federal

activities which affect the quality of the environment can add a new dimension and provide the President with a new insight into the long-range needs and priorities of the country. At the present time, the executive agencies' view of National needs, goals, and priorities in the field of environmental management appears to have been so thoroughly subjugated to budgetary and fiscal considerations that the nature of the fundamental values at stake has been obscured. It is the committee's view that the values which are at stake in the environmental management decisions which lie ahead need to be brought to the fore and made the subject of official decision at the highest levels of Government.

#### Section 302(c)

This subsection states that the Board will assist the President in the preparation of the annual environmental quality report required by section 303. The committee assumes that the Board would have the primary responsibility for the preparation of the President's annual report. It could, in large measure, be based upon the Board's report to the President required by section 302(a) (1).

#### Section 302(d)

This section provides that both the Board of Environmental Quality Advisers and the Office of Science and Technology shall carry out their duties under the provisions of this act at the direction of the President. This provision was not a part of S. 1075 as introduced, but was added as a committee amendment to make it clear that the duties and functions assigned to the Board and the Office of Science and Technology are to be carried out at the direction of the President as is true with regard to the other offices and bodies in the Executive office of the President. This provision will avoid any problems of duplication, coordination, and overlap which otherwise might subsequently arise between the activities of the Board and those of other offices or agencies.

The committee feels that this provision will enlarge the President's flexibility in organizing his staff and will enhance the overall policy-making capacity of the Executive office.

#### Section 303

This section provides that the President shall transmit to the Congress an annual environmental quality report. The first such report shall be transmitted on or before June 30, 1970. Subsequent reports shall be transmitted on or before June 30 in succeeding years.

The report is to include, but not be limited to, a current evaluation of the status and condition of the major environmental classes of the Nation. To the greatest extent possible, this information should be based upon measurements of environmental indicators relating quality and supply of land, water, air, and depletable resources to other factors such as environmental health, population distribution, and demands upon the environment for amenities such as outdoor recreation and wilderness. Significant current and developing environmental problems should be highlighted. Current and foreseeable environmental trends and evaluations of the effects of those trends upon the Nation's future social, economic, physical, and other requirements should be discussed.

It is the committee's strong view that the President's annual report should provide a considered statement of national environmental objectives, trends and problems. The report should provide the best judgment of the best people available on the Nation's environmental problems and the progress being made toward providing a quality environment for all Americans.

The report should summarize and bring together the major conclusions of the technical reports of other Federal agencies con-

cerned with environmental management. Too often, these reports go unread and unevaluated. A succinct, readable summary and evaluation would be of great assistance to the Congress and the President.

It is anticipated that the annual report and the recommendations made by the President would be the vehicle for oversight hearings and hearings by the appropriate legislative committees of the Congress. It would also appear to be desirable to hear the views of the Board of Environmental Quality Advisers at an annual session similar to that now conducted by the Joint Economic Committee with the Council of Economic Advisers.

#### Section 304

This section provides that the Board may employ a professional and support staff and may acquire the services of experts and consultants. The committee intends that the Board should have available a professional staff comparable in size and qualifications to the staff which currently services the Council of Economic Advisers. The staff members, like the members of the Board, should represent many disciplines and professions. They should be broad-gaged people who are capable of furnishing the Board with a balanced and knowledgeable overview of the state of the Nation's environment.

#### Section 305

This section authorizes appropriations in the amount of \$1 million annually to cover the salaries and operating expenses of the Board. The committee chose the \$1 million ceiling because it is comparable to the appropriations which have been required over the past several years for the Council of Economic Advisers.

Mr. JACKSON. Mr. President, the substance of these two initial titles of the Senate version of S. 1075 is not included in the House version. There are, in addition, a number of differences between title III of the Senate version, establishing a Board of Environmental Quality Advisers and calling for an annual environmental quality report to the Congress, and the similar House provisions.

Titles I and II of the Senate version perform two functions which are essential for the realization of a sound national environmental policy. The first of these functions is the statement of policies and broad goals to guide Federal decisionmakers. The statement will represent the first comprehensive enunciation of national concern for environmental quality.

The second function is the provision of authority and direction which will permit the policies set forth in the act to become a real working part of all the activities of all Federal agencies and programs.

There are about 80 major Federal agencies with programs underway which affect the quality of the human environment. If an environmental policy is to become more than rhetoric, and if the studies and advice of any high-level, advisory group are to be translated into action, each of these agencies must be enabled and directed to participate in active and objective-oriented environmental management. Concern for environmental quality must be made part of every phase of Federal action.

Mr. President, following my motion to disagree to the amendments of the House to S. 1075 and agree to the conference requested by the House, a motion will be offered that the conferees on

S. 1075 be instructed to insist upon the specific provisions of S. 1075, as modified by the agreed-upon proposed amendments that have been discussed in the debate and which will be set forth in the RECORD.

This procedure has been discussed by members of both committees, and while it is unusual, it has been accepted as a means which will insure that the Congress will have an opportunity to act on the conference report on S. 1075.

It is understood that the Senate conferees will make every possible effort to gain House agreement to the text of S. 1075 as passed by the Senate as well as the amendments discussed today and set forth in the RECORD. It is also understood, however, that the purpose of a conference committee is to compromise and adjust differences between the House and Senate passed bills, and that the final product of the conference committee will probably have to involve some changes in the language of both the House and Senate passed bills on S. 1075. It is, however, the hope and the intent of all concerned on the Senate side that these changes will not in any way affect the substance of what has been agreed upon.

In any event, any proposed changes from the agreed-upon text of S. 1075 will be discussed in advance by all of the parties involved.

Mr. MUSKIE. Mr. President, the statement just made by the distinguished Senator from Washington represents the agreement which we have reached.

Mr. JACKSON. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and agree to the request for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to.

Mr. JACKSON. Mr. President, before the Chair names conferees on the part of the Senate, I move that the conferees on S. 1075 be instructed to insist upon the specific provisions of S. 1075, as modified by the agreed-upon proposed amendments that have been discussed in the debate and specifically set forth as follows:

#### S. 1075

A bill to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

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

#### SHORT TITLE

SECTION 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

#### PURPOSE

Sec. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

## TITLE I

## DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve importance historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

- (a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;
- (b) identify and develop methods and procedures, subject to review and approval of the Board of Environmental Quality Advisers established by Title III of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision-making along with economic and technical considerations;
- (c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—
  - (i) the environmental impact of the proposed action;
  - (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;
  - (iii) alternatives to the proposed action;
  - (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
  - (v) any irreversible commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any established agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, including those authorized to develop and enforce environmental standards, shall be made available to the President, the Board of Environmental Advisers and to the public as provided by 5 USC 552 and shall accompany the proposal through the existing agency review processes.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President such measures as may be necessary to make their authority consistent with this Act.

SEC. 103. Nothing in Sec. 102 shall in any way affect the specific statutory obligations of any Federal agency (a) to comply with criteria or standards of environmental quality, (b) to coordinate or consult with any other Federal or State agency, or (c) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 104. The policies and goals set forth in this Act are supplementary to existing authorizations of Federal agencies.

## TITLE II

SEC. 201. To carry out the purposes of this Act, the Board of Environmental Quality Advisers is hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality to the extent that such activities do not overlap or conflict with similar activities authorized by law and performed by established agencies;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes; and

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps.

SEC. 202. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the environment;

(b) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(c) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(d) to assist the Board of Environmental Quality Advisers established under title III of this Act and any council or committee established by the President to deal with environmental problems.

SEC. 203. There is hereby established in the Office of Science and Technology an additional office with the title "Deputy Director of the Office of Science and Technology." The Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Director of the Office of Science and Technology shall from time to time direct, and shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

## TITLE III

SEC. 301. (a) There is created in the Executive Office of the President a Board of Environmental Quality Advisers (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interest of this Nation. The President shall designate the Chairman and Vice Chairman of the Board from such members.

(b) Members of the Board shall serve full time and the Chairman of the Board shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Board shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 302. (a) The primary functions of the Board shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Board shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice, assistance, and support to the President on the formulation of national policies to foster and promote the improvement of environmental quality; and

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment and make recommendations thereon to the President.

(c) It shall be the duty and function of the Board to assist and advise the President in the preparation of the annual environmental quality report required under section 303.

(d) The Board shall carry out its duties under the provisions of this Act at the direction of the President and shall perform whatever additional duties he may from time to time direct.

SEC. 303. (a) The President shall transmit to the Congress, beginning June 30, 1970, an annual environmental quality report which shall set forth: (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

(b) Such report shall be referred in whole or in part to the committees of each house of the Congress which have exercised jurisdiction over the subject matter contained therein.

SEC. 304. (a) In order to obtain assistance and independent advice in the development and implementation of the purposes of this

title, the Board may from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of the other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical science, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committees appointed pursuant to this title shall be entitled to receive compensation at a rate to be fixed by the Board, but not exceeding \$100 per diem, including traveltime, and while 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 of the United States Code for persons in the Government service employed intermittently.

(c) The Board shall organize and convene a biennial forum on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof, and participants in such forums shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

Sec. 304. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

Sec. 305. There are hereby authorized to be appropriated \$1,000,000 annually to carry out the purposes of this title.

Amend the title so as to read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

Mr. ALLOTT. Mr. President, as the ranking minority member of the Committee on Interior and Insular Affairs, I wish to congratulate our distinguished chairman, the Senator from Washington (Mr. JACKSON), for his unending efforts in obtaining passage of the National Environmental Policy Act of 1969, a measure of particular importance in this era of ever-degrading environment.

I believe that some background information would be helpful at this point. Let me take just a moment to trace the historical development of S. 1075.

The concept of a high level council on conservation, natural resources, and environment is not new. It first found support from a former chairman of the Senate Interior Committee, the late Senator Murray. In the 86th Congress, he introduced S. 2549, the Resources and Conservation Act, which would have estab-

lished a high level council on environmental advisers along with the first expression of a comprehensive environmental policy.

The bill while not enacted into law, provided a vehicle for obtaining information in this vital area. The 4 days of hearings before the Senate Interior Committee still serve as a useful reference in this area.

This concept of establishing an environmental policy was carried on in subsequent sessions of Congress. In the 89th Congress, S. 2282 entitled the "Ecological Research and Surveys Act" was introduced by the Senator from Wisconsin (Mr. NELSON). The provisions of this bill were later incorporated into S. 2805, introduced in the 90th Congress by the chairman (Mr. JACKSON), and the former ranking minority member of the committee, Thomas Kuchel.

S. 2805, and similar other measures, were the subject matter of a unique joint House-Senate colloquium held July 17, 1968. This colloquium, which was jointly sponsored by the Senate Interior Committee and the House Science and Astronautics Committee, provided a forum for Members of Congress and interested parties to meet and discuss these important issues.

During the 91st Congress three bills were introduced dealing with environmental policy and the creation of new overview institutions.

These bills—S. 237, S. 1075, and S. 1752—were all referred to the Senate Interior Committee, and open hearings were held on them in April of this year. Along with the usual notice in the RECORD, personal invitations were sent to Senators who had expressed a particular interest in this area, to attend and participate in the April hearings.

After the hearings, on May 29, 1969, the chairman introduced amendment No. 25. This amendment resulted from suggestions made by administration witnesses. There was general agreement by administration witnesses, including Dr. DuBridge, that a statutory declaration of a national environmental policy would be both appropriate and useful.

Senators will recall that President Nixon had committed himself in the 1968 campaign to a policy of improving the environment in his October 18, 1968, radio address entitled: "A Strategy of Quality: Conservation in the Seventies." In that address, Candidate Nixon characterized our environmental dilemma in these words:

The battle for the quality of the American environment is a battle against neglect, mismanagement, poor planning and a piecemeal approach to problems of natural resources.

Acting upon that commitment, President Nixon established by Executive order the Environmental Quality Council in May of 1969. This Council is of the highest level. The President, himself, is chairman, and its membership includes the Vice President and five Cabinet members. The council provides the action mechanism to implement environmental policy decisions.

S. 1075, as passed by the Senate, was coordinated with the administration, and was intended to complement the actions

taken by the President. As a result, the bill, as reported was cosponsored by every member of the Senate Interior Committee.

As Dr. DuBridge expressed it during the hearings:

I agree completely that one must have independent evaluations of the activities and responsibilities of the various departments, that it must have the best outside advice that one can get, and operate out of the President's Office to bring the best adversary position . . . to the attention of the Council.

That is what the Board of Environmental Quality Advisers, as envisioned by S. 1075, is intended to do.

In June of this year, after thorough discussions, S. 1075 was ordered to be reported by the Committee on Interior and Insular Affairs. Subsequent to this order, the administration through Director Mayo, of the Bureau of the Budget, recommended further amendments. On July 8, the committee, in a unique move, reconsidered the bill and adopted several of the recommended amendments.

On July 8 the bill was once again ordered reported. The report was filed on July 9 and S. 1075 was passed by the Senate on July 10.

Mr. President, I believe that this historical development is most important for several reasons. First, it shows the amount of work and thought which has gone into this bill. Second, it shows the degree of openness that the committee has displayed during this time. The committee sought suggestions, aid, and participation from Senators, Members of the House, and from the administration. Our committee listened to and acted upon suggestions from many sources.

I believe that it is both timely and appropriate for the Senate to move forward in completing congressional action on this important and urgent matter by appointing conferees to resolve the differences between the House and Senate passed versions of S. 1075. It should be noted, Mr. President, that the House has already appointed its conferees.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to, and the Presiding Officer appointed Mr. JACKSON, Mr. CHURCH, Mr. NELSON, Mr. ALLOTT, and Mr. JORDAN of Idaho conferees on the part of the Senate.

#### WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Mr. MUSKIE. Mr. President, there are other matters involving the water pollution control provisions of the bill which will be discussed later in the afternoon, but at this moment I understand we will turn to the consideration of an amendment to be offered by the distinguished Senator from Delaware (Mr. WILLIAMS) involving a matter in which the distinguished Senator from North Carolina (Mr. JORDAN) is interested.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. WILLIAMS of Delaware. I would like to ask a question relating to title III, which begins at the bottom of page 80 of the bill and is entitled "Property Acquisitions."

I am not raising any question of germaneness; but would the Senator explain what the construction of a new Senate Office Building has to do with water and air pollution? I know our procedures are sometimes strange, but what is the relationship between the two subjects? Why are they tied together?

Mr. MUSKIE. May I say that substantively there is none. I think the Senator from North Carolina (Mr. JORDAN) is in a better position to explain how it happens to be here.

May I add that the problem of space for Senators is a pressing one. I know the Senator from North Carolina is more aware of it than I. When he posed to me and to the committee the proposal to include this provision in the bill, I told him I would agree to it, provided it was made clear to the Senate that it was here, that no one would be taken by surprise, that the Senate would have a full opportunity to consider it, and that there would be no effort to try to give it a quiet ride through the Senate. The Senator from North Carolina agreed to that.

Mr. WILLIAMS of Delaware. The reason I raised the question is that there are many who are in favor of the air and water pollution bill itself, but we question the wisdom of attaching a rider to it that we would oppose. I am wondering if this is not a method of getting a free ride on a bill for a measure that could not pass on its own merits.

As to the argument being made on the need for more space, there are two ways of approaching that problem. One is by the more expensive way of constructing another building. Another way, which would be more constructive, would be to cut back on some of the overstaffed subcommittees. A Senator can hardly get in and out of his office because of the number of subcommittees. The idea that the Senate should have enough subcommittees so that every Member can be a chairman results in Members almost being run by the staffs.

I remember when I came here 23 years ago our committees, subcommittees, and Senators, were all in one building. Since that time we have had another building. Now it is proposed to have a third. Let us face it, the Senate committees are overstaffed. I doubt if any Senator can name the subcommittees even on his own committee, there are so many of them.

The subcommittees are so overstaffed and overcrowded that they crowd the Senate floor. Ofttimes we can hardly get in the Senate because it is so overcrowded with staff members.

In order to check this inflationary spiral we are proposing the repeal of the 7-percent investment credit to encourage private industry to cut back on plant expansion, and the President of the United States, by Executive order, has called on State and local governments and all Government agencies to roll back construction of new projects by 75 percent in order to relieve some of the inflationary pressure. I just wonder if we

in the Senate are setting the proper example. In the light of all the requests to private industry and all agencies of Government can we say to them, "We meant for all of you to cooperate; but ourselves—we want a new building."

Would it not be better to postpone and consider this matter at a later time?

Mr. MUSKIE. I think the Senator has served a useful purpose by giving the Members of the Senate an opportunity to make that decision.

Mr. WILLIAMS of Delaware. I will just make this innocent observation. Perhaps there is some relationship between the proposal for a new Senate Office Building and air pollution, so I will not raise a point its not being germane to the pollution problem. I await with interest to hear the explanation.

Mr. MUSKIE. I do not know of any relation, I will say to the Senator.

Mr. WILLIAMS of Delaware. I would not suggest there is—not for the moment.

Mr. SCOTT. Mr. President, I am extremely delighted that the Public Works Committee in reporting this most vital Water Quality Improvement Act of 1969 has seen fit to incorporate a most important amendment which would provide for the training of waste treatment plant operators.

I suggested this amendment, Mr. President, because of the magnitude of need and the critical shortage of trained operators in water pollution control plants throughout the Nation. I was particularly pleased that the distinguished Air and Water Pollution Control Subcommittee chairman, Senator MUSKIE, and the ranking Republican member, Senator BOGGS, incorporated my amendment. I would also like to thank the distinguished chairman of the Public Works Committee, Senator RANDOLPH, and Senator COOPER, the ranking member, as well as the other Senators on the Public Works Committee.

As I have stated before, it is estimated that Federal, State, and local governments will spend \$8 billion by 1974 for new and improved water pollution control facilities. However, no adequate provision has been made to train personnel to run these plants once they are constructed.

There is a critical shortage of approximately 23,000 trained operators in water pollution control plants throughout the Nation. Many of our existing waste treatment plants are operating well below their reasonable potential, thereby causing unnecessary pollution of our streams and rivers. If the struggle for clean water is to be won, we must improve the skills of existing operators and add substantially to their numbers.

The magnitude of the need can be seen by looking at the situation in Pennsylvania. Pennsylvania has 307 square miles of inland waters. It has a total of 460 water treatment facilities and 1,142 communities with sewer systems. If each of these 1,142 communities, and each of the 460 treatment plants employed one operator—and obviously some employ many more—you can quickly estimate the number of operators who are involved in one way or another with pollution control. Many of the existing op-

erators will need additional training as plants are modernized and new treatment procedures initiated. When you add to this number the 665 communities in Pennsylvania that have no treatment facilities, but will be acquiring plants in the near future, you can see the amount of training which is needed for efficient operation of pollution control facilities. That is only one State.

It was to meet this need that I offered this amendment to the water quality improvement bill—S. 7—which would establish a 2-year pilot program for the training of plant operators. It would provide \$5 million the first year, and \$7½ million the second, to train about 9,000 men.

If my pilot program is successful, I foresee that training will be an integral part of all future pollution control planning. I quote from the Public Works Committee report:

The committee was pleased to receive and include in the bill a proposal by Senator Hugh Scott to authorize pilot programs for training plant operators and technicians. The committee recognizes that a great deal more than a pilot program will be required if Federal funds for sewage treatment plant construction are to be invested wisely, but believes operating experience with a pilot program would provide a sound base for expanded legislation in the near future.

The pilot program which I have introduced is the first step in insuring that our Nation's antipollution efforts are backed up by well-trained personnel. I will study closely the operation of this training program, and I will be ready with followup legislation to expand it so that clean streams will become a reality, not a wish.

Again, I thank the committee for the favorable consideration of this amendment.

Mr. MUSKIE. In response to the distinguished Senator from Pennsylvania, I would like to express to him the appreciation of the subcommittee for his valuable contribution to the Water Quality Improvement Act. The amendment to provide for a pilot program of manpower training for waste treatment plant operators is an excellent example of how one program can accomplish two vital objectives.

First, this provision recognizes that the operation and maintenance of the Nation's waste treatment facilities will be only as good as the competence of the operators. Initial findings of the General Accounting Office have revealed that this competence has not been of the level necessary for the program's success. I hope that this pilot program, properly administered, will help correct this situation.

Second, this program will provide valuable job opportunities for many of the disadvantaged citizens in our Nation's metropolitan areas. By training the disadvantaged in a field which requires great technical expertise, this program should be a source of vital upward mobility for many Americans in the Nation's workforce.

I thank the Senator from Pennsylvania.

Mr. JORDAN of North Carolina. Mr. President, at the very outset, with re-

spect to title III of the bill, I want to make it perfectly clear that this proposal was passed last year and sent to the House. It was not acted on, and it died in the House.

I want to make it perfectly clear that the bill before us does not contemplate building anything. I want to get that straight. I want to get it straight on the record. The Committee on Public Works does not contemplate building anything. So that part of the colloquy which we have had so far does not belong in this debate whatsoever.

The bill proposes to buy the land adjoining the New Senate Office Building, where the Capitol Hill apartment house is and where the Schotts Court apartment is now located. The purpose of the bill is to provide room, without building anything.

The Capitol Hill apartment building is approximately 30 feet, on C Street, from the New Senate Office Building, and completely in line. The Architect of the Capitol has stated, after exhaustive surveys, that a ramp could very easily and very inexpensively be built from the New Senate Office Building into that building. There are 58 apartments in the building. It has elevators, it has air conditioning, and it meets the fire standards of the District of Columbia. We could almost immediately get possession of the building after it is acquired, and move several of these subcommittees that the Senator has spoken of over into that building.

So we are not contemplating building anything. The Schotts Court apartments, which are there, we would contemplate still be rented, to the same renters if they want to rent them, and the Government would collect the rent. The sole purpose of this provision is to get some more room.

Last year, before I authored S. 2484, I sent out a letter to every Senator and to the chairman of every committee and every subcommittee, asking how much space, if any, they needed, because it is my unpleasant duty, as the chairman of the Senate Rules Committee, to allot space.

You cannot allot space you do not have. I do not think there is a day that some Senator does not come to me needing space. I know they do need it. Right now, we have one Senator who has part of his offices in the Old Office Building and part of them in the New Building. There is no place to put him otherwise. That is not very convenient. I know he is crowded, and so are the rest of us.

Mr. President, I made a little note here this morning, or had it made for me, to say why, in my opinion and in the opinion of a great many others, it is necessary for Senators to have bigger staffs today than they had when I came here something over 11 years ago. I had a survey made in my own office some time ago, to see what had happened to the correspondence in my office. I found, to my amazement, that my correspondence had increased about tenfold in the last 10 years.

This morning I have had four people come to see me—some of them I saw out here, and some of them in the office—about the tax bill which we have before

us right now. I am sure the same thing is happening to every other Senator. People are interested in it; they have problems, they write us about them, and we have to try to get the answers and write to them. Mr. President, it takes help to do that.

Thirty-eight new agencies have been created in the last 10 years, which have generated mail, I do not know how many times over what it had been. On the gun bill, for example, my own office handled more than 50,000 letters on that one issue.

It takes people to do that. Every day something new comes along which creates a lot of new correspondence. I do not know how much mail the Elementary-Secondary School Act has created, but it has been substantial. There is no use for me to list all these 38 agencies; other Senators know them as well as I do. Incidentally, a great many of those agencies have had big buildings built for them downtown, with a hundred times more room than we anticipate getting out of this old apartment building.

This building and the land should have been bought at the time we acquired the land to build the New Senate Office Building. Senators at that time who were acquainted with the situation said we should have bought it all at that time, because we could have gotten it much cheaper than we can today. I emphasize, Mr. President, that we are not contemplating building anything. But we want to get this building, because we need it now. It is an economical way to provide space for Senators who badly need the space.

In response to my inquiry, 72 Senators wrote me that they needed space, and 25 chairmen of full committees and subcommittees are asking for space. I held hearings, and they came before the committee and testified. Some Senators now present on the floor testified before that committee.

One Senator came to me just the other day and asked, "When are you going to get me some more room?"

I said, "Vote for this bill, and maybe we can get it for you."

Mr. President, that is why we should buy it now.

Mr. WILLIAMS of Delaware. Mr. President, the Senator says that if the space is not needed now it soon will be. If the Senate does as it has in the past, we would no doubt create more subcommittees to fill the offices in short order.

My point is that the Senate already has more subcommittees now than Senators can supervise. The late Senator from Tennessee, Mr. Kefauver, 20 years ago created a committee which was to extend for 2 years, to investigate juvenile delinquency.

That committee is still in existence. The Senator has passed on, but the committee is still living as a monument. I do not know of a single subcommittee that once having been started, no matter what its function, has ever been terminated. Some Senator the other day suggested that we ought to have a subcommittee to determine how many subcommittees we have. It may be a good idea; I am sure no one knows.

But really, at a time when we are re-

pealing the 7 percent investment tax credit, when we are suggesting to all the rest of the country that this is not a time to construct new buildings, we ought to be setting the example. The argument that we are not going to build a new building now does not impress me; if I know the Senate, once we buy the land there will be a building started on it in short order. The same argument was made a few years ago when the Senate decided to get the land for the second office building. It was said then, "Oh, all we are going to do is buy the land, and the building will take care of itself later." It did; the building is there.

Frankly, Mr. President, I do not think the Senate needs the space at this time. I think the functioning of the Senate would be much more efficient if we trim it down to size by eliminating many of the present subcommittees. I do not see why every Member of the Senate has to be a subcommittee chairman. If that is the only way he can enhance his prestige perhaps he does not deserve recognition.

Why not get rid of some of these subcommittees? Then Senators would have more time to spend on the floor of the Senate and handle the Senate's business.

Moreover, this proposal should not be a part of the air and water pollution bill. If it cannot ride on its own merits it should be rejected.

Mr. President, I send to the desk an amendment to delete that section from the bill, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Delaware (Mr. WILLIAMS) proposes an amendment, as follows:

On page 80, beginning with line 22, strike out all down to and including line 3 on page 83.

The language proposed to be stricken is as follows:

#### TITLE III—PROPERTY ACQUISITION

Sec. 301. (a) (1) The Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire on behalf of the United States, in addition to the real property heretofore acquired as a site for an additional office building for the United States Senate under the provisions of the Second Deficiency Appropriations Act, 1948, approved June 25, 1948 (62 Stat. 1028) and Public Law 85-591, approved August 6, 1958 (72 Stat. 495-496), by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site, all publicly, or privately owned property contained in lots 863, 864, 892, 893, 894, and 905 in said square 725 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding such square, as such square appears on the records in the Office of the Surveyor of the District of Columbia as of the date of enactment of this Act.

(2) Any proceeding for condemnation brought under paragraph (1) shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351-1368).

(3) Notwithstanding any other provision of law, any real property owned by the United States and any alleys or parts of alleys and streets contained within the curblines surrounding square 725 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and any alleys or parts of alleys or streets contained within the curblines of said square

shall be closed and vacated by the Commissioner of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission.

(4) Upon acquisition of any real property pursuant to this section, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

(5) The jurisdiction of the Capitol Police shall extend over any real property acquired under this section and such property shall become a part of the United States Capitol Grounds.

(b) For carrying out the purposes of this section, there is hereby authorized to be appropriated \$1,250,000. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this section.

Mr. WILLIAMS of Delaware. Mr. President, there is no need to debate this issue for any length of time. Senators are well aware of what is involved. It is, to state the matter simply, Does the Senate wish to exclude itself from the rules we have laid down in calling on industry to postpone its expansion plans at this time in order to combat inflation? The Senate has called upon all State agencies to delay new public works construction. The question is, does the Senate wish to exempt itself from this rule? As one Member of the Senate my answer is, "No."

I will ask for a yea-and-nay vote on this amendment, but I shall have to suggest the absence of a quorum to obtain a sufficient second to ask for the yeas and nays. I am willing to withhold that request now if the Senator from North Carolina wishes to speak further at this time.

Mr. JORDAN of North Carolina. Mr. President, I only wish to say, for the benefit of the Senator from Delaware and everyone else who is present, that I have nothing to do with the creating of subcommittees. I did not create a single one of them, so I have no power to say we are going to get rid of them. That is something I have nothing to do with.

All I know is that they come to the Committee on Rules and ask for space. I try to provide it for them, because they are here, and I do not know what else to do. This is the only way we can do it. We do not want to build a building at all; there is nothing in the bill about building a building. All we want is more space.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from North Carolina is correct; he is only one Member of the Senate. He says he has no authority to get rid of subcommittees, but I might point out that he underestimates his position. It is his committee that approves the money for these subcommittees, and without the money the subcommittees would quickly vanish. As long as the Senator's committee makes the funds available, I am sure the subcommittees will flourish and proliferate.

I know that every year the Senator

from Louisiana, myself, and a few other Senators have pointed out how much it is costing just to staff these subcommittees. That debate has been carried on by some of us over a period of years, but we have always been in the minority. Saving money is not too popular on the Potomac front.

It will be renewed again, and even to a greater extent, I suppose, next year, if the bill passes, because there is no doubt in my mind that, if it passes, the space will soon be staffed with more and more subcommittees. I think they might be designated numerically—1, 2, 3, and 4, because they will have run out of letters of the alphabet and also out of names. I still say that this is not the time to take such action.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment of the Senator from Delaware (Mr. WILLIAMS).

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the distinguished Senator from Delaware. The yeas and nays have been ordered.

Mr. JORDAN of North Carolina. I am ready to proceed to the vote.

Mr. WILLIAMS of Delaware. Mr. President, I understand that the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WILLIAMS of Delaware. Mr. President, I am perfectly willing to proceed to vote. The issue is very clear. This is an air and water pollution bill, supposedly, and I fail to see any connection as to why one section should be set aside to build a third Senate Office Building. The argument that it does not provide the building is immaterial. I know that if the Senate buys the land, the building will be built; and if it is not going to be built, why proceed with the procurement of the land?

At a time when we are asking private industry to cut back their expansion plans, at a time when all other public works projects are being cut back, I do not think the Senate ought to exempt itself from the rules laid down for all the people.

I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. McCARTHY), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Mexico (Mr. MONTROYA), the Senator from Utah (Mr. MOSS), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and

voting the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New Mexico (Mr. MONTROYA) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent and, if present and voting, would vote "nay."

The result was announced—yeas 25, nays 62, as follows:

[No. 116 Leg.]

YEAS—25

Aiken	Ellender	Packwood
Allen	Fannin	Pastore
Allott	Goldwater	Proxmire
Bennett	Griffin	Scott
Byrd, Va.	Hansen	Smith, Maine
Cooper	Jordan, Idaho	Tower
Curtis	Miller	Williams, Del.
Dole	Mundt	
Dominick	Murphy	

NAYS—62

Anderson	Goodell	Nelson
Baker	Gore	Pearson
Bayh	Gurney	Pell
Bellmon	Hart	Percy
Bible	Hatfield	Prouty
Boggs	Holland	Randolph
Brooke	Hollings	Ribicoff
Burdick	Hruska	Schweiker
Byrd, W. Va.	Hughes	Smith, Ill.
Cannon	Jackson	Sparkman
Case	Javits	Spong
Church	Jordan, N.C.	Stennis
Cook	Kennedy	Stevens
Cotton	Mansfield	Symington
Cranston	Mathias	Talmadge
Dodd	McClellan	Thurmond
Eagleton	McGee	Tydings
Eastland	McIntyre	Yarborough
Ervin	Metcalfe	Young, N. Dak.
Fong	Mondale	Young, Ohio
Fulbright	Muskie	

NOT VOTING—13

Gravel	Magnuson	Russell
Harris	McCarthy	Saxbe
Hartke	McGovern	Williams, N.J.
Inouye	Montoya	
Long	Moss	

So the amendment of Mr. WILLIAMS of Delaware was rejected.

Mr. MUSKIE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JORDAN of North Carolina. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order—

Mr. MANSFIELD. Mr. President, I ask unanimous consent that in view of an arrangement which has been made between the Senator in charge of the bill and the Senator from Idaho (Mr. CHURCH), the order of business be delayed until final passage of the pending bill.

Mr. CHURCH. And that it be expedited as much as possible.

Mr. MANSFIELD. Of course.

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

Mr. MUSKIE. Mr. President, I think we have worked out all the amendments and the colloquies so that we may be able to proceed to final passage within 10 minutes.

At this time, I ask for the yeas and nays on final passage.

Mr. President, I withdraw that.

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by Mr. KENNEDY is as follows:

On page 72 strike out lines one through eight and insert in lieu thereof the following:

"(1) the Secretary shall  
 "(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution;

"(B) publish from time to time the results of such activities; and

"(C) by June 30, 1970, develop and publish standardized specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals."

Mr. KENNEDY. Mr. President, this amendment to S. 7 has as its purpose the strengthening of the research program authorized by section 104 of this bill.

My reason for offering this amendment is to reemphasize the intent of the Congress in offering all possible assistance to our State and local governments faced with major oil-spill disasters.

Section 104 of this bill amends section 5 of the Federal Water Pollution Control Act. Section 5, which authorizes the various research programs in water pollution control, would be amended to include a similar authorization for research into the prevention and control of oil pollution. In its most thorough report on S. 7, the Committee on Public Works clearly states its intention that research in this field, "be expedited and should receive priority in planning future budget requests." The report further states:

The Committee believes that developing effective techniques to deal with oil spills and making those techniques readily available at appropriate locations throughout the country is of the highest priority.

The complexity of the technical problems involved in the cleanup of accidental oil spills requires us to launch a major research effort into the technical aspects of cleanup operations. There are, today, over 2,400 chemicals—dispersants, emulsifiers, gelling agents, floating absorbents—whose properties suggest their potential use in oil spill cleanup efforts. However, the hard lesson of experience—learned during the *Torrey Canyon*, *Ocean Eagle*, Santa Barbara, and other serious spills—is that the injudicious application of chemicals can bring greater damage to our fish, and other natural resources than the oil itself. We need guidelines and standards for the use of these chemicals. We need to have immediate access to information about these chemicals. We need to insist that anyone involved in the cleanup of an oil spill be aware of the hazards and crucial disadvantages of the casual application of some types of chemicals.

Subsection (1) of section 104 grants

general authority to the Department of the Interior to conduct the research into oil spill cleanups. However, it does not require the Secretary to set specific standards. My amendment would require the Secretary to develop and publish standardized specifications and other technical information on these chemicals by June 30, 1970. This would give our State and local officials the information they need to bring the full arsenal of chemical agents to bear on oil spills of various types, with minimum damage to fish and wildlife.

There is ample evidence that we are not moving fast enough in this area. Certainly, the interval between the San Juan spill and the Santa Barbara spill was significant enough to permit the completion of substantial research. But, when we were faced with the Santa Barbara incident, the Interior Department had no further knowledge about chemicals at its disposal than it did 11 months earlier, and had to delay cleanup efforts until determination on chemicals could be made.

By setting a deadline of June 30, 1970, we guarantee our coastal communities that the necessary research will be undertaken immediately, and that it will be available to them in the case of future, potentially disastrous, spills. We also insure that the intent of the Congress in this matter will be carried out by the Department of the Interior without delay.

Let me take this opportunity to commend, again, the committee for its fine and responsible work, and let me urge the adoption of this amendment.

Mr. President, in conclusion, I think the amendment is needed. We have seen that for too long the Department has failed to issue specifications and regulations. I think it is a reasonable time for the Secretary to establish those standards and specifications. I am hopeful the amendment will be agreed to.

Mr. MUSKIE. Mr. President, may I say, in response, that I have discussed the amendment with the distinguished Senator from Massachusetts; that the request for the mandate included in the amendment is within the general authority of the Secretary at the present time; and I think this specific mandate is wholly appropriate. I am willing to accept the amendment. I urge the adoption of the amendment by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The committee amendment is open to further amendment.

If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, in the form of a substitute, as amended.

The committee amendment, as amended, was agreed to.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of H.R. 4148.

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

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4148.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. MUSKIE. Mr. President, I move to strike out all after the enacting clause in H.R. 4148 and insert in lieu thereof the language of S. 7 as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

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

Mr. MUSKIE. I yield.

Mr. JAVITS. The bill will now contain the same manpower provisions as the Senate bill did. Is that correct?

Mr. MUSKIE. The Senator is correct.

Mr. JAVITS. I had understood from the Senator and he had given me assurances that in the implementation of these new manpower provisions every consideration would be given to the unemployables and those who are disadvantaged in terms of employment. I trust that the Secretary, in prescribing the terms and conditions of his agreements with public and private agencies would insure that every effort would be made to provide opportunities for such persons.

Mr. MUSKIE. That is right. We discussed it with the distinguished minority leader. I agree that this is a very appropriate program to be guided by those considerations.

Mr. SCOTT. Mr. President, if the Senator will yield further, I appreciate the courtesy of the distinguished Senator from Maine. This was an amendment of mine, in which I had a great interest. I am most appreciative that it is being given consideration.

Mr. MUSKIE. I thank my colleague.

Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, our American society has finally come to recognize and to deal with an emerging national crisis: survival in the midst of a polluted environment. The clamor for survival has spread from a handful of conservationists to an ever-increasing number of Americans. We so often seem preoccupied with the problems which are exclusively urban in their effect. But environmental quality concerns us all because it affects—indeed it threatens—us all. Mr. President, we have reached the point, I believe, where the enhancement of environmental quality must be a major national goal.

Now that we have reached this point, we must look ahead to our needs for future legislation, as well as the direction and speed of Government administration of existing laws. The sacrifices, the

plans, the strategy that we are to pursue to reach the goal of cleaning up this country's waterways must be clearly defined. I submit that the bill which we are considering today makes significant advances in providing some of these much-needed and long-awaited answers. But, as encouraged as I am with this current effort, let me stress that it is only a beginning in our fight against the pollution of our environment.

The bill before us has numerous advantages in preparing us to fight the pollution battles. It lays down rules for dealing with oil spill catastrophes; it establishes standards for marine sewage discharges from vessels; it requires Federal licensees and permittees to comply with water quality standards; it provides for the identification, designation, and cleanup of hazardous substances other than oil; and it permits extended research authorizations, official encouragement, and development of an overall labor force trained to assist in the elimination of problems of operation and maintenance of pollution abatement equipment.

Of equal importance, the bill creates the Office of Environmental Quality. The Office will be primarily concerned with providing for representation of environmental interests in the numerous and varied policymaking forums across this country, both public and private. It is heartening that in the last few years there has occurred a new emphasis on ecology in the management of our natural resources. Failure in the past to give warranted attention to the interrelations between living organisms and their environment in the development and use of resources has had unfortunate, often disastrous, consequences. The creation of this Office of Environmental Quality will acknowledge Congress' new pledge to a "national policy of enhancement of environmental quality, a policy based on the concept that man and his environment are interrelated and that a quality environment is necessary to the improvement of living standards for all men."

Mr. President, I would suggest that this new Office is not an attempt to skirt the real issues but is rather an important, necessary means of filling a void, and providing a voice that too long has gone either inadequately represented or not represented at all.

In addition to the establishment of the Office of Environmental Quality, I am very enthusiastic that this bill gives recognition to some of the critical problems we are encountering in the Great Lakes. Nearly 30 million persons—15 percent of the Nation's inhabitants—live in the Great Lakes basin. These lakes supply this great population in America's heartland with water, food, transportation of raw materials, and manufactured goods, and outdoor recreation. But the pollution problems with which the citizens of this region must now contend are notorious. DDT is destroying the marine life in Lake Michigan, pollution is choking Lake Erie, industrial wastes threaten Lake Superior, algae and pesticides assault Lake Ontario, and the pollution of Lake Michigan and the industrial wastes of Saginaw Bay spill into Lake Huron. The \$20 million

authorized by this bill to study the pollution problems of the Great Lakes is a good beginning, though, obviously, it, too, is only a beginning. But it is a step we must take now in the war against pollution.

Mr. President, our thousands of rivers and lakes are suffering from the grave threat of pollution. The question is no longer whether we should abate pollution; rather, the question is how much time remains for us to save our environment. The bill now under consideration provides a beginning to our water cleanup effort. I commend the committee on its fine work and urge my colleagues to vote in favor of this bill.

Mr. BIBLE. Mr. President, I rise in support of the bill.

The Water Quality Improvement Act and the Environmental Quality Improvement Act embodied in this legislation are vitally needed. It has been well said that of the many threats facing this Nation and all of civilization today none is more alarming than the deteriorating quality of the natural environment in which we must live and work.

Our Nation has reached unsurpassed heights of technological and material progress. We have achieved a standard of living undreamed of at the turn of the century, and unmatched anywhere else on the planet. In our search for economic advancement and the comforts and convenience of a good life for all our people we have marshaled our natural resources and technological know-how with unparalleled sophistication. We stand as the economic wonder of the world.

I would not have it otherwise. But I am concerned—and all thinking Americans are concerned—over the impact our growth has had on our irreplaceable water resources, the air we breathe, our forests, and our grasslands. We have imposed too harshly on nature's bounty. We have taken our rivers and lakes for granted. We have ignored or overestimated their limited capacity to dilute and assimilate waste. Factories and powerplants belch their smoke and the life-giving air in our cities is dangerously smog laden. Industrial wastes and raw or poorly treated sewage has fouled our rivers, and endangered the very existence of many of our major fresh water lakes.

Lake Tahoe, which is shared by my own State of Nevada and by California, is without question one of America's most highly-prized natural assets. It is renowned for its scenic beauty and pristine clarity and purity.

This beautiful lake was able to resist pollution when human activity began accelerating as a result of settlement and early logging operations, but it is no match for the demands of modern man.

Recent years have seen explosive growth and development throughout the Tahoe Basin and along the lake shore. New highways and the postwar boom in tourism and outdoor recreation have changed Lake Tahoe from a quiet summer resort to a year-round major recreation area.

Rapid population and commercial growth has posed a serious threat to the

Tahoe Basin. Ominous signs of water pollution are becoming all too evident. Not only the scenic beauty of the region but the very quality of its natural environment is now at stake.

In southern Nevada, the Lake Mead National Recreation Area is another of our endangered resources. Lake Mead is one of the most attractive, heavily used recreational areas in the United States. Its location near Las Vegas places it in one of the fastest growing metropolitan areas in the Nation, and this invaluable resource is feeling the pressures that come with increasing population and industrial densities. Sewage effluent and industrial wastes from the Las Vegas Valley are a contributing cause. They introduce high concentrations of plant nutrients into the lake and tributary waters. The result has been a gradual proliferation of aquatic algae, which consumes the oxygen in the water and is the prelude to stagnation and the ultimate death of irreplaceable water resources.

Fortunately, we in Nevada are only too well aware of these threats to our natural resources. We are not satisfied with the progress that is being made. In 1967, I offered a four-point program designed to coordinate the efforts of the Federal, State, and local governments to combat the Lake Mead problem. As a result, a local level interagency task force was established to go into the matter in depth and propose effective measures. The Federal Water Pollution Control Administration has provided valuable support. Some—but not enough—progress has been made. The pollution has not been abated, and I will not be satisfied until the deterioration of Lake Mead's water quality has ended.

Regarding Lake Tahoe, both Nevada and California have taken major steps to bring order and good planning to the development of the Tahoe Basin. Both have approved a regional planning compact that will establish ground rules for future development—standards that will see to the protection of the public interest in preserving the beauty and purity of the lake and basin for generations of Americans to come.

Early this session I introduced legislation to grant Congress' consent to this regional compact. I have pressed for action, but delays have been encountered due to the failure of the administration until recently to submit its report to the Judiciary Committee. This is essential legislation. The States are ready and anxious to get on with the business of protecting this unique resource. The Federal Government's interest would be fully protected under the compact, and I have high hopes the committee's schedule will permit the measure to be reported favorably to the Senate very soon.

Mr. President, I have referred to Nevada's water pollution problems. They typify problems faced by virtually every State in the Union—problems that demand the utmost in effort at all levels of government if we are to leave other than a legacy of waste for the future.

I know of nothing that should be of more fundamental concern to the Congress than the perils of pollution of our environment. What we do in this area

we do to assure our children and grandchildren the quality of life our forebears enjoyed, but which now stands impaired.

The legislation now before the Senate is another in a line of measures enacted over recent years bespeaking the Nation's concern. I refer to the Water Pollution Control Act Amendments of 1963 and 1965, the Solid Waste Disposal Act of 1965, the Clean Water Restoration Act of 1966, and the Air Quality Act of 1967. I have supported these and every meaningful effort to provide for the preservation, protection, and restoration of our endangered resources.

Title I is a further step in the right direction. It will provide authority to establish Federal standards for the performance of marine sanitation devices to control sewage discharges from vessels. Waste from watercraft has a serious impact on the water quality of our bays, lakes, harbors, and marinas where vessels are concentrated. Both Lake Tahoe and Lake Mead will benefit from this.

Oil pollution is a major source of concern—particularly in light of the Santa Barbara Channel problem and the spectacular spills from the *Torrey Canyon* and the *Ocean Eagle*. The bill properly provides centralized authority to clean up oil spills regardless of the source, and for recovery of costs when the cleanup is done by the Federal Government.

Very importantly, title I of S. 7 seeks to insure compliance with water quality standards by Federal agencies, and by activities conducted under licenses and permits granted by the Federal Government. It requires that the Government itself, and those it licenses begin to consider the environmental aspects of their programs as a matter of first priority. The bill would require preconstruction water quality planning, and seeks to eliminate Federal participation in activities that are at odds with our national water quality programs.

I think this aspect of the bill is long overdue. We can hardly tolerate Federal oversight of water quality standards we have urged on the States, cities, and communities all across the Nation.

The bill also provides for the identification, designation, and cleanup of discharges of hazardous substances other than oil that foul and pollute our water resources.

I particularly applaud the bill's special attention to the problems confronting our fresh-water lakes. As the committee has pointed out in its report, at the present time there is no research facility anywhere exclusively devoted to basic and applied research in the causes and cures of lake pollution. Individual research is being conducted on various facets of the problem, but we lack a concentrated, coordinated attack.

Such an all-out campaign to overcome and put a stop to the degradation of our lake resources—in Nevada, in the Great Lakes, and throughout the Nation—is sorely needed.

Lake eutrophication research—so important if we are to overcome the problems facing the Great Lakes and others such as Lake Mead and Lake Tahoe would be pressed forward. I cannot over-stress the importance of this kind of work.

New emphasis would also be placed on finding more effective means of removing oil pollution and combatting the acid-mine drainage that has so long impaired waterways in mining regions throughout the country. I think the report on the bill does an excellent job of reviewing the problems we face in each of these areas. It goes almost without saying that we must bend every effort toward overcoming these critical problems.

Mr. President, I also applaud the objective of title II of the present bill to provide the President with the management capability needed to bring coherence and consistency into the environmental activities of the Federal Government. Certainly Federal activities and federally assisted activities have a major impact on the environment.

Title II very properly requires that all federally supported public works projects and programs be planned and implemented in full recognition of their ecological impact.

The establishment of a full-time council or office on environmental affairs to review and analyze the administration of all environmental policies, programs, and activities of the Federal Government is long overdue. These problems cannot be handled effectively on an ad hoc or part-time basis. They require the kind of independent continuous high-level attention envisaged by title II of this legislation. An office of environmental quality—independent of other Federal agencies—is needed to make available to the President the substantive review and analysis of all matters relating to the environment.

Mr. President, I commend the committee for bringing forward an excellent bill, and urge its approval by the Senate.

Mr. HART. Mr. President, as we prepare to vote I wish to applaud the inclusion in this bill of the Great Lakes demonstration section, section 15, which authorizes \$20 million for a concentrated attack on pollution in the Great Lakes. This is an absolutely critical item for our region, and indeed for the health and well-being of the whole country. For the sake of this section alone, S. 7 is deserving of our favorable action.

Mr. KENNEDY. Mr. President, one of the hard lessons of this decade has been the realization that the unchecked application of technology has resulted in the gradual and continuing destruction of our natural resources. And, although the Congress and the Nation have gone on record time and again as opposed to further despoilation of our environment, it continues today. For we continue to allow the pollution of our air and water resources at a rate not significantly less than that tolerated 5 or 10 years ago.

The only hope we have for the restoration of the resources we have denied to future generations of Americans is a true commitment to that restoration—a commitment of action, not of rhetoric; of funds, not of promises. We must launch an attack on every front—on air pollution; on water pollution; on solid waste disposal; and on thermal pollution. And we must do it now.

Since 1960, we in the Congress have

taken steps to insure that such a commitment is made. We have enacted legislation to set standards, inaugurate programs, conduct research, and establish a good Federal-State partnership in a national pollution control effort. Since 1963, we have enacted the Clean Air Act, the Air Quality Act, the Water Quality Act, and the Clean Waters Restoration Act—to cite but a few of the major pieces of legislation designed to deal with the various aspects of this national disgrace. But we have not adequately funded any of the programs authorized in this legislation. To illustrate the current funding gap in this area, I ask unanimous consent that a chart, entitled "The Water Pollution Control Funding Gap," taken from the September issue of *Nation's Cities*, be printed in the RECORD.

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

(See exhibit 1.)

Mr. KENNEDY. Mr. President, our failure to provide these necessary funds is a failure to respond to the demands of our citizens. A recent survey conducted by *Newsweek* magazine indicated that 56 percent of working Americans—taxpaying Americans—feel that we should allocate more funds to rid their communities of air and water pollution. It is my hope that this Congress, as the last of this decade, will make a commitment of funds that will allow us to progress toward our goal of total elimination of existing pollution and control of the causes of future pollution.

Today the Senate considers S. 7, a bill to amend the Federal Water Pollution Control Act. This legislation is important and necessary. Its passage will go far to indicate our congressional intent to maintain and expand our program to erase the stigma of pollution from our national and coastal waters.

S. 7 is based, in large part, on similar legislation considered by the Congress last year—S. 3206. I share in the disappointment that S. 3206 was part of that session's unfinished business. But I commend the committee, its distinguished chairman, Mr. RANDOLPH, and the subcommittee and its honored chairman, Mr. MUSKIE, for not allowing its measures to remain as unfinished business. The bill they have reported to the Senate today is both comprehensive and farsighted.

It embodies the significant proposals of S. 3206 and introduces new language to deal with a problem of major national concern. The problem, brought to light this year at an all too alarming rate, is the increased incidence and the continual treat of accidental oil spills in our coastal waters.

It is this section of S. 7, Mr. President, section 12, on which I would like to comment. In recent years, and at an increased rate this past year, accidental oil spills have brought untold damage to our coastal waters and beaches and to the biological, marine, and birdlife which inhabit these areas. Considerable and sometimes irreparable damage has also been done to the ecological balance of these waters. Only last month, in my own State of Massachusetts, another potentially tragic oil spill occurred. Dam-

ages are still being investigated, but there is no question that they will be the most substantial inflicted to date in this area in terms of marine life. At the time of this most recent spill, I took the floor of the Senate to indicate my distress and to suggest possible measures and amendments to existing legislation to establish national policy and Federal responsibility in such matters. At that time, I most strongly urged further development of an interagency contingency plan; the requirement of a bonding mechanism for all vessels engaged in the ocean transport of oil cargoes; a liability requirement which would place the burden of proof of absence of negligence on the vessel owner or operator; and, finally, the development of a comprehensive research effort in the use of chemicals and other technology in spill cleanup efforts.

The work of the committee is again worthy of commendation in this regard. The comprehensive report on S. 7 indicates that, as a result of extensive hear-

ings, section 12 was drafted to incorporate many of these measures.

This section, and other sections of S. 7, specifically direct the President to delegate responsibility for the administration of the provisions of this and all sections to the Federal agencies which have jurisdiction over the areas and waters involved. I would like to suggest, however, that the President direct these agencies to establish from among their personnel a board of advisers who are both technical and logistical experts in such matters to be ready to fly to the scene of a major spill as soon as possible after notification of occurrence. The Civil Aeronautics Board employs such a team to fly to the site of aircraft disasters to determine cause and to aid in the removal of debris from the site. This is a good program and one which I feel easily evidences its transferability to oil spill disasters.

Section 12 requires that owners of vessels engaged in the transport of oil establish and maintain evidence of finan-

cial responsibility. Although this measure is not as broad as one I intended to introduce, it is my determination that it is adequate and will be effective.

Liability standards as outlined in section 12 also satisfy my intention. Under the terms of this section, the burden of proof is placed directly on the vessel operator to prove absence of negligence on his part.

Section 104 of S. 7 amends section 5 of the Federal Water Pollution Control Act to authorize the Secretary of the Interior to broaden the research program authorized by the act to include the conduct of research into the removal of oil from our waters. It is my feeling that directives to the Secretary in this matter should be more specific. He should be directed to conduct specific research on the use of dispersants, floating absorbents, gelling agents, and other chemicals. He should also be directed to establish standards for such chemicals. Therefore, I will introduce an amendment to strengthen the research authorization of S. 7.

EXHIBIT 1

WATER POLLUTION CONTROL FUNDING GAP—AUTHORIZATIONS VERSUS ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT

[In millions]

States	1968		1969		1970		1968-70 funding gap total <sup>1</sup>			Percent not funded
	Authorized	Allocated	Authorized	Allocated	Authorized	Allocated	Total dollars authorized	Total dollars allocated	Total dollar gap	
Total.....	\$450.0	\$203.0	\$730.0	\$214.0	\$1,000.0	\$214.0	\$2,150.0	\$631.0	\$1,519.0	70.7
Alabama.....	8.4	4.1	12.9	4.1	18.3	4.1	39.6	12.3	27.3	68.9
Alaska.....	1.2	.9	1.5	.9	1.9	.9	4.6	2.7	1.9	41.3
Arizona.....	3.8	2.0	5.6	2.1	7.8	2.1	17.2	6.2	11.0	64.0
Arkansas.....	5.2	2.9	7.6	2.8	10.6	2.8	23.4	8.5	14.9	63.7
California.....	35.3	14.6	56.9	14.9	82.8	14.9	175.0	44.4	130.6	74.6
Colorado.....	4.7	2.4	7.1	2.4	10.0	2.4	21.8	7.2	14.6	67.0
Connecticut.....	6.2	2.9	9.7	2.9	13.9	2.9	29.8	8.7	21.1	70.8
Delaware.....	1.6	1.1	2.3	1.1	3.0	1.1	6.9	3.3	3.6	52.2
District of Columbia.....	2.3	1.3	3.3	1.3	4.6	1.3	10.2	3.9	6.3	61.8
Florida.....	11.8	5.3	18.6	5.4	26.8	5.4	57.2	16.1	41.1	71.9
Georgia.....	9.8	4.6	15.1	4.6	21.6	4.6	46.5	13.8	32.7	70.3
Hawaii.....	2.2	1.4	3.0	1.3	4.1	1.4	9.3	4.1	5.2	55.9
Idaho.....	2.5	1.5	3.4	1.6	4.5	1.6	10.4	3.7	6.7	64.4
Illinois.....	22.9	9.6	36.7	9.8	53.4	9.8	113.0	29.2	83.8	74.2
Indiana.....	11.1	4.9	17.5	5.0	25.2	5.0	53.8	14.9	38.9	72.3
Iowa.....	6.9	3.3	10.7	3.3	15.3	3.3	32.9	9.9	23.0	69.9
Kansas.....	5.7	2.8	8.6	2.8	12.2	2.8	25.5	8.4	17.1	68.3
Kentucky.....	7.8	3.7	12.0	3.8	17.0	3.8	36.8	11.3	25.5	69.3
Louisiana.....	8.3	4.0	12.7	4.0	18.1	4.0	39.1	12.0	27.1	69.3
Maine.....	3.1	1.9	4.5	1.9	6.1	1.9	13.7	5.7	8.0	58.4
Maryland.....	7.5	3.5	11.8	3.6	17.0	3.6	36.3	10.7	25.6	70.5
Massachusetts.....	12.0	5.3	19.1	5.4	27.6	5.4	58.7	16.1	42.6	72.6
Michigan.....	18.0	7.7	28.7	7.8	41.6	7.8	88.3	23.3	65.0	73.6
Minnesota.....	8.4	3.9	13.1	3.9	18.7	3.9	40.2	11.7	28.5	70.9
Mississippi.....	6.2	3.4	9.2	3.4	12.8	3.4	28.2	10.2	18.0	63.8
Missouri.....	10.3	4.7	16.3	4.8	23.4	4.8	50.0	14.3	35.7	71.4
Montana.....	2.4	1.7	3.3	1.5	4.5	1.5	10.2	3.7	6.5	63.7
Nebraska.....	4.0	2.2	5.9	2.1	8.2	2.1	18.1	6.4	11.7	64.6
Nevada.....	1.2	.9	1.7	.9	2.2	1.0	5.1	2.8	2.3	45.1
New Hampshire.....	2.2	1.4	3.0	1.4	4.0	1.4	9.2	4.2	5.0	54.3
New Jersey.....	14.0	6.1	22.4	6.2	32.4	6.2	68.8	18.5	50.3	73.1
New Mexico.....	3.1	1.7	4.4	1.9	6.0	2.1	13.5	4.7	8.8	65.2
New York.....	37.6	15.5	60.7	15.8	88.4	15.8	186.7	47.1	139.6	74.8
North Carolina.....	11.1	5.2	17.4	5.2	24.9	5.1	53.4	15.5	37.9	71.0
North Dakota.....	2.3	1.3	3.3	1.6	4.3	1.6	9.9	3.5	6.4	64.6
Ohio.....	22.1	9.4	35.5	9.6	51.5	9.6	109.1	28.6	80.5	73.8
Oklahoma.....	6.1	3.1	9.3	3.1	13.2	3.1	28.6	9.3	19.3	67.5
Oregon.....	4.7	2.4	7.1	2.4	10.1	2.4	21.9	7.2	14.7	67.1
Pennsylvania.....	25.7	10.8	41.3	11.0	60.0	11.0	127.0	32.8	94.2	74.2
Rhode Island.....	2.7	1.6	3.9	1.6	5.3	1.6	11.9	4.8	7.1	59.7
South Carolina.....	6.5	3.4	9.7	3.4	13.7	3.3	29.9	10.1	19.8	66.2
South Dakota.....	2.5	1.3	3.5	1.7	4.6	1.8	10.6	3.8	6.8	64.2
Tennessee.....	9.0	4.3	13.9	4.3	19.8	4.3	42.7	12.9	29.8	69.8
Texas.....	22.0	9.4	35.2	9.6	51.0	9.6	108.2	28.6	79.6	73.6
Utah.....	2.9	1.7	4.1	1.8	5.6	1.8	12.6	4.3	8.3	65.9
Vermont.....	1.8	1.4	2.4	1.3	3.0	1.3	7.2	4.0	3.2	44.4
Virginia.....	9.7	4.5	15.1	4.5	21.7	4.5	46.5	13.5	33.0	71.0
Washington.....	7.0	3.3	11.0	3.3	15.7	3.3	33.7	9.9	23.8	70.6
West Virginia.....	5.2	2.7	7.8	2.8	10.8	2.8	23.8	8.3	15.5	65.1
Wisconsin.....	9.5	4.4	15.0	4.4	21.5	4.4	46.0	13.2	32.8	71.3
Wyoming.....	1.5	1.005	2.1	1.2	2.6	1.2	6.2	2.4	3.8	61.3
Guam.....	1.6	1.8	1.6	1.5	1.7	1.4	4.9	3.7	1.2	24.5
Puerto Rico.....	6.6	3.5	9.8	3.5	13.7	3.5	30.1	10.5	19.6	65.1
Virgin Islands.....	1.5	1.5	1.5	1.4	1.6	1.4	4.6	4.3	.3	6.5

<sup>1</sup> 1970 appropriations still pending.

<sup>2</sup> Actual amounts used by these 8 States although they were entitled to use more. Unused amount totaling \$8,300,000 from these 8 reallocated to other States.

Source: Federal Water Pollution Control Administration.

Mr. YARBOROUGH. Mr. President, the United States is probably the most affluent Nation in history. Our citizens enjoy a higher standard of living than any other country in the world. Our technology is increasing at a fantastic rate. We take for granted today things which our forefathers would have found unbelievable. Man has walked on the moon. And this is only the beginning.

However, while man has been marveling at his accomplishments, he has been blind to the quiet, insidious decay of his environment. Many of us live in environments dominated by polluted air, filthy water, ugliness, and noise, and are almost completely unaware of the subtle changes which have worsened our situation over the years. A person may not realize what has happened until a certain threshold is reached and his eyes water, his water stinks, his plants die, and the paint peels from his house.

Mr. President, we have reached this threshold. We must act decisively now if we are to stop this deadly degradation of our environment. We must begin now to analyze the full cause-and-effect linkage of all of our actions, not just the immediate results of a few. We can no longer afford to have our environment contaminated by persistent pesticides. We can no longer tolerate the pollution of our air and water by the refuse of our affluent society.

S. 7, of which I am a cosponsor, is a positive step toward the preservation of the quality of our environment. As reported by the Committee on Public Works, this bill would among other things: control the discharge of sewage from vessels into the navigable waters of the United States; provide for the control and cleanup of oil discharges into inland waters of the United States, of the territorial seas, and of the 9-mile zone contiguous to the territorial sea; provide for the identification, control and cleanup of hazardous substances other than oil; authorize a demonstration program on areawide control of acid and other mine water pollution resulting from active or abandoned mines; authorize a demonstration program to eliminate or control pollution within the watersheds of the Great Lakes; require Federal agencies to insure compliance with applicable water quality standards in the administration of their property, facility, or activity; provide for the training of personnel to operate and maintain existing and future water treatment works; and establish in the Executive Office of the President an Office of Environmental Quality and provide for the establishment of an advisory committee having a broad range of concern including population growth, environmental quality, and planning for the future.

Of particular significance to States such as Texas that border on the sea, are the provisions in title I of S. 7 which provide centralized authority to clean up oil spills. The recent disastrous oil spill off the coast of California at Santa Barbara has taught us a tragic lesson in what can happen to people and property when large quantities of oil are discharged into our coastal waters. Oil spills, such as that one, pose an extremely grave threat to Texas because of the

tremendous number of offshore oil operations and heavy ship traffic that is found along the gulf coast. For example, if a large quantity of oil was discharged into the waters of the Houston Ship Channel, not only would the waters and beaches around Houston and Galveston be polluted but also the intercoastal canals thus causing heavy damage to the large rice crop that is produced in this area. In light of the danger to the people of the coastal areas and their property, it is only right that the expense of cleaning up oil spills be charged to the owners and operators of vessels transporting oil and oil products and the offshore and onshore facilities that discharge this dangerous oil.

Mr. President, just this week I offered the Joint Resolution 156 to establish an interagency commission for planning this country's participation in the 1972 United Nations Conference on the Human Environment. In offering that legislation, I pointed out that pollution is a problem of worldwide dimensions and there is no doubt that this is true. Since, according to Dr. Edward D. Goldberg of Scripps Institute of Oceanography, La Jolla, Calif., the United States is "responsible for around one-half to one-third of many of the contaminants introduced into the atmosphere or ocean," this Nation is obligated to take the lead in dealing with the pollution of our environment.

The United States must undertake a crash program to deal with pollution within our boundaries and along our shores. This bill will constitute a great step forward in such a program.

By adoption of this bill we can set an example for the rest of the nations of the world to follow and demonstrate that we are willing to embark upon an all-out attack upon the problem of pollution before it is too late.

We cannot afford to underestimate the gravity of the problem, for as David M. Gates, director of the Missouri Botanical Gardens and an expert ecologist, in an article placed in the CONGRESSIONAL RECORD this week by Senator TYDINGS, warns us, our continuing assault on the natural environment "could produce an earth populated by 'half-starved, depressed billions gasping in air depleted of oxygen and laden with pollutants, thirsting for thickened, blighted water.'"

This is the reason why, Mr. President, I am proud to be a cosponsor of this bill and why I urge, with all the candor at my command, my colleagues to support this legislation.

Mr. MONDALE. Mr. President, water is a precious commodity.

The U.S. Senate has again, today, recognized the need to preserve and protect our existing supply of water by passage of S. 7, legislation which contains the Water Quality Improvement Act of 1969 and the Environmental Quality Improvement Act.

I am doubly pleased by today's action since S. 7 contains the Clean Lakes provision first introduced by myself and Senator Burdick in 1966. This provision will allow basic research into the cause, cure, and prevention of lake pollution. It will provide funds for the construction

and operation of research facilities for these purposes. The outcome of such research should give us a greater understanding about the effects of treated sewage, fertilizers, pesticides, siltation and other substances which ultimately drain into our fresh water community lakes.

Now that we have taken this basic and long-needed first step, I will shortly introduce legislation to authorize the next step. The National Clean Lakes Act of 1969 would provide grants for operational programs to counter and eliminate pollution of fresh water community lakes.

Mr. President, our lakes are so much a part of our life in Minnesota and across this country. Yet there are thousands of lakes in this country which are decaying and in danger of becoming extinct because of pollution and siltation. My State of Minnesota is known as "The Land of 10,000 Lakes." We do not want to subtract from this slogan.

Like Minnesota's other natural resources, lakes are not impervious to man's vandalism and natural decay. Throughout Minnesota and the Nation, lakes are suffering from the pollution epidemic—they are smothering to death in organic waste and untreated poisons.

Now, building on the vehicle provided by the Senate today—and the legislation I will introduce—I am convinced we can expand the life cycle of many of this Nation's tens of thousands of lakes.

Thoreau wrote:

Nothing so fair, so pure . . . as a lake, perchance, lies on the surface of the earth . . . Nations come and go without defiling it . . . It is a mirror . . . whose gilding Nature continually repairs . . . which retains no breath that is breathed on it.

I am afraid that there is more poetry than truth in those beautiful words. Nations have defiled their lakes. The restorative powers of nature do not work on the still waters of a lake to the same effect that they work on the flowing waters of a stream.

Our fast-flowing rivers are equipped with unbelievably recuperative powers. This built-in natural recovery process has enabled many of our rivers to take the worst that man has been able to throw at them in the way of pollution punishment. Rivers have a faculty of rolling with the pollution punch that the more placid lake waters lack. At one and the same time—if we are to save our lakes—we must develop ways of keeping pollutants out of lakes; remove, insofar as possible, those pollutants already in our lakes; and, finally, to neutralize the effects of those pollutants which cannot otherwise be eliminated.

When the natural aging process of a lake is speeded up, we find a condition called accelerated eutrophication. The scientist may define it as "the state of a body of water resulting from intentional or unintentional, natural or man-made modifications to the aquatic environment to the extent that the ecological system supports an imbalance in the biological production and creates a nuisance or interference with a water use."

The layman may not be concerned with definitions, but he knows that a polluted lake is ugly to look at, unfit to swim

in, unpleasant to boat on, devoid of prize sport fish. His livelihood may suffer from lost property values, deserted resorts, reduced value of the commercial fishery, and impeded navigation. The public water supply of his community may be impaired. The citizen has a large stake in clean lake waters.

We do not fully understand eutrophication. We do know that manmade wastes contain nitrates, phosphates, and other nutrients which stimulate biological production and promote the premature aging of a lake. The algal bloom is a sign of advancing eutrophication. Profusion of algae and other vegetation and siltation make the lake waters more shallow and hasten the process. When sunlight penetrates the shallow waters, vegetation climbs to their surface and chokes the lake. The vegetation decays, disagreeable odors result, and fish often die from the loss of oxygen. Industrial wastes, municipal wastes, individual waste disposal systems, agricultural runoff, and siltation from soil erosion all contribute to the influx of manmade pollution into the Nation's lakes.

The impairment of water quality of our lakes is a problem complex in its causes, widespread in scope, and difficult in solution. We do not have the final answers to these problems. We may never—but a nation which can reach the moon in a decade certainly should be able to—come up with practical solutions to some if not all of the problems of aging lakes.

But we are confident that through an expanded research, development, and demonstration effort, we will be able to do a far better job than we now are doing to control the eutrophication process in fresh water community lakes.

Mr. President, there are a number of reasons for proceeding now with full scale demonstration and operational programs even though we are just beginning research and development programs. These reasons include: a substantial knowledge base upon which to act; the need for action programs to interact with development programs; and the demand to immediately counterbalance periods of seemingly irreversible pollution where eutrophication is taking place.

Briefly, the National Clean Lakes Act of 1969 would provide funds for a variety of programs including dredging and cleansing already polluted lakes including disposal costs, removal of effluents and nutrients from sewage treatment plants, and soil conservation programs to retard the drainage of siltation, nutrients, and other pollutants.

The measure will seek authorizations over a 3-year period; \$200 million for the first year, doubling to \$400 million in the second, and increasing to \$500 million for the third.

This funding will permit the Interior Department to finance feasibility studies, preliminary research, full-scale demonstrations, and operating facilities. It would also provide assistance to resort owners, farmers, and construction workers to permit various programs to halt siltation and the passing of nutrients into fresh water community lakes.

Moneys shall be on a matching provision with funds put up by State municipi-

palities and by businesses and industries contributing to pollution and having a stake in the cleansing of the lakes. This funding should be at a rate of 90 percent for those projects which are purely of a demonstration nature, and 75-percent Federal funds for the more operational grants where the success of the facility is more certain.

The National Clean Lakes Act will be tied directly to total land management plans for individual States and areas. The States will be given a leading role in the establishment and enforcement of standards.

Mr. President, it is my hope that with the perfection of the tools and technology of restoring fresh water community lakes, our municipalities all across the Nation will be encouraged to begin the task of cleaning their lakes and to take immediate steps to prevent further pollution.

There is no lack of interest in such projects in the States. Rather, there is frustration at the enormous size of the job and the realization that, without Federal assistance, most such projects are impossible.

The Minnesota Department of Conservation estimates that dredging and cleaning a lake costs a minimum of 25 to 50 cents a yard. To deepen an acre of water by only 1 foot costs about \$4,000. In Minnesota, there are 17 lakes that are over 10,000 acres in size. To deepen one of these lakes by 5 feet would cost about \$4 million. It is obvious that such an expense cannot possibly be borne by a lake community, and even for a major metropolitan area, the cost is virtually prohibitive.

Thus, in the National Clean Lakes Act of 1969 which I will introduce, I am proposing that lakes be given treatment comparable to other bodies of water in the protection against pollution.

I urge my colleagues to join with me in support of this bill to rejuvenate and beautify our lakes.

Mr. MUSKIE. Mr. President, Senator MONDALE is to be congratulated for his excellent contribution to the work of Subcommittee on Air and Water Pollution. The Senator has provided significant leadership in providing legislative recommendations to deal with the difficult problem of lake eutrophication.

As the Senator has so eloquently pointed out, many of the Nation's lakes are dying at an accelerated rate. We must retard this process.

We will not be successful in this effort unless we can develop the necessary technical capacity to halt lake pollution. And we will not be successful unless we make a meaningful national commitment now.

The Senator from Minnesota has led this effort and on behalf of the members of the committee, I want to express our appreciation. I look forward to reviewing the additional proposals which the Senator intends to offer.

Mr. MURPHY. Mr. President, as a co-sponsor of S. 7, I rise in support of the measure. Last year, as a member of the Subcommittee on Air and Water Pollution, I supported a similar measure that passed the Senate. Although no longer a member of that subcommittee, I have continued my great interest in the sub-

ject of pollution, both air and water. I regard the increasing pollution of our environment as one of the paramount problems facing our Nation and, indeed, the world community of nations.

S. 7, when its provisions are fully implemented, will constitute a giant step forward in the water pollution fight. It should be a particularly effective deterrent against the despoliation of our lakes, rivers, bays and, significantly too, in my State, California, our magnificent coastlines.

No piece of legislation can be a complete defense against the type of catastrophe that ravaged Santa Barbara beaches earlier this year, or that ravaged the beaches of Southern England as a result of the *Torrey Canyon* grounding several years ago. However, the provisions of S. 7, insure that immediate cleanup operations can be commenced and ultimate financial liability fixed.

In this regard the bill before the Senate contains the provisions I urged in testimony before the House Committee on Public Works on February 13, 1969. I said:

Present water pollution control legislation dealing with the spillage of oil . . . is clearly inadequate. Financial responsibility must be placed on the owners and operators of both ships and shore facilities. Present law limits liability to dischargers who are 'grossly negligent or willful.' I supported legislation which passed the Senate establishing the responsibility of the party to either clean up or authorize the government to do it and later recover the costs from the party responsible.

Thus, S. 7 contains provisions declaring the discharge of oil to be unlawful; authorizes the establishment of regulations relative to discharge and removal of oil; establishes penalties for violation of these regulations; provides authority for the operator to immediately remove any oil discharge or spill or in the event he either refuses to clean up or does not adequately clean up the discharge, the Government may remove the oil to prevent damage and decrease the cost; establishes liability on vessel owners of \$125 per gross ton of his vessel or \$14 million whichever is lesser for such spills and requires evidence of the ability of vessel owners and operators to cover up to \$100 per gross ton of liability in the event of discharge; and establishes a \$50 million revolving fund for operation of the entire cleanup program.

In addition, I have long felt the need for contingency plans in the event of a disaster such as the Santa Barbara incident and as stated in my testimony before the House Committee on Public Works:

The Santa Barbara incident has underscored once again the need to accelerate a research development and testing program to increase and improve our capabilities for preventing, controlling, and cleaning up of oil spills and other hazardous substances. I recommend an amendment to the research section of the Federal Water Pollution Control Act to authorize an additional \$5 million for the acceleration of research on marine pollution problems, such as that posed by oil spillages. This was one of the recommendations of the Commission on Marine Science, Engineering, and Resources, the Commission

which earlier this year issued a report charting the future direction of the nation's ocean exploration efforts.

I urge that contingency plans be developed at the local, state and regional levels to provide for a quick response to oil spills and similar disasters. I understand that no such plans presently exist today. This is a serious deficiency in our pollution control arsenal and should be remedied immediately. In my judgment, such contingent plans should be an integral part of the state and federal water pollution control programs.

Under S. 7, the President has broad authority to issue regulations for preventing oil discharges and for developing and coordination between the various levels of Government oil removal contingency plans.

I long have been concerned about the increasing level of pollution in the San Francisco Bay-Delta area. Since the Navy is the chief polluter of the bay, I recently urged the Secretary of the Navy to stop this polluting. As a member of the Senate Armed Services Committee, I intend to do whatever I can to see that this pollution is stopped and to make certain that the Federal Government cleans up rather than pollutes. I ask unanimous consent that a copy of the telegram I sent to the Secretary of the Navy be printed at this point in the RECORD.

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

When I was in San Francisco with Secretary of the Interior Hikel recently, it was reported that a principal part of the pollution in the San Francisco Bay was caused by Navy ships and installations. As one who believes that the Federal Government should set an example for the nation in our battle against pollution, both air and water, I request the Navy to stop this pollution of the Bay. As a member of the Senate Armed Services Committee and a former member of the Senate Public Works Subcommittee on Air and Water Pollution, I stand ready to urge the Armed Services Committee and the Congress to help the Department of the Navy in its efforts to stop this pollution.

Mr. MURPHY. In testimony prepared for the House Subcommittee on Conservation and Natural Resources, the Federal Water Pollution Control Administration, in its report, stated:

It is estimated that 250 million gallons of shipboard and sanitary sewage are discharged into the San Francisco Bay-Delta area each year from vessels using the twelve deep water ports, numerous port and docking facilities, and 250 small craft harbors. It has also been estimated that the 60 assigned military vessels operating in the Bay-Delta waters contribute approximately ninety per cent of the annual wastes discharged from all vessels. Other vessels operating in these waters include 96,000 small craft, 800 fishing vessels, and 5,000 commercial vessels entering through the Golden Gate each year.

When the provisions of S. 7 concerning shipboard discharge of sewage become effective, Federal standards will be established for marine sanitation devices and the means by which sewage may be discharged from vessels. These regulations are applicable to military as well as private vessels unless there are clear overriding defense considerations.

I urge the Secretary of the Navy not to wait until the provisions of this section are applicable but that he com-

mence forthwith to develop and test appropriate marine sanitary devices for use in the San Francisco Bay.

Mr. President, since coming to the Congress I have supported every single piece of legislation that has advanced our Nation's battle against air and water pollution. Some years ago a great American, Teddy Roosevelt, saw what we were doing to our natural resources and led a movement to stop the senseless destruction. Today our environment and natural resources are again being threatened by pollution. I sincerely believe that one of the most serious if not the most serious problem facing our Nation is this question of pollution. I am happy that we are taking this most significant and positive approach toward its control. However, the citizens of our Nation must become aware and must make the commitment once again if we are to save America, the beautiful.

Mr. MUSKIE. Mr. President, I would like to express my personal appreciation and that of the members of the Committee on Public Works to the staff of the committee and the Members who have worked on this legislation. The continual cooperation of majority and minority committee staff and effective consultation with the staffs of members of the committee has expedited the Senate consideration of the comprehensive environmental quality legislation.

Specifically, Mr. President, I would like to acknowledge the efforts of Mr. Richard Royce, chief clerk and staff director of the committee; Mr. Bailey Guard, minority clerk; Mr. Barry Meyer and Mr. Tom Jorling for his majority and minority counsel; Mr. Leon Billings, Mr. Richard Grundy, and Miss Adrien Waller, professional staff members; Mr. Donald Nicoll and Mr. Eliot Cutler of my staff, and Mr. Hal Brayman of Senator Boggs' staff.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUE), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUE), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator Georgia (Mr. RUS-

SELL), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from New York (Mr. GOODELL) are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. GOODELL), and the Senator from Ohio (Mr. SAXBE) would each vote "yea."

The result was announced—yeas 86, nays 0, as follows:

[No. 117 Leg.]

YEAS—86

Aiken	Fong	Muskie
Allen	Fulbright	Nelson
Allott	Goldwater	Packwood
Anderson	Gore	Pastore
Baker	Griffin	Pearson
Bayh	Gurney	Pell
Bellmon	Hansen	Percy
Bible	Hart	Prouty
Boggs	Hatfield	Proxmire
Brooke	Holland	Randolph
Burdick	Hollings	Ribicoff
Byrd, Va.	Hruska	Schweiker
Byrd, W. Va.	Hughes	Scott
Cannon	Jackson	Smith, Maine
Case	Javits	Smith, Ill.
Church	Jordan, N.C.	Sparkman
Cook	Jordan, Idaho	Spong
Cooper	Kennedy	Stennis
Cotton	Mansfield	Stevens
Cranston	Mathias	Symington
Curtis	McCarthy	Talmadge
Dodd	McClellan	Thurmond
Dole	McGee	Tower
Dominick	McIntyre	Tydings
Eagleton	Metcalfe	Williams, Del.
Eastland	Miller	Yarborough
Ellender	Mondale	Young, N. Dak.
Ervin	Mundt	Young, Ohio
Fannin	Murphy	

NAYS—0

NOT VOTING—14

Bennett	Inouye	Moss
Goodell	Long	Russell
Gravel	Magnuson	Saxbe
Harris	McGovern	Williams, N.J.
Hartke	Montoya	

So the bill (H.R. 4148) was passed.

The title was amended, so as to read: A bill to amend the Federal Water Pollution Control Act, to establish an Office of Environmental Quality, to provide for certain property acquisition, and for other purposes.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, I ask unanimous consent that S. 7 be indefinitely postponed.

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

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the Senate amendment to H.R. 4148, and that the bill be printed as passed by the Senate.

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

Mr. MUSKIE. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair

be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MUSKIE, Mr. RANDOLPH, Mr. BAYH, Mr. MONTROYA, Mr. BOGGS, Mr. COOPER, and Mr. BAKER conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, there is no doubt that this singular success—the unanimous approval of the Water Pollution Control Act amendments—is attributable to the expertise and legislative skills of the floor manager of the bill, the distinguished chairman of the Air and Water Pollution Subcommittee of the Public Works Committee, the Senator from Maine (Mr. MUSKIE). His tireless efforts in committee and on the floor have gained for him the deepest gratitude of the Senate and the Nation. His efforts, may I say, will serve to provide a better environment for all of us. We are grateful. He has added a magnificent achievement to his already abundant record of public service.

We are grateful also to the Senator from West Virginia (Mr. RANDOLPH) and to the Senator from Delaware (Mr. Boggs), the chairman and ranking minority member, respectively, of the Public Works Committee. They joined to assure the efficient and swift disposal of this measure. They added their always thoughtful, always perceptive views to the discussion.

Especially, our thanks must go also to the distinguished Senator from Washington (Mr. JACKSON). The cooperation he exhibited was characteristic. His support was outstanding, and we are grateful.

The Senate may be proud of another fine achievement.

Mr. MUSKIE. Mr. President, during the last 24 hours, both Washington newspapers, the Post and the Evening Star, have published editorials in support of full funding of the \$1 billion authorization for Federal grants for the construction of municipal waste treatment facilities.

Regardless of the outcome of the vote on this question in the House today, I intend to press for full funding in the Senate, as we have in the past.

The chairman of the Subcommittee on Public Works of the Appropriations Committee, the distinguished Senator from Louisiana (Mr. ELLENDER) has committed his support to increased funding for the program, and I hope that the committee will find it possible to recommend full funding.

Although the administration has requested only \$214 million for fiscal 1970, recent reports have indicated that the administration may be seeing the light of overwhelming public support for the program.

I hope they do change their mind, but in any case, I pledge my support for full funding, and I promise a vigorous effort in behalf of it.

I ask unanimous consent that the editorials to which I have referred be included in the RECORD at this point.

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

[From the Washington (D.C.) Post, Oct. 8, 1969]

#### \$1 BILLION FOR CLEAN WATER

A major test of whether this country is sincere in trying to clean up its polluted rivers and lakes will come in the House of Representatives today. In principle, the Congress, the administration and the country are thoroughly committed to the cause of clean water. It is one of the most popular crusades of the day. But lip service and even authorizing legislation do not remove filth from our streams. Sewage-treatment plants must be actually constructed, and Congress has to date provided only meager funds for this purpose.

New hopes were raised in 1966 when Congress approved a sharp rise in federal assistance to states and cities for the construction of clean-water facilities. The program was to expand from \$150 million in fiscal 1967 to \$1 billion in fiscal 1970. But out of the \$2.3 billion authorized for the last four years, including this one, Congress has appropriated only \$567 million for the three past years, and the current budget request is for only \$214 million for fiscal 1970. In other words, the real cleanup program, as distinguished from the reassuring words and good intentions, has not yet gotten off the ground.

Fortunately, the great gap between promise and performance has not gone unnoticed on Capitol Hill or among the millions who are now demanding restoration of a healthful environment. A large number of organizations representing conservation groups, organized labor, professional societies, civic associations and city and county officials have united their efforts in a Citizens Crusade for Clean Water, and more than 220 members of the House have pledged themselves to vote a billion dollars for clean water when the big test comes.

One vital element in the situation is the plight in which many cities find themselves. Under the prodding of Congress, state legislatures have been raising standards of sewage treatment which the cities will have to meet. But if they are denied the federal aid that was contemplated when the higher standards were set they will have to choose between failure to comply and the diversion of funds from education, housing, law enforcement and so forth to meet the new demands for clean water. It is reported that more than 4,600 applications for aid to cities in the construction of sewage-treatment facilities are awaiting action, largely for want of funds.

The plain fact is that Congress has reneged on its clean-water pledge to the country. The technical know-how for restoration of the Nation's streams and lakes to a tolerable condition is readily at hand. Much of the needed legislation is already on the books, although Secretary Hickel is seeking authority to help pay for treatment facilities on an installment basis through contracts with cities and states, which would greatly ease the demand for current appropriations. The missing element is immediate funds to change the clean-water drive from a remote hope to a current reality.

We agree with the National League of Cities, the League of Women Voters and the many other groups and individual leaders who are calling for the immediate appropriation of a billion dollars for the 1970 cleanup effort. On the eve of the test vote there are indications that the administration will accept substantial expansion of the clean-water budget item it carried over from the Johnson budget. But compromise at this point is not enough. The judgment of Congress as expressed in the Clean Water Restoration Act that \$1 billion would be needed this year for grants in this area was sound. It should be adhered to today. In a matter

of such vital concern to the country, Congress simply cannot afford to put itself into the position of withdrawing from an obligation it has assumed and sought to impose on the states and cities.

[From the Evening Star, Oct. 7, 1969]

#### KEEPING PROMISES

Several months ago, we were critical of Congress for retreating from its commitment to the states and localities to provide \$1 billion in matching grants for water pollution control. What bothered us at the time was not so much the enforced slowdown in this important program but rather the immorality involved in mousetrapping local governments into commitments they can ill afford, and then not coming across.

In this context, it is especially gratifying to note that over 220 congressmen have gone on record as favoring the full \$1 billion appropriation for waste treatment plants. At present, the House money bill contains \$600 million for this program—itsself a considerable improvement over the \$214 million originally earmarked. Interested lawmakers will offer an amendment on the House floor this week to up that to \$1 billion. If they all vote the way they have talked, this amendment should sail through easily.

The next move would then be up to the Senate. To date there has not been a comparable show of support in the other chamber for a full-funding of the water pollution program. But this is perhaps because the quite remarkable ground-swell of concerned public opinion on this subject has so far been focused on the House.

It should be understood, of course, that this is definitely a time when budgetary restraint is indicated. Accordingly, a number of important government programs are in imminent danger of severe cutbacks. Even so, there are two good reasons for not stinting on water pollution control, quite apart from its merit as a program. First, local governments have already been induced to commit their own limited resources for this purpose. And second, there appears to be broad public support for the program. In this case at least, there is reason to give the public what it wants.

#### COMMISSIONER DOMINICK CONFIRMS FWPCA'S COMMITMENT TO ENHANCEMENT PRINCIPLE

Mr. COOPER. Mr. President, I would like at this time to bring to the Senate's attention an excellent and most appropriate addition to the discussion of S. 7. It is a speech given on September 23 in Kansas City by Commissioner David D. Dominick before the Association of State and Interstate Water Pollution Control Administrators.

In this speech, which I would ask unanimous consent to include at the end of my statement, Commissioner Dominick spells out the goals of the Federal Water Pollution Control Administration and its activities. He affirms the necessity of strong Federal, State, and local partnerships and cooperation for the success of pollution control programs of all kinds.

One of the most significant statements of the speech is the confirmation of the administration's commitment to the principle of enhancement of water quality articulated as follows:

The keystone of the Water Quality Act of 1965 was enhancement of water quality, and this has become the keystone of State and Federal water quality standards. I do not believe that we can afford to go any other way. In most parts of the country, the day has long since passed that we could rely on the

"assimilative capacity" to protect us from water quality degradation and, eventually, curtailment of such water uses as swimming and propagation of high quality fisheries associated with clean waters. The traditional assimilative capacity concepts have ignored the more subtle water pollution control parameters that they become so important to the protection of legitimate water use.

I commend the entire text of Mr. DOMINICK's speech to my Senate colleagues.

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

REMARKS BY DAVID D. DOMINICK, COMMISSIONER, FEDERAL WATER POLLUTION CONTROL ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS, KANSAS CITY, MO., SEPTEMBER 23, 1969

Good morning, Gentlemen. It is a privilege to be meeting here with you in Kansas City and to lead off on what promises to be an important annual meeting of the Association of State and Interstate Water Pollution Control Administrators.

You have asked me to comment on the Federal Water Pollution Control Administration goals and directions for the future. This is an excellent forum to give you such comments because I would hope that our goals would be essentially your goals. And I know that in many instances our problems are your problems as well. In a simple sense the goals of FWPCA are to come to grips with and find solutions for the issues which are presently impeding progress in the fight for pollution abatement and environmental quality.

There is an urgency to our mutual efforts which has never existed before. I am sure that I don't have to remind you of the public demand for cleaner water because it is you, as State administrators, who are on the front line in the action which is being demanded. But I did want to assure you that we in Washington are well aware of this urgency, this public demand and this unique awareness on the part of our American citizenry of environmental problems on a global scale. You and I are certainly tied to one of the highest visibility programs in the United States today.

To get down to specifics, I would like to discuss with you three areas of mutual concern in which we are actively developing and promulgating new policies. These would be the areas of enforcement, financing, and the question of a requirement for secondary treatment of municipal wastes.

In addition, there are a number of issues which we can explore in somewhat less depth but which we will identify as questions or problems facing FWPCA and problems for which we are seeking policy solutions.

So first let me turn to the question of enforcement. As you know, Secretary of the Interior Walter J. Hickel has just recently announced a new, tough enforcement policy. Acting on information available to FWPCA, the Secretary has set in motion the first stages of informal proceedings against a city, four steel companies, and a mining firm allegedly polluting interstate waters and being in noncompliance with water quality standards. If our upcoming meetings with these various entities does not lead to satisfactory action on their part, the next step which could be taken by the Secretary of the Interior would be formal court proceedings following a 180 day notice.

The Secretary has said, "the people of America have made it abundantly clear that they will no longer tolerate pollution of their environment." He said that, "the Administration believes this to be a reasonable demand,

and we have a mandate to satisfy it quickly and thoroughly. We will do this through court action, if necessary, and through tough, new legislation which we will seek from the Congress."

And the Secretary made it quite clear that his actions in these areas were not a one shot burst for a short haul. Rather, he emphasized that, "this is just a beginning. We intend to continue the identification of polluters all over the Nation, followed by the enforcement of schedules for prompt cleanup and pollution elimination."

The water quality standards, in effect, set compliance schedules all over the Nation. We intend to see that these compliance schedules are met. To do otherwise would be to fail to make full use of the water quality standards tool that has been mandated to us by the Congress. The standards must be seen as a means to an end. We are taking steps immediately at FWPCA to insure that fair and consistent mechanisms are developed for the full implementation and enforcement of water quality standards.

Let me turn briefly to the question of financing. We are all keenly aware that the existing program which was established in 1966 has not served to keep current with identified needs. The need for treatment plant construction is most urgent and this need is clearly recognized in Washington. State approved applications for matching grant funds totaling \$2.3 billion from States and local governments are now on file with the Federal Water Pollution Control Administration.

I acknowledge that the question of financing is the most difficult issue facing all of us right now. A resolution of this issue is directly tied to the issue of how and when we meet our water pollution control goals in the municipal sector. I cannot give you an answer to these pressing needs at this time but can only assure you that work is going forward at the highest levels of the Administration to seek some equitable resolution. The one thing which I can tell you at this time is that the new Clean Water Team in Washington is keenly aware of the need for long-term planning when we come to the question of construction of municipal waste treatment works. Piecemeal financing, and year-to-year uncertainties occasioned by the appropriation process envisioned by the previous legislation, clearly does not allow for the lead time and planning which is required at the State and local level. So one of four top priorities in seeking any resolution to the financing issue is to come up with a program which will give firm assurances as to the future availability of funds and upon which firm planning for construction needs can be based.

Let me turn to the last of the major issues which I will be able to cover with you this morning. I hope by now that all of you State and Interstate Water Pollution Control Administrators have received our proposals to revise the construction grants policies. We are considering revisions to the existing rules and regulations for construction grants which would upgrade the minimum treatment which any project applying for Federal funds would have to provide.

The present rules specify that the minimum treatment that a system must provide to be eligible for Federal grant assistance is primary treatment or its equivalent, unless water quality standards or other recommendations require a higher level. In view of our present water pollution control needs and policies, we believe that a more stringent minimum treatment requirement is now clearly appropriate. From reading the water quality standards established by the States, I also note that with very few exceptions the States themselves now recognize the appropriateness of secondary treatment as a minimum.

For these reasons, we are proposing that the minimum treatment level for federally-supported projects discharging to interstate or intrastate fresh waters should be complete removal of all floatable and settleable materials, disinfection, and at least 85 percent removal of five-day biochemical oxygen demand and suspended solids based on design flow. We have avoided using the term, "secondary treatment" in the proposal in order to provide a performance type of definition, without implying necessarily specific processes associated with secondary treatment. However, as "secondary treatment" is a good shorthand term, I will use it in my later discussion of this policy with the disclaimer that it is just this—only a shorthand term.

Because of the critical need to protect estuarine aquatic life and uses, we believe that the minimum treatment for projects discharging to estuaries should be set at the same level as for fresh water discharges. For discharges to the open ocean through ocean outfalls, a lesser degree of treatment might be justified. Thus, we are proposing a minimum level of complete removal of all floatable and settleable materials for discharges to open ocean waters at this time. The proposed revisions to the rules and regulations would define "open ocean waters."

There are some specific aspects of the revised construction grants policy which I would like to clarify briefly. For instance, this policy would be intended to apply not only to applicants for projects providing a complete treatment system, but also to applicants for a Federal grant for portions of a system, such as interceptor sewers, pumping stations, outfalls and other appurtenances. To qualify for a Federal grant, projects to construct interceptor sewers and other portions of a treatment system would have to comply with the adequate levels of treatment as determined under this new policy. As another point, discharge to the ocean will be evaluated on a case-by-case basis to determine the appropriate level of treatment to insure compliance with water quality objectives.

In addition, we examine all plans for construction very carefully to be assured that in the design and engineering stages adequate consideration has been given to projected population growth demands. The recent experience of the new Administration on the Potomac River indicates that insufficient thought has been devoted in the past to population increase factors. The design of new treatment plants must be flexible enough to provide for increased capacity as well as providing for the possibility of process changes leading to higher levels of waste treatment.

Finally, we will not give any Federal funds to communities that bypass their sewage treatment plants and drop raw sewage into the streams. The Federal government will not be a party to any such practice leading to gross pollution of our water-ways. Our streams will be kept clean.

We are seeking your comments on these revisions prior to publication of revised rules in the *Federal Register*. I hope to obtain your support for these proposed regulations, and to proceed to publication within the near future. The revisions will be open to further comment, of course, in a more formal fashion after they are published in the *Federal Register*, but I did want to solicit your views at the earliest possible stage in the development of this new policy.

I would like to discuss our reasoning for seeking such a change in policy at this time. The present rules and regulations, of course, provide that a proposed construction grant project seeking Federal funds meet the water quality standards. And, as I noted earlier, these accepted standards, with a few limited

exceptions, provide for a minimum of secondary treatment.

I think we are all looking forward to the day when the minimum treatment that will be provided anywhere in the country will be the equivalent to secondary treatment.

We all know that some areas of the country are at this very moment preparing to meet or have already met much higher treatment requirements.

For many years, primary treatment was recognized as a basic treatment requirement for municipal wastes. However, even before the establishment of water quality standards, secondary treatment has increasingly become the new basic requirement for municipal and industrial wastes. In the face of population and industrial growth, treatment requirements have had to be steadily upgraded; waste loads have grown as prodigiously as populations and industries. History has shown that slow but steady deterioration of many waters has been the inevitable accompaniment of "progress" because treatment goals in the past were set too low. After many years of inadequate waste treatment, serious water quality degradation is a fact in most developed parts of the country.

If we are to make water pollution control programs and the water quality standards approach effective, a substantial reduction of pollution from all municipal and industrial waste sources will be necessary. Secondary treatment, and in selected areas treatment levels beyond that, should be considered a necessary goal to allow us to get ahead of the pollution problems—to prevent pollution rather than wait to abate it after damage has occurred.

The keystone of the Water Quality Act of 1965 was enhancement of water quality, and this has become the keystone of the State and Federal water quality standards. I do not believe that we can afford to go any other way. In most parts of the country, the day has long since passed that we could rely on "assimilative capacity" to protect us from water quality degradation and, eventually, curtailment of such water uses as swimming and propagation of high quality fisheries associated with clean waters. The traditional assimilative capacity concepts have ignored the more subtle water pollution control parameters that have become so important to the protection of legitimate water uses.

For the present, secondary treatment is an economically feasible technique and a reasonable means of assuring that assimilation of wastes will no longer be the sole or primary use of any of our waters. In some areas, where installation of high levels of treatment may occasion economic hardships, I think we are prepared to be realistic and flexible about the timing—and I emphasize the word *timing*—for necessary waste treatment improvements. However, I do not believe that we can afford to be shortsighted about our ultimate goals and that these goals must be high enough to meet the needs of the future.

The secondary treatment issue is but one of a number of areas in which the Federal Water Pollution Control Administration will be setting forth clear policy positions. We hope to continue to develop policy guidelines for a number of our programs, including such things as the disposal of wastes into the open ocean, the thermal pollution question, the operation and maintenance of sewage treatment plants, and the establishment of additional water quality standards criteria for radiological discharges and for pesticides. We are now in the midst of intensive inhouse efforts to develop programs or policy statements in many of these areas. We in the Department of the Interior solicit your input and guidance as additional policies are developed. To this end, as you now are all aware, Assistant Secretary Carl Klein and myself have initiated a number of meet-

ings with State Administrators throughout the country. We intend to continue these meetings until we have had an opportunity to sit down and discuss major program and policy questions with all of you. In addition, please feel free to pick up the phone or to write to Assistant Secretary Klein and myself on any matter which is of concern to you or your State or interstate agency.

We, at the Federal level, may not always find ourselves in agreement with you at the State, interstate or local levels. But both Mr. Klein and myself are of the very firm opinion that disagreement should not be a bar to communication. One thing is abundantly clear when we discuss environmental programs—all levels of government are in the fight together. And if we are to make progress, progress which is now urgently needed and urgently demanded, it is clear that we must eventually agree that we have a single mutual goal. We must agree together that our job is to stop pollution today, and to bend every effort to guaranteeing clean water for America tomorrow.

#### CASUALTIES IN THE WAR IN VIETNAM

Mr. FULBRIGHT. Mr. President, I desire to place in the record some figures concerning casualties in the war in Vietnam and to comment on them. The figures have just been calculated, based upon information received from the Department of Defense.

They show the average monthly total of dead, wounded, and missing during the administrations of President Kennedy, President Johnson, and President Nixon—granted, of course, that the level of fighting during the administration of President Kennedy was relatively low.

The average monthly total of dead during the Kennedy administration was 4.97; in the Johnson administration, 592.4; and in the Nixon administration, it has been 992.57. That is not quite double the average monthly total of dead in the Johnson administration.

The monthly average totals of the number of wounded are similar. In the Kennedy administration, it was 13.66 per month; in the Johnson administration, 3,201.5; and in the Nixon administration, thus far, it is 6,131.59. Again, that is almost twice—almost 100 percent—the total number of wounded in the Johnson administration, monthly.

For the missing, the proportion is not the same. In the Kennedy administration, only one person was listed missing. In the Johnson administration, the number was 29.4. Under President Nixon, the number thus far is 9.

These figures graphically show, it seems to me, that the level of fighting, instead of having declined during the last 9 months, has substantially increased, both with respect to the wounded and the dead. It is true that in the last 2 or 3 weeks there has been a decline, but these figures are the averages since the beginning of the war.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire tabulation of figures which have been collected. They are based upon official information received from the Pentagon and deal also with other aspects of the same problem.

There being no objection, the tabula-

tion was ordered to be printed in the RECORD, as follows:

Number of men missing from Vietnam	
1961-62	21
1963	20
1964	28
1965	151
1966	309
1967	911
1968	367
1969 (to Sept. 20)	88
<b>Total</b>	<b>1,895</b>

**Cost of the Vietnam war**  
[In millions of dollars]

Fiscal year:	
1965	103
1966	5,812
1967	20,133
1968	26,547
1969	28,812
1970	24,862
<b>Total (which equals \$106,369,-000,000 spent)</b>	<b>106,369</b>

Aircraft casualties in South Vietnam since Jan. 1, 1969	
Fixed wing:	
Hostile	387
Non-hostile	1,536
<b>Total</b>	<b>1,923</b>
Helicopter:	
Hostile	1,311
Non-hostile	1,712
<b>Total</b>	<b>3,023</b>
<b>Total aircraft lost in Vietnam in the South</b>	<b>4,946</b>

**In North Vietnam since Aug. 4, 1964**

Fixed wing (hostile)	921
Helicopter (hostile)	10
<b>Total aircraft lost in North Vietnam</b>	<b>931</b>
<b>Total aircraft casualties</b>	<b>5,877</b>

**NUMBER OF MEN KILLED IN VIETNAM FROM 1961 THROUGH SEPT. 20, 1969**

	Hostile action	Nonhostile	Total
1961 to 1962	42	23	65
1963	78	36	114
1964	147	48	195
1965	1,369	359	1,728
1966	5,008	1,045	6,053
1967	9,378	1,680	11,058
1968	14,592	1,919	16,511
1969 (to Sept. 20)	8,114	1,514	9,628
<b>Totals</b>	<b>38,728</b>	<b>6,624</b>	<b>45,352</b>

**NUMBER OF MEN WOUNDED IN VIETNAM FROM 1961 THROUGH SEPT. 20, 1969**

	Need hospital	No hospital	Total
1961 to 1962	43	38	81
1963	218	193	411
1964	522	517	1,039
1965	3,308	2,806	6,114
1966	16,526	13,567	30,093
1967	32,371	29,654	62,025
1968	46,799	46,021	92,820
1969 (to Sept. 20)	27,967	31,509	59,476
<b>Totals</b>	<b>127,574</b>	<b>124,305</b>	<b>252,059</b>

**NUMBER OF TROOPS IN COUNTRIES WITH WHICH WE HAVE PREVIOUSLY BEEN AT WAR (AS OF THE PRESENT)**

Germany	220,000
Japan	40,000
Korea	56,000

AVERAGE MONTHLY TOTALS FOR DEAD, WOUNDED, AND MISSING DURING THE ADMINISTRATIONS OF PRESIDENTS KENNEDY, JOHNSON, AND NIXON

	Kennedy	Johnson	Nixon
Dead.....	4.97	592.4	992.57
Wounded.....	13.66	3,201.5	6,131.59
Missing.....	1	29.4	9

Note: The figures for President Kennedy were figured for 3 years in office; the figures for President Johnson were figured for 5 years in office; the figures for President Nixon were for 9.7 months.

Mr. AIKEN. Mr. President, I did not return to the Chamber in time to hear all the remarks of my distinguished chairman. I heard him comparing war casualties during the administrations of Presidents Kennedy, Johnson, and Nixon. When President Kennedy took office there were no combat troops in Vietnam. At President Kennedy's death, 35,000 troops were in Vietnam.

President Johnson's tenure brought the number up to almost 550,000, the number which President Nixon inherited. Therefore, it stands to reason that there would have been more casualties, with 550,000 men engaged in combat, than there would have been when there were only 35,000, or even 300,000, the number which President Johnson had sent in by the time I advised him on October 19, 1966 to declare the war over, to say that "we had won it," and to withdraw those troops.

Unfortunately, he did not take my advice but sent in 230,000 more troops. So when President Nixon took office, he found 550,000 troops already engaged in combat in Vietnam. That easily explains the real difference in the great number of casualties.

It should be noted that since the withdrawal of our troops began, the number now in Vietnam is down to about 509,700, as of October 3, 1969. The number of casualties also have declined. I believe that the infiltration from North Vietnam has declined and that the situation now is infinitely better than the President's critics would have us believe.

Mr. HOLLAND. Mr. President, while I appreciate having the figures which the distinguished Senator from Arkansas has placed in the RECORD, it seems to me that, in simple fairness, the figures with respect to the Johnson administration should be broken down by years.

I should like to have the Senator, if he has them, supply for the RECORD the figures for each of the last 2 years of the Johnson administration, because they should be more nearly comparable with the figures for all the period so far during the present administration.

Mr. FULBRIGHT. I stated that there was a difference since President Kennedy's death.

Mr. HOLLAND. I wish the Senator would supply such a breakdown, because it will provide a much more accurate comparison than the percentage he has given.

Mr. FULBRIGHT. The Senator from North Carolina (Mr. JORDAN) does not wish me to delay longer, but I will speak to the Senator from Florida later. The Senator from North Carolina has asked

me not to engage in further colloquy on this subject now.

But the Senator from Florida is correct. We all know that we have more troops in Vietnam now than there were during most of the period of the Johnson administration. But what is significant is the order to the people in the field to determine whether they should deescalate and try to stop the fighting, and bring about, if not a legal cease-fire, or an agreed one, at least an effective cease-fire. Obviously, that has not been done yet.

What bothers me very much, frankly, is that apparently the enemy has been decreasing its level of fighting, but we have, according to the press, been unloading as many tons of bombs from B-52's as ever.

It would indicate that we are making no effort to cooperate in a de facto deescalation of the war.

Mr. HOLLAND. If I correctly understood the Senator's figures, they were broken down so as to cover the annual period for the Kennedy administration, which was some 1,000 days.

Mr. FULBRIGHT. These figures are as follows: 3 years of the Kennedy term, 5 years for Johnson's term, and 9.7 months for President Nixon. The figures I gave were for each month, average monthly totals.

Mr. HOLLAND. But that was average monthly for the Johnson administration for 5 years.

Mr. FULBRIGHT. Five years—three years, and 9.7 months.

Mr. HOLLAND. The point I make is that I think a fair comparison would look at the last 2 years, each of them separately, of the Johnson administration. I simply want the record to be fairly presented, and I do not think it is fairly presented as stated by the Senator from Arkansas.

Mr. FULBRIGHT. It is factually presented. The Senator can present it in a different way, if he wishes, but these facts are from the Defense Department.

Mr. AIKEN. I think if one compares 1968, the last year of the Johnson administration with 1969, it will be found that there has been a material falling off in the number of men killed. I cannot give the exact figure. I think it is about a third less than it was last year. As the troops are being withdrawn—and they are being withdrawn, and more of them will be withdrawn—casualties will naturally drop.

It is only natural that when Lyndon Johnson assumed Presidency in 1963 with only 35,000 troops there, he could not possibly have as many casualties as he had when the number in Vietnam amounted to over 500,000, 5 years later.

Mr. HOLLAND. Mr. President, I was simply trying to get each of the last 2 years of the Johnson administration put in. I think the last year would be the one that would be the most closely comparable. But that would give us a chance to compare fairly. I do not know whether the facts are one way or the other, but I want the comparison to be fair in the RECORD.

Mr. AIKEN. But we should also have

the number of troops present in South Vietnam at the time to compare that with the number of casualties for each year, and that would explain it.

#### INTEREST EQUALIZATION TAX EXTENSION ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 424, H.R. 12829.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance with amendments on page 2, line 2, after the word "out" strike out "August 31" and insert "September 30"; on page 9, line 12, after the word "sale", insert "or lease"; in line 15, after the word "sale", insert "(or not less than 85 percent of the value of the property subject to the lease is attributable to the use)"; on page 11, line 6, after the word "or", strike out "both" and insert "are debt obligations acquired in carrying on the trade or business described in paragraph (1)"; on page 13, line 15, after the word "year"; insert "(3 years in the case of tax liabilities)" at the top of page 19, insert:

##### (1) CERTAIN LEASE TRANSACTIONS.—

(1) Section 4914(c)(6) (relating to certain export leases) is amended—

(A) by inserting "tangible" before "personal property" in the matter preceding subparagraph (A),

(B) by inserting "(1)" after "(A)", by striking out "(B)" and inserting in lieu thereof "(1)", and by striking out the period at the end of such section and inserting in lieu thereof "; or", and

(C) by adding at the end of such section the following new subparagraph:

"(B) (i) payment of such debt obligation (or of any related debt obligation arising out of such lease) is guaranteed or insured, in whole or in part, by an agency or wholly owned instrumentality of the United States, or

"(ii) the lease is entered into with such foreign obligor and the United States person acquiring such debt obligation enters into the lease in the ordinary course of his trade or business and not less than 85 percent of the value of the property subject to the lease is attributable to the use of tangible personal property which was manufactured, produced, grown, or extracted in the United States, or to the performance of services pursuant to the terms of the lease by such United States person (or by one or more includible corporations in an affiliated group, as defined in section 1504, of which such person is a member) with respect to such personal property, or to both."

(2) Section 4914(j) (relating to loss of entitlement to exclusion) is amended by striking "or (6)" each place it appears therein and inserting in lieu thereof "(6) (A), or (6) (B) (ii)".

(3) Section 4920(a)(1)(A) (relating to definition of debt obligation) is amended by

adding at the end thereof the following new sentence:

"For purposes of the preceding sentence, the term 'indebtedness' includes obligations arising under a lease which is entered into principally as a financing transaction."

(4) The amendments made by this section shall apply with respect to acquisitions of debt obligations made after the date of the enactment of this Act.

And, on page 20, after line 20, insert a new section, as follows:

**SEC. 5. AMMUNITION RECORDKEEPING REQUIREMENTS.**

Section 4182 (relating to exemptions from tax on certain firearms and ammunition) is amended by adding at the end thereof the following new subsection:

"(c) RECORDS.—Notwithstanding the provisions of sections 922(b)(5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles, .22 caliber rimfire ammunition, or component parts for the aforesaid types of ammunition."

**LEGISLATIVE PROGRAM**

Mr. SCOTT. I should like to ask the Senator from Montana what his plans are for the rest of the day and for the future order of business.

Mr. MANSFIELD. Mr. President, it is anticipated that the Senate will have the pending bill under consideration today and tomorrow. I am hopeful that we may conclude action then, although that is not at all certain.

On Friday, it is the hope of the leadership that we shall be able to take up the two potato bills.

Sometime toward the end of this week or the first part of next week, it is hoped that we may take up the bill relating to the Eisenhower dollar. We always like to cooperate with the Republicans and would like to complete action, by the Senate at least, prior to October 14, which is the important date in this respect.

Then there will be the poverty program bill, which may be taken up next week.

Also, it is hoped that we may consider the legislative appropriation bill next week.

On Monday, we shall take up Calendar No. 189, Senate Joint Resolution 54, a joint resolution seeking the extension and renewal of the interstate compact to conserve oil and gas.

That is about as far as I can advise the Senator at present.

I must tell the distinguished Republican leader and my other Republican colleagues that, together, the Democrats and Republicans have done a pretty good job of keeping the Senate Calendar as bare as Mother Hubbard's cupboard. We hope that this type of cooperation, understanding, and mutual trust will continue in the weeks and months ahead.

Mr. SCOTT. Mr. President, I may say to the distinguished Senator from Montana, above the roaring sound of applause in the Chamber, that I appreciate the bipartisan nature of his remarks.

**EMPLACEMENT OF WEAPONS OF MASS DESTRUCTION ON THE SEABED**

Mr. AIKEN. Mr. President, today at the Disarmament Conference in Geneva the United States and the Soviet Union submitted a joint draft of a treaty prohibiting the emplacement of weapons of mass destruction on the seabed.

After months of negotiation this progress is encouraging. The draft will now be the subject of further discussion at the Geneva Conference before it is reported later this fall to the United Nations General Assembly.

Although all negotiations involve some give or take on both sides if they are to be successful, I think this joint draft treaty testifies to the negotiating skill of the administration's delegation at Geneva. Originally the Soviet Union proposed a ban on all military activity on the seabed, a result widely considered impractical and unworkable. Among other things, it would have prohibited underwater surveillance systems for detecting such things as hostile submarines. The Soviet Union finally agreed with the United States position that the treaty's prohibition be against the emplacement on the seabed of weapons of mass destruction. Such a ban would cover chemical and biological weapons as well as nuclear weapons.

We, in turn, agreed that the proscription should apply beyond a 12-mile coastal band rather than a 3-mile band as we originally proposed.

Mr. President, I ask unanimous consent that the text of the joint draft Seabed Treaty be printed in the RECORD.

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

**DRAFT TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEABED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF, OCTOBER 7, 1969**

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the seabed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reduces international tensions, and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race and determined to continue negotiations concerning further measures leading to this end,

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

**ARTICLE I**

1. The States Parties to this Treaty undertake not to emplant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous

zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone any objects with nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The States Parties to this Treaty undertake not to assist, encourage or induce any State to commit actions prohibited by this Treaty and not to participate in any other way in such actions.

**ARTICLE II**

1. For the purpose of this Treaty the outer limit of the contiguous zone referred to in Article I shall be measured in accordance with the provisions of Section II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone and in accordance with international law.

2. Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts, or to the seabed and the ocean floor.

**ARTICLE III**

1. In order to promote the objectives and ensure the observance of the provisions of this Treaty, the States Parties to the Treaty shall have the right to verify the activities of other States Parties to the Treaty on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone, referred to in Article II, if these activities raise doubts concerning the fulfillment of the obligations assumed under this Treaty, without interfering with such activities or otherwise infringing rights recognized under international law, including the freedoms of the high seas.

2. The right of verification recognized by the States Parties in paragraph 1 of this Article may be exercised by any State Party using its own means or with the assistance of any other State Party.

3. The States Parties to the Treaty undertake to consult and to cooperate with a view to removing doubts concerning the fulfillment of the obligations assumed under this Treaty.

**ARTICLE IV**

Any State Party to the Treaty may propose amendments to this Treaty. Amendments must be approved by a majority of the votes of all the States Parties to the Treaty, including those of all the States Parties to this Treaty possessing nuclear weapons, and shall enter into force for each State Party to the Treaty accepting such amendments upon their acceptance by a majority of the States Parties to the Treaty, including States which possess nuclear weapons and are Parties to this Treaty. Thereafter the amendments shall enter into force for any other Party to the Treaty after it has accepted such amendments.

**ARTICLE V**

Each Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized the supreme interests of its Country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

**ARTICLE VI**

1. This Treaty shall be open for signature to all States. Any State which does not sign

the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of \_\_\_\_\_, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall forthwith notify the Governments of all States signatory and acceding to this Treaty of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

#### ARTICLE VII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

In witness whereof the undersigned, being duly authorized thereto, have signed this Treaty.

Done in \_\_\_\_\_ at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_.

#### EVERGLADES NATIONAL PARK, FLA.

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2564.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2564) to amend the Act fixing the boundary of Everglades National Park, Florida, and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park, which were, on page 1, line 7, after "purposes," insert: "(72 Stat. 280, 286; 16 U.S.C. 410p)"; and on page 2, line 3, strike out "\$800,000" and insert "\$700,200".

Mr. BIBLE. Mr. President, first, I should like to make a brief explanation.

The House passed the bill and sent back to the Senate a different version only with respect to the cost tag for the land to be acquired. The House has amended the bill to acquire some very valuable holdings in the famous Everglades National Park in Florida for the sum of \$697,200 plus incidental expenses, such as title work, in the sum of \$3,000, for a total of \$700,200.

I have been in communication with George Hartzog, Director of the Park Service. He assured me this morning that he will be able to acquire the land, which is under an option that will expire on November 16, 1969, for that figure.

This being his assurance—he said he would furnish us with the necessary doc-

umentation—I move that the Senate concur in the amendment of the House and that the bill be sent to the White House.

The distinguished senior Senator from Florida (Mr. HOLLAND) has had a long standing interest in the Everglades. He has sponsored the legislation and has moved it along with his usual expedition because of the need to meet the November 16 deadline.

I think, now, that we can pass the bill today and meet the deadline.

Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator from Nevada for having expedited this measure in such a perfect way.

Mr. GURNEY. I, too, wish to express my great pleasure at the expediting of the bill affecting the Everglades National Park and also speak of the keen interest of my senior colleague from Florida in this very important national park not only during the years he has been a Member of the Senate, but also before that, when he was Governor of Florida.

His interest in and his work for the Everglades National Park has been one of the most important factors in keeping it a great national park and a great natural resource of Florida and of the country.

#### THE ADMINISTRATION'S POLICIES IN VIETNAM

Mr. SCOTT. Mr. President, I rise to comment on the well-considered and temperate proposals made this morning by the distinguished Senator from Iowa, (Mr. HUGHES). I am pleased that the Senator has stated that my suggestion for a 60-day moratorium on criticism of the administration's Vietnam policies "might deserve serious consideration if linked to substantive plans" which he elaborates. I am aware, and the President is most of all aware, that an increasing number of Americans have reached a point of disillusionment and frustration. Many are unwilling to prolong this war further. I have said before this war must end just as quickly as means for ending it can be found.

I cannot agree, however, with the Senator that President Nixon's policies for peace—a peace which we all want to come swiftly—is a "sterile impasse." The President has demonstrated his overwhelming and sincere concern for peace. He is searching all avenues, and not only in Paris. There is a timetable for action. The significant troop withdrawals, the lull in fighting, the decreased infiltration are all evidence that we are not in a "sterile impasse."

I assure Senators, from my own knowledge, that the President is confronting every day the problems which the Senator from Iowa refers to with regard to the South Vietnamese Government. He is embarked upon a course of action. The Senator said:

We all sympathize with Mr. Nixon's vast problems in trying to end a war which he

inherited and we honor his sincere desire for peace.

The President would be grateful and pleased with this tolerance and understanding of his vast burdens. The Senator has asked the President to consider certain measures which would effect reforms within the South Vietnamese Government and open up new possibilities for negotiation. I do not speak for the President on these matters but I can say that I am certain that many, if not all, of the Senator's suggestions have been under consideration and will be pursued in every way conceivable within the context of our search for peace. It has been considered American policy not to impose or force its own will or its own desire for reform on the present South Vietnamese Government. Prior interference with an earlier Siagon regime had some unexpected efforts—chaos resulted. But the President has made it quite clear that he believes that there must be a final political solution to this terrible war within South Vietnam—even if that solution might well involve a coalition including Communists but installed by the virtue of free elections. No President has made such a far-reaching and unselfish peace offer. No other President has dared to say this. No other President has gone and is going so far to assure the American people that this war will be ended.

I respect the Senator's suggestions regarding a halt of press censorship—a tolerance of other political organizations to operate without interference. Speaking of prisoners in the South, I might suggest that the release of our own American prisoners now jailed under intolerable conditions in North Vietnam—and we do not even know how many—deserves most serious consideration in the context of the Senator's other suggestions.

I am certain that the President is aware that there are problems such as the Senator notes and is vigorously attempting to remedy them within the context of his far-reaching policy for peace.

I know that the President desires that the South Vietnamese develop that government which will be more politically responsive to the political, ethnic, and religious groups in that war-burdened country.

Again, I want to assure the Senator that his tolerant and far-reaching suggestions today have my sympathy. They are good suggestions, and deserve the consideration for which he calls. I suggest that they must continue to be pursued. But, again, I do ask for tolerance. As the Senator from Iowa has recognized so well, the President has far ranging and difficult burdens with regard to ending this war with all the deliberate speed which the situation permits.

This is the kind of constructive debate which I had hoped would emerge. My suggestion that we hold down our differences to the quiet and reasonable consideration of alternatives has been respected by the distinguished Senator from Iowa. It is this spirit, this recognition of the problems which can only

be resolved by our prime negotiator, the President of the United States, which should continue to favor our discussions.

#### ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

#### ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Chair recognizes the Senator from Idaho (Mr. CHURCH) for a period not to exceed 1 hour.

#### VIETNAM: DISENGAGEMENT NOW

SENATE RESOLUTION 270—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE RELATIVE TO THE VIETNAM WAR

Mr. CHURCH. Mr. President, in the second year of the American Revolution, the great William Pitt rose in the House of Lords and spoke words which, in a less civilized nation, might have been taken for treason. He declared:

My lords, you cannot conquer America. . . You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prime that sells and sends his subjects to the shambles . . . your efforts are forever vain and impotent, doubly so from this mercenary aid on which you rely, for it irritates, to an incurable resentment, the minds of your enemies . . . If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never! <sup>1</sup>

The England to which Pitt counseled was not a decrepit nation but rising empire still approaching the peak of its power. The inglorious end of the American war, from the British point of view, was not followed by a worldwide loss of confidence in Britain's word or Britain's power. Yorktown was followed by Waterloo, and in the 19th century Great Britain acquired vast new domains, becoming the vital center of world commerce and industry. The real loser of the American Revolutionary War was America's ally, France, whose prodigal waste of resources—all for the sake of humbling England—almost certainly helped bring about the French Revolution of 1789. To compound the irony, when the British Empire finally did disintegrate, it was not in the wake of defeat but of British "victories" in the two World Wars.

The paradox turns back upon us full circle. The victory denied George III by ragtag American rebels, fighting to end foreign rule, has now, nearly two centuries later, been denied to us in distant Vietnam by stubborn, native guerrilla fighters equally determined to drive the foreigner from their land.

Faced with their implacable resolve, what kind of "victory" can be won? The

victory of holding a proud people hostage? The victory of inflicting a "favorable kill ratio" upon an enemy who will not quit? The victory of maintaining a puppet government in Saigon propped up by the money we lavish on it, and sustained in the field by the troops we send—and others we hire—to fight for it? No, there is no victory we can win in Vietnam worthy of the name. President Nixon himself concedes as much when he says: "We have ruled out attempting to impose a purely military solution on the battlefield."

In fact, our favored euphemism regarding Vietnam is not victory at all but an "honorable settlement," a term allowing of almost unlimited possibilities of interpretation. In the present circumstances, however, its meaning seems clear enough. On the one hand, we have been unable to suppress the rebellion; on the other hand, we do not wish to acknowledge that fact. We do not wish to acknowledge it to the Communists, for fear their appetite for conquest will be whetted. We do not wish to acknowledge it to our allies for fear their confidence in our power will be diminished. And most of all, we do not wish to acknowledge it to ourselves, for fear that our own, surprisingly fragile confidence in ourselves will be undermined. And so we seek an honorable settlement, an agreement under which no one will say what everyone knows: that the United States of America has made a bad mistake and finds it necessary to liquidate that mistake.

The time has come for the pretense to end; for the prideful nonsense to stop about securing an honorable settlement and avoiding a "disguised defeat." The truth is that as long as our troops stay in South Vietnam, we shall occupy a hostile country. There is no way that the United States, as a foreign power and a Western one at that, can win a civil war among the Vietnamese. Even now, 5 years after we entered the conflict, it remains a struggle between rival factions of Vietnamese for control of the government in Saigon. The outcome rests, now as before, on the Vietnamese themselves.

If we can find the resolution to end our protracted involvement in this war, we shall suffer no lasting injury to our power or prestige. I do not think that the liquidation of our intervention in Vietnam will mean the loss of our global greatness, any more than the loss of the American colonies cost England her greatness in the 18th century, or any more than the loss of Algeria and Indochina cost France her national stature. On the contrary, the end of empire was not a defeat for France but a liberation, in the wake of which a demoralized nation recovered its good name in the world and its own self-esteem. The termination of our war in Vietnam would represent a similar liberation for America, and even a victory of sorts—a victory of principle over pride and of intelligent self-interest over messianic delusion.

#### I. THE NATIONAL INTEREST

The U.S. Government is not a charity-dispensing institution; its primary obli-

gation is not to the Saigon generals, or to some portion of the Vietnamese people, but to the American people, to their security and well-being. When all is said and done about our "honor" and "commitment," the fact remains that our presence in Vietnam can be justified—if it can be justified at all—in terms of American interests, correctly defined as the freedom and safety of the American people.

Before anyone can prescribe an American course of action for Vietnam, it is necessary to be absolutely explicit about what our interests are in that benighted country and what they are not. I do not agree with President Nixon that, having crossed the bridge of intervention, it is useless to belabor the original issue<sup>2</sup>—as if the presence of half a million American troops and the loss of nearly 40,000 American lives represented an investment that had to be redeemed by sacrificing still more lives, regardless of the wisdom of our continued presence there. It is quite essential that we reexamine the decisions of preceding administrations, not for the sake of political retribution, or even for the sake of history, but for the express purpose of identifying our interests. Why we intervened in Vietnam in the first place has everything to do with whether and how we should get out.

"A great nation," the President says, "cannot renege on its pledges."<sup>3</sup> What pledges, indeed, have we failed to keep? The amount of money, weapons, ammunition, food, equipment, and supplies we have funneled into South Vietnam is beyond belief, vastly exceeding the outside help given North Vietnam and the Vietcong by all the Communist governments combined. To fight for the south, we have sent an American expeditionary force of a half a million men; no Russians or Chinese have been imported to fight for the north. Hanoi and the Vietcong do their own fighting. I say that Saigon—with larger and better armed forces in the field than any arrayed against it—must stop relying on us to fight its war. We have kept our pledges, and done far more besides. We did not undertake to make South Vietnam the 51st American State; we did not promise to stand guard over the 17th parallel as though it were an American frontier.

But, the President argues, if we were to allow the Vietcong and the North Vietnamese to prevail, "the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability." Here Mr. Nixon espouses Mr. Rusk's concept of an exemplary war, which presumably demonstrates to other countries that the United States stands willing to intervene wherever necessary, in order to put down threats of internal Communist subversion as well as external Communist aggression. Yet, the President himself has now announced to the world that the United States has a new policy: in the future, Asian governments must defend themselves against subversion from within, and not look our way again. The

<sup>2</sup> Address of May 15, 1969.

<sup>3</sup> Address of May 15, 1969.

<sup>1</sup> November 20, 1777.

motto, "No more Vietnams" cannot be reconciled with the fiction that we are still fighting an exemplary war in that country.

Withdrawing from Vietnam, according to President Nixon, "would bring peace now but it would enormously increase the danger of a bigger war later."<sup>4</sup> The assertion that by fighting in Vietnam we prevent other wars is pure speculation, rooted not in evidence but in analogy, the analogy of the thirties when appeasement whetted Nazi Germany's appetite for aggression.

No good historian will buy that analogy. History unfolds more in paradoxes than in parallels. Mark Twain once observed:

We should be careful to get out of an experience only the wisdom that is in it—and stop there; lest we be like the cat that sits down on a hot stove-lid. She will never sit down on a hot stove-lid again—and that is well; but also she will never sit down on a cold one anymore.<sup>5</sup>

In the case of Vietnam we would do well to settle for the unwisdom that is in it and stop the sacrifice of real American lives for the sake of saving hypothetical ones in some conjectural war in an unforecastable future.

We dare not, says the President, abandon the South Vietnamese to "a massacre that would shock and dismay everyone in the world who values human life." Here again we are dealing with something that might happen; in the meantime does no one who values human life feel "shock and dismay" by the senseless sacrifice of American lives in endless assaults on useless hilltops and by death tolls of hundreds of GI's every week? Surely there is another way to protect those South Vietnamese who may feel the need for sanctuary, if it comes to that. Better that we open our own gates to them, than keep on sending Americans to die for them in their own land. As for the Saigon generals, there should be ample facilities for them on the French Riviera.

What indeed does Vietnam have to do with the vital interests of the United States, which is to say, with the freedom and safety of the American people? I attempted to define those interests 4 years ago shortly after our full-scale intervention in Vietnam began. As to freedom, I said:

Freedom, as a matter of fact, is not really at issue in South Vietnam, unless we so degrade freedom as to confuse it with the mere absence of communism. Two dictatorial regimes, one sitting in Hanoi, the other in Saigon, struggle for control of the country. Whichever prevails the outcome is not going to settle the fate of communism in the world at large, nor the problem of guerrilla wars. They did not begin in Vietnam and will not end there. They will continue to erupt in scattered, farflung places around the globe, wherever adverse conditions within a country permit Communist subversion to take root.

And as to the safety of the American people, I added:

Nor can it be soundly contended that the security of the United States requires a military decision in South Vietnam. Our presence

in the Far East is not anchored there. Saigon does not stand guard over Seattle. We conquered the Pacific Ocean in the Second World War. It is our moat, the broadest on earth, from the Golden Gate to the very shores of China. There is no way for the landlocked forces of Asia to drive us from the Pacific; there is no need for us to retain a military base on the mainland of Asia.<sup>6</sup>

After 4 years of futile warfare, I see no reason to alter that evaluation of American interests. The plain fact is that we did not then, and do not now, have a vital interest in the preservation of the Thieu-Ky government, or even in the preservation of a non-Communist government, in South Vietnam. Nor do we have a vital interest in whether the two Vietnams are united or divided. We have preferences, to be sure, and our pride is at stake after committing ourselves so deeply, but preference and pride are sentiments, not interests. From the standpoint of our interests, we have been fighting an unnecessary war for 5 long years, making it possibly the most disastrous mistake in the history of American foreign policy. It can never be vindicated; it can only be liquidated.

#### II. AN UNSUCCESSFUL WAR

The war in Vietnam has been more than unnecessary; it has been unsuccessful as well, and that, in the hard world of politics, is usually the greater crime. The Dominican intervention was unnecessary, illegal, and destructive of our relations with Latin America, but it achieved its immediate objective, the suppression of a revolution, with the result that the issue has not remained to plague and divide us. Had Mr. Rostow and his colleagues been right in 1965 in their supposition that the war in Vietnam could be won with "surgical" air strikes and a few months of ground warfare, the question of the war's necessity would not be the lacerating issue that it is today. But the Vietnam strategists were neither wise nor prescient nor lucky. With disastrous insensitivity to the thought processes of an alien culture, and with contemptuous disregard of the warnings offered by some of us in the Senate, they applied their "scientific" theories of warfare in the apparent belief that the Vietnamese would respond to "graduated" degrees of punishment as they themselves would have responded—by weighing immediate costs against prospective gains. But the Vietnamese turned out not to be scientists. They reacted irrationally and unaccountably by refusing to give up. Their calculations of cost and gain turned out to be different from ours; their willingness to endure punishment turned out to be greater than we had thought possible.

Our strategy in Vietnam has failed but neither the Johnson administration nor—thus far—the Nixon administration has been willing to acknowledge that failure. In lieu of the tortured rationalizations of the previous administration, President Nixon experiments with a cautious troop withdrawal tied to the tenuous hope of a growing South Vietnamese military capacity. In their Mid-

way communicate Mr. Nixon and Mr. Thieu rejoiced in hamlet elections, in "the failure of the other side to achieve its objectives," and in the new-found strength of the Saigon army, while Mr. Thieu himself recited appropriate lines about the "constant duty" of the Saigon forces "to assume a greater share of the burden in South Vietnam."

Perhaps this time, for the first time, the optimistic prognosis will be borne out. But so studiously does it ignore hard issues and well-known facts, that one strongly suspects that what we are confronted with today is not a new strategy but a new "image" for the discredited old strategy, a new device for postponing difficult decisions, a new expedient for holding off the critics of the war. It would appear that President Nixon, like President Johnson, is becoming preoccupied with politics to the neglect of policy.

This, in turn, leads to the frustration which gives rise to a search for scapegoats. In much the same way that the German general staff—which had actually initiated Germany's surrender in World War I—later perpetuated the myth of defeat by betrayal on the home front, the men who led us into the Vietnam quagmire have sought to place the blame for the catastrophe on their domestic critics, on those of us who said that we never should have entered the quagmire in the first place and who now insist that we ought to get out. The "real battlefield," according to this self-serving doctrine of the architects of failure, is not in Vietnam but in America, where, if only the critics would be silent, the will of the enemy would supposedly be broken. In its crude form as a spurious, jingoist "patriotism," the argument runs that the war critics are near-traitors, provisioners of "aid and comfort to the enemy." In the scarcely more august language of our last two Presidents, the critics are "nervous nellys" and "neoisolationists"—deriders of patriotism, as Mr. Nixon put it, a "backward fetish."<sup>7</sup>

The critics are also credited with the failure to make progress in over a year of negotiations at Paris. With a cold eye fixed on the agitated state of American opinion, so the argument runs, the enemy is emboldened to resist our "reasonable" proposals.

It's awfully hard to play chess with twenty kibitzers at your elbow, Mr. Kissinger complains, all of them demanding explanations of the purpose of every move, while your opponent listens.<sup>8</sup>

The "kibitzers" who are such an inconvenience to Mr. Kissinger are the very dissenters whose protest finally persuaded President Johnson to stop the escalation of the war and go to the conference table.

Had these critics remained silent as the warmakers would have had them do, the limited war in Vietnam might by now have escalated into a full-scale war with China. Whatever hope of peace there now is, it is the "kibitzers'" gift to the architects of failure. Long may they "kibitz," acting, let it be remembered, on

<sup>7</sup> Speech at the Air Force Academy, June 4, 1969.

<sup>8</sup> Quoted by Stewart Alsop in "The Powerful Dr. K.," *Newsweek*, June 16, 1969, p. 108.

<sup>4</sup> *Ibid.*

<sup>5</sup> Pudd'nhead Wilson: Pudd'nhead Wilson's Calendar, ch. 11.

<sup>6</sup> "The Vietnam Imbrogllo," *Congressional Record*, 89th Cong., 1st sess., vol. 111, part 11, Senate, June 24, 1965, p. 14631.

their own concept of patriotism—which is not the patriotism of silent acquiescence in a policy they detest, but the patriotism of Camus, who would have us love our country for what it ought to be, and of Carl Schurz, that “mugwump” dissenter from McKinley imperialism, who proclaimed:

Our country, right or wrong. When right, to be kept right; when wrong, to be put right.

For all the misjudgment of generals and policymakers—and for all the allegedly disruptive dissent at home—the root cause of failure lies not with ourselves but with our Vietnamese allies. Had an honest and patriotic government ruled in Saigon, it would probably have beaten the Vietcong long ago, with no more than material support from the United States. The Vietnamese people are not lacking in military courage and resourcefulness; the Vietcong have demonstrated that. What is lacking is the ability of the Saigon government to inspire either the confidence of its people or the fighting spirit of its army. There is little mystery as to why this ability is lacking. An American study team made up primarily of prominent churchmen recently reported, after a trip to Vietnam, that the Thieu government ruled by terror, using torture and brutality to suppress political opposition, and that the regime relied “more upon police state tactics and American support to stay in power than upon true representation and popular support.”<sup>9</sup>

Of all the misrepresentations which have been perpetrated about Vietnam, none has been more insulting to the intelligence and offensive to the moral sensibilities of young Americans than the portrayal of the Saigon regime as an upholder of freedom and democracy.

Mr. Clark Clifford, our last Secretary of Defense, who found the courage to tell President Johnson the truth about Vietnam, had this to say of the Saigon generals:

There is complete callousness about the cost of the war to us. They have no concern over the loss of our men or treasure. They see us as a big, rich country, well able to afford it. They are going one way and we are going another. I see no likelihood of our goals getting closer together. But they have become very adroit at saying what the American public wants to hear. . . . They are sweet talking us.

What is more, I would add, they are exercising a veto over American policy in Vietnam. At his latest press conference, President Nixon reiterated that we were willing to negotiate on anything, except “the right of the people of South Vietnam to choose their own leaders. Then, calling for internationally supervised elections,” Nixon said:

We will accept the result of those elections and the South Vietnamese will as well, even if it is a Communist government.

Mr. Nixon may think so, but not Mr. Thieu. His immediate rebuttal was plain enough. The Saigon government, he said, had no intention of accepting a “coalition with the Communists” or

“domination by the Communists” under any circumstances whatever. This is hardly surprising, since Mr. Thieu has consistently defied American policy. No sooner had he returned to Saigon from his love feast with President Nixon at Midway last June, than he proclaimed:

I solemnly declare that there will be no coalition government, no peace cabinet, no transitional government, not even reconciliatory government.<sup>10</sup>

In neither instance, did any disavowal issue from the White House. President Nixon, like his predecessor before him, appears to be manacled to the Saigon generals. Lyndon Johnson flew five times to mid-Pacific rendezvous with these same men. Now President Nixon has followed in that beaten path and emerged, like Mr. Johnson, with the same pretensions of harmony. Lacking either the willingness to depend on their own army or the support of their own people, the Saigon generals have held an ace-in-the-hole which has kept them in power and in command of events: their influence amounting to a veto over America's war policy. Had they anything like the same influence in Vietnam that they have had in Washington, Thieu and Ky would have overpowered the Vietcong years ago.

Well, we have an ace-in-the-hole, too: the fact that this war is not now and never was essential to our interests, which is to say, to the freedom and safety of the American people. Pride has cheated us of the power deriving from our own interests, because, in order to gain access to that power, we would have to admit error. That same pride has been Saigon's lever over America's war policy: they survive on it, while Americans die for it.

### III. THE STRATEGY OF PEACE

Sooner or later, Vietnam will revert to the control of the Vietnamese. Whether on the basis of a negotiated peace or an unnegotiated withdrawal, American forces will eventually have to be removed from Vietnam. When that happens, if not before, the Vietnamese civil war will be settled—as it should and would have been settled long ago but for American intervention—by the interplay of indigenous forces within Vietnam. If a formal settlement comports with the indigenous balance of forces, whatever it may be, the settlement will be a lasting one. If it does not, it will be overthrown.

There are—as we have learned and should have known without this trial by fire—limits to the ability of an alien power to work its will in a hostile environment. Our own Civil War provides an example: after 4 years of savage warfare and 11 years of military occupation, the Union finally withdrew its forces from the South, allowing that region to revert to the political domination of the same people who had dominated the secessionist Confederacy. Another example is provided by the Boer War, Britain's turn-of-the-century “Vietnam.” After more than 2 years of frustrating warfare against a guerrilla force of provincial rebels—in the course of which the mighty British Empire became an object of uni-

versal scorn and detestation—the British finally beat the Boers, organized the Union of South Africa and then, perforce, turned the political control of the country back to the defeated Boers, who have dominated South Africa ever since.

The common factor in the American Civil War, the Boer War, and the Vietnam war is that each confronted a dominant alien power with an intolerable dilemma: it could impose its will only by the sustained application of overwhelming force; the alternative was to withdraw that force, leaving the indigenous factions to strike their own natural balance more or less as they would have if the alien power had not intervened in the first place. In the one instance “victory” becomes insupportable, in the other meaningless.

Weighing this dilemma along with the other main considerations I have set forth—that this war is a failure and was never in our interests to begin with—what is to be inferred for a strategy of peace?

The point of departure is the clear, candid acknowledgment of our own lack of vital interest in the internal regimes of the two Vietnams. This means that we must break through the pride barrier which has thus far deterred us from admitting that, from the standpoint of our own interests, this war is and always been a mistake. The purpose of this admission is not flagellation but freedom—the freedom of action which will be ours only when we end our thralldom to the Saigon generals and begin to act in our own interests and no longer on the basis of theirs.

In recent weeks, there has been increasing talk of changing the military mix in Vietnam by replacing American ground troops with Vietnamese, while retaining American supply and support troops in their combat role. This is not a formula for extricating the United States from Vietnam; it is, rather, a formula for keeping up to 300,000 American troops engaged in Vietnam indefinitely. Its purpose is not to get out, but to stay in.

The imperative is that we get out. This does not mean, of course, that the South Vietnamese Government would have to follow suit, or that it would be helpless in the face of its enemies. It would still have 1,500,000 men under arms as against 135,000 Vietcong and 90,000 North Vietnamese soldiers now in South Vietnam. If the ARVN could be inspired to defend the Saigon government, it would survive; if it could not be so inspired, then the government does not deserve to survive. In any case, we have done enough. We have fought their war for 5 long years and sacrificed almost 40,000 American lives. It is enough.

The process of disengagement need not be a long, protracted one. We can initiate it immediately by starting to withdraw forces on a significant scale—not the token scale initiated by the Nixon administration. At the present rate of withdrawal, American troops will be engaged in Vietnam for the next 8 to 10 years.

Nearly everyone now recognizes that our intervention in Vietnam was in error.

<sup>9</sup> *The Washington Post*, June 11, 1969.

<sup>10</sup> *The New York Times*, June 10, 1969.

Two years ago, our political skies were still filled with hawks; today, scarcely a hawk can be seen on the wing. President Nixon himself, once a ferocious hawk, may not openly admit, but he implicitly acknowledges, that this country has no vital interest at stake in Vietnam. Otherwise, we could not possibly leave the outcome for others to decide, even in a free election.

But we have our own hang-ups: 20 years of obsession with communism—deeply ingrained in the wormwood of our politics. Mr. Nixon keeps searching for a settlement that will be popular, or at least welcome, here at home. He keeps pushing for an American-style election in Vietnam, presided over by a special electoral commission composed of all factions, and internationally supervised, and then wonders aloud why so “generous” a proposal should fall on such deaf ears. For an answer, we might ask ourselves how, during our own Civil War, the Union Government would have responded to a British or French proposal for an internationally supervised plebiscite on southern secession.

A policy wrong from the start cannot be made to come out right. Our country is accustomed to imposing unconditional surrender on its enemies; there can be no compromise settlement of the war in Vietnam which will be applauded by the American people. Nor can there be any settlement worthy of reliance, regardless of its terms, for once we have left, no force remains to keep it.

Still, Mr. Nixon stalls for time, trying to pry loose a settlement with modest troop withdrawals. He talks of bringing pressure on Hanoi. But you cannot bring pressure on an enemy by starting to leave. His real purpose is to bring pressure on Saigon to dignify our exit by accepting a transitional arrangement that will make it seem to the American people that the war has not been entirely pointless, and that all the sacrifice has not been in vain.

So we wait, month after month, for some miracle to occur in Saigon or Hanoi that will bring the moribund peace talks back to life. We hint to Hanoi that progress at the conference table, or a wind-down of the war, will mean faster withdrawal of American troops, while we tell Saigon that the pace will depend on the demonstrated ability of their forces to replace our own. In the resultant muddle, all we have succeeded in doing is to place the timetable out of our hands and into theirs. I say American policy must wait no longer upon the pleasure of either Saigon or Hanoi. It is time to come home!

For our own part, we have neither the need nor the right to sacrifice a single American life for any objective exceeding our own vital interest, which is the preservation of the freedom and safety of the American people. If this be thought ungenerous or unaltruistic, I put it to you that no nation has the moral right to be generous or altruistic with the lives of its own citizens. Perhaps a totalitarian nation, conceiving itself a spiritual entity transcending its individual citizens, may claim that right. A democratic nation cannot; its very existence is for the purpose of protecting and serving its citizens.

That is why it has become so necessary to disengage from Vietnam, leaving it to the indigenous forces in that tortured land to vote, negotiate or fight their civil war through to the conclusion which, but for our intervention, would long ago have been reached.

#### IV. WHY WE MUST GET OUT

We must get out of Vietnam because a process of deterioration has begun in our society which cannot be arrested, much less reversed, until we do get out. Dividing the American people as no issue since the Civil War has divided them, the war in Vietnam has been the cause and catalyst of great domestic ferment in the United States. The crisis it has directly caused is a moral one: the deep offense done to so many Americans by the blatant incompatibility of this war with the traditional values of our society. At the same time, by diverting financial and political resources, and by dividing and demoralizing the American people, the war has incapacitated us for effective action in respect to the worsening crises of race and poverty, crime and urban deterioration, pollution and ecological decay.

None of this has to do with simple weariness, or, as President Nixon seems to think, with weariness “of the weight of free world leadership that fell upon us in the wake of World War II.”<sup>12</sup> Something more fundamental than fatigue is involved. Twenty-five years ago the American people were simultaneously fighting two great wars on a vastly greater scale and at an even larger cost than the war in Vietnam, and their spirit never flagged. It is not just the burden of leadership or the exertions of warfare that outrage so many of our citizens, but this war, with its blood-soaked strategy of attrition, its unsavory alliance, and its objectives both irrelevant to our interests and offensive to our principles. Nor is “weariness” in any way descriptive of what the war critics are experiencing; they are not tired but angry—angry about the needless killing and the stubborn pride which has kept us from putting a stop to it.

I recently received a letter from a young man who is deeply troubled by these matters. With your indulgence I will read a portion of my reply:

The deep disillusionment of young people in their country has its roots in the Vietnam war. When the power of the state is used to force young men to fight a war they believe to be wrongful, under penalty of imprisonment if they refuse, the seeds of sedition are sown. We now reap the bitter harvest, manifested in angry uprisings on campuses from coast to coast . . .

Whenever the limb is shaken, all the leaves tremble. Once the moral authority of the government is rejected, on an issue so fundamental as a wrongful war, every lesser institution of authority is placed in jeopardy. Every sacred principle, every traditional value, every settled policy becomes a target for ridicule or repudiation. Cauldrons of anarchy soon begin to bubble and boil.

So it has happened that our country is coming unstuck. The ferment distorts every issue; perspective is lost . . .

I am convinced we must end the war—or at least our participation in it—before we can

begin to stick this country back together again. Then we must have the help of men like you, men who haven't abandoned all faith, and who regard the job as worth doing.

Even now there is one thing in which we can take hope, and that is the great force of our American moral traditions. Out of all the dissent and disruption, we have learned something about ourselves—that we still believe in our own values, that Jefferson's idea of liberty and Lincoln's idea of equality and Woodrow Wilson's idea of a world community of law are still capable of moving us and guiding our behavior. We have learned, to be sure, that we are capable of violating our traditional values, but we have also learned that we are not capable of violating them easily, or permanently, or indeed without setting in motion the regenerative forces of protest and moral reassertion.

There will be time enough, when peace is restored, to contemplate the “lessons of Vietnam.” Perhaps, if peace comes in the way that I believe it must come, some of our recent and present leaders will take it as the war's “lesson” that America has shown itself unworthy of world leadership. Others will conclude that we must develop more sophisticated techniques of intervention, or that we must improve our “social science,” or substitute political and economic for military means of intervention. Still others, at the opposite extreme, will probably judge that we must never again involve ourselves in war on a distant continent. All of these propositions, and variations upon them, will undoubtedly be put forth as the “lessons” of Vietnam, but my own hunch is that none of these will stand as a definitive “lesson” or as a reliable guideline for the future.

It may be that there is no lesson in Vietnam other than the modest one suggested by Jim Thomson of Harvard: “never again to take on the job of trying to defeat a nationalist anticolonial movement under indigenous Communist control in former French Indochina.”<sup>13</sup> Or the equally modest lesson: that we have got for a time—not necessarily forever—to tend to neglected matters at home. Or perhaps we will have learned nothing more than we are a people with a moral tradition, a people who discriminate among their wars and who do not easily act against their own traditional values.

(The following colloquy, which occurred during the address by Mr. CHURCH, is printed at this point in the RECORD by unanimous consent.)

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

Mr. CHURCH. I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I did not want to interrupt the chain of the Senator's thought, but his comment on the architects of failure, so well stated, reminds me of what I read in the paper, I believe yesterday, about General Walt.

<sup>12</sup> James C. Thomson, Jr., *No More Vietnams? The War and the Future of American Foreign Policy* (Richard M. Pfeffer, ed., New York: Harper & Row, Publishers, 1968), p. 258.

<sup>13</sup> Air Force Academy Speech, June 5, 1969.

He was one of the architects of failure as a general in Vietnam. He served for a long time with General Westmoreland. Yesterday he was reported to have made a speech, just as the Senator from Idaho has stated, to the effect that if it were not for the dissenters, if it were not for those who disagree about the war, it would have already been won—and won last year.

He, with his little hatchet, and General Westmoreland would have won the war already if it had not been for dissenters in this body and elsewhere.

I can think of nothing more artificial or more ridiculous.

As the Senator from Idaho has so rightly pointed out, it is exactly what the German general staff said after World War I, that they were stabbed in the back by the people in Germany who had been taken into World War I by the German general staff.

Mr. CHURCH. It was on that lie, as the Senator knows, that Hitler himself rose to power.

Mr. FULBRIGHT. It was. It is a very dangerous doctrine. I regret very much that the present military establishment sends General Walt about the country as one of its spokesmen. He has been the military's elocutionist, I think for about a year. He makes speeches hither and yon, to service clubs, to colleges, anywhere they will have him, telling them about the war in Vietnam, and how successful it would have been if everyone had supported General Westmoreland and General Walt.

I think it is a very unwise, an untrue, and a dangerous thing to do.

I think the Senator from Idaho is entirely correct in his comments in that last paragraph.

Mr. CHURCH. Let me suggest that the Pentagon ought to be sending a former Commandant of the Marine Corps, rather than General Walt, about the country to tell the truth about the war in Vietnam.

Mr. FULBRIGHT. Yes; so long as they are engaging in that kind of activity, they should send out men like General Shoup. He has had some very colorful things to say.

Mr. CHURCH. At least, in fairness, they should send General Shoup along with General Walt, so that he could furnish the rebuttal.

Mr. FULBRIGHT. I should think that what the Senator has said here, incidentally, in regard to that paragraph and also the preceding paragraphs, is extremely well presented. I hope that the attention of the country as a whole will be called to the Senator's remarks. I congratulate him on a very forceful speech.

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

Mr. CHURCH. I yield.

Mr. GORE. I wonder whether it could be barely possible that except for the work and influence of those who have been described as dissenters which ultimately brought about a change of policy, and a stoppage of the process of the escalation of the war, we just might, by now, have been in war with China?

One can stretch his imagination in both directions so that the general who thinks the war could be won without the benefit of those who raise questions about the wisdom of policy might also say, without the support of those, that we may have now suffered an even greater calamity by war with China.

Mr. CHURCH. I concur wholeheartedly.

Mr. FULBRIGHT. I am not so sure that some of those would not welcome us having a war with China because there are generals—I think of the recent general who commented, I believe, that, "We could bomb them all back to the Stone Age"—I think maybe some of them would say it was a great mistake not to engage China and Russia, too, I suppose.

I am not so sure that they would agree with the Senator that this is a tragedy. I agree with the Senator. It would be a disaster of incalculable proportions, but there are people, I am afraid, who think that we should eliminate from the face of the earth all Communists, by force, if necessary, or by force of arms with nuclear weapons. I think the Senator is quite correct. My own feeling is that the dissenters did offer a restraint which very likely has prevented escalation of the war to include China.

The Senator's statement in the letter he has just read brings to mind what to me is one of the most shocking examples of the deterioration of even our Military Establishment. I cannot remember anything that has happened before like what is now being revealed in the subcommittee headed by the distinguished Senator from Connecticut (Mr. RIBICOFF). I refer to a high-ranking member of the Armed Forces who engaged in just ordinary, petty, fraudulent—I do not know what the right word is—activities. From generals down to the top sergeants in the Army there seems to be evidence of stealing money from their own colleagues in the noncommissioned officers clubs, and on up. At least this is what we know from this morning's newspapers. According to the hearings, a general solicited guns from various police departments, and sold them as his own. He solicited them in behalf of the Army.

I have never heard of anything quite so disgusting or revolting as high-ranking military officers engaging in such practices. The Senator's description of the undermining of the authority of all institutions goes right into the Army itself. It is almost unprecedented, so far as I can recall. It is a very serious thing. We know about the corruption in other areas, corruption which has been almost commonplace.

Mr. CHURCH. I agree that it is a very disturbing matter. Perhaps it suggests that an immoral policy, in the sense of a war that runs contrary to our historic principles, against which so many of our people, particularly our young people, protest so vigorously, breeds other immorality.

I think of the spreading violence in our land. Every night the typical American family sits before its television set, watching the latest episodes of violence from the battlefield in Vietnam, brought to them in color. After a time, the pic-

tures of bombed-out villages, the napping of little children, the mangled dead, the piles of corpses stacked up like cordwood, become so commonplace that we are no longer shocked, and violence increasingly infects our own land.

This war has taken a terrible toll in America. But my hope is, as I say in the concluding paragraphs of my address, that an aroused American conscience will force the Government to listen, will force changes in the policy that will bring our participation in this war to an end. I do not know how else a free society should act. Do those who support the war want us to behave like a totalitarian society? Do they want everyone who objects to fall silent? Is that their notion of how a free people should act?

I cannot understand the reasoning of those who say that all of us must march in step and take our orders regardless of our convictions.

Mr. FULBRIGHT. The Senator referred to soldiers stacked up like cordwood. I was just reading in the New York Times Magazine of October 5, on page 125, a passage concerning Col. George S. Patton III, commander of the 11th Armored Cavalry Regiment in Vietnam:

Last Christmas Patton sent out Christmas cards which read: "From Colonel and Mrs. George S. Patton, III. Peace on Earth." Glued to the cards were colored photos of dismembered Vietnamese soldiers stacked up like cordwood.

Can the Senator imagine sending out Christmas cards reading, "Peace on Earth," with such an enclosure?

Mr. CHURCH. I think this is a part of the general manifestation of the brutalizing effect that this war has had upon our own society, upon our perspective, and our values.

I have sometimes sat in the committee of which the distinguished Senator from Arkansas is chairman and listened to American ambassadors being asked if they know what certain agents of the United States are doing in foreign countries to which they are assigned. They often answer, "Senator, we have a general idea, but we do not want to know the particulars. We do not want to know the methods. We would rather not know."

Is not that what the Nazis said? Was not that what the war trials were all about?

Mr. YOUNG of Ohio. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield now to the distinguished Senator from Ohio.

Mr. YOUNG of Ohio. The distinguished senior Senator from Idaho has today rendered a real and needed service to our Nation. He has made a magnificent address concerning what we should do now to end our involvement in the ugly civil war in Vietnam.

He has truly said that the process of disengagement need not be a long, protracted one; rather, we should initiate it immediately by starting to withdraw our forces on a significant scale now, not simply by the kind of token withdrawals that have been made in recent months.

We must get out of Vietnam. It is time to come home.

I wish that every American were able to read the Senator's words. He has truly said that our citizens are not weary or tired, but our people are angry over the needless killing and the stubborn—and I might add foolish—pride that has prevented two Presidents from putting a stop to it.

In every community of the Senator's State of Idaho, just as in every community of my State of Ohio, there has been the tragedy of the loss of the life of at least one high school graduate in Vietnam. Such tragedy has struck everywhere. The people are demanding that we get out. We should, of course, never have become involved in that civil war. As Walter Lippmann bluntly put it:

We are fighting to save face.

The great Chinese sage Confucius wrote many, many centuries ago:

A man who makes a mistake and does not correct it makes another mistake.

Surely, that goes for a nation. Our Nation has made a great mistake, and we have not corrected it as yet. So we continue to make additional mistakes.

May I say to the distinguished senior Senator from Idaho and to the other Senators in the Chamber that I also have a secret plan to end our fighting in Vietnam and to get out of there. I did not disclose this secret plan of mine in New Hampshire, or in various States in the Union, late last year, nor have I done so up to the present time. Another person said he had a secret plan, and he has been President of the United States since January 20. We still do not know the secret plan. However, I am going to disclose my secret plan to end our involvement in Vietnam.

We should withdraw all our soldiers, sailors, airmen and marines just as quickly as we can. We should pull them out of Vietnam in the same way that we sent them there—by ships and by planes. If it is claimed that it is not logistically feasible to withdraw all of the more than 500,000 men in our Armed Forces in Vietnam before the end of this year, then those remaining should be withdrawn to coastal bases temporarily, where they would be under the protection of our airpower and our 7th Fleet. We should disengage immediately. We should stop the fighting immediately, and then bring our forces home by ships and planes.

My secret plan includes having just one plane left over after all of our troops have been withdrawn from Vietnam. I read in the New York Times not long ago of the lavish villa that the First Lady of South Vietnam, Madame Thieu, purchased in Switzerland. It has not been denied. Also, it is well known that the flamboyant Air Marshal Ky and Thieu have unlisted bank accounts in Hong Kong and Switzerland. We should leave that one plane to take Thieu and Ky to Switzerland immediately, so that they can rendezvous with their unlisted bank accounts and General Thieu can join Madame Thieu in her lavish villa.

We sometimes hear about our commitments to South Vietnam. The Sena-

tor from Idaho knows, and some of the American people now know, that it is an untruthful statement that we have our troops there because of the commitments made by three American Presidents.

The initial commitment, so-called, is attributed to President Eisenhower in 1954, in a letter he wrote to the President of South Vietnam—that is, of the Saigon government—in which he stated:

I am instructing the American Ambassador . . . to examine with you . . . how an intelligent program of American aid . . . can serve to assist Vietnam in its present hour of trial.

Then he added:

The purpose of this offer is to assist the government of Vietnam in developing and maintaining a strong, viable state capable of resisting attempted subversion or aggression through military means . . . The United States Government hopes that such aid, combined with your own continuing efforts, will contribute effectively toward an independent Vietnam endowed with a strong government.

Who will assert that Thieu and Ky, both of whom were born in what is now called North Vietnam, have a viable government, when they received only 34 percent of the votes cast? In that election the soldiers of the regime of South Vietnam would cast one vote at their army posts and another vote in their villages. Ky barred all neutralists, and many Buddhists from voting. He threw in jail some of the contenders before the election. After the election the runner-up was jailed and still remains there. Of course, Thieu and Ky do not represent more than 20 percent of the people of South Vietnam.

When General Eisenhower left the Presidency, our force of advisers in South Vietnam had increased from a total of 327 in 1953 to 685. It is crystal clear that President Eisenhower's commitment, so called, was a very "iffy" commitment, if indeed it was a commitment at all. There was certainly no comment from the late, great John F. Kennedy. On September 3, 1963, shortly before his assassination, he said:

I don't think that, unless a greater effort is made by the government to win popular support—

That is, the Saigon government.

that the war can be won out there. In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it—the people of Vietnam—against the Communists.

Therefore, it is evident that we are not fighting a land war in Southeast Asia because of commitments made by Presidents Eisenhower and Kennedy.

Mr. CHURCH. May I say to the Senator that I think it is tragic that President Kennedy's caveat did not remain the line of demarcation. It seems to me that it was the line that President Kennedy was attempting to establish in the final days of his administration. There was wisdom in his statement.

A foreign country cannot win a civil war in another land. This is, and remains, a Vietnamese war, and ultimately only the Vietnamese can work out a solution.

I am distressed that our emphasis upon a settlement obscures the fact that no settlement, whatever its terms may be, is really worthy of reliance; because once we leave, there is no power left to keep it.

President Kennedy was right in pointing up that, although we could give material aid to the Saigon forces, eventually it was up to them to fight for the regime, to win their war, or to lose it, as the case might be.

I appreciate the comments that the Senator from Ohio has made.

Mr. YOUNG of Ohio. The Senator is correct when he says that we involved ourselves in a civil war in South Vietnam. The distinguished senior Senator from Idaho first spoke out against our involvement there in 1964 and 1965 terming it a civil war.

In October 1965, I spent nearly a month in South Vietnam. I was in every section of South Vietnam. At that time, General Westmoreland told me that the bulk of the VC fighting us in South Vietnam were born and reared in South Vietnam. His deputy, Gen. Richard Stillwell, stated that 80 percent of the VC fighting in the Mekong Delta were born and reared in that area. The Mekong Delta, as the Senator from Idaho knows, is south and west, but mostly south, of Saigon.

I said, "Then, General, we are in an ugly civil war."

He did not like that. He answered, "Well, it could be termed an insurrection that we are in."

I am sure the Senator from Idaho no longer receives what I imagine he received back in 1964 and 1965—some abusive letters from his constituents. They no longer come in because the great majority of our people are against our continuing and deepening involvement in Vietnam which has cost so many lives in combat deaths, and the wounding of hundreds of thousands of young Americans. In addition, the Senator knows, and we all know, that many thousands of the finest young men in America who have been in Vietnam have been afflicted with malaria fever, hepatitis, bubonic plague, and other jungle diseases. Many of our servicemen have died, and many thousands of them will suffer from those jungle diseases as long as they live. That is another part of the penalty.

Mr. CHURCH. It is part of the tragic cost.

Mr. YOUNG of Ohio. It is part of the tragic cost we are paying because of the huge mistake of our intervening in a civil war in a faraway, distant little country which is of no importance whatsoever and never will be to the defense of the United States.

Mr. CHURCH. The Senator is correct. I thank him for his comments.

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

Mr. HART. Mr. President, I rise to thank the distinguished senior Senator from Idaho who in his eloquent way has made clear to the country and to his colleagues the urgency of waging all-out peace.

The Senator from Ohio has mentioned, and I wish to reiterate, that the Senator from Idaho (Mr. CHURCH) was perhaps

the very first, and certainly he was among the very first voices to be raised in what at that time was a very unpopular call to our consciences. I wish I had joined him many months before I did. I would have been much slower had it not been for his frequent appeals to our understanding.

It is now fashionable to deplore the war in Vietnam. That is not enough. We have to end it. It is not enough just to state that objective. We have to have a program to end it. This is where the army gets a little disorganized, and I do not mean the U.S. armed services; I mean those of us who hope to persuade the achievement of the objective which is to stop the killing in Vietnam. When it comes to the program, to the method, we are not in step.

I think one of the great values in the address by the Senator from Idaho today has been the program to achieve the objective. It is for that reason that I ask unanimous consent that I be added as a cosponsor of the resolution.

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

Mr. CHURCH. Mr. President, I am very happy to welcome the cosponsorship of the Senator from Michigan. His remarks this afternoon are typical of the generosity of his nature. The RECORD should show he has become one of the outspoken critics of this war and that he stands in the front ranks of those who are working for peace.

I would also like to say, in relation to the remarks of the Senator from Ohio, that, as we go from place to place, we frequently hear people say that we should either win the war in Vietnam or get out. For a long time, we have tended to denigrate this simple formula. It seemed too easy. It obviously did not require the person using it to choose one alternative or the other. Yet, like so often is the case with commonsense remarks one hears on the street, there is much force to the statement: "either win the war or get out."

President Nixon himself has admitted that, under the circumstances, victory is not our objective in Vietnam; that is to say, winning the war in the old-fashioned sense. In his address of May 15, the President said:

We have ruled out imposing a purely military solution on the battlefield.

If this is the case, then the alternative is to get out. That is what the people are saying. They are saying: "Face up to it, and move the United States out of the war."

If we were to advise Saigon that this has become our intention, believe me, it would not take long for the various Vietnamese factions to find an accommodation. But as long as the Saigon government believes it can rely on a large American expeditionary force to fight in Vietnam indefinitely, whether that force consists of infantry along with supply and support forces, or whether it consists of supply and support forces alone, that long will we wait for a settlement in Vietnam.

I now yield to the Senator from California.

Mr. CRANSTON. I thank the Senator

from Idaho. Two days ago the Senator from Idaho took a leadership role in bringing together a nonpartisan group of Senators and Representatives of both parties from all parts of the country who met for the purpose of stating their support of the young people who, on October 15, will speak their views and seek to bring their views to the attention of all Americans. These young people are those who, apart from those now in battle in Vietnam, face the greatest risk from our policy in Vietnam. Certainly all of us in a democracy must listen to their views and join them in the search for peace they quite rightfully demand.

Today the Senator from Idaho is again playing the part of leadership in bringing to the people of this land again a bipartisan resolution setting forth a proposed policy and the reasons for it, designed to seek our extraction from Vietnam and an end to our participation in that conflict.

The first words of that resolution show that it is the desire of the Senate to give advice and consent to the executive in the conduct of foreign affairs. It states:

In view of the continuing war in Vietnam, the exercise of such responsibility is the highest form of service to be performed.

The Senator is performing that service.

It is plain that the combined efforts of young Americans, Americans in the Senate, in the House of Representatives, along with the executive branch, and those in the fighting forces are required if we are to end our unhappy participation in that tragic war.

I am delighted to be able to join the Senator on this resolution and in the battle we are waging until peace is accomplished.

Mr. CHURCH. I thank the Senator very much for his remarks. I am happy that he is joining in the sponsorship of the resolution.

I yield to the Senator from Iowa.

Mr. HUGHES. Mr. President, I wish to join with Senators in saying to the Senator from Idaho that certainly today he is again concisely and with a great deal of brilliance setting in context the problem and probably the only solution that can and will ever come about. In addition to that which he set out so intelligently here today is undoubtedly the need to set out some of the internal effects in our country resulting from the war in Vietnam.

As the Senator knows, in my freshman year here I have had the opportunity to be the chairman of a small subcommittee looking into problems of alcoholism and narcotic and drug abuse in this country.

I came to the conclusion last week that when a question was asked by one of our most brilliant witnesses, "Are we an intoxicated society?", I asked him if he would reply to his own question and give me an answer as to what he thought about it.

He said, indeed, that the United States and its citizens was an intoxicated society, that we look around us and see the problems we have all been so concerned with primarily in this past decade being unmet; but in spite of great imagination, great initiative, and many innova-

tions over recent years, the centers of our cities still rot; the races are still separated; the conflict still goes on among the poor, the middle class, and the well-to-do; the current throes of the educational process still continue; as well as the neglect of our public health in spite of massive programs; our aged sit around the country in small rooms, tucked away, living on meager incomes, with the inflationary spiral continuing upwards; the unemployment rate increasing, as I read in the paper in recent days, while inflation again continues to grow; we have at least six and one-half million alcoholics with another 25 million people affected by them; with hundreds of thousands of narcotics addicts, with 10 to 12 million people using marijuana, without estimating those in between who use the amphetamines, the barbiturates, the hallucinogenics, on down the line; and as we look at family needs, all continuing the thread that this follows in the United States of America today, it is an almost unbelievable situation.

For me to say to the Senator today that this is all a result of the war in Vietnam certainly would be unrealistic, but—

Mr. CHURCH. Would the Senator allow me to interject there, considering his long list of problems we face at home, perhaps this is why they are fighting so fiercely in Vietnam. After all, they have been told that we intend to take the Great Society to Southeast Asia.

We do have difficult problems at home to solve, but we will never solve them, as the Senator so well knows, unless we sober up and begin to attack the problems that plague our own people, and stop squandering our treasure on exotic military adventures in the jungles of distant lands on the opposite side of the world, for the purpose of restructuring their societies. This certainly is one of the lessons we must draw from our experience in Vietnam. Perhaps out of the agony will come a reappraisal, a reexamination of American foreign policy which will arrange our priorities in such form that we can begin, at last, to pay sufficient attention to the very problems the Senator from Iowa has so well described.

Mr. HUGHES. Mr. President, I think, in context, when we look at our massive internal problems, when for so many years we have been planning things, that we cannot approach those problems because of the cost of the conflict and the need for internal weapons systems for the defense of our country, we have suddenly realized that not only are we in the technological age of polluting ourselves out of existence, to mention one more of our great problems, but we have also entered a pollution state of mind, the fact that we close every day almost with capsulized news, indicating there is no hope, that we have no solutions, that there is no answer, that our total commitment is to the end of life on this planet rather than to the living of life, with hope for the future for all the people in this country, as well as the rest of the world.

So, as we place the problems of U.S.

involvement in Vietnam in context, I think it is well that we place it in context with the fact that we are not meeting the internal needs of this great Nation, that it is imperative we realize that probably the greatest threat to this Nation lies from the unmet problems within our borders rather than outside them.

Mr. CHURCH. The Senator is absolutely right in making that assessment. He reminds me of the admonitions we received in the early days of our Republic from our first Presidents, who used to say to us—

Build a society here in the western world that is just and free, build it sturdily upon the concepts of the Declaration of Independence and the Constitution of the United States, and we will set an example the rest of the world will wish to emulate.

Our early Presidents understood the importance of making our own society strong and free, knowing that the force of an example is always greater than the force of arms. They were proven everlastingly right, because in the first century of our national experience, the force of the American example helped foment revolution in Europe; revolution which brought down or modified nearly every monarchy of Europe; and it all happened without using a single American soldier or a single American marine.

Mr. HUGHES. I wish to thank the Senator from Idaho for his indulgence and again express my appreciation for his very thoughtful focus of attention on this particular problem.

Mr. CHURCH. I thank the Senator for his valuable contribution.

Mr. TYDINGS. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. TYDINGS. I am delighted to add my voice to those of the Senator's colleagues who have congratulated him on the delivery of this message.

I must say that it is one which really should be delivered to every American who loves his country because it puts in readable and understandable prose the problem of Vietnam and, indeed, the only solution to it that moral and reasonable men can accept.

I think it is unfortunate that the present leadership of the National Government is not willing to exercise the same candor with the American people that the Senator from Idaho has this afternoon. The American people appreciate the truth. The American people appreciate honesty. What this Nation really needs is an opportunity to hear reason and honesty with relation to the tragic events in Vietnam.

The Senator from Idaho has accomplished this, as I indicated to him after I had read the speech. It is a brilliant presentation, in organization as well as delivery.

I cannot help thinking that the remarks of the Senator from Iowa (Mr. HUGHES) were also very pertinent.

I was moved by the letter on page 10 from the young constituent who was troubled by these matters and referred to the problems of keeping this great democracy stuck and not becoming unstuck.

It is the responsibility of Congress and the Members of this body to speak

the truth and tell the truth to the American people, regardless of the popularity or unpopularity of the truth, in some cases, in some forms.

I, for one, appreciate the leadership and the work which obviously have gone into this presentation. With the possible exception of our distinguished majority leader and the Senator from South Dakota, I think that no Member of this body is able to present a message which could be presented to the American people more clearly than the Senator from Idaho has done, not only in this instance, but also ever since I have been privileged to be a Member of the Senate.

I only wish we could make certain that a copy of this speech would be read in every American family across the country, because I think it would help resolve some of the problems we face.

Mr. CHURCH. I thank the Senator very much for his kind remarks.

(This marks the end of the colloquy which occurred during the address by Mr. CHURCH and which was ordered to be printed in the RECORD at this point.)

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

Mr. CHURCH. Yes; I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. First, Mr. President, I must apologize to the distinguished Senator from Idaho for not being able to hear all of his speech or to have had the opportunity to read his speech. I will make up that deficiency at the first available opportunity. But I do want to commend the distinguished Senator from Idaho and the distinguished Senator from Oregon (Mr. HATFIELD) for introducing a resolution today seeking to face up to the basic difficulties which confront us in Vietnam.

I likewise want to commend the distinguished Senator from Iowa (Mr. HUGHES) and the distinguished Senator from Missouri (Mr. EAGLETON) for undertaking the same kind of project earlier in the session today.

I was impressed with the emphasis placed on the subject of Vietnam by the distinguished Senator in which he refers to the war over there as a "rebellion," meaning, of course, that it is basically a civil war, contrary to what has been said by many people relative to this struggle over the years.

It always has been a rebellion between South Vietnamese. It still is a rebellion basically, and I believe that statement will stand up even though it must be recognized that a considerable number of North Vietnamese in the past several years have infiltrated southward—as a supplement to the civil war, and not necessarily as a catalyst of the civil war.

It appears to me that there is some movement in the area of South Vietnam and North Vietnam at the present time because, if my information is correct, approximately 20,000 North Vietnamese—or perhaps I should say only as many as approximately 20,000 North Vietnamese—have infiltrated down into South Vietnam since March of this year, a period of 7 months. About this time last year the usual monthly rate of infiltration was anywhere from 8,000 to 15,000 or more.

There must be some significance to that. I do not think the significance is that North Vietnam and its armed forces have been weakened to that extent. Perhaps it is a significant sign.

There has also been a letdown in fighting over the past several months, and most especially over the past few weeks. But even with such a letdown, the casualties are still too high. Too many Americans are still being killed. Too many Americans are still being wounded. And something must be done, not just to cut down the casualty rate, but to try to bring this war—this tragedy—to a conclusion.

It is true that the President has moved in the right direction in ordering a reduction of 60,000 U.S. troops. I only wish more could be withdrawn more expeditiously, to the end that, within a reasonable length of time, this country could withdraw not only from Vietnam but from Laos and Thailand as well, on a lock-stock-and-barrel basis.

As far as South Vietnam is concerned, as the distinguished Senator indicated when he emphasized what the late President John F. Kennedy said, the future of that area is going to have to be decided by the South Vietnamese themselves. We can coat it all we want, but the South Vietnamese, all factions and all fractions, are the ones who, in the last analysis, are going to have to decide what the future of their country will be, what kind of government it will have, and what kind of commitments it will make. That includes the Vietcong, who are South Vietnamese. Never lose sight of that fact. That includes the neutralists, who are South Vietnamese, but who, like the Vietcong, were not allowed to participate in the elections 2 years ago last September. It includes the Catholics and the Buddhists, the Cao Dai, the Hoa Hao, and other groups even such as the animists and montagnards, who have not been given much consideration. It appears to me that, somehow, some way, in some fashion, the South Vietnamese must get together to decide their own future. We cannot do it for them, nor should we attempt to.

And, if they will go that far, perhaps there will be a revival of the Geneva Accords of 1954, which called for all-Vietnamese elections 2 years after those accords were signed, or in 1956. That part of the agreement was never adhered to.

Some day, somehow, I assume that there will be all-Vietnamese elections, both north and south.

If I understand what the administration has said over the past several months, the one factor on which we are holding out, the one factor on which we will not budge, is the right of self-determination for the people of South Vietnam. I assume that includes all the people of South Vietnam. And if that assumption is correct—and I think it is—then it includes all the elements that I mentioned a few moments ago.

We have also said—and I think the President himself said it, I believe in his last press conference, and if not, shortly before—that if the South Vietnamese would decide among themselves what kind of government they want, we would

accept that government, no matter what its coloring or connotation.

Well, I would like to see this war brought to a conclusion, not only so far as it affects the two Vietnams directly, but so far as it involves Cambodia—which has been affected indirectly. There are a number of Vietcong and North Vietnamese who, seeking haven or whatever in the northern part of Cambodia have caused a great deal of trouble for Prince Sihanouk in that kingdom. Then, of course, we have a situation developing and which has been in existence in Laos for some time, and also a situation affecting Thailand, in which there are a number of U.S. bases.

I would like to see, if at all possible, the neutralization of all of the old Indo-Chinese states—North and South Vietnam, Laos, and Cambodia—as well as Thailand, so that that area could be given some degree of surcease from war. I would like to see that neutrality guaranteed by all of the great powers, including the Soviet Union, mainland China, and the United States, among others.

It would be a small price to pay for stability. It would give these countries—especially the two Vietnams, which have been at war for approximately a quarter of a century—a chance to rehabilitate themselves and reconstruct their economy, and in that way perhaps be able to achieve, at long last, a rightful place in that part of the world, and in the world as a whole.

I must say, if the distinguished Senator from Idaho will allow me, that I have been very impressed with the Nixon doctrine for the Pacific, based upon the Guam Declaration, in which the President said this country is primarily a Pacific power and that as far as our interests on the Asian mainland are concerned, they are only peripheral.

Certainly, we should have learned a lesson in Korea. Certainly, I hope we will learn a lesson from Southeast Asia and recognize that our great interests are in the Pacific and not on the Asian mainland, and recall the fact of history that there have been invaders time and time again and that always the invaders were finally taken over by the people whom they had conquered temporarily.

The most important case in that respect is China, which has been invaded time and time again down through the centuries, but which always, in the long run, has absorbed the conquerors.

But, getting back to the Nixon doctrine, I have an idea that, because of our involvement on the Asian mainland and the President's desire—and it is a real desire—to get out of the mess, to be rid of this tragedy, to get away from this impasse, he laid down a thesis which perhaps establishes a groundwork for no more Vietnams or Koreas in the future.

As far as I am concerned, I think that it is a sound doctrine. I think it is long overdue. I think it faces up to the realities of today and tomorrow, and moves us away from the responses of the past, which may have been good 20 years ago or a quarter of a century ago, but which have outlived their usefulness.

So I would hope, on the basis of the

emergence of such factors as the Nixon doctrine for the Pacific, the resolution introduced by the distinguished Senators from Idaho and Oregon, and that introduced by the distinguished Senators from Iowa and Missouri, that we will be able to take a new look at this situation, to try once again to find ways and means out of this morass, and in that way bring an end to an unhappy chapter in the history of this republic, wipe the slate clean, if possible, and try to revive the American image, which meant so much to the world such a few years ago, but which unfortunately has been called into question of late in all too many areas, mostly because of our involvement in Vietnam.

Mr. President, I have taken up too much time. I do want the distinguished Senator from Idaho (Mr. CHURCH) to know that I was certainly interested in and appreciative of what he had to say. I intend to study his speech more in detail, and also to look with interest at these resolutions. I say to him that he has been a fighter for a long time in a worthy cause. He has done much to bring home to the American people and to two administrations just what South Vietnam meant to us, and what might have been attempted to bring this tragedy to a conclusion. I want him to know that he has my personal thanks for what he has done this afternoon, as well as what he has done on so many previous occasions.

Mr. CHURCH. I thank the distinguished majority leader very much for his remarks, and I wish to associate myself with what he has said about the new Nixon doctrine for Asia. I think if that doctrine is implemented, it will mean that we shall, in due course, withdraw all our forces not only from Vietnam, but from the other parts of Southeast Asia. The sooner we do so, the better.

The resolution that I now send to the desk, Mr. President, is consistent with that objective, and, in my opinion, will help to bring about those accommodations in Vietnam that are necessary if this war is to be brought to a close.

So, Mr. President, I submit, on my own behalf and that of the distinguished senior Senator from Oregon (Mr. HATFIELD), a sense-of-the-Senate resolution calling for the more rapid withdrawal of American troops, and a national commitment to a policy of full and complete disengagement from South Vietnam.

Mr. President, I ask unanimous consent that the resolution be received and referred to the appropriate committee.

During the course of the afternoon a dozen Senators have indicated their desire to join in the resolution. I shall disclose their names during the days to come, as they make their intentions known.

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

The resolution (S. Res. 270) was received and referred to the Committee on Foreign Relations, as follows:

#### S. RES. 270

*Resolved*, The Senate of the United States takes cognizance that: (1) It is the duty of the Senate to give advice and consent to

the Executive in the conduct of foreign affairs. In view of the continuing war in Vietnam, the exercise of such responsibility is the highest form of service to be performed.

(2) The war in Vietnam was caused by no one man and no one party, but it is the responsibility of all men and both parties to bring the war to an end. In the past five years, some 40,000 American soldiers have died. Since the beginning of this year, more than 8,000 American fighting men have been killed. In light of the thousands of lives being lost, there can be no moratorium on discussion and no halt to the necessity for leadership in terminating further American participation in the combat.

(3) The President has taken a step in the right direction by his announced withdrawal of 60,000 American troops. But this is only a small beginning to what must be done to extricate the United States from this war. At the present rate of withdrawal, American troops will be engaged in Vietnam for the next eight to ten years. The policy of the United States can no longer wait upon the pleasure of either Saigon or Hanoi.

(4) The future of South Vietnam must be shaped by the will of the South Vietnamese. The continued presence of United States military forces can only postpone the political accommodations essential to ending the conflict: Now, therefore,

*Be it Resolved*, That in the sense of the Senate that, having furnished South Vietnam with an American shield for the past five years to allow for the development of its political and military capacities, the time has arrived for the people of South Vietnam to take charge of their own destiny; and be it further

*Resolved*, That this can be accomplished only through a more rapid withdrawal of American troops, and a commitment by the United States to fully disengage from South Vietnam, pending such reasonable interval as may be necessary to effect an orderly transition on the battlefield, and provide for the safety of American troops and those who may wish to leave with them.

#### HATFIELD-CHURCH RESOLUTION ON WITHDRAWAL OF TROOPS STRENGTHENS THE PRESIDENT'S HAND

Mr. HATFIELD. Mr. President, I should like to make perfectly clear at the outset of this discussion of our joint resolution that President Richard M. Nixon and I are allies, not opponents.

Senator FRANK CHURCH and I are today joining in cosponsorship of a resolution calling for a more rapid withdrawal of American troops from Vietnam. We do not set a date for compulsory withdrawal. We do point out that if passed it would be the sense of the Senate that we should like a more rapid withdrawal. The resolution calls for a commitment by the United States to fully disengage from Vietnam, pending such reasonable interval as may be necessary to effect an orderly transition on the battlefield, and provide for the safety of American troops and those who may wish to leave with them.

It seems to me that by introducing this resolution, I am indicating my complete backing of the President's efforts to end the war in Vietnam, for he has said that he hopes to end this war before the end of 1970. I would hope for a total troop withdrawal by the end of 1970 and have so written the President.

In his September 16 news conference, President Nixon also stated:

Once the enemy recognizes that it is not going to win its objective by waiting us out, then the enemy will negotiate and we will end this war before the end of 1970. That is the objective we have.

Also, on June 20 of this year, President Nixon said in a televised news conference that he hoped to beat a timetable calling for withdrawal of 100,000 American troops and all ground combat forces which former Secretary of Defense Clark M. Clifford proposed.

A Washington Post story said that twice in the news conference, the President said he hoped to better the timetable suggested by Clifford that "about 100,000 troops be pulled out this year and all remaining American ground combat troops be withdrawn next year.

The President said during that telecast:

We have started toward the withdrawal that Mr. Clifford has advocated.

And added that he hoped "we will not be in Vietnam as long as he—Clifford—suggests we will have to be there."

It seems to me that the President and I are in accord on this matter.

What we are really doing in this resolution is undergirding the President, strengthening his resolve to end this war and withdraw American troops.

There are forces within this country, both military and political, as well as pressures from the Thieu regime in South Vietnam, which are exerting tremendous efforts to dissuade the President from his course of action in de-Americanizing the war. They advocate more war, not less; more deaths for Americans and Vietnamese, not less. And we in the Senate who are urging a complete withdrawal of American troops are, I think, playing a constructive role in attempting to strengthen the President's hand.

To believe, as some men do, that a declaration and implementation of all-out war will reduce the problems of this conflict is to ignore the conditions of the struggle that is taking place. Even if military victory were possible, which under humanitarian and moral reasons is not, the South Vietnamese people would still be vulnerable due to the lack of support of their own Government.

When we were pursuing a heavy bombing policy there was not a significant reduction of infiltration or supplies nor did it impair the North Vietnamese capacity to wage war. What the bombing of the North accomplishes was a tremendous loss of lives, both military and civilian, and a loss of international good will and sympathy, and perhaps a naive but growing fear by emerging nations that America was becoming colonial in our actions.

The entire handling of accounts of "military progress" has left nothing but doubts in the minds of the American public.

If we followed the Johnson administration's statements we were to have "won" years ago, but the present situation only established the Vietnam war as the longest and one of the most costly in history. Where we have failed in our

battle is to attract the allegiance of the South Vietnamese people. As long as this is ignored there remains no possibility of genuine "victory."

But let us imagine that we do have an all-out war. What options are left to us? We could drop more bombs, but on what targets?

Military targets in North Vietnam are nearly nonexistent. We could destroy the Haiphong Harbor, destroying Russian and Chinese ships and, therefore, risking war with these two nations.

If we increase ground activity, the draft calls would have to be enlarged, fewer student deferments would be granted, taxes would have to be substantially increased, economic controls would surely have to be instituted and the unrest at home would surely reach the breaking point.

Political solutions to the war would be enhanced if the major adversaries in the conflict were Asian. For this reason I have for some time maintained that the first thing to be negotiated in Paris or elsewhere is the time and implementation of our military withdrawal from the Asian mainland. This would greatly strengthen the possibility of finding a just solution to Vietnam within the framework of an Asian diplomatic offensive. For this reason I look with hope to President Nixon's promise of troop withdrawals over the next year.

Responsible dissenters to our policy in Vietnam—and I count myself one of these—are sincerely convinced that our past policies are wrong, and that they must be corrected if the best interests of the United States are to be served. To argue that such dissent is prolonging the war and encouraging the enemy is fallacious. The entire reasoning behind this charge is based on the assumption that the enemy is demoralized, desperate, and hangs on only out of hope that American public opinion will demand an American withdrawal.

I have seen no evidence that Hanoi or the NLF is either demoralized or desperate. In fact, the continuing aggressiveness and determination of these people only demonstrates that they are capable of pursuing the war indefinitely and determined to do so, irrespective of what critics may be saying in the United States.

Yes, we do owe our men fighting and dying in Vietnam all the support and material they need, but we owe them more still.

We owe them an uncompromising promise and total effort directed to extricating them from this war, to finding alternatives to futile policies that have failed for 20 years. This, to me, is the highest duty of those in positions to have their voices heard and their influence felt. This is why I and others have dissented from our present course in Vietnam.

President Nixon has called for the Vietnamization of this war, just as I have done since 1966 when I called for an All Asia Conference at which the Asian nations themselves would provide plans for mutual and self-defense. The President has advocated this as well.

The President is aware of these dan-

gers. He is a politically sensitive and extremely intelligent man—he knows the consequences of escalating the war. This effort on my part is to not let emotional calls for all-out war gather momentum in this country.

If we have all-out war, the military and civilian casualties and deaths would increase. We could adopt a policy of hot pursuit into Cambodia and Laos which would bring more fire and destruction to these countries, already troubled by insurrections. We could launch a successful and expensive invasion of North Vietnam, risking high casualties due to the preparedness of the North Vietnamese for just such an invasion.

This risks Chinese and Russian reaction and a vast growth in the scope and tragedy of the war. Should we win such an invasion, there would still be hundreds of thousands of Vietcong nationalists in South Vietnam with which to contend.

No; escalation is not the answer. Escalation is far from a rational policy. And President Nixon is painfully trying to extricate us from the massive "escalations" of the war he inherited.

How can we de-Americanize this conflict? As our main objective, we must win the allegiance of the South Vietnamese people, and to do this we must place our emphasis on seeing that the South Vietnamese Government prove worthy of allegiance and establish a concerned relationship with the people. We must abandon the Americanization of the war which has, in essence, made the South Vietnamese mere spectators to their own conflict.

The complete domination of South Vietnam by the United States further harms the development of self-sufficiency of the South Vietnamese in the political, economic, and social realm.

The Johnson administration wanted to establish an anti-Communist, democratic, self-sufficient, pro-American, anti-Chinese strong central government in Saigon. The South Vietnamese peasant wants something less grand and more tangible. The loyalty of the people has never been to a central government but to their local hamlets and ethnic groups.

They want reform, they want food. We must direct our policies to conform to the ambitions of the South Vietnamese people themselves.

In the October 1967 issue of Foreign Affairs Quarterly, Richard Nixon wrote an article entitled "Asia After Vietnam" which indicates that the President and I are not too far apart on our essential goals for this country's disengagement from the mainland of Asia.

Although Nixon at that time in the article did justify the intervention in Vietnam, Nixon spoke prophetically of future U.S. reluctance to immerse itself into endless land wars in Asia.

The President said:

One of the legacies of Vietnam almost certainly will be a deep reluctance on the part of the U.S. to become involved once again in a similar intervention on a similar basis.

The war has imposed severe strains on the U.S., not only militarily and economically, but socially and politically as well.

Bitter dissension has torn the fabric of American intellectual life—

The President continued,

And, whatever the outcome of the war, the tear may be a long time mending.

If another friendly country should be faced with an externally supported communist insurrection—whether in Asia or in Africa or even Latin America—there is serious question whether the American public or the American Congress would now support a unilateral American intervention, even at the request of the host government.

This makes it vitally in their own interest that the nations in the path of China's ambition move quickly to establish an indigenous Asian framework for their future security—

This is still the future President speaking—

If another war is to be prevented, every step possible must be taken to avert direct confrontations between nuclear powers. To achieve this, it is essential to minimize the number of occasions on which the great powers have to decide whether or not to commit their forces. . . .

Military security has to rest, ultimately, on economic and political stability.

This is what the future President said in 1967, and it is, essentially, what I am saying today and have been saying since 1965.

The fabric of our national life is literally being torn apart by this war. We are threatened with anarchy and continued unrest. The young are losing faith in the ideals of our democratic society, and we need these young people to build America.

We have lost in blood and treasure the vital young men needed to build our countries, and the billions of dollars needed not only for our own people's needs, but to help build and stabilize the economies of the underdeveloped countries where most of the world's hungry and oppressed live.

I could not agree with the President more than when he said in the Foreign Affairs article that, in the final analysis, the Asian countries themselves must provide for defense against internal aggression. He has since repeated this call, and it is a fact of life which the nations of the East must face.

Let us join together, Democrat and Republican, to help the President extricate us from policies that were proved, in 1968 to be against the will of most of the American people.

President Johnson used the ploy that he merely carried out the policies of his Republican predecessor. However, facts prove that in 1954 Eisenhower merely promised economic aid to South Vietnam with the understanding that Diem would institute the reforms necessary to gain the support of his people. When Eisenhower left office in 1961 there were only a few hundred U.S. military advisers in South Vietnam.

The momentum with which the Vietnam war has escalated since these early days of 600 advisers is frightening to look back upon. And what we want to do now is to gather momentum for a more rapid deescalation effort.

In 1961 there were 3,200 U.S. troops; in 1964 23,030.

Then began the rapid escalation Pres-

ident Johnson promised would not take place: 184,300 troops in Vietnam in 1965; 385,000 in 1966; 485,000 in 1967; 536,000 in 1968 and 537,000 in 1969.

During this time there have been more than 45,000 Americans killed in Vietnam and well over 200,000 wounded.

The President is keeping his 1968 promise to try to end the war and has committed us to 60,000 troops to be withdrawn as of October 1969, and I am hopeful that 100,000 men will have left that tragic country by the end of this year.

I also hope that the President's expressed wish to end the war by the end of 1970 will, in fact, take place.

I am sure the public is aware of the tremendous pressures on the President to escalate this war which I earlier mentioned. These very real pressures come from very powerful military and political men in this country who want the President to increase our troop strength and escalate the war. This escalation would lead us further into the morass of an endless land war, kill thousands more Americans and Vietnamese, and still further threaten to embroil us into nuclear confrontation with either the U.S.S.R. or China.

We must avoid this. The President said this as well in the Foreign Affairs article in 1967. My motive for introducing this resolution, and in supporting the moratorium on October 15, is to strengthen the President's hand—working for peace—not weaken it.

#### INTEREST EQUALIZATION TAX EXTENSION ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes.

Mr. BENNETT. Mr. President, the pending business is H.R. 12829, to extend the interest equalization tax until March 31, 1971.

The expiration date for the tax in present law is September 30, 1969. Since that date has passed, the bill reinstates the tax as of that time and continues it until March 31, 1971. The bill also modifies the President's discretionary authority to vary the rate of the tax so as to provide a means by which our reliance on this tax can be reduced.

The purpose of the interest equalization tax is to increase the cost to foreigners of obtaining capital in the American markets and, thereby, help protect our balance of payments while we are attempting to correct the more fundamental problems which underlie our continuing balance-of-payments deficit. The tax presently is imposed at rates which are the equivalent of a three-quarters of 1 percent increase in the interest rate foreigners must pay to obtain funds here. By narrowing the differential between foreign interest rates and the somewhat lower interest rates in the United States, the tax discourages foreigners from borrowing here.

#### EXTENSION OF THE TAX IS NECESSARY

It is necessary to further extend the interest equalization tax because our balance of payments, although it has

improved since the tax was first enacted in 1963, is still in a precarious position. If the tax were allowed to expire, it is likely that substantial capital outflows would result which would seriously aggravate our balance-of-payments situation. Moreover, unlike the case in former years, we no longer have a favorable trade balance to offset outflows resulting from our capital transactions with the rest of the world. The inflation in the United States in recent years has made our goods less competitive in the world markets. This is likely to continue until we can obtain better control of the inflationary pressures in the United States. Once this occurs, our goods should again become more competitive, thus, improving our export position and accordingly our balance of payments. Until these more fundamental imbalances underlying our continuing balance-of-payments deficit are corrected, however, we are not in a position to let the interest equalization tax expire.

As I mentioned, the purpose of the tax is to discourage foreigners from borrowing in the United States, and thereby to prevent significant outflows of our capital. One may wonder why foreigners would want to borrow in the United States at the present time with the high interest rates which now prevail.

The answer is simple. Our interest rates, as high as they are, are still lower than interest rates abroad. For example, the average interest rate of a U.S. domestic corporate bond issue in August was 7.27 percent. The rate abroad, however, was about 7.55 percent. Moreover, the simple fact is that our securities markets are quite attractive to foreigners, because they are more effectively organized than foreign capital markets. This is true even though the interest equalization tax has compelled foreigners to place increased reliance on foreign capital markets as a source of funds and thereby has aided in the growth of those markets.

Another important reason why we need to continue the interest equalization tax is that, in its absence, it is likely that Americans would purchase substantial amounts of securities which American companies have issued abroad to finance their foreign direct investments. In 1968 alone, these issues by American companies totaled \$2.1 billion. Any significant amount of purchases by Americans of these securities would have a substantial adverse effect on our balance of payments.

The extension of the tax also is necessary to support the program of voluntary cooperation to reduce capital outflows that was begun in 1965. The voluntary program is designed to reduce the amount of credit supplied to foreigners by banks and other financial institutions. Without the interest equalization tax, those participating in the voluntary program would feel that they were shouldering an inequitable share of the burden of reducing our capital outflow.

Finally, it is important to emphasize the significance of this tax to foreign holders of dollars. The willingness of foreigners to hold dollars, and their view of the dollar's stability as a reserve cur-

rency, are dependent in large measure on how they regard our attitudes and intentions toward our balance-of-payments deficit. Failure on our part to extend the interest equalization tax would be regarded by them as evidence that we are not concerned about the balance-of-payments deficit and do not intend to control it. This reaction by itself would endanger our chances of successfully carrying out our program to improve the international monetary and trade system, such as the Special Drawing Rights under the International Monetary Fund designed to provide an expansion of international monetary reserves and, thus, facilitate the growth in world trade.

#### EFFECTIVENESS OF THE TAX

I would like to comment briefly on the way the interest equalization tax has helped us deal with our balance-of-payments problem.

I believe the evidence is clear that the interest equalization tax has strengthened our balance of payments by decreasing the foreign demand for U.S. capital. This can be seen by comparing U.S. purchases of foreign securities before and after the tax went into effect in the middle of 1963.

Before the middle of 1963, long-term private capital outflows from the United States had increased from the \$2.9 billion level of 1962 to a \$4.6 billion annual rate in the first 6 months of 1963, an increase of 60 percent. Increased purchases of new foreign securities accounted for a substantial part of this increase. In the first half of 1963, these purchases rose from the \$1 billion level of 1962, to a \$2 billion annual rate. Since 1963, purchases of new foreign securities from countries subject to the interest equalization tax have declined to practically zero. The tax clearly has been the primary factor responsible for this decrease.

An additional source of evidence of the effectiveness of the tax, and an indication of what might have occurred in its absence, is the increase in purchases by U.S. citizens of new securities from countries not subject to the interest equalization tax. These purchases have more than doubled since 1962, increasing from an annual level of \$722 million to \$1,656 million in 1968. If there had been no tax and had purchases from countries where the tax was, in fact, imposed increased at the same rate as in the case of the exempt countries, these purchases would have amounted to \$815 million in 1968. In other words, in this area alone our balance of payments position would have been almost a billion dollars worse than it was in 1968 in the absence of this tax.

The interest equalization tax also has caused a decrease in purchases by U.S. citizens of outstanding foreign securities. In the first half of 1963, net purchases were at an annual rate of \$300 million. The tax reversed this and up until 1966 U.S. citizens were net sellers of foreign securities. In 1967 and 1968, however, U.S. citizens became net purchasers again—about \$110 million on the average—which is still some \$200 million less than before the tax, and probably is much more than that below the level which would have existed without the tax.

Commercial bank loans to foreigners also have been restrained by the interest equalization tax. Originally bank loans were not subject to the tax, but the law granted the President discretionary authority to apply the tax to them if it became clear that bank loans were being substituted for the sale of foreign securities in the United States. In late 1964 it became apparent that this substitution, in fact, was occurring and on February 10, 1965, the President applied the tax to loans with maturities of 1 year or more. The effect of the tax, the voluntary program to limit loans to foreigners, and tight money, has been to reduce the amount of long-term bank loans extended to foreigners and to substantially cut back the increase in short-term loans, as the comparison of the 1962 and 1968 levels shows. In 1962, long-term bank loans increased by \$126 million; in 1968 they decreased by \$358 million. Short-term bank loans increased by \$324 million in 1962, and by 1968 the increase was down to \$89 million, although data for the first half of 1969 indicates the 1969 level will be higher.

In other words, if we had not had the interest equalization tax, our balance-of-payments position in 1968 would have been close to \$2 billion worse than it was.

#### PRESIDENTIAL AUTHORITY TO REDUCE THE TAX RATE ON NEW ISSUES

As I mentioned earlier, the bill also modifies the President's existing authority to vary the rates of tax by permitting him to apply a lower rate to new issues of foreign securities than to outstanding issues. Under present law, the President has the authority to vary the rate of tax between zero and the equivalent of a 1½-percent increase in the annual interest rate which must be paid to obtain funds in the United States, but the rate must be the same for both new and outstanding securities.

This modification was requested by the administration to provide a means by which our reliance on the interest-equalization tax could be reduced. Reducing the rate of tax on new issues is a step in reducing our reliance on the entire tax. It would be most unwise, however, to decrease the rate of tax for outstanding securities, when there is such a large volume of them and when U.S. citizens are still net purchasers even at the present rate of tax. Such an action, no doubt, would result in a large increase in purchases by Americans of outstanding foreign issues. In other words, the present tax rate on outstanding securities is likely to be necessary in order to prevent the flooding of our capital markets with the large backed-up volume of already outstanding foreign securities. On the other hand, purchases of new foreign securities, however, have been nearly nonexistent. Therefore, it seems appropriate to permit the rate of tax on new issues to be reduced to a lower level than the rate for outstanding securities.

The remaining interest-equalization tax provisions of the bill involve minor amendments which are technical in nature. Generally, these amendments are designed to make the provisions of the tax more workable and to aid in the enforcement of the tax. I will include a

summary of these minor amendments in the RECORD following my remarks.

The adverse effect on our balance of payments of not extending the interest equalization tax as provided in this bill would be substantial. We must be particularly careful to avoid the large increase in capital outflows, which would result if the tax were allowed to expire, because, as I said earlier, we no longer have the trade surplus of former years to offset our capital outflows. Any sharp increase in capital outflows would, therefore, add directly to an otherwise already precarious balance-of-payments situation. We just cannot allow that substantial adverse effect on our balance of payments to occur.

Mr. President, in addition to the technical amendments I have just included the committee added an amendment to the bill unrelated to the interest equalization tax. This amendment would modify certain ammunition registration requirements of present law.

Under Treasury Department regulations, persons purchasing ammunition must give name, address, and date of birth; date of purchase; manufacturer, caliber, gage, or type of component, and the quantity of the ammunition purchased; and the purchaser's driver's license or other type of identification must be shown.

I feel that this is nothing more than back-door ammunition registration, and I offered an amendment which would repeal that section of the Gun Act.

The committee amendment would make no change in these requirements as they apply to pistol and revolver ammunition for these are the weapons most commonly used by criminals in the commission of a crime. However, the committee did feel that such detailed registration of sportsmen purchasing shotgun, rifle, or .22 caliber rimfire ammunition, or component parts of the same types of shells, creates an enormous and unnecessary administrative burden on the Treasury, on firearms dealers, and on the Nation's sportsmen who purchase this type of ammunition. At the same time, these burdensome requirements do not contribute to an increase in public safety when they relate to the type of ammunition used mostly in sporting types of firearms.

Mr. President, I realize my amendment has caused a great deal of controversy, and that the controversy has delayed action on the interest equalization bill for some 8 days, now. This has begun to create serious problems. In order to make it possible to move the bill through promptly, I, who am the author of the ammunition amendment, agree that some accommodation and compromise must be offered in order to have the bill handled quickly.

I expect to speak at a little greater length on this subject tomorrow; but at the present time, I ask unanimous consent that the committee amendments to the pending bill be agreed to en bloc, with the exception of the language of the committee amendment beginning on line 21, page 20, through line 7, page 21, which shall remain the pending question, and that the language of that

amendment be modified by striking out on page 21, lines 5 and 6, the words "22 caliber rimfire ammunition."

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

(The committee amendment, as modified, not agreed to is as follows:)

#### SEC. 5. AMMUNITION RECORDKEEPING REQUIREMENTS

Section 4182 (relating to exemptions from tax on certain firearms and ammunition) is amended by adding at the end thereof the following new subsection:

"(c) RECORDS.—Notwithstanding the provisions of sections 922(b)(5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles or component parts for the aforesaid types of ammunition."

Mr. BENNETT. The effect of the amendment which has just been agreed to is to leave in the bill, subject to the elimination of registration requirements, shells for sporting rifles and shotgun shells. This, then, reduces the pending business to a consideration of this ammunition section of the bill, and I understand that will be discussed tomorrow.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

##### REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to revise fees for services provided by the Immigration and Naturalization Service and U.S. marshals, October 7, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the status of war reserve materiel in Europe, Departments of the Army, Navy, and Air Force, B-146858 (with an accompanying secret report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the readiness posture of the Seventh Army units in Europe, Department of the Army, B-146964 (with an accompanying secret report); to the Committee on Government Operations.

##### REPORT ON SETTLEMENT OF GOVERNMENT CLAIM AGAINST THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

A letter from the Assistant Attorney General, Civil Division, reporting on the disposition of the Government's claim against the Southern Christian Leadership Conference (SCLC) for the costs of restoring the Federal area occupied by SCLC under a permit issued by the National Park Service in connection with the "Poor People's Campaign"; to the Committee on the Judiciary.

#### EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. EASTLAND, from the Committee on the Judiciary:

Harlan R. Hosch, of Illinois, to be U.S. marshal for the Eastern District of Illinois; and

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the Eastern District of Tennessee.

#### REPORT OF A COMMITTEE

The following report of a committee was submitted:

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

S.J. Res. 158. Joint resolution to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower (Rept. No. 91-451).

#### EISENHOWER DOLLAR—REPORT OF A COMMITTEE

S. REPT. NO. 91-451

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably, the joint resolution (S.J. Res. 158). This joint resolution would provide for the minting of dollar coins that do not contain silver. These coins would be made of cupronickel clad on copper. The coins would bear the likeness of President Dwight D. Eisenhower.

In considering the materials to be used in this new dollar coin, the committee decided in favor of the cupronickel now used in our dimes and quarters.

The committee in making this recommendation is following the recommendation of the Joint Commission on the Coinage.

In March of this year, the Secretary of the Treasury established a special task force to review all major silver and coinage issues. In May, the task force completed its study and presented a report to the Secretary of the Treasury outlining its recommendations. The recommended program was reviewed by and received the full approval of the Joint Commission on the Coinage. It was recommended that the cupro-nickel material be used for all of our coins.

Next Tuesday, October 14, 1969, is President Eisenhower's 79th birthday. It would be fitting if the Congress could complete passage of this legislation honoring him before that date.

I, therefore, urge prompt action by the Senate on this joint resolution.

The PRESIDING OFFICER. The report will be received and printed; and the joint resolution will be placed on the calendar.

#### SENATE RESOLUTION 269—AUTHORIZING EXPENDITURES FROM THE CONTINGENT FUND OF THE SENATE—REPORT OF A COMMITTEE

Mr. LONG, from the Committee on Finance, reported the following original resolution (S. Res. 269) which was referred to the Committee on Rules and Administration.

S. RES. 269

Resolved, That the Committee on Finance is hereby authorized to expend from the

contingent fund of the Senate, during the Ninety-first Congress, \$10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

#### BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. HOLLAND (for himself and Mr. GURNEY):

S. 3001. A bill to provide for the conveyance, for recreation and other public use, to the city of Tallahassee, Fla., of a portion of certain real property of the United States heretofore donated to the United States by that city; to the Committee on Interior and Insular Affairs (by unanimous consent).

(The remarks of Mr. HOLLAND when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. RANDOLPH:

S. 3002. A bill for the relief of Samuel M. Santibanez and Patria Santibanez; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 3003. A bill to provide for more effective control over the expenditure of funds by the Department of Defense and the National Aeronautics and Space Administration for independent research and development, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. PROXMIRE when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. HART:

S. 3004. A bill for the relief of Adel Haidar; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3005. A bill for the relief of Michele Giampaolo; and

S. 3006. A bill for the relief of Fabrizio Fedrizzi; to the Committee on the Judiciary.

By Mr. GURNEY:

S.J. Res. 159. A joint resolution authorizing the President to proclaim the period of November 2 through November 8, 1969, as "National Zero Defects Week"; to the Committee on the Judiciary.

#### S. 3001—INTRODUCTION OF A BILL PROVIDING FOR THE CONVEYANCE OF PROPERTY FOR RECREATION AND OTHER PUBLIC USE

Mr. HOLLAND. Mr. President, I introduce for myself and my colleague, Senator GURNEY, a bill to provide for the conveyance, for recreation and other public use, to the city of Tallahassee, Fla., of a portion of certain real property of the United States heretofore donated to the United States by that city.

I ask unanimous consent that the bill be referred to the Committee on Interior and Insular Affairs.

The ACTING PRESIDENT pro tempore. The bill will be received and, without objection, referred to the Committee on Interior and Insular Affairs.

The bill (S. 3001), to provide for the conveyance, for recreation and other public use, to the city of Tallahassee, Fla., of a portion of certain real property of the United States heretofore donated to the United States by that city, introduced by Mr. HOLLAND (for himself and Mr. GURNEY), was received, read twice by its title and, by unanimous con-

sent, referred to the Committee on Interior and Insular Affairs.

#### ADDITIONAL COSPONSORS OF BILLS

S. 2974

Mr. BAKER. Mr. President, at the request of the Senator from Kentucky (Mr. COOK), I ask unanimous consent that, at the next printing, his name be added as a cosponsor of S. 2974, to amend certain provisions of the Federal Food, Drug, and Cosmetic Act.

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

S. 2979

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Maryland (Mr. MATHIAS), and the Senator from South Carolina (Mr. HOLLINGS) be added as cosponsors of S. 2979, to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education.

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

#### SENATE RESOLUTION 268—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT CERTAIN MEASURES SHOULD BE TAKEN BY THE GOVERNMENT OF SOUTH VIETNAM

Mr. HUGHES (for himself and other Senators) submitted a resolution (S. Res. 268) expressing the sense of the Senate that certain measures should be taken by the Government of South Vietnam.

(See the above resolution printed in full when submitted by Mr. HUGHES, which appears earlier in the RECORD.)

#### SENATE RESOLUTION 270—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE RELATIVE TO THE VIETNAM WAR

Mr. CHURCH (for himself and Mr. HATFIELD) submitted a resolution (S. Res. 270) expressing the sense of the Senate relative to the Vietnam war.

(See the above resolution printed in full when submitted by Mr. CHURCH, which appears earlier in the RECORD.)

#### EISENHOWER DOLLAR—AMENDMENT

AMENDMENT NO. 228

Mr. DOMINICK. Mr. President, I submit an amendment in the nature of a substitute to Senate Joint Resolution 158 and ask that it be printed. Senate Joint Resolution 158 was offered by the Senator from Utah (Mr. BENNETT) yesterday. It authorizes minting a nonsilver dollar coin inscribed with the image of our late President, Dwight David Eisenhower.

As you know, I introduced S. 2582 together with 28 cosponsors, to mint an Eisenhower silver dollar containing 40 percent silver. This coin would be identical to the Kennedy half dollar. The

arguments in support of this bill apply as well to my substitute.

In essence my substitute would provide for the initial minting of at least 300 million Eisenhower silver dollars with 40 percent silver, to be followed thereafter by a cupro-nickel coin as suggested by Senate Joint Resolution 158.

I am aware of the President's desire to have an Eisenhower dollar passed and presented to him for signature by October 14, Dwight D. Eisenhower's birthday. I would certainly concur in the desire to honor this great man and I feel quite strongly that the coin that bears his image should intrinsically carry the prestige he so richly deserves.

This country will soon have no prestige coins left. The coin of the realm will be mere tokens. It does not seem fitting to honor a man who served his country in war and in peace with a token to be used principally in slot machines and the tables in Las Vegas.

A silver dollar has an intrinsic value and is imbedded in the history of this country. Three hundred million silver dollars would insure that each citizen of this country could receive one. Means could be easily devised to insure that end if it be the desire of Congress.

I know my colleagues share these thoughts about Dwight D. Eisenhower.

There are other factors involved in this issue—economic factors. I would like to outline these points briefly. My amendment takes all of these factors into consideration.

We are selling our remaining silver surplus through weekly sales by GSA of 1½ million ounces per week. The average price on September 30 was \$1.80 per ounce. By minting a 40 percent silver dollar and issuing it over-the-counter of the Federal Reserve Banks, the Treasury will realize \$3.16 per ounce. Hence the minting and sale of 300 million 40 percent silver dollars would net the Treasury about \$120 million more than present procedures by silver disposal.

It is argued that even more could be realized with a cupro-nickel dollar. This would be true because the cost of the necessary copper and nickel is less than silver, but it begs the issue of getting a fair return for our silver. Furthermore, both results would be obtained under my proposed amendment.

This silver dollar will not circulate widely. It will be a collector's item—a commemorative coin. Circulation can be accomplished through a cupronickel coin, I presume, if anyone wants to use them. There will be no simultaneous production so there can be no public uncertainty regarding the one with no intrinsic value. This is exactly what is proposed for the nonsilver half dollar in S. 2822.

It is stated over and over that there is a gap in domestic use and production. That is true. We use over 100 million ounces more annually than we produce. It is assumed and argued that the sales are necessary to fill this gap. The facts do not bear this out.

The users are not purchasing all the silver at the GSA sales. Over half is purchased by speculators and shipped out of the country, primarily to London.

Over the last 8 weeks of the sales, over 12 million ounces have been sold and over 7 million went to speculators, not users. Eastman Kodak and Handy & Harman, two of the major purchasers of silver in this country, did not even submit bids on September 23 and September 30. On September 30, Englehard Industries, the largest purchaser of Government silver over the last year, bid for only about 300,000 ounces rather than the 1-million-ounce average bid they had been submitting. This was a bid at a price obviously not competitive in the current market. On several sales all the silver has gone to speculators.

If GSA sales are to hold down imports by the users to help the balance of payments, I submit they are not doing so because the users are not purchasing the silver. The GSA sales, at present rates will yield about 80 million ounces of silver annually. This is short of the 100 million necessary to fill the gap and less than half will be purchased by users. Eventually this silver being exported must be repurchased and imported at higher prices. The net effect over the next few years will be a loss in balance of payments over present levels.

I will point out one last factor. We have bullion reserves to last until approximately February of 1970. It is estimated there are and will be coins for melting possibly until December 1970. Then it will all be over. Little more than a year from now there will be no Government silver to sell. So whether we reserve the silver for the proposed Eisenhower dollar or permit continued GSA sales, we will be out of Treasury silver in about a year. It seems to me better to give more lead time for our mines to reopen and to start production as prices rise.

If we do not do this now the Treasury will have lost the \$3.16 per ounce it could have made on a silver dollar—the silver will be gone. The question is whether we get \$3.16 an ounce or \$1.80 an ounce for the next year. That is the only question.

Mr. President, I further ask that my remarks made at the time I introduced S. 2582 be reprinted at the conclusion of my remarks today. This statement appears in the CONGRESSIONAL RECORD of July 10, 1969, pages S7829-S7830.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table; and, without objection, the remarks will be printed in the RECORD.

The amendment (No. 228) was ordered to be printed and to lie on the table.

The material, presented by Mr. DOMINICK, is as follows:

#### S. 2582—INTRODUCTION OF A BILL AUTHORIZING THE MINTING OF DWIGHT DAVID EISENHOWER CLAD SILVER DOLLARS

Mr. DOMINICK. Mr. President, I am introducing a bill today to provide for minting and issuing an Eisenhower silver dollar. I am joined in this proposal by 26 cosponsors.

This will be a prestige coin of which this country can be proud. It will very possibly be the last silver coin to be minted by the United States. It will honor Dwight David Eisenhower, a man who symbolizes the highest traditions of service to his country in both war and peace. To the very last day of his life he was a symbol of strength and

honor for the people of the United States and the world.

I am a member of the Joint Commission on Coinage. That Commission together with Secretary of the Treasury David M. Kennedy, announced on May 12, 1969, its decision to request authority to discontinue the minting of silver half-dollars and mint a silver-less half-dollar and a new dollar coin with no silver content. I oppose that decision.

The decision has been made to sell our reserves of silver. We will retain only 165 million ounces in our strategic stockpiles under the Office of Emergency Preparedness and some minor reserves in other agencies.

The decision has been made to remove the U.S. Government from the silver market. Given these decisions I can see no better way to accomplish these goals, mark the end of an era in our country's history and pay a tribute to a truly great American.

This bill amends section 101(a) of the Coinage Act of 1965, 31 U.S.C. 391a. It simply adds the dollar coin containing 40 percent silver and an 800 fine cladding. It will be identical, in composition, to the Kennedy half dollar.

It provides that the coin shall bear the likeness of Dwight David Eisenhower.

It further provides that no less than 100 million coins annually shall be minted for 3 years from January 1, 1970. It is hoped that the number actually coined and issued will far exceed these figures. It does recognize the limitations of our present reserves and allows Congress the opportunity to review this matter after 3 years. These amounts are wholly realistic both in terms of remaining silver reserves and production capacity of the U.S. Mint.

The Treasury has approximately 150 million ounces left in reserves. We are auctioning one and one-half million ounces a week on the open market. The sales price of July 1, 1969, was \$1.59 an ounce. The decision has been made to divest ourselves of these silver stocks. The Government will be out of the silver business in less than 2 years providing the sales continue. The silver held by the Treasury in the form of bullion and coins is an asset of the U.S. Treasury. There are two ways to divest ourselves of this asset. We can continue sales as we are now and get \$1.59 an ounce, or whatever the market rate on the day of sale, or we can mint and issue a silver coin as we are doing with the Kennedy halves. The monetary value of silver received for a coin is \$3.16 an ounce. Simply stated there is approximately one-third of an ounce of silver in a dollar coin as set out in this bill. When this coin is issued through the Federal Reserve bank the U.S. Treasury receives a dollar in exchange. If a person wanted to melt down the coins and sell the silver he must melt 3.16 dollar coins to obtain 1 ounce of silver. In other words the U.S. Treasury gets \$3.16 an ounce for its silver. This holds true whether the coins are in circulation or not. The price of silver would have to reach \$3.16 an ounce before as much could be realized by direct sales.

It has been argued that the Government can make even more with base metal coins, such as our quarters, because the materials only cost a few cents. This is certainly true, but what do we do with our assets of silver stocks? The only question remaining is where we can get the best price. We get the greater monetary return by minting and issuing coins. At a market price of \$1.59 the increase in value is \$1.57, almost double the sales price.

It has been argued that these coins will not circulate and this is the only purpose of money, as a medium of exchange. Certainly many of these coins will not circulate. It obviously is, in part, a commemorative coin just as was the Kennedy half-dollar.

Some will be collected or just held. Some will be melted down and the silver sold when it can be done at a profit. Some will

return to circulation. The principal point still is, however, at what price do we sell our remaining silver—\$1.59 an ounce or \$3.16 an ounce. If the Treasury is concerned only with circulation they can mint and issue base metal coins simultaneously.

There are other complex issues involved concerning silver use and production. The die has been cast, however, so far as any direct role the Government will play by disposing of our silver assets. The silver market is affected by many factors. The sale of silver by the U.S. Treasury at \$1.29 an ounce prior to 1967 artificially depressed the market. Sales at the market price since that time has seen a slight rise in the average price of silver. Wide fluctuations still occur. It has, however, been estimated that a reduction in sales to one-half million ounces a week from Treasury stocks would cause only a nominal rise in the price under current conditions. All of this only points out that this will give no special advantages nor cause any significant disadvantages to any silver interests.

We are divesting ourselves of our silver. The remaining reserves are adequate to mint an Eisenhower silver dollar and continue some sales at a lower level or decreasing level. We can receive a much higher value for our remaining silver assets by coining as opposed to outright sales.

More importantly, we will mint a coin of great prestige and value. We can honor Dwight David Eisenhower, a man who gave so much to our country. It is only fitting that we so honor our late President, as we did for the late John F. Kennedy, with a coin of real value. This great Nation should have a prestige coin. We cannot return to the old silver cartwheels just as we cannot return to the era of which they are a symbol. We can, however, mark the end of another era with a coin that reflects the greatness of this country and commemorates the man who devoted his life to service of that country. An Eisenhower silver dollar is a tribute not only to the man, but to the Nation and ideals he served.

#### ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore announced that on today, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), as amended;

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission;

H.R. 3165. An act for the relief of Martin H. Loeffler;

H.R. 3560. An act for the relief of Arle Rudolf Busch (also known as Harry Bush); and

H.R. 11249. An act to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 8, 1969, he presented to the President of the United States the following enrolled bills:

S. 265. An act for the relief of John (Giovanni) Denaro;

S. 330. An act for the relief of Dr. Konstantinos;

S. 620. An act for the relief of Richard Vigil;

S. 1110. An act for the relief of Nickolas George Polizos;

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), amended; and

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

#### NOTICE OF PHILADELPHIA PLAN HEARINGS

Mr. ERVIN. Mr. President, recently in Chicago, an estimated 3,000 white construction workers fought with police and attacked Negroes outside a Labor Department hearing on job discrimination. The object of their anger was the Department's announcement that it intended to institute in Chicago a version of the revised Philadelphia plan.

Two weeks ago, Mr. President, I challenged that very same plan as an illegal racial quota system which violates title VII of the Civil Rights Act of 1964. I also observed that the revised Philadelphia plan is a breach of the doctrine of separation of powers and that it ignores the intent of Congress in passing the Civil Rights Act. But such niceties as law and congressional intent apparently do not concern the Labor Department, which is moving without temperance or reflection to impose the Philadelphia plan, one by one, on nine of the Nation's major cities. Other Members of Congress have shared my belief that this ill-considered plan is unconstitutional.

The disturbance in Chicago should be a clear warning that the Philadelphia plan is much more than an illegal racial quota system: It is a threat to peace within our metropolitan areas at a time when peace is desperately needed. A trail of disruptions may lead from city to city as the Labor Department tries to artificially raise the level of minority group employment by forcing Federal contractors to discriminate against qualified union members with prior experience on the job. Only last week, a New Jersey labor leader promised the Washington Star that workers would "raise the roof" if the Labor Department pursues its plan.

Yet the Department has ignored all these warnings. Armed with a Justice Department memorandum which attempts to justify the plan, the Labor Department is taking careless strides deeper into the crisis. I would only point out that this is the second time the Justice Department has felt compelled to uphold the legality of the revised Philadelphia plan. On the first occasion, the Department casually declared the plan legal without ever researching the law. It was not until the Justice Department received requests for a full legal memorandum—the memorandum it should have prepared originally—that it went through the exercise of ratifying the Labor Department's desired conclusion.

Mr. President, it is an understatement to say that a great many union members are afraid of losing their jobs if Federal contractors are compelled to hire their employees by the methods of the Philadelphia plan. Historically, such fears have fomented serious hostilities. I do not think we can afford to watch our cities be further divided by a policy as unwise as the revised Philadelphia plan. I do not think we can safely accept further incidents such as occurred re-

cently in Chicago, and before that in Pittsburgh. To me, Mr. President, the Philadelphia plan does nothing to advance the goal of equal employment opportunity according to ability. In fact, I believe it works against the ultimate goal of peace among all citizens.

In asserting the supremacy of Executive Order 11246 over an act of Congress, the Labor Department has worsened an already bad plan by flouting the doctrine of separation of powers. For that reason, I believe it is essential that the Subcommittee on Separation of Powers hold hearings on the revised Philadelphia plan and its implications. Those hearings are scheduled for October 27 and 28. It is my hope that when they are held, they will clear up many of the misgivings surrounding the Labor Department's plan and will redefine our goal of equal employment opportunity for all citizens.

#### NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Paul J. O'Neill, of Florida, to be a member of the Subversive Activities Control Board for a term of 5 years expiring August 9, 1974, vice Leonard L. Sells, term expired.

Thomas Edward Asher, of Kentucky, to be U.S. marshal for the eastern district of Kentucky for the term of 4 years, vice Archie Craft.

Seibert W. Lockman, of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years, vice J. Paul Teal, Jr.

Denny L. Sampson, of Nevada, to be U.S. marshal for the district of Nevada for the term of 4 years, vice Beverly W. Perkins.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, October 15, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

#### NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, October 15, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Charles Clark, of Mississippi, to be U.S. circuit judge, fifth circuit, vice Claude F. Clayton, deceased.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota (Mr. BURDICK), chairman; the Senator from Arkansas (Mr. McCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

#### THE DISTRICT OF COLUMBIA'S DEPARTMENT OF VOCATIONAL REHABILITATION SELECTS MARTIN STRAUSS "EMPLOYER OF THE YEAR"

Mr. TYDINGS. Mr. President, the plight of the handicapped is a depressing one. Too often, a highly skilled individual is without a job, prohibited from contributing to society, because of a physical inability which in no way affects his potential as an employee. Just a few short years ago, it was unthinkable to hire the handicapped for highly specialized work. But each year more and more employers in this country realize that the fields of computers, electronics, and manufacturing provide innumerable positions which can be filled by these individuals. No longer does "handicapped" mean "unemployable."

Martin Strauss is one of those who has been a pioneer in training the handicapped in the demanding occupation of camera and electronic repair work. The son of an amputee, Mr. Strauss came to this country from Israel in 1948, a penniless immigrant. He opened a small camera repair shop at 930 F Street NW. This small shop has grown to a \$1-million-a-year business, the largest individually owned camera repair outfit in the United States—including branches in six cities.

On October 1, Mr. Strauss received the "Employer of the Year" award from the District of Columbia's Department of Vocational Rehabilitation. His acceptance speech is a fine one, worthy of note, for his philosophy of employment is one in which the District can take pride.

Mr. President, I ask unanimous consent that Mr. Strauss' acceptance speech be printed in the RECORD, along with an article which appeared in the Washington Post citing his personal achievements.

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

#### SPEECH OF MR. MARTIN STRAUSS

It is with deep feeling of humility that I accept this award in behalf of the handicapped who have made this possible.

It is certainly a long way for a refugee whose mother hid him under the rafters, so that the Nazis would not find him, while his handicapped father went to jail just for being a Jew.

So you see, I am somewhat familiar with the handicapped. The word "handicapped" may be descriptive, but certainly is limiting. I would call them the *motivated*, rather than the handicapped. Starting with my amputee father, I know how strongly these people are motivated to overcome their handicaps.

As a businessman I know that these motivated people make better than average employees if management provides proper opportunities. Their performance can completely cover up the label of 'handicapped'.

As a matter of fact, when I was asked to list the handicapped workers I employ, I simply forgot to include one of my best men who was handicapped when I hired him many, many years ago.

Lack of employment opportunity in our area, plus the lack of skills, is probably the main cause of one of our city's gravest problems—the rising crime rate.

We know that industry will locate where reliable manpower exists. The greater metropolitan area has attracted tremendous re-

search and development business, most of it is located outside the city.

We are not exploring the growth potential of our blue collar industry which offers such vast opportunity for the handicapped and the disadvantaged.

I would like to share with you a cherished dream. We all know how scarce qualified service people are. By creating a pool of skilled labor, we can attract light industry and lower our crime rate.

Judges should not only consider a defendant's criminal record, but also his I.Q. and aptitudes. Sentences could be to trade schools, rather than the prisons. I would particularly like to see first offenders handled this way. The cost of these trade schools would be far less than the cost of crime. I dare the big manufacturers of cars, machinery not to participate with the city in a pilot program.

George Bernard Shaw once said, "The man who has a trade owns an estate". By creating pride in workmanship and accomplishment, we can eliminate the pick pocket, the purse snatcher and other criminals.

The handicapped, with their motivation, could be instrumental in creating this pride of workmanship and accomplishment by acting as leaders and teachers in such a program.

Our city is locked in a competitive struggle for industry with the outlying areas. Local leaders must help train and provide the necessary skilled personnel to prevent further exodus of our light industry. I sincerely believe our handicapped can help us open the door to a better life for many of our city's residents.

Just one more comment before I close—so many dissident groups focus only on our country's imperfections. May I state, as someone who has lived through a holocaust, that we live in the greatest country in the world. Even with all its imperfections it is still the best governmental system devised by man.

Only in America can an immigrant like me have the opportunity to grow, prosper, develop and most important of all, be of service to my fellow man.

Thank you.

[From the Washington Post, Dec. 2, 1967]  
CAMERA REPAIR FIRM NOW NATION'S LARGEST  
(By Claude Koprowski)

Martin Strauss came to the United States from Israel in 1948 with pennies in his pocket. Today he owns a \$1 million a year photo repair service with branches in six cities.

At 43, Strauss still says, "I cannot believe it. Who would have thought of this when I started my one man shop on F street in 1949?" Then, he says, he slept in his shop because he could not afford to rent a room.

Today his Washington headquarters, at 1240 Mt. Olivet rd. ne., has 40,000 square feet of floor space and a staff of 60. According to its owner, Strauss Photo Technical Service is the largest individually owned camera repair outfit in the United States.

#### DESIGNS SPECIAL UNITS

It does factory warranty work for more than 35 major manufacturers and designs and builds special camera equipment for the Government and commercial firms.

Among Strauss' recent products are:

A camera for the Mercury flights;  
A torpedo-shaped camera that glides through sewers automatically pinpointing leaks;

A "car camera" which simultaneously photographs the license plate number and speed of pursued vehicles.

Strauss said reason for the company's growth is twofold. He says his firm pioneered the concept of field station service work and was the first firm other than Kodak to perform Kodak warranty work.

He also observed that the mushrooming growth of scientific firms requiring photo-

servicing has helped his firm grow—at a rate of 20 to 25 percent a year.

It has branches in Atlanta, Charlotte, N.C., Miami, St. Petersburg, and Jacksonville. Of its five Washington competitors who specialize in repairs, Strauss says two have been trained by him. Like a proud father, Strauss clucks over the fact that all but two of his technicians have been trained by himself, and most of his trainees stay on with the firm. All of his branch managers are men who have come up through the ranks and are offered partnerships in the branches.

#### STAFFING IS DRAWBACK

The Washington shop does repair work for every camera store in Washington and Baltimore, Strauss said.

"I want to go Nationwide soon," he added, but the drawback is in staffing. Not enough men want to come into the business even though they can earn more than \$10,000 a year once they qualify."

A tall, graying man, Strauss himself was trained in Israel by Contax inventor Emanuel Goldberg. He still spends half of his time in the back room supervising, tinkering and inventing.

#### THE PESTICIDE PERIL—LXIII

Mr. NELSON. Mr. President, it is very reassuring to see that a growing number of farm publications across the country are recognizing the real and potential threat of persistent pesticides to our environment.

Progressive farm leaders know that American agriculture has thrived on the outstanding quality of our Nation's air, soil, and water resources. If these resources are contaminated, the future of agriculture in our country will be very dark.

More and more farmers are learning that there are effective, economical substitutes for the persistent pesticides now in use. The U.S. Department of Agriculture recommends a readily degradable pesticide as an alternative for persistent pesticides for virtually every crop in the United States.

Furthermore, the increased use of integrated pest control, combining biological controls with limited chemical means, has been found to be very successful, especially for cotton, citrus, and other fruits.

In a recent issue of the Louisiana Farmer magazine, the current pesticide controversy is discussed and the urgent need to use alternative, less dangerous pesticides is emphasized. I ask unanimous consent that this article be printed in the RECORD.

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

#### WORD FROM WASHINGTON

(By Bill Kennedy)

WASHINGTON.—The hottest agricultural action here—although still smoldering beneath the surface—is the threatening crackdown on agricultural chemicals. The ghost of Rachel Carson leads a groundswell of public and political concern that has frightened the pants off some bureaucrats. And chemical companies are concerned that their fright will make them go overboard.

It could happen. The banning of DDT in such states as Michigan, Wisconsin, California and Arizona and the temporary suspension of the use of nine chlorinated hydrocarbons by USDA is only the beginning. By the time you read this, USDA's "review" of

these chemicals will be complete and some of them will have been given poor prospects for the future. One high official in USDA (did not wish to be quoted) predicts that DDT has "had it" and that dieldrin—even more "persistent" than DDT—will be restricted to a very few selective uses.

There will be more, much more . . . And the labor unions are fanning the flame, trying to identify with consumers.

Jerome Cohen, general counsel for the United Farm Workers Organization, AFL-CIO (the union trying to boycott grapes), said in a Washington news conference that bonds between farm workers and consumers are illustrated by sickness caused by the use of DDT in the fields and a recent finding of the chemical in the milk of 15 nursing mothers.

"We will be damned and we should be if we will tolerate the systematic poisoning of our people," he said.

Jerome Gordon, president of a research firm in New York, added more fuel to the fire while testifying before the Senate Subcommittee on Migratory Labor. He attacked parathion, methyl parathion, tepp and malathion, calling them "first cousins chemically to a German nerve gas used in biological warfare."

"Fifty million pounds are being spread unchecked on America's farms and gardens," said Gordon. "The result is that uncoupled thousands of the nation's migrant farm workers, farmers and suburban homeowners have been fatally overcome or seriously disabled."

He said more than 100-thousand cases of pesticide poisonings and several hundred fatalities occur each year.

At least four bills have been introduced in the Congress to either ban certain of the poisons or suspend and restrict their use. How far they get, how soon, depends on the rate of increase in public demand. A few more fish kills; a little more noise about "pollution" (air and water); another accidental death or so involving farm, garden or household chemicals . . . and Congress will go to work. So will state legislatures.

Both the Congress and USDA are more and more "consumer oriented." Department of Agriculture officials explain that they are taking precautionary and restrictive measures in hopes to forestall legislation. But the fact is, their action may work in reverse to bring it on. If the government agencies, including Agriculture, Interior and HEW Departments, stop the use of certain poisons—which they are already doing—it will further frighten citizens, congressmen and state lawmakers. While the government agencies use only about 5% of all the agricultural chemicals sold (USDA only 1%, not counting state cooperative programs), their actions will greatly affect public opinion.

"If they're afraid to spray dieldrin around airports, why should we have it sprayed around us?" the cry would be.

Farm chemicals in most danger of bans are DDT, dieldrin, chlordane and lindane—killing these alone could seriously hurt the farm economy. Orchard growers and southeastern cotton producers would be hardest put to find substitutes. Chlordane is about the only effective poison for White Fringed Beetle; taking lindane away from foresters for seedling treatment would (so they tell us) almost put a stop to transplanting small seedlings; and you know what halting these along with other suspended chemicals (endrin, heptachlor, BCH and toxaphene) would do for the boll weevil. Also, Mirex bait—the important poison used in fire ant control programs—has a base of chlorinated hydrocarbons—the group of chemicals now under review and attack.

USDA and FDA (Food and Drug Administration) are preparing to review other chemicals with the expectation of cracking down. Getting labels and USDA registration for new

chemicals will be harder to get (and more expensive to chemical firms). Herbicides will come in for their part of the investigation . . .

. . . But the biggest blast of all will probably come when the public and the government go after animal health chemicals and drugs.

Bills now in Congress include:

H.R. 1057—to authorize Secretary of Interior to study effects of insecticides on fish and wildlife . . . transmit information to USDA as to warning statements on the labels.

H.R. 1059—to require all Federal pesticide programs to be cleared with U.S. Fish and Wildlife Service.

S. 1753—Senator Nelson's bill to prohibit sale or shipment of DDT in the United States.

H.R. 9868—same as S. 1753, to prohibit sale of DDT.

Latest—a new bill by Senator Tydings (D-Md.) calling for a four-year "moratorium" on the use of DDT, dieldrin, aldrin and endrin, and for transferring pesticide regulations from Agriculture to HEW.

Agriculture's best hope and best move is to keep government from pushing the panic button, over-reacting, encourage a thorough step-by-step approach to the problem (and we cannot pretend there is none), considering selective uses of the different chemicals—where they are not harmful—and also giving consideration to available substitutes.

The Department of Agriculture has sadly neglected the field of research that would develop alternate, less dangerous methods of combating insect pests. The farmer and the consumer could pay a dear price for that negligence.

#### BUFFALO ENDORSES S. 2625, THE URBAN AND RURAL EDUCATION ACT OF 1969

Mr. MURPHY. Mr. President, the support for the Urban and Rural Education Act of 1969, which I introduced on July 15, has been overwhelming. Because of the importance of the bill in dealing with the educational crisis which exists in both urban and rural America, I have been placing in the CONGRESSIONAL RECORD endorsements that I have received from across the country.

Today I ask unanimous consent that a letter which I have received from Superintendent Joseph Manch of Buffalo, N.Y., strongly supporting S. 2625, be inserted in the RECORD.

Superintendent Manch said:

It can be stated with stark simplicity that the crisis in urban education is the most important domestic problem facing the nation.

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

BOARD OF EDUCATION,  
Buffalo, N.Y., August 18, 1969.

HON. GEORGE MURPHY,  
U.S. Senate,  
Committee on Armed Services,  
Washington, D.C.

DEAR SENATOR MURPHY: I appreciate being sent a copy of your remarks in the Congressional Record of July 15, on which date you introduced S 2625, Urban and Rural Education Act of 1969. As superintendent of schools in Buffalo, charged with the responsibility of educating more than 70,000 pupils, over one-third of whom are characterized as disadvantaged, I am particularly pleased at the opportunity to comment on this subject.

It can be stated with stark simplicity that the crisis in urban education is the most important domestic problem facing the nation. The history and nature of this problem

were carefully and comprehensively reviewed in your remarks upon introducing S. 2625.

In much the same way, I have attempted in previous statements to describe the urban situation. Essentially, the process has been one of an immigration of a needy population combined with an outmigration of the necessary human and fiscal resources. The result in cities such as Buffalo has been one of greater needs but lesser resources.

The educational result has been a concentration in the largest cities of disadvantaged children who start school with a handicap which, without compensatory programs and other assistance, widens during the school year, discouraging educational advancement and encouraging dropping out of school. Inevitably, this process reinforces the cycle of social and educational ineptitude.

We have viewed Title I of the Elementary-Secondary Education Act as an attempt to break the cycle of disadvantage. This legislation is a direct attack on the problem and, were it not consistently underfunded, it would represent a massive assault.

I feel that S. 2625 may be seen in the same light. It aims to restore equalization of educational opportunity, whereas growing inequality has become the unfortunate reality. In doing this, it does not just add funds to ESEA Title I, but prescribes these funds for use at elementary grade levels in districts experiencing greatest educational disadvantage. Thus, it focuses its attack and makes more efficient use of limited funds.

Your bill merits support. It is a move in the direction of ameliorating the nation's most pressing domestic problem. Important as it is to create such imaginative legislative solutions, however, it is equally important to avoid the false economy of underfunding these solutions through inadequate appropriations. I would urge support of both the authorization and the full appropriation to accomplish the task.

Yours sincerely,

JOSEPH MANCH,  
Superintendent of Schools.

#### VIETNAM

Mr. McGEE. Mr. President, we are in receipt recently of proposals which would express the Senate's desire to get out of Vietnam, the sooner the better. Yesterday, in the Evening Star, Crosby S. Noyes wrote from Saigon that a visitor there is impressed with the difference between this mood of frantic impatience in Washington and that prevailing in Vietnam. He writes:

In Vietnam today, even the skeptics who take the trouble to look for themselves agree that things are coming under control.

Mr. President, I ask unanimous consent that Mr. Noyes' column be printed in the RECORD.

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

#### GROWING SUPPORT FOR SAIGON REGIME REPORTED

(By Crosby S. Noyes)

SAIGON.—A visitor to Vietnam is impressed by the contrast in moods: The frantic impatience in Washington to get the war over with at almost any price and the determination here to see it through, however long it takes.

This is not a contract between Western pragmatism and Oriental fatalism. It is rather a very different reading of what is actually happening in Vietnam that is shared here by Vietnamese and Americans alike.

Skepticism, to be sure, is justified. How many times since 1965 have we heard that we

had finally turned the bend, that there was light at the end of the tunnel and that it was just a matter of time until things were under control?

The difference today, however, is that it is no longer a matter of time. Today, even the skeptics who take the trouble to look for themselves agree that things are coming under control. The military threat is being contained and the authority of the government is being extended in the hamlets and villages where the contest in Vietnam ultimately will be decided.

One can hear, of course, the snorts of derision and disbelief. For a good many Americans, the very possibility of such a thing is the purest anathema. In the mind of the opposition, the unpopularity of the "tyrannical and oppressive" regime in Saigon has become a fixation. Or, more important, it has become an essential club with which to force ever more disastrous concessions from a nervous administration in Washington.

Yet the facts are not really a matter of dispute. Whatever success has been achieved in "building democracy" from the top down—a problematical process, given the fragmentation of the country's political leadership—there is no question that impressive progress has been made in establishing a democratic foundation and a sense of participation at the village level.

The degree of local autonomy that has been achieved may be modest by Western standards, but it greatly exceeds anything that has existed in Vietnam since the time of the French administration. Until now, all local officials were appointed by central provincial administrations. And all local projects, from building of schools and roads to digging wells, have been at the direction of the central authority.

This system has been radically changed by a somewhat crude but effective program of systematic bribery.

This year, all villages have been offered direct, no-strings-attached funds by the Saigon government, to be spent on anything the villagers wished—but with an important condition. Villages with elected councils and chiefs received a stipend of 1 million piasters—or around \$8,300 at official rates. Those with appointed leaders received 40,000 piasters. Needless to say, village elections have been held by the thousands throughout the land.

A serious effort, furthermore, has been made to build the prestige and the authority of the village chief. In a radical departure from past practice, the police, local self-defense and popular forces have been placed under his direct authority. Each month, thousands of village and hamlet officials are taken to Vung Tau on the coast south of Saigon for a cram course in basic local administration, with a good deal of political indoctrination thrown in.

The upshot of this effort is that today for the first time there is the beginning of mass participation in the political life of the country. The main beneficiaries have been the local authorities, who have now become personages in their own right, and the central government which brought about the change. The chief casualty has been the local Communist infrastructure in the villages—the painfully constructed political and strong-arm apparatus in which the Communist main-force military units depend for supplies and support.

For those who believe that nothing of value is being accomplished in Vietnam and that the proper course for the United States is to throw in the towel as quickly as possible, this is, perhaps, a disturbing conclusion.

The fact is, however, that the most competent and cautious estimate here is that the present government in Saigon enjoys more solid support than any so far. And that, in these circumstances, it is very unlikely to make the sweeping concessions to the enemy that American doves have been demanding so insistently.

#### PUBLIC HEARINGS, TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today, the Committee on Finance concluded its hearings on the tax reform bill, H.R. 13270. This concluding testimony was directed toward the effects the House bill would have on foundations. Senators, a Congressman, and a number of other very distinguished individuals described to the committee their feelings on the foundation provisions.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that the attached summary of the testimony be inserted in the RECORD.

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

#### FOUNDATIONS

HON. BEN B. BLACKBURN, U.S. REPRESENTATIVE,  
STATE OF GEORGIA

#### Tax-exempt organizations

Expresses a concern over the tax abuses of organizations enjoying special tax exempt status. Points out that the organizations operating under the provisions of section 501(c)(3) of the Internal Revenue Code exist for specified purposes and that no substantial part of the activity of any such organization is to carry on propaganda or otherwise attempt to influence legislation. Indicates that the Code further prohibits participation in political campaigns. Believes that some organizations have flagrantly violated this section of the Code. Gives several examples of the abuses of the tax-exempt status of some organizations.

Expresses a concern in the political activities of labor organizations as classified under section 501(c)(5). Indicates that labor unions do not deny the use of union dues for political activities and that when a member of a union pays his dues he is paying for political activity. Points out that there have been numerous cases that have come before the Federal Judiciary in which union members have objected to use of dues for political activities.

Points out that the Internal Revenue Code provides that all organizations classified under section 501(c) cannot engage in support or opposition to any political candidate. Believes that the Internal Revenue Service has consistently ignored the mandate of the law.

States that in an examination of the tax returns of tax-exempt organizations, it is virtually impossible to determine how these funds are being used. Proposes that a full explanation be required for the purpose of each grant, contribution or gift made by a tax-exempt organization along with the identities of the chief officers and executive directors of recipient organizations. Indicates that only by requiring a full disclosure for tax-exempt organizations can the misuse of funds possibly be cured.

#### Proposal

Urges the Committee to give consideration to his proposal, H.R. 7432, which essentially is divided into two sections. Points out that the first section pertains to organizations classified under section 501(c)(3) which states that all organizations, classified under this section shall have the right to defend themselves whenever their tax-exempt status is threatened. States that they should be permitted to appear before Congressional committees and submit reports to them concerning matters of direct interest to the organization. Points out that these recommendations were originally proposed by the Subcommittee on Tax Exempt Organizations of the American Bar Association.

(1)

States that the second purpose of his bill is to prevent any tax-exempt organization from directly or indirectly contributing any material support for the promotion or opposition to any candidate or any political party.

MRS. BRUCE B. BENSON, PRESIDENT, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

#### Definition of private foundation

Expresses concern that unless it is absolutely clear that the League's Education Fund and Overseas Education Fund are not nonoperating private foundations, private foundations will withhold contributions. Indicates that the line between private foundations and publicly-supported charities in the bill is a shadowy one.

Suggests that (1) private foundations be defined more narrowly and (2) the effective date be deferred until after Treasury has promulgated final regulations. Supports the Treasury proposal to consider distributions to private foundations from other private foundations as "qualified" (and therefore immune from the tax on disqualified distributions) if the recipient organization applies the contributions directly to charitable activities within one year of receipt.

#### Activities to influence legislation

Feels that the proposed language on restricting activities to influence legislation will adversely affect the educational work of the League, since it will be difficult to define what is "nonpartisan research."

PAUL ANTHONY, EXECUTIVE DIRECTOR, SOUTHERN REGIONAL COUNCIL

#### Tax on private foundation investment income

Argues that the true effect of this provision would be to reduce by 7½ percent those funds available to private agencies.

#### Taxes on taxable expenditures

Expresses concern with the wording in the House bill concerning "any attempt to influence legislation through an attempt to affect the opinion of the general public or any segment thereof \* \* \*." Believes that this provision would prevent responsible agencies now engaged in serious research and publishing from making any meaningful comments on society.

#### Limitation of no more than 25 percent support from any source

Argues that there is no more rationale for restricting a foundation to a maximum of 25 percent support for a deserving effort than restricting an agency of the Federal Government to the same limitation on any publicly funded program.

#### Expenditure responsibility

Believes that the enforcement of the three requirements under this provision of the House bill would be severely damaging to foundations and cause recipients to lose a substantial degree of their independence and autonomy. Maintains that it would also probably mean that the smaller foundations would have to cease giving to those affected by this provision, since they have neither the staff nor the resources to meet these requirements.

LAURENCE SPEISER, ESQ., DIRECTOR, WASHINGTON OFFICE, AMERICAN CIVIL LIBERTIES UNION

#### Attempts to influence legislation

Opposes and urges deletion of provisions in H.R. 13270 to restrict the so-called "political activities of private tax-exempt foundations." Considers the proposed restriction to be too broad and too vague, raising substantial questions under the First Amendment guaranteeing the right to publish, speak, and petition the government. Argues that it will be difficult or impossible to

properly define "propaganda," "attempt to influence legislation," or "nonpartisan analysis." Maintains that many worthwhile research studies would be subject to prohibition. Feels that present law is adequate to regulate foundations to operate in the public interest.

#### Voter registration activity

States that H.R. 13270 also unduly restricts voter-registration activity supported by tax-exempt foundations. Indicates that abuses can be prevented without curtailing legitimate on-going voter registration merely because the resources available to a foundation be insufficient to support activities in 5 or more States.

REED LARSON, EXECUTIVE VICE PRESIDENT, NATIONAL RIGHT TO WORK COMMITTEE

#### Political activity by tax exempt institutions

Contents that because of special-privilege loopholes in our tax laws, millions of Americans are compelled, in order to work at their jobs, to help finance political and ideological objectives with which they may strongly disagree. Believes the Committee has the responsibility to apply, broadly and evenly, restrictions on political activities by tax-exempt organizations which spend for political purposes funds collected from individuals as a condition of employment. States that although officials of labor unions are the most notorious offenders in this connection, the practice is equally objectionable when carried on by any private organization.

States that the record of union political activity, including admissions by many union officials, demonstrates conclusively that the backbone of union political activity is based on compulsory dues and fees, and that contrary to a widely-held misconception, there is no effective means of escape for the compulsory union member who objects to the use of his dues for politics.

Supports Senator Fannin's proposed amendment which would deny tax exemptions to unions which use compulsory dues for political purposes, and recommends that it be broadened to include all private organizations.

RICHARD E. THIGPEN, ON BEHALF OF THE DUKE ENDOWMENT

#### Introduction

States that for 45 years The Duke Endowment has distributed 78 percent of its gross income and 90 percent of its net distributable income to charity, religion, and education in North Carolina and South Carolina. Points out that in 1968 these distributions were 83.65 percent of gross income and 99.5 percent of net distributable income.

#### The 7½ percent tax

Maintains that this tax would cost the tax-exempt beneficiaries of The Duke Endowment at least \$1½ million each year. Urges that if imposed, this tax should not apply to trusts similar to The Duke Endowment, governed by irrevocable trust agreements.

#### Tax on undistributed income

Argues that if this tax is imposed it should not apply to trusts governed by irrevocable trust agreements prohibiting the invasion of corpus and requiring the retention of productive investments.

#### Tax on excess business holdings

Argues that the 55 percent exclusion should be enlarged to 75 percent and that the section imposing this tax be made inapplicable to a trust governed by an irrevocable instrument requiring the trustees to hold specified business interests.

#### Conclusion

States that if the House bill becomes law the payments to charity, religion, and education in North Carolina and South Carolina will be reduced.

HONORABLE JUSTICE ARTHUR J. GOLDBERG, ON BEHALF OF THE DENVER POST AND THE DENVER POST EMPLOYEES STOCK TRUST

#### Private foundations

Explains that in 1966, the Helen G. Bonfils Foundation received a gift of a 42 percent stock interest in the Denver Post, subject to the restriction that the stock be sold at a fair price to a trust for the benefit of the employees of that newspaper as the employees purchase interests in the trust. States that more than 400 Post employees have purchased interests in the trust in expectation of the full implementation of the plan.

States that the Post stock was thus received by the Foundation subject to a plan requiring complete disposition of such stock in a manner serving public interest in maintaining independent newspapers and, accordingly, no substantial legislative purpose would be served—while a desirable and socially useful plan would be frustrated—if this stock were required to be disposed of as contemplated in the House bill.

Submits an amendment, described as of narrow application, designed to prevent the destruction of this preexisting and socially beneficial plan.

DR. KENNETH B. CLARK, PRESIDENT, METROPOLITAN APPLIED RESEARCH CENTER, INC.

#### Restrictions on foundation support of social action-oriented research

Considers the proposed legislation restricting foundation support of social action-oriented research to be dangerous because it would: (1) deny congressional support for research in the public interest while Congress continues to subsidize profitable private interests; (2) undermine the unique system of private support for public good through foundations and would increase reliance on heavily committed public funds; (3) withhold from legislatures and the public the findings of action-oriented applied research; (4) curtail or destroy many promising experiments in education, social welfare, and civil rights by denying the right of a "private operating foundation" to receive more than 25 percent of its income from a single source; (5) injure the poor, the deprived, and minorities most of all; (6) encourage foundations to withdraw from applied social research or to "play it safe" by avoiding areas of public policy; and (7) weaken the confidence of the urban poor and young in the feasibility of nonviolent means of social change.

Maintains that the American democratic process has survived because it has developed flexible means of meeting social change, and contends that the proposed bill would greatly hinder this flexibility of the private sector.

JOHN M. STALNAKER, PRESIDENT EMERITUS, NATIONAL MERIT SCHOLARSHIP CORPORATION OF EVANSTON, ILL.

#### Individual grants by foundations

Expresses concern that the proposed requirement that individual grants be "awarded on an objective and nondiscriminatory basis pursuant to a procedure approved in advance by the Secretary or his delegate" may be so imprecise as to cause a private foundation to hesitate to award scholarships in light of the severe penalties should a grant be ruled to be a "taxable expenditure" by the foundation.

Hopes that the word "nondiscriminatory" will not be interpreted to preclude scholarship programs with criteria similar to ones that are limited to children of, for example, members of the armed forces, labor unions, low-income families, or who are Negroes, American Indians, and so forth.

States that some clarification of the bill is needed in grants to undergraduate students. Suggests that the ambiguity of the provision might be cleared up by exempting from the bill expenditures for undergraduate scholarships, the winners of which are chosen in a

bona fide competition conducted by an independent organization which has been ruled exempt by the Treasury. Indicates that another approach might be to exclude from taxable expenditures, "scholarships and fellowship grants which are subject to the provisions of section 117(a) and are to be used for study at an educational institution described in section 170(b) (1) (B) (ii)."

Suggests modifications to avoid the possibility that scholarship awards might be prohibited from a private foundation to a student because the father was a substantial stockholder of a corporation.

ROGER A. CLARK, COUNSEL, MORRIS AND GWENDOLYN CAFRITZ FOUNDATION

#### Private foundations

Points out that during the past 15 years, the Cafritz Foundation has distributed over 123 percent of its annual income to charity, and indicates that three aspects of the House bill dealing with business ownership and self-dealing would have severe, unnecessary and completely unwarranted consequences on the Cafritz Foundation and other foundations similarly situated. States that passive real estate investments should be expressly exempted from the excess business holdings provision of the bill, that transition provisions of the bill need additional flexibility so as to permit orderly separation of interests owned by foundations in combination with disqualified persons, and that continuation of common management services should be permitted.

With respect to real estate investments, states that those of a passive nature have traditionally been recognized as appropriate investments for charitable foundations, and that the Treasury Department has consistently recommended that they be excluded from the business ownership limitation.

With respect to common management services, recognizes that Congress may be concerned about granting an exception to the general prohibition against self-dealing. Urges, however, that any such concern should be more than outweighed by the severity of the consequences to charity and upon a valuable business of blind application of the self-dealing rules in a situation that presents no realistic potential for abuse.

LYMAN C. CONGER, CHAIRMAN OF THE BOARD, KOHLER COMPANY, KOHLER, WIS.

#### Private foundations

Opposes section 4943 relating to excess business holdings. Argues that the provision goes beyond the raising of revenue and correction of abuses and penalizes foundations which have not been guilty of abuses. States that it adversely affects not only foundations but the corporations owned by the foundations. Argues that the bill would encourage acquisition of foundation controlled businesses by conglomerates.

Argues that the bill unrealistically establishes presumptions of control by assuming that a percentage of voting stock less than 50 percent constitutes control and that disqualified persons always act in unison. Suggests making actual control the test and including the stock of disqualified persons only if they in fact control the foundation.

Proposes redefining "substantial contributor" as one who has contributed more than 5 percent of the total assets of the foundation.

Maintains that the 5 percent minimum investment return is unrealistic, since the average dividend yield of industrial corporations is about 3.5 percent. Suggests requiring current distribution of actual income and prohibiting foundations from investing solely for capital gain.

ALBERT E. ARENT, ATTORNEY, ON BEHALF OF THE PHOEBE WATERMAN FOUNDATION, INC., PHILADELPHIA, PA.

#### Private foundations

States that the provisions of the House bill which would force a private foundation to

divest itself of stock in a family-controlled business are unsound as a matter of public policy and unfairly retroactive in stripping away family control. Contends that existing policy which encourages the use of business holdings to fund charity has enlarged the scope and dimension of charitable giving, and has helped to preserve the independence of family-controlled businesses.

Believes that specific abuses arising in connection with the operation of private foundations can be and are dealt with by specific provisions relating to the abuses. Suggests that persons who, in reliance upon the long-standing public policy favoring the creation of private foundations, have committed to charitable purposes stock needed for the protection of a family business from corporate raiders should not have their control jeopardized by new ground rules having retroactive effect. States that at the very least, the divestiture provisions of the bill should not apply to existing arrangements.

ISAAC N. P. STOKES, CHAIRMAN OF THE BOARD AND GENERAL COUNSEL OF PHELPS-STOKES FUND

#### Nature of fund

States that the Phelps-Stokes Fund is a relatively small, independent foundation, devoted primarily to the improvement of Negro education in the United States and Africa. Indicates that its investment income is substantially all required for foundation and other administrative expenses, and that the Fund depends on grants from larger foundations, the U.S. Government, and other contributors to finance its operations. Indicates that the House bill would subject this Fund to restrictions on its activities and on grants to it that would seriously impair its usefulness.

#### Proposed amendments of section 509(a)

Suggests that contributions to a foundation from tax-exempt organizations—as distinct from individuals or business corporations—be included without limitation in determining whether it comes within the description of broadly supported organizations that are excluded from the definition of private foundation by the proposed section 509(a) (2) (A) of the Code. Suggests, also, in the same definition, that contributions from governmental agencies be included without limitation.

#### Tax on private foundation investment income

Opposes this provision in the House bill. States that it would impose a special hardship on organizations which now devote substantially all their investment income to administrative expenses relying on outside support for their operating budgets.

#### Termination of status

Suggests that the waiting period for termination of status as a private foundation under section 507(e) should be left to administrative discretion instead of being fixed at 60 calendar months.

#### Influencing legislation

States that the provisions regarding influencing legislation would involve unreasonable restrictions on the rights of foundations and their members to communicate with legislative and other officials. Indicates that the constitutionality of these restrictions on free speech should be studied. Suggests that section 4945(c) be amended to permit communications regarding a Government grant to a foundation in the public interest.

#### Expenditure responsibility

States that under section 4945(b) (4) which require a private foundation making a grant to another private foundation—other than an operating foundation—to assume expenditure responsibility, would unnecessarily discourage grants from large private foundations to small ones like the Phelps-Stokes Fund. Suggests that the definition of "expenditure responsibility" in section 4945(f) should be amended to place reliance on audits by

accrued independent certified public accountants.

#### Definition of operating foundation

Believes that the definition of operating foundation should be clarified. Suggests that the 25 percent limit on support from any one exempt organization should be increased to 33½ percent or made inapplicable to grants that are subject to expenditure responsibility. Believes that Government support should be included without limit.

WILLIAM H. BALDWIN, PRESIDENT AND TRUSTEE, KRESGE FOUNDATION

#### Private foundations

Notes that the Kresge Foundation has net assets with a present market value of approximately \$410,000,000 and has given away about \$100,000,000 in grants during the 45 years of its existence.

Maintains that the proposed 7½ percent tax on net investment income is discriminatory, reverses long standing policy and deprives both public and private health, welfare and educational institutions of badly needed support. States that if the foundations must provide funds for their own supervision it should be done by an audit or filing fee of one percent.

Urges that long-term capital gains not be included in the concept of net investment income. Recommends that allowable deductions from gross investment income should include all expenses reasonable and necessary to carry out the exempt purpose which are not excessive. Adds that this formula should also be used in calculating adjusted net income in the distributions section of the act.

Requests that the application of the minimum investment return concept in connection with required distributions should be delayed until taxable years following January 1, 1975. Suggests, in addition, that the applicable percentage of 5 percent used to calculate such return is too high and should be reduced to 3½ percent or 4 percent. States that the valuation provisions to be used in calculating minimum investment return should be clarified. Also adds that conditional challenge grants which are charged to income at the time of appropriation should be given the status of qualifying distributions.

Recommends that the provisions concerning speculative investments (sec. 4944) should be eliminated or clarified.

Expresses the concern that restrictions on programs, explicit and implicit, in the taxable expenditures section, creates a dangerous precedent for future more wide-spread regulation of foundation activities.

SYDNEY HOWE, PRESIDENT, THE CONSERVATION FOUNDATION

#### Private foundations

States that the House bill as now written will seriously impair the Foundation's ability to carry out its tax exempt purposes and that several provisions of the bill will inhibit the work of a large number of other conservation groups throughout the country.

#### Tax on net investment income

Maintains that the tax will harm this foundation and other conservation organizations by reducing the amount of funds available for grants to the organization and from the private foundations. Believes that the resulting limitations upon the Foundation's activities and those of other conservation organizations are not in the public interest. Suggests in lieu of a tax upon investment income of private foundations, that a foundation registration fee be imposed and that this fee should be set at a level necessary to finance full enforcement of existing law and any new legislation needed to correct existing abuses.

#### Definition of private foundation

Fears that a host of educational, research, and civic organizations could not qualify as private operating foundations under the pres-

ent definition. Doubts that many endowed private foundations would continue to make grants to another private foundation if this would subject the donor to tax.

#### Tax penalty on each taxable expenditure

Believes that the provision of the House bill concerning "any attempt to influence legislation" is perhaps the most dangerous provision in the bill. Argues that it is so broad and general that it places under a cloud all but the most theoretical or scientific and technical work of many organizations. Urges the Committee to consider the problem of handling public information directed toward the solution of environmental problems since in the environmental field virtually all issues require decisions based on social, economic, scientific and political considerations. Believes in lieu of the approach taken by the House bill that Congress should hold hearings to explore thoroughly the adequacy of existing legislation on lobbying—in a positive instead of a punitive framework, and with full consideration of the impact of any new legislation upon all institutions in our society.

#### OIL REFINERY AT MACHIASPORT

Mr. HANSEN. Mr. President, last Sunday a most interesting article concerning the proposed Occidental Oil Corp. refinery at Machiasport, Maine, appeared in the Washington Post. The article announced the Sierra Club's strong opposition to the construction of the refinery at Machiasport. I am sure that all Senators are familiar with this organization and its sincere concern for the protection of the Nation's environment.

It is most important that we make every effort to protect the unspoiled open areas nearest our great centers of population. The coast of Maine provides a unique opportunity to citizens of our crowded Northeast to enjoy the great outdoors without having to travel thousands of miles across the Nation.

The Sierra Club points to the stormy weather, nearby rocky shoals, and an inadequately sheltered docking site at Machiasport as factors which might cause one of the huge oil tankers to break up while unloading petroleum for use at the refinery. Such a disaster could spill 35 times more oil into the ocean than was spilled by the recent disaster at Santa Barbara.

Mr. President, I ask unanimous consent that the Washington Post article entitled "Refinery in Maine Opposed by Sierra" be printed in the RECORD and urge my colleagues to give serious consideration to the position stated by the Sierra Club.

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

#### REFINERY IN MAINE OPPOSED BY SIERRA (By Spencer Rich)

The Sierra Club, a leading conservation organization, has launched a sharp attack against Occidental Oil's proposed new refinery at Machiasport, Maine, which is already the center of a massive oil industry controversy.

The club says that if the Machiasport refinery is built to bring in low-cost foreign oil and reduce New England fuel costs, it could threaten the Northeast Coast with an oil pollution disaster that would dwarf the 1967 Torrey Canyon incident or last Jan-

uary's offshore oil rig blowout in Santa Barbara Channel.

Occidental's proposal calls for the company to build a 300,000-barrel-a-day refinery at Machiasport, supplied with low-cost Middle East oil. Part of the final product would be re-exported, and therefore would need no import quota permit.

Under Occidental's proposal, about one-third would receive import quotas and would be sold at relatively low prices to New England consumers, thereby reducing the high cost of fuel in Maine.

Other U.S. oil companies oppose the plan because they claim it would give Occidental an excessively high share of the annual oil import quota and would breach the quota system, which helps keep domestic oil prices substantially higher than the world market price.

The Sierra Club charged that oil pollution could spoil the Maine coast if one of the huge tankers should begin leaking or break up in a storm.

The club cited the size of the tankers which it said would carry 84 million gallons of oil each. This is more than twice the 35 million gallons spilled in the Torrey Canyon disaster, when a big tanker broke up off the English coast (cleanup cost totaled \$18 million).

It is also an enormously greater amount than the 231,000 gallons spilled from Union Oil's rig off the Santa Barbara coast.

The club says that stormy weather, rocky shoals nearby and an inadequately sheltered docking site increase the possibility of "oil pollution in disastrous quantities" if the Machiasport refinery is built.

#### TEACH-IN

Mr. NELSON. Mr. President, because of the grave mistakes of their elders, the youth of today face an ugly world of the near future with dangerously and deadly polluted air and water; sprawling, crowded development; festering mounds of debris; and an insufficient amount of open space to get away from it all.

Biologist Barry Commoner, chairman of the St. Louis Committee for Environmental Information, warned recently that:

We don't really know what the long-term effects of various types of environmental deterioration will be, and the kids are the guinea pigs.

Fortunately, the new generation appears not to be content to be the guinea pigs of a society that has lost its sense of priority. One of the most dramatic developments of this decade has been the insistence of our youth that in the last third of the 20th century, the quality of life and of the environment have the same priority as that given national defense and the pursuit of the gross national product.

The concern of our youth is there, and I am convinced that all we need to do to bring an overwhelming insistence of the new generation that we stem the tide of environmental disaster is to present the facts clearly and dramatically.

To marshal such an effort, I am proposing a national teach-in on the crisis of the environment to be held next spring on every university campus across the Nation. The crisis is so imminent, in my opinion, that every university should set aside 1 day in the school year—the same day across the Nation—for the teach-in.

On that day, prominent ecologists, biologists, political scientists, journalists, public officials, and political leaders could meet with students and faculty in symposiums, convocations, and panel discussions to talk about environmental topics selected by the student body.

Each year, new species of animals are added to the endangered species list. Man in his arrogance appears to think that he can escape that list. He will find, however, that the species man cannot long watch the animals disappear without seeing his own end in sight, too. Man may ironically be the creature that left as his monument a planet nearly as incapable of sustaining life as its barren neighbors in the dead vacuum of the solar system.

In the regard, I ask unanimous consent that a recent editorial in the Milwaukee Journal and a recent article in Time magazine be printed in the RECORD.

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

[From the Milwaukee Journal, Oct. 1, 1969]

#### A BETTER EARTH

Sen. Nelson of Wisconsin has proposed a nationwide college "teach-in" on the first day of spring next year to focus on the great need to protect and conserve the environment. There would be discussions and lectures on the problems and the necessary steps to prevent the irrevocable deterioration of man's surroundings.

It is not a bad idea. There is much to be alarmed about. Smog waters eyes and blisters paint in many major cities. Lake Erie is essentially a dead lake. The same fate could be in store for Lake Michigan. Southeastern Wisconsin regional planners over a year ago announced their pessimism about the chances of stopping the deterioration of the streams of this area for at least two decades.

Then there is the frightening report of Thor Heyerdahl about the condition of the Atlantic Ocean during his recent sail on the Ra. He and his crew not only found floating plastic bottles and tubes in the middle of the Atlantic but on five instances ran into large patches of oily particles that smelled like sewage and rotting fish. On one occasion the water was so dirty that the crew would not wash their dishes in it.

Nelson's aim at youth on this issue is right. They are the ones who should be most concerned.

[From Time, Oct. 10, 1969]

#### ECOLOGY

##### AMERICA THE BEFOULD

Wisconsin Senator Gaylord Nelson is convinced that the hottest growth stock in U.S. protest is conservation. In fact, Nelson himself is toiling to make the nation's campuses erupt next spring—in a giant, peaceful teach-in about environmental evils. As he has been telling audiences across the country for the past month: "The new generation is not satisfied with coming out on the losing end of man's drive for progress and profit."

Youth is not alone. In Missoula, Mont., for example, housewives outraged by the foul smells from a local pulp plant have organized GASP (Gals Against Smoke and Pollution). Similar groups have used the same acronym in other cities including Washington, where GASP stands for Greater Alliance to Stop Pollution. In Berkeley, a group called Ecology Action has developed a kind of street theater to dramatize pollution protests. To celebrate "Smog-Free Locomotion Day," the members recently took to pogo sticks, stilts, bicycles, unicycles, roller skates—any and every alternative to the internal combustion engine.

Later they symbolically buried an auto engine painted black and splattered with mock blood.

Last week the eco-activists staged a "Damn DDT Day" in San Francisco's Union Square. The movement has its own songs including a cutting eco-version of *America the Beautiful*. The lyrics:

*Oh, Cancerous for smoggy skies, for  
pesticided grain . . .  
Irradiated mountains rise above  
an asphalt plain.*

*America, America, thy birds have fled  
from thee;  
Thy fish lie dead by poisoned streams  
from sea to fetid sea . . .*

*America, America, thy sins prepare  
thy doom:  
Monoxide cloud shall be thy shroud  
. . . thy cities be thy tomb.*

### LUNG CANCER AND SMOKING

Mr. COOK. Mr. President, H.R. 6543, the Public Health Cigarette Smoking Act of 1969, is pending before the Senate Commerce Committee. Because of the importance of this matter, I would like to bring to the attention of the Senate two recent newspaper articles.

The Kansas City Star reports that a paper presented by Dr. Rune Cederlof of the National Institute of Public Health in Stockholm, Sweden, questioned much of the world-wide research which indicates that people die of lung cancer simply because they smoke. The paper also attributed coronary heart disease to reasons other than smoking. This is significant because the National Institute of Public Health is the prestigious body which advises the Nobel Prize Committee about their choices for medical honors.

Also, the Richmond Times-Dispatch reported that a panel of six nationally known doctors agreed that it had not been medically proven that lung cancer is associated with smoking.

I ask unanimous consent that these two articles be printed in the RECORD.

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

[From the Kansas City Star, Sept. 26, 1969]  
SWEDE LIGHTS UP TOBACCO FUSS

ROME.—The hall of the medical congress was only half filled. Many delegates were shaking hands in the corridors, packing bags in hotels and catching planes. The last of about 150 scientific papers was being read, as drily and noncommittally as possible, by a Swedish professor. The applause, when he finished was perfunctory and everyone ran for taxis.

But the final paper turned into a time bomb with a delayed action fuse. That was two weeks ago and the phones hardly stop ringing in the Gregory Mendel Institute of Medical Genetics and Gemology, a big squarish glass-walled research building in the heart of Rome, where the meeting was held.

The reason for all the fuss is that this final paper questioned much of world-wide research that indicates that people die of lung cancer simply because they smoke. They smoke and they die, but not because they smoke, the paper argued.

The study casts doubt on the arguments of government officials who have been trying to ban cigarette ads from television, newspapers that have refused such advertising and doctors who have denounced smoking.

The physician who lighted the fuse, Dr. Rune Cederlof of the National Institute of Public Health in Stockholm, prudently folded his manuscript, refused to allow it to be released and ran for his plane. Only a few quotes were authorized. The Swedes and their American collaborators are still sitting on the volcano.

The study started in Sweden in 1961 when the National Institute of Public Health began to collect data on the lives of twins, mainly to find out how smoking affected them. They drew in the National Research Council in Washington, which pulled together the results from the largest of America's 14 "Twin Institutes."

Some of the American Twin Institutes are in Connecticut (24,000 pairs), New York (25,000) and California (76,000).

As he fled and before the phones began to ring, Dr. Cederlof threw over his shoulder the cautionary remarks: "My personal convictions have nothing to do with the results of my researches." The other scientists echo him.

The prestigious National Institute of Public Health in Stockholm is the body that advises the Nobel prize committee about their choices for medical winners of the world honors. Your other Swedish doctors, all from the Karolinska Institute in Stockholm, signed their names to the result. The only American named is Zdenek Hrubec of the National Research Council.

The Swedes in their eight years have sent out questionnaires to 10,927 pairs of twins over 40 years old. Studies were also made of smokers in their 20s. But only 20 sets of smokers had one twin with heart disease.

Among identical twins, neither young nor old smokers showed any tendency to lung cancer or coronary disease as a cause of death. Among unlike twins, the older smokers were similarly free of fatal effects. In the remaining group, the young but unlike twins, the smokers appear to be slightly more durable than the non-smokers.

The real reason smokers get coronary heart disease, say the scientists, is "drinking habits, physical excess, change of employment and occupational adjustment."

The study concedes an "obvious" connection between smoking and lung cancer, but refuses to agree that the nicotine is the decisive blow. Where each of identical twins had different smoking habits, "There was no difference in the over-all prevalence of cancer."

When the healthier partners of several sets of twins are grouped apart from the less healthy and the two groups are compared, "There is no noticeable difference in smoking habits between them."

So far the cigarette companies have refrained from joyously breaking down the institute's doors or smothering the Swedes in funds. Only one company, Philip Morris, sent a man to Rome in pursuit of the undivulged original text.

The real trouble is that not enough twins have died yet. "The number of deceased twins in pairs with different smoking habits is small," the study says. "Only time will tell whether the trends found are stable."

[From the Richmond Times-Dispatch,  
Oct. 1, 1969]

### PANEL SPLIT ON LUNG CANCER AND SMOKING TIES

(By David D. Ryan)

A panel of six nationally known doctors appearing on an educational television program here last night split on whether lung cancer is associated with smoking, but agreed that it had not been medically proven.

One doctor said flatly that it not only has not been proven but "probably will never be proven."

The six appeared on Channel 23's (WCVE-TV) program, "The Smoking Question," and

were evenly divided in their presentations on the pros and cons of the questions.

Supporting the idea that cancer is related to smoking were Dr. Oscar Auerbach, a pathologist and senior medical investigator for the Veterans Administration Hospital in New Jersey; Dr. James W. Brooks, an associate professor of surgery at the Medical College of Virginia; and Dr. Daniel Horn, director of the National Clearinghouse for Smoking and Health in Washington.

Supporting the idea that smoking is not a proven cause of cancer were Dr. Hiram T. Langston, a clinical professor of surgery at the University of Illinois College of Medicine in Chicago; Dr. Sheldon C. Sommers, director of laboratories at Lenox Hill Hospital in New York; and Dr. Theodore D. Sterling, a professor of applied mathematics at Washington University in St. Louis.

In answer to the question for a television viewer as to, "Has it been medically proven that smoking causes lung cancer?" Dr. Langston said, "No. This is not true at all."

"I realize there is a vast amount of statistical data that associates lung cancer with smoking," Dr. Langston continued, "but one has to decide from experience and I treat patients with cancer. Cancer of the lung rarely occurs on both sides of the lung at the same time and presumably we inhale bilaterally."

Dr. Sommers said that although the theory that smoking causes cancer "is not a proven fact," it "is an associated fact."

Dr. Auerbach, who also showed slides which he said showed a relationship between smoking and emphysema, said that his studies have shown cigarette-smoking is the single most important factor in the cause of lung cancer. He said that his personal studies on lung cancer patients made him believe cancer in the respiratory system is found more in smokers than in nonsmokers.

Dr. Horn, who also believes that cancer is related to smoking, said he thought the panel was "hung up on the words medically proven." This, he continued, "probably will never be proven."

However, he continued that from his own point of view the death rate was higher among smokers than nonsmokers.

He said that in order to prove that smoking causes cancer, there would have to be human experimentation, "which I know no one on this panel wants to participate in."

The only cigarette-smoker on the panel, Dr. Sterling, said that he has yet to find the "first case where cancer was produced in animals by smoking."

"People who die from lung cancer do not die younger if they smoke," he said, and added, "There are many confusions about it and one cannot say it is medically proven. One could say it is medically not proven."

The panel was often at odds over the way studies on cancer and smoking were conducted and exactly what they said.

For example, a question was asked as to why all the antitobacco literature was directed to cigarettes and not to pipes and cigars.

Dr. Auerbach said his studies showed the rate of lung cancer among cigar and pipe-smoker fell between rates for cigarette-smokers and nonsmokers.

Dr. Sterling questioned Dr. Auerbach's findings and said, "I have found no pathologists who can distinguish between non-smokers and smokers and I can't understand how you can distinguish between cigar- and cigarette-smokers."

The controversy over findings even carried over to an antismoking advertisement that said 100,000 doctors had given up smoking.

Dr. Horn said he was responsible for the estimate and that it was a "conservative" figure derived from a survey of doctors.

As he did on most statistics given by the three doctors saying smoking causes cancer, Dr. Sterling also questioned this figure.

He said that in Dr. Horn's survey, of 5,000 questionnaires sent out in one case, only 1,800 were answered.

"If anything, that indicates whether doctors are concerned with the problem at all," Dr. Sterling said.

Dr. Horn came back: "I would be delighted if someone would give you a grant and let you make the study. I would bet you dollars to donuts that you would come up with this figure" (100,000).

### INDEPENDENT CONSUMER COUNCIL ACT

Mr. HART. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the text of a bill I introduced on September 25, 1969, entitled the "Independent Consumer Council Act," S. 2959. Because of the considerable interest that has developed in this bill, I would like to make it available in the RECORD.

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

S. 2959

A bill to establish an Independent Consumer Council as an independent nongovernmental organization to represent the economic interests of consumers of goods and services made available to them through the trade and commerce of the United States before Federal departments and agencies, to receive complaints and arbitrate voluntary adjustments thereof, to gather and disseminate information for the benefit of consumers, to authorize governmental assistance and support, and for other purposes

*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 "Independent Consumer Council Act".*

#### FINDINGS OF FACT AND DECLARATION OF POLICY

Sec. 2. The Congress hereby finds and declares that—

(a) direct representation of consumer interests in the formulation and implementation of policies of Government will aid in the free flow of interstate and foreign commerce in consumer products;

(b) the encouragement and support of research in consumer products, the assembling and discrimination of information on consumer products and trade practices are appropriate matters of concern to the Federal Government in the maintenance and promotion of a free market system;

(c) it is necessary and appropriate for the Federal Government to support, complement, assist, and add to programs for the development of research and the assembling and dissemination of information on consumer products and services as a means of promoting free competition in a free market.

(d) trade practices and goods and services which are detrimental to consumers' economic and other interests tend to obstruct the free flow of interstate commerce;

(e) the establishment of a convenient and effective means of consideration and voluntary settlement of complaints of consumers concerning products and services distributed or furnished through interstate or foreign trade and commerce promotes the free flow of such trade and commerce; and

(f) in order to implement these findings, it is the purpose of this Act to establish an Independent Consumer Council as an independent nongovernmental organization for the purpose of carrying out the declared policy of Congress to assist consumers, manufacturers, and Government departments and agencies in the goal of a free market economy in consumer goods and services.

#### DEFINITIONS

##### SEC. 3. As used in this Act—

(1) The term "consumer" means a person who purchases or otherwise acquires goods for use or services to satisfy his needs rather than to resell them or to produce other goods with them.

(2) The term "goods" means goods, wares, merchandise, or commodities of any kind which are manufactured, produced, or distributed for the use of consumers, as distinguished from economic goods intended for use in production of other goods.

(3) The term "Council" includes the Independent Consumer Council, any local unit thereof, and any person duly designated to act for and on behalf of the Council.

(4) The term "Government agency of the United States" means any department or agency in the executive branch of the Government of the United States, any independent board, commission, corporation, or other instrumentality of such Government which is charged with the administration of any statute of the United States, and any officer of any such department, agency, or instrumentality, but does not include the Council.

(5) The term "government agency of a State" means any department agency, board, commission, or other instrumentality of the government of a State or any political subdivision thereof which is charged with the administration of any statute, regulation, or ordinance of such State or political subdivision, and any officer of such instrumentality.

(6) The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the Virgin Islands, Guam, and American Samoa.

#### ESTABLISHMENT OF THE INDEPENDENT CONSUMER COUNCIL

SEC. 4. (a) The following persons: James M. Nicholson, Clay Buckhout, Truman B. Clark, William D. Drake, John J. Flynn, Henry A. Hill, Benny L. Kass, James S. Kemper, Junior, Olga M. Madar, Augustine R. Marusi, Margaret S. Moritz, Phillip G. Schrag, June L. Sears, Gary Burns Sellers, David A. Swan-kin, and Aaron S. Yohalem, are created a body corporate by the name of "Independent Consumer Council" (hereinafter referred to as the "Council"). The Council shall be known by such name, shall have perpetual succession, and shall have the powers set forth in this Act, subject to the limitations contained herein.

(b) The right to repeal, alter, or amend this Act at any time is expressly reserved by the Congress.

#### ORGANIZATION OF THE COUNCIL

SEC. 5. (a) The first Board of Directors of the Council shall be composed of the persons named in section 4(a), and the person first named therein shall serve as Acting Chairman of the Board. Within ninety days after the date of enactment of this Act the first Board of Directors shall meet at the call of the Acting Chairman. At that meeting the first Board of Directors shall adopt bylaws of the Council which shall fix the number of persons and the names of the persons who shall thereafter serve for the first regular term as members of the Board of Directors and as the Chairman of such Board for the term and under the conditions hereinafter set forth in this Act. After the expiration of a Director's first regular term, his successor shall be elected as specified in the bylaws of the Council, which shall provide for such election by local units in conformity with democratic principles of election which shall be set forth with particularity in such bylaws. Upon the expiration of a regular term of a member of the Board, he shall be eligible for election for one or more later terms, except that no person may serve as a member of the Board for more than two consecutive regular terms.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, the term of office of members of the Board of Directors of the Council shall be five years.

(2) The first directors designated to serve for regular terms at the first meeting provided for in subsection (a) of this section shall continue in office in equal numbers for terms of two, three, four, and five years respectively as determined by lot at the first meeting of the Board of Directors.

(3) Any Director of the Council appointed or elected to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed or elected shall be appointed or elected only for the remainder of such term. A Director may serve after the expiration of his term until his successor has taken office. A vacancy in the Board of Directors shall not impair the right of the remaining Directors to exercise all the powers of the Council.

(c) A majority of the Board of Directors shall constitute a quorum.

(d) After the first meeting of the Board of Directors as hereinbefore provided, the Board of Directors shall meet semiannually and at such other times as the Chairman of the Board may deem necessary.

#### ADMINISTRATOR AND STAFF

SEC. 6. (a) The Council shall have an Administrator who shall be appointed by the Board of Directors. The Administrator shall be the chief executive officer of the Council and shall administer the activities of the Council in accordance with the bylaws of the Council and the directives of the Board of Directors consistent with the provisions of this Act.

(b) The Board of Directors may appoint and fix the compensation of such additional officers and employees as it deems necessary to carry out the objects, purposes, and functions of the Council. The compensation of the Administrator and such additional personnel shall be fixed by the Board at rates in general conformity with rates prescribed by subchapter II and subchapter III of chapter 53, title 5, United States Code, for Government personnel engaged in the performance of similar duties. Board members shall receive compensation at the rate of \$100 per day for each day on which they engage in the work of the Council, and shall be reimbursed for travel and other expenses incurred by them in the performance of work of the Council.

#### NONPOLITICAL NATURE OF COUNCIL

SEC. 7. The Council, and its members, officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office, nor involve in any manner the Council in any campaign for elective public office.

#### OBJECTS AND PURPOSES OF COUNCIL

SEC. 8. (a) The objects and purposes of the Council shall be to represent and promote the economic and other interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

(b) The functions of the Council include the following:

(1) to represent the viewpoint of consumers of goods and services within the United States in the formulation and implementation of policies of the Government of the United States and of the several States which affect the economic and other interests of consumers;

(2) to receive, evaluate, and negotiate voluntary adjustments of complaints of consumers concerning consumer products and services and trade practices detrimental to the economic and other interests of consumers, and to receive, evaluate, and negotiate the voluntary adjustment of complaints of

consumers with Government agencies of the United States and of the States;

(3) to receive, assemble, evaluate, act upon, and disseminate information helpful to consumers of the United States in performing their economic function more efficiently;

(4) to consult experts on consumer education and representatives of organizations engaged in fostering and protecting the economic and other interests of consumers of goods and services within the United States, for the purpose of obtaining information, recommendations, and suggestions necessary or desirable for the effective performance of the functions of the Council; and

(5) to perform the duties hereinafter vested in the Council.

#### LOCAL UNITS AND MEMBERSHIP

SEC. 9. (a) Bylaws of the Council shall include, but shall not be limited, to provisions—

(1) for the organization and management of local units of the Council by consumers within the several States and within political subdivisions thereof;

(2) prescribing the powers, duties, and functions of such local units in conformity with the powers, duties, and functions conferred upon the Council by this Act;

(3) requiring that members of the governing body of each such local unit, and members of each such local unit chosen as delegates to such conferences as the Council may conduct, be elected by the membership of such local unit by procedures in conformity with democratic principles of election; and

(4) providing for the election of members of the Board of Directors of the Council, on and after the expiration of the terms of members of the first board of directors, by such local units in conformity with democratic principles of election.

(b) Membership in the Council and in local units thereof shall be open to all individuals in the United States who are consumers. The Council may specify from time to time in the bylaws of the Council a sum not to exceed \_\_\_\_\_ dollars per annum as a membership fee.

#### PERMANENT HEADQUARTERS OF COUNCIL

SEC. 10. (a) The permanent national headquarters of the Council shall be located in the metropolitan area of the District of Columbia, but its activities may be conducted in all States. The Board of Directors of the Council may from time to time conduct such conferences and establish such arrangements in cooperation with local units as the Board may determine to be convenient and effective in carrying out the objects and purposes of the Council.

(b) The Council shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the Council, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the Council.

#### REPORTS TO THE PRESIDENT AND CONGRESS

SEC. 11. The Council shall as soon as practicable after the 1st day of January of each year make and transmit to the President of the United States a report of its proceedings and activities for the calendar year next preceding, and a copy of said report shall be transmitted to the President of the Senate and to the Speaker of the House of Representatives.

#### PROHIBITION AGAINST DISTRIBUTION OF ASSETS AND ISSUANCE OF STOCK

SEC. 12. (a) No part of the income or assets of the Council or any local unit thereof shall inure to the benefit of any member, officer or director of the Council or any local unit thereof or be distributed to any such person except for the payment of duly authorized salaries and expenses, and neither the Council nor any local unit thereof may make any loan to any officer, director, em-

ployee, or member of the Council or any local unit thereof.

(b) Neither the Council nor any local unit thereof shall have power to issue any shares of stock or other evidence of proprietary interest in capital, or to declare or to pay any dividend, its objects and purposes being limited solely to the rendition without profit of a service to consumers in order to protect and promote the interests of consumers in the trade and commerce of the United States.

#### REPRESENTATION OF CONSUMERS IN THE PUBLIC INTEREST

SEC. 13 (a) Whenever there is pending in or before any Government agency or court of the United States or any State any investigation, hearing, or other proceeding except a criminal proceeding which may, in the opinion of the Council, affect the economic and other interests of consumers within the United States, the Council through its duly designated attorney may intervene and, pursuant to the rules of practice and procedure of that agency or court, may enter an appearance in that proceeding for the purpose of representing the interests of such consumers.

(b) Upon any such intervention, the Council, through its attorney, shall present to the agency or court, subject to the rules of practice and procedure thereof, such evidence, briefs, and arguments as it shall determine to be necessary for the effective representation of the economic and other interests of such consumers. The attorney of the Council designated by the Council for such purpose shall be entitled to enter an appearance before any Government agency of the United States without other compliance with any requirement for admission to practice before such agency for the purpose of representing the Council in any proceeding.

#### STUDIES AND CONSUMER COMPLAINTS

SEC. 14 (a) It shall be the duty of the Council and its local units to conduct studies, and to receive and evaluate complaints from consumers of the United States without regard to membership in the Council, concerning—

(1) consumer products and commercial and trade practices employed in the production, distribution, and furnishing of goods and services to or for the use of consumers which may be detrimental to their economic or other interests; and

(2) governmental action or inaction on the part of Government agencies of the United States detrimental to the economic or other interests of consumers.

(b) Upon receipt of any complaint disclosing the distribution of a product, the rendering of a service, or the use of any commercial or trade practice detrimental to the economic or other interests of consumers within the United States in any consumer products industry or by any producer, distributor, or supplier of consumer goods or services, or governmental action or inaction detrimental to the economic or other interests of consumers, which in the opinion of the Council does not violate any law of the United States or any State, the Council or a local unit thereof may undertake to provide for the adjustment of that complaint with the consent of the parties to the controversy through voluntary negotiation or arbitration. If in the opinion of the Council such practice is in violation of any law of the United States or any State, the Council shall refer the complaint to the Government agency whose regulatory or other authority provides the most effective available means to obtaining appropriate relief or to proceed against such violation of law.

(c) If the Council finds that no equitable voluntary adjustment of the complaint can be obtained, that no public law has been violated or if violated the Government agency having jurisdiction to enforce the law violated fails to act or is dilatory in action,

that in its opinion legal remedial action is available by individual or class action for relief, and the matter involved in the complaint has sufficient economic effect upon consumers generally, the Council, subject to applicable statutes and rules of practice and procedure, may (1) furnish legal and other assistance necessary to the filing and prosecution of an appropriate remedial action in a State or Federal court of competent jurisdiction, or (2) institute and prosecute a class action to obtain appropriate civil relief for the benefit of a designated class of consumers.

(d) The Council may provide for the training of persons in local areas in the practice of the adjustment or settlement of consumer complaints through voluntary negotiation or arbitration. Such persons may be used by the Council and its local units in any voluntary negotiation or arbitration entered into for the adjustment of consumer complaints. If deemed more convenient or effective, the Council may employ the services of any arbitration organization whose personnel are trained and experienced in the techniques and processes of negotiation and arbitration. Such negotiators or arbitrators shall be responsible to the local unit of the Council in the local area in which the consumer complaint involved arose.

(e) The Council shall publish from time to time and disseminate to the public, in such manner and form as the Council may determine to be most effective, information concerning—

(1) the functions and duties of the Council; and

(2) problems encountered by consumers generally within the United States, including particular commercial and trade practices which are detrimental to the economic interests of consumers.

#### PUBLICATION OF PRODUCT INFORMATION

SEC. 15. (a) The Council shall formulate and publish criteria for the comparison of specific consumer products or categories of such products which will facilitate the determination of values by consumers. Such standards may be determined by the Council, derived from Government departments and agencies, from non-Government organizations, or from cooperative programs with manufacturers of such products.

(b) The Council shall publish from time to time in useful form such information for consumers with respect to such specific products or categories of products affecting consumers. It may distribute such publications to public libraries and such other depositories as it deems in the interest of consumers. It shall encourage and promote programs for the distribution of such product information, with or without compensation, through electronic systems and information media of all kinds, public organizations, private businesses, educational institutions, and other organizations. It may operate or cooperate with other organizations in the operation of programs and systems for that purpose.

(c) Such product information may be made public only in a form disclosing factual information with respect to such products, and not as recommendations of a product of any particular producer, or any division or subsidiary thereof, over the product of another.

(d) Nothing contained in this Act shall be construed to authorize the Council to engage in any program of testing for the purpose of recommending as among the products of different producers, the relative merits or suitability of products of any class or type over other products of the same class or type or to publish any such recommendation.

#### SURVEYS AND INVESTIGATIONS

SEC. 16. (a) It shall be the duty of the Council in the public interest—

(1) to conduct surveys and investigations with respect to matters involved in the production and distribution of consumer products and services which affect the economic and other interests of consumers;

(2) to determine the extent of existing information relating to goods affecting consumers in the possession of Government agencies of the United States useful to consumers which is not published in a form useful to consumers by such agencies in the performance of their functions; and

(3) to collect, analyze, and disseminate to the public information obtained through such investigations and surveys in such manner and form as may be best adapted for public information and use by consumers.

#### CONSULTING SERVICE AND COOPERATIVE ACTIVITIES

SEC. 17. (a) In the performance of its functions, the Council is authorized to—

(1) appoint and defray the expenses of such advisory committees as it may determine to be necessary for the effective performance of its functions;

(2) designate representatives of the Council to serve on such committees as the Council may determine to be necessary or desirable to maintain effective liaison with Government agencies of the United States or any State, and with nongovernmental organizations which are engaged in activities related to the functions of the Council; and

(3) to the extent authorized by law, use the services, personnel, facilities, and information, of Government agencies of the United States or any State and of private agencies and instrumentalities with the consent of such agencies and instrumentalities, with or without reimbursement.

(b) Upon request made by the Council, each Government agency of the United States is authorized and directed—

(1) to make its services, personnel, facilities, and information available to the greatest practicable extent to the Council in the performance of its functions; and

(2) subject to provisions of law and regulations relating to the classification of information in the interest of national defense, to furnish to the Council such readily available information, suggestions, estimates, and statistics as the Council may determine to be necessary for the performance of its functions.

#### GENERAL POWERS

SEC. 18. (a) For the purpose of carrying out its functions the Council shall have power to—

(1) sue and be sued in its corporate name in any court of law or equity of the United States or any State;

(2) acquire, hold, and dispose of interests in real and personal property;

(3) establish, maintain, and operate such laboratories, reference libraries, and other facilities as it shall determine to be required for the performance of its functions;

(4) enter into and perform such contracts, leases, cooperative agreements, or other transactions as it may determine to be necessary on such terms as it may determine to be appropriate;

(5) make, issue, rescind, or amend bylaws, regulations, and rules, not inconsistent with this Act, governing its organizational structure and the manner of its operation and the exercise of its functions;

(6) adopt, alter, and use an official seal which shall be published in the Federal Register and be judicially noticed;

(7) engage in, and support, by grant or contract, research with respect to, and development of, objective standards for non-perishable manufactured goods affecting consumers;

(8) charge and collect membership dues, subscription fees, and other fees for services rendered; and

(9) receive money and other property do-

nated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Council; and to use, invest, reinvest, sell, or otherwise dispose of such property and the proceeds thereof for the purpose of carrying out the functions of the Council.

(b) The Council shall not accept during any fiscal year any gifts, grants, or donations of money from any single source other than appropriations made under this Act in amounts which exceed in the aggregate 15 per centum of the total amount of all gifts, grants, and donations of money accepted by the Council during that fiscal year from all sources other than appropriations made under this Act.

#### BOOKS AND RECORDS; INSPECTION

SEC. 19. The Council and each of its local units shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors; and the Council shall keep at its principal office a record of the names and addresses of its members and units entitled to vote. All books and records of the Council may be inspected by any member or local unit entitled to vote, or the agent or attorney thereof, for any proper purpose, at any reasonable time.

#### AUDIT OF FINANCIAL TRANSACTIONS

SEC. 20. (a) The accounts of the Council shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Council are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Council and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the Council's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Council during the year including the results of any publishing or other commercial-type endeavor carried on by the Council, together with the independent auditor's opinion of those statements. The report shall not be printed as a public document.

#### LIQUIDATION

SEC. 21. Upon final dissolution or liquidation of the Council, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the Council may be distributed in accordance with the determination of the Board of Directors of the Council and in compliance with the bylaws of the Council and all Federal and State laws applicable thereto.

#### EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 22. The Council shall have the sole and exclusive right to use the names "Independent Consumer Council." The Council shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as may be adopted and used by the Council in carrying out

its program. Nothing in this Act shall interfere or conflict with established or vested rights.

#### SAVING PROVISION

SEC. 23. Nothing contained in this Act shall be construed to alter, modify, or impair any provision of any Act providing for the regulation of the trade or commerce of the United States, or to prevent or impair the administration or enforcement of any such provision of law.

#### APPROPRIATIONS

SEC. 24. There are hereby authorized to be appropriated to the Council such sums as may be required to carry into effect the provisions of this Act.

### THE WORLD-FAMOUS CASPER TROOPERS

Mr. HANSEN. Mr. President, we of Wyoming have much of our State to brag about. We can boast about our majestic mountains and our beautiful lakes and rivers. We can describe with glowing phrases our national parks and other scenic wonders. We may even exaggerate just a bit when we spin romantic tales about our colorful Western history.

But we can never say too many good things or overstate our praise of the world-famous Casper Troopers—a group of high-stepping, high-spirited young Wyomingites who have thrilled young and old and who have captured the hearts of citizens in every corner of this country—and other countries, as well.

One would have to travel to Wyoming to truly appreciate the magnificence of our scenery. But there are thousands of Americans who have never been to Wyoming, but who have thrilled to the beat of a Trooper's bass drum or marveled at the split precision of an intricate drill. Anyone who has seen the Troopers in action, as I have, must know why Wyoming so loves these young people and what they are doing, and why we hasten to claim a tie with the State they so ably represent during their travels as good will ambassadors and masters of their art.

Many magazines and newspapers have hailed the accomplishments of this group. And well they should. The organization has skyrocketed in fame and recognition from the point where, in 1962 its members had to pay their own way like spectators to the VFW national corps competition at Minneapolis, to a star-studded position today which finds them marching away from competition all over the world with top honors and their collective weight in trophies.

The goal of sponsoring and coaching a group of Wyoming youngsters who could compete with any drum and bugle corps anywhere on the face of the earth was the dream of Jim Jones of Casper—a man who was intimately connected with such groups from the time he was a child.

A November 17, 1968, feature story on the Troopers in the Empire magazine published by the Denver Post noted that, "troopers aren't born. They're made."

And Jim Jones is the man who has inspired young people to respond to the challenge of becoming a first-rate trooper and who still provides the spark and the leadership for an ever-changing

group that attracts the immediate admiration of all who see and hear them.

This year, the Troopers competed with crack drill teams in Wisconsin, New York, Connecticut, Pennsylvania, Toronto, Ontario, and Massachusetts, to name a few. The corps took first place in six contests, including the World International Drum and Bugle Corps competition at Lynn, Mass. The Trooper Color Guard won its seventh world championship at the VFW nationals in Philadelphia.

Supporters of the group in Wyoming—and that pretty much includes every citizen of the State—now are working on a project to send the Troopers on a world tour. If anywhere in this country there is a group of citizens that could inspire admiration for America in the hearts of people of other nations, it is Wyoming's own Casper Troopers. And if Wyomingites have anything to say about it, there will be no lack of support for this undertaking.

Mr. President, I ask unanimous consent that an article entitled "Casper's Troopers—They're Wonderful," be printed at this point in the RECORD.

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

CASPER'S TROOPERS—THEY'RE WONDERFUL  
(By Zeke Scher)

THE WORLD'S BEST JUNIOR DRUM AND BUGLE CORPS IS IN THE ROCKY MOUNTAIN EMPIRE—AND THE REST OF THE NATION KNOWS IT!

Some 37,000 spectators at the Denver Broncos football game in Bears Stadium stood up at 3:40 p.m. Sept. 29 and gave a thundering ovation to the performers on the field. And there wasn't a Bronco in sight. Tears welled in the eyes of some. Others were too choked up to speak.

What the huge crowd had just experienced was 11½ minutes of 97 youngsters executing the world's best drum and bugle corps performance. The boys and girls, ranging in age from 14 to 21, are members of the Casper Troopers.

Dressed in replicas of blue U.S. Cavalry uniforms of 100 years ago, carrying well-polished bugles of all sizes, snare drums, rifles and standards with flowing colors, the Wyoming group executed routine and technical maneuvers with unbelievable precision. Their bell-clear sounds were breath-taking.

A super sports fan in the west stands forgot his frustrations of the moment (the Broncos were deadlocked at the half with Boston, 10-10) and murmured in disbelief: "... from Casper, Wyoming? How did they get so good?"

The between-halves performance had started briskly with two girls—one carrying the U.S. flag and one a saber—leading the way. Then came a color guard commander (in white), eight "rifles," another color guard commander and 22 color guard "flags," all girls.

Drum Major Jim McIntyre led the musicians forward—three snares and four tenor drums, two triple drums, three bass drums, four cymbals, seven lines of six bugles each (including sopranos, mellophones, bass baritone and French horns) and finally one line of four contra bugles.

They opened with the stirring *How the West Was Won*, the Troopers marching snappily off the line at 130 steps a minute, a bit faster than most corps. Their movements were brisk: the spinning rifles, the twirling standards, the right, left and angle turns, the section separations and regroupings.

Colors were presented with a moving ar-

range of *Battle Hymn of the Republic*. Then—as only drums and bugles can play it—they presented *Tumbling Tumbleweeds*, a tune as Western as the players.

The marching stopped for the next 3 minutes and 15 seconds as the corps offered "in concert" a Beatles' song, *Never, My Love*, and then the soaring *Up, Up and Away*. Then the Troopers quickly stepped off in all directions to the *F Troop Fanfare* (from a TV western show).

Playing *Black Saddle*, the 97 boys and girls as if magically assembled from all sections of the gridiron to form a neat circle. The circle then "exploded" and the marchers spread out like the rays of the sun to booming ovations from the spectators.

And as neatly as they had separated in mid-field, they resumed formation. Playing *When Johnny Comes Marching Home*, they paraded the length of the field.

The response was deafening. "More... more!" the spectators urged. This was no insult to the Broncos, although players returning to the field may have interpreted it that way.

"Weren't they marvelous?" exclaimed a woman, dabbing at her eyes.

Troopers aren't born. They're made. The process is long and arduous—and it takes place, for the most part, in a steady wind that seems peculiar to Casper. The fact that they can be produced at all should dispel many fears the older generation has for the younger.

James Edward (Jim) Jones Jr., 47, is the founder and director of the Troopers. The Troopers' story is his own.

Born in Casper October 26, 1921, Jones discovered at an early age that drum and bugle corps "ran in his family." His parents were active in the American Legion and at the age of 12 he accompanied them to a Chicago convention where he witnessed the Legion's drum and bugle corps national competition.

In 1934 his mother and a friend organized a women's drum and bugle corps in the Casper Legion Auxiliary and they raised money to buy instruments. The women's corps soon folded, but a Sons of American Legion corps began. And young Jones was there as a snare drummer.

(Twenty-three years later, the Troopers started with the same drums used by the "Sons." They later were handed down to the new Trooper "taxi squad"—called the Cadet Corps—and in 1964 to the Douglas, Wyo., Diplomats, another such corps.)

Jones attended Legion nationals in St. Louis and Cleveland in 1935 and 1936. When adult leadership in the Sons dwindled in 1937, Jones—all of 15 years old—took over the Casper corps and directed it until he left to attend the University of Nebraska.

In his senior year at Natrona County High School he was commander of his ROTC company and was chosen "outstanding cadet." At Nebraska, he studied chemical engineering and instructed two drum corps in Lincoln. He also assisted an Indian drum corps at Fort Washakie, Wyo.

Jones placed second in snare drum individuals—a tenth of a point out of first—at the 1939 Legion nationals in Chicago. On New Year's Day 1941 he was lead drummer in the Cornhusker band at the Rose Bowl. He was named an ROTC captain at the start of his senior year and won an appointment to the U.S. Naval Academy.

But with Pearl Harbor, he ended his college career at 3½ years (he never returned for his degree) and joined the Army Air Corps. He received aviation cadet pilot training and received his commission at the age of 20. During the next four years he flew over "The Hump" between India and China.

Leaving the Air Corps as a captain (he's a lieutenant colonel in the Reserve now), he flew freight for the Flying Tigers line before returning to Casper in 1948 to become a building contractor. He had married his col-

lege sweetheart, Grace Leaders, in 1946 and wanted to settle down in a job that wouldn't require him to travel. (A bank director and officer in several companies, and with the Troopers' expanding schedule, he travels more than ever.)

His corps interest remained avid in the mid-1950s and he helped reactivate the Legion Senior Corps, expanding his contacts with drum corps people all over the United States. By 1957 he had crystallized an idea to give "River City"—Casper is on the North Platte—the best boys and girls drum and bugle corps in the nation.

On Oct. 3, 1957, The Casper *Tribune-Herald* carried a routine legal notice of the incorporation of the Troopers Drum & Bugle Corps Inc.

Purpose of the corporation: "... to aid, encourage and promote the welfare of the youth of the community by providing the opportunity for boys and girls of all races and creeds to have and receive instruction, supervision and encouragement in the use of musical instruments, and to form a community junior drum and bugle corps thereby implementing in the youth of the community an appreciation of music, and promoting, aiding and encouraging a means through which the community leaders may foster in relation with the youth a sanguine solution to many of the current social problems of youth."

Six weeks later the first tryouts were announced. Jones revealed his plans for a 54-piece drum and bugle corps. "We're going to be a crack outfit," he told the youngsters. "The corps will be rigidly disciplined. We'll play classical Western stuff."

A \$4,000 PERSONAL LOAN GOT THE TROOPERS  
STARTED IN 1957

The initial turnout wasn't overwhelming but it was encouraging. Jones and two friends went to the Casper National Bank and on Dec. 5, 1957, signed a personal note—at 5½ per cent interest—for a \$4,000 loan to get the Troopers started.

From the outset, Jones felt that the corps should be more show business than military. But eligibility requirements for membership for the 12- to 21-year-olds would do justice to a West Point application.

To become a Trooper, the youngster must understand and sign a legal-looking contract that requires him to:

- Be and remain in good physical condition.
- Maintain good scholastic average.
- Be able to take constructive criticism.
- Practice at least one hour daily on his own.

- Participate in all corps activities.
- Be present and on time for all drills and parades—100 per cent regardless of the weather. (Ditching rehearsal is cause for immediate dismissal).

- Be responsible financially for all equipment and uniforms in his possession which must be kept spick and span at all times.

- Be certain that conduct and appearance at all times shall reflect a credit to self, family and the corps.

- Avoid chewing gum or smoking when in uniform or at rehearsal.

- Maintain corps discipline and obey corps officers during all corps activities.

- The parent also has an exacting pledge to sign:

"I will use my best efforts to insure that said applicant observes all the rules and regulations for membership in said corps. I further agree that the applicant will not use the equipment or uniform issued to him or her by said corps in a negligent or malicious manner, and I further agree to be financially responsible for any unnecessary damage caused to said equipment or uniform while in the applicant's possession."

The first Trooper uniform—it lasted five years—consisted of light blue Air Scout pants, with gold striping added, navy blue

Cub Scout shirt, a garrison belt and a black cowboy hat and surplus cords, tassels and metallic cross sabres attached. The appearance was frontier western, patterned after the 11th Ohio "Horse Soldier" Volunteers who served in Wyoming during the 1860s and 1870s. One of its officers, Lt. Caspar Collins, was killed in going to the rescue of a wagon train under Indian attack.

(The city was named for the lieutenant but Washington postal officials misspelled it. The residents stuck with Casper, although the historic site of the Army fort near town is Ft. Caspar).

The 1957 Trooper outfit cost the member \$8 and the corps \$5. Today the member contributes \$15 a year dues and the corps provides a field uniform (costing \$73) and Class A dress (\$80), the latter being worn in the Denver appearance. Jones says the Philadelphia manufacturer of the uniforms is an old firm which attempts to make them as authentic as possible to the 11th Ohio Volunteers.

On June 27, 1958, the 54 charter members made their first public performance at Riverton, Wyo., during a department convention of the Legion. They were a long way—about six years—from national recognition.

Drum and bugle corps are "big" in the East and Midwest. There are found the bulk of nearly 8,000 such corps in the United States. The attitude of Eastern corps leaders, until the Troopers came along, was that beyond Chicago there was a complete wasteland. How could any corps be developed out there when there's no competition around?

In the beginning, Jones did everything—wrote all the musical arrangements, designed all the marching maneuvers, drilled all the kids and handled all the business details. And public support was a little slow in coming forward.

(Support really began in 1962 when the Casper newspapers took on the project of raising \$11,000 to send the Troopers to the Portland Rose Festival. By running daily coupons over a two-month period, the morning and evening papers raised \$14,000. "That taught me the value of advertising," Jones says.)

Competition is the name of the corps game—and Jones realized he would have to draw on national talent to put Casper in the same league as the Eastern corps. Music arrangers and instructors were flown in from the East Coast.

Equipment was upgraded. Honorary memberships and sponsorships were sold to raise money to get the best bugles, the best drums. The Cadet Corps was formed to handle the increasing number of applicants—and to provide a training ground for Trooper replacements. The minimum age of 12 is the same for both units but the younger members, naturally, are in the Cadet Corps.

The Troopers went to their first Legion nationals at Denver in 1961 and came in fourth. The following year at Las Vegas the corps was 3rd. The VFW Nationals—the most prestigious of all corps competitions—was first visited by the Troopers in 1962 at Minneapolis. "Visited" is the correct word because the Troopers were so far down they had to buy tickets to get in and see the finals.

But the hours, days and months of practice on any vacant space in the Casper area began to pay off, as did Jones' emphasis on the basics. "The first thing we teach them is posture and bearing," he says. "We go back to this no matter how good they are. It's much like football. Without blocking and tackling, all the fancy plays are no good."

At Seattle in 1963 the Troopers scored second in the VFW Nationals. But there were few top corps competing. The next year in Cleveland the Troopers fell to 11th, but the Color Guard was rated 2nd. And all the top corps were there!

It was 1965 that the Casper Troopers stood the drum and bugle corps world on its ear.

They won the World Open Championship, the Color Guard was 1st and the corps 4th in the VFW Nationals, and they captured a flock of additional titles during an extended Eastern tour.

In the October 1965 issue of *Drum Corps Digest*, a columnist wrote: "The main question being asked by everyone is how on earth did they do it." Another writer offered special congratulations "to the Troopers who were crowned World Open Champions. That's packing the titles into the Midwest fellas!" Casper in the Mid-what?

The Troopers continued their drive for perfection. When weather permitted they took over the large paved parking area at the Central Wyoming Fairgrounds to practice their wide-open maneuvers, an audience-winning distinction of the Casper corps. In harsher weather they went inside the Industrial Building at the fairgrounds.

The Trooper year runs from October to September with a vacation of about three weeks in between years. Vacancies in the 97-member Troopers are filled from the 89-member Cadet Corps (22 Color Guard, 9 drums, 38 horns) and the competition can be fierce. The pressure builds in tryouts and drill-downs until the choices are made.

Practice from October to Christmas is held for 2½ hours each Thursday night—plus the one-hour-a-day minimum at home. During Christmas and Easter vacations, the music and marching experts come to Casper and the Troopers work with them three or four days in a row for us to five hours a day.

From January to the end of school, the regular practices are Thursday night and Sunday afternoon (with three to four hours of maneuvering then). The big push comes in June because the major contests and extended trips are scheduled in July and August. Practice on three to five nights a week plus daytime work by various sections can run up to 20 hours or more. In July and August it's all Trooper-time.

How do they do it?  
"They sleep at sleeping time, eat at eating time, rehearse at rehearsing time, perform at performing time, and play at playing time—if there's any playing time left," Jones says. "In the A-Corps, we claim the lives of these children."

"For the middle or lower income groups, this is an unparalleled education in living. We've gone to the New York World's Fair, Seattle World's Fair and Expo 67. We've visited cities all over the United States."

The Troopers grabbed the VFW Nationals title in 1966, placed second in the World Open and accumulated numerous lesser titles. In 1967 it was 2nd in the VFW Nationals. This past summer the Troopers traveled more than 10,000 miles through 14 states and Canada and brought home six titles including the North American Invitational Meet in Toronto, where they had an unprecedented four encores. (They were 3rd in the VFW Nationals although the Color Guard was ranked 1st.)

Jones, a friendly sort with close-cropped gray hair, gives the impression he is relaxed among his myriad of endeavors. Matter-of-factly he appraises the Troopers this way: "We're considered No. 1 in the country by our competitors—and the others are no slouches. Hard work has done it. We'll spend a month on a 1½-minute drill to get it right."

"We try to select music that is emotionally inspiring. I try to write the drill to match the music. It's an exciting show. People are gripped by the spectacle—the emotional impact of the music, the marching maneuvers, the uniforms. That's show biz."

While the Troopers are a nonprofit corporation, it is a money-consuming operation. This year's budget involved some \$43,000 and next year's is expected to be around \$50,000.

The Troopers own three large cross-country buses and an equipment truck with specially built interior to hold the musical

instruments, flags and rifles. Members carry their own sleeping bags and suitcases on trips. They're used to sleeping on floors.

During last summer's 23-day trip East the Troopers' accommodations varied from dorms at the State School for the Blind in Batavia, N.Y. (no hot water), to the floor of a recreation hall in Mount Clemens, Mich., (two showers but one broke down).

When the Troopers came to Denver for the Broncos game, they spread out on the floors of the Colorado National Guard Armory at Logan St. and Speer Blvd. the night before. The girls took over a big room upstairs; the boys took the gym. They unrolled their sleeping bags—and slept like troupers.

(They had good reason to sleep well. The youngsters had gotten up at 4 a.m. Saturday to make the long trip to the Air Force Academy's home game against the University of Wyoming, before continuing to Denver. When that game ended, they marched on the field and gave a complete performance. Eighty per cent of the spectators remained in their seats!)

Boston was a highlight of the 1968 tour. The boys and girls were put up in private homes with both food and laundry provided by their hosts. When on these extended trips, each member is expected to take along enough pocket money to last. It doesn't always work out that way. Fortunately a parent or two traveling along as hard-working chaperones come up with loans.

The rigid discipline—and good physical conditioning—are credited by Jones with making each Trooper put forth the utmost at all times. But they're human beings and five required medical treatment during this summer's trip. One boy, 18, a soprano bugle, was hospitalized overnight for exhaustion.

When the corps returned home from the East on Saturday night, Aug. 31, there were 7,000 relatives and fans waiting for them in the Natrona County High School stadium. It was termed both a welcoming and victory celebration. A special eight-page Troopers section was carried by the Casper *Star-Tribune*.

Many Casper cars carry "Go Troopers" license plates. A downtown store devotes its show window to a display of Trooper trophies.

In Mid-September a full-page ad by Safeway Stores (three in Casper) announced "Corps Day." This was a voluntary unsolicited promotion to give the Troopers a percentage of sales. It produced \$1,292. It also produced pouting letters from other Wyoming Safeway managers. They wanted to know why they weren't permitted to join in the promotion.

Besides the honorary memberships (sold by the Chamber of Commerce) and business sponsorships (the flags borne by the color guard carry the names of major sponsors), funds come from such sources as an Art Guild auction, garage sales, raffles, a melodrama by the Red Dog Saloon Players and fees.

"We'll play for anybody if it's legal or moral," Jones says, "so long as they pay us."

Fees range from \$150 to the \$2,500 received for a Legion convention in Sioux Falls, S.D. Travel expenses usually far exceed the fee figure. Jones uses the same rate the charter companies use—65 cents a mile per bus—but rounds it off to \$2 to cover the three buses and the equipment truck. The Denver trip, for example, had travel expenses of \$1,164.

Jones feels the Troopers represent the entire Rocky Mountain Empire in their contacts with the "outside world." The Wyoming Legislature last year officially designated them as the state's "Musical Ambassadors," Wyoming's congressmen haven't been backward about letting the nation know about the Casper Troopers.

On Sept. 8, 1965, two pages of the Congressional Record were devoted to the Troopers, including a complete roster. The report stated, in part:

"Mr. Jones had a theory that the corps would be an excellent character building activity for Casper young people and a source of pride for the entire city and area.

"The corps has proven to be everything that Mr. Jones envisioned. . . . For a city no larger than Casper—a city of some 40,000—to produce a 130-member (sic) marching unit that can capture world honors is truly phenomenal."

"Jim runs this corps," says the father of a Trooper. "It's Jim's baby. He's done a great job with the kids. I hate to think how much this has cost him in time."

Gene Monterastelli, 23, a Northwestern University industrial engineering graduate who worked with the Troopers the past three summers, was in charge when the corps visited Denver, because of a death in Jones' family. He related the Troopers' secrets of success this way:

"Perseverance by everyone is No. 1. Jim's got good people around him but the kids really do it themselves by following directions and putting out the effort. The townspeople are fantastic in providing support in every way. And Jim himself is an amazing person. Anyone can talk to him about any concern—gripes or otherwise."

The Troopers rarely have a discipline problem. After working so hard and so long to reach the A-Corps, members don't want to jeopardize their position. Miss Casper College and Miss 16 of Casper (and later of Wyoming)—and their predecessors in those titles—have been Troopers. It's the "in" thing to be.

Jones lives with the Troopers around the clock. His contracting office is in the basement of his large home at a busy Casper intersection. Troopers, parents and a variety of guests—and his wife, four daughters (3 Troopers, 1 ex-Trooper) and Jim III, 9—pop in and out, upstairs and downstairs.

The mailman is also a frequent visitor. About 700 letters followed one appearance, a televised pre-season football game in Dallas between the Cowboys and Green Bay Packers in August 1967.

In striving for success, Jones has the help of devoted aides.

Willard K. Maxon, 44, a painting contractor, Casper native and former Navy man, became interested when his daughter joined in 1960. He filled in as a drill instructor and in 1962 found himself appointed director of the Cadet Corps.

Bob Hede, 40, a commercial photographer with a daughter in the corps, heads an ex-officio finance committee of fathers. They have big plans for a 100-year-old refurbished Wyoming covered sheep wagon and four donated mules to pull it. The wagon will be a moving vending machine from which Western items, postcards and pennants will be dispensed, all for the benefit of the Troopers. They're visualizing \$15,000 a year income.

The youngsters themselves offer a variety of reasons why they think the Troopers are great—and they all do. Some mention the fun of travel. Some speak of the excitement of competition. Some are proudest of the feeling of accomplishment for their city and state. And all are aware of the life-long benefits they are receiving from the discipline instilled by the corps.

This discipline—and the confidence to solve any corps problem—saved the Troopers from embarrassment on their Denver visit. A week before the game they received a request from Bronco management to play *The Star Spangled Banner* before the game.

Because they are a specialty group that performs in competition or at halftime of football games, they had never been asked to play the national anthem! They just didn't know it.

An *Empire* reporter-photographer team was in Casper to study the corps in practice when Jones handed out his brand new arrangement of the anthem. As talented as the bu-

glers are, the first performances were, to be charitable, painful. Jones made it clear that if they couldn't perform the song well, they would not attempt it, and the Broncos would use a phonograph record.

One week later the Troopers stood in Bears Stadium. The stands came to attention. The corps delivered a forceful performance of *The Star Spangled Banner*. It could have been in their repertoire for years.

These Wyoming youngsters have evoked immediate adoration throughout the nation. Perhaps it's the glimpse into the past that they offer. Perhaps it's a promise of youth for the future. It is pure Americana, and it's wonderful.

#### A TOTAL OF 55 NATIONS RATIFIED POLITICAL RIGHTS OF WOMEN CONVENTION—UNITED STATES STILL MISSING FROM LIST

Mr. PROXMIER. Mr. President, the total number of nations which have ratified the Political Rights of Women Convention is 55.

In 1968, the Government of Chile decided that ratification of this human rights convention was not only in the interest of universal establishment of human dignity, but also very much in its own national interest.

I do not believe that the people of Chile or Albania or Ghana or Pakistan care more about political equality for their female citizens than we in the United States do. But the conclusion is inescapable. These governments have all ratified the Political Rights of Women Convention and our Government has not.

I ask unanimous consent that the list of 55 nations which have ratified the Political Rights of Women Convention be printed in the RECORD.

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

#### COUNTRIES WHICH ARE PARTIES TO THE POLITICAL RIGHTS OF WOMEN CONVENTION

Afghanistan, Albania, Argentina, Belgium, Brazil, Bulgaria, Byelorussia, Canada, Central African Republic, Chile, China, Congo (Brazzaville), Costa Rica, Cuba, and Czechoslovakia.

Denmark, Dominican Republic, Ecuador, Finland, France, Gabon, Ghana, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, and Israel.

Jamaica, Japan, Lebanon, Madagascar, Malawi, Mongolia, Nepal, Nicaragua, Niger, Norway, Pakistan, Philippines, and Poland.

Republic of Korea, Rumania, Senegal, Sierra Leone, Sweden, Thailand, Trinidad & Tobago, Turkey, Ukraine, U.S.S.R., United Kingdom, and Yugoslavia.

#### BOTSWANA: THE COURAGE TO BE FREE

Mr. BROOKE. Mr. President, on Wednesday, September 24, the President of Botswana, His Excellency Sir Seretse Khama, addressed the General Assembly of the United Nations. It was an historic moment for Sir Seretse and his people, for it was the first appearance of the President of this young but vigorous and self-reliant state before the world body. His speech was fully worthy of the occasion.

It was my privilege, nearly 2 years ago, to visit the newly independent Republic of Botswana. I shall never forget my first impressions of that state: we flew in a

small charter plane through a narrow corridor of land, being careful to avoid the airspace of Rhodesia on the left and South Africa on the right. We landed in a bleak and barren land—dusty, rocky, with a few low trees and bushes seeming to shrink from the unremitting sunlight. We drove over unpaved roads, past the first secondary school in the country, to the ancestral home of Botswana's President, Sir Seretse Khama. And we were greeted with a warmth, a hospitality, and a sincerity unrivaled anywhere in Africa or the world.

Botswana at that time was two-thirds Kalahari Desert and game preserve. It had less than 10 miles of paved road. Its resources were unassessed and unexploited. It contained some of the most primitive peoples in the world—and, we were to learn, some of the most intelligent, progressive, and serious people as well. It was a black African state almost totally surrounded by the repressive and apartheid governments of South Africa, Southern Rhodesia, and the overseas territories of Portugal. Only a narrow corridor 300 yards wide linked it with the independent nation of Zambia to the north. Botswana used South African currency, participated in the South African customs union, and its sole link with the outside world was over the Rhodesian-South African Railway. How in the world, we wondered, would Botswana ever survive? And if it survived, how would it ever maintain its principles and its integrity as an independent black African state?

Many of these questions were answered in the remarkable speech which Sir Seretse Khama delivered before the United Nations. Botswana's geographic position has not forced it to compromise its principles where the question of apartheid is concerned. Refugees from the white-dominated governments which surround Botswana are granted asylum in accordance with the United Nations Convention; with the help of the U.N. High Commission they are granted food and shelter, taught skills, and allowed to live in Botswana until such time as an acceptable government permits them to return to their homeland. Nor has economic dependence forced the people of Botswana to refrain from participation in or encouragement of economic sanctions against Rhodesia. President Khama made a strong appeal to the world body to maintain sanctions against the government of Ian Smith, and noted that Botswana, in keeping with those sanctions, refused to permit arms and military supplies to be transported on the railway, and was in the process of developing alternate trade routes in and out of the country.

What is more, vast mineral resources, including diamonds, have now been found in the Kalahari Desert. With the help of private investment and economic aid, Botswana will soon be in a position to provide employment for many of its people, to meet its financial needs, and to begin to provide the necessities of life—roads, schools, communications links, and other public services—for all the people of the country.

The leaders of Botswana are wise for their years, and they and their people are

united in a common effort to develop their country and keep it free.

Botswana, in some ways more than any other nation, occupies a key position in the fight for human rights. If the people of Botswana can win their struggle and accomplish the tasks they have set for themselves, they will have set an inspiring example for the peoples of the world. Such a brave effort to secure and to keep the rights which we ourselves have long proclaimed deserves our fullest support and understanding. That we may better appreciate the courage and determination of the people of Botswana, I commend the speech of its President, Sir Seretse Khama, to the attention of my colleagues, and ask unanimous consent that it be printed in full at this point in the RECORD.

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

STATEMENT BY THE PRESIDENT OF THE REPUBLIC OF BOTSWANA, HIS EXCELLENCY SIR SERETSE KHAMA, IN THE GENERAL DEBATE AT THE 24TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY, SEPTEMBER 24, 1969

Madam President, it gives me great pleasure to congratulate you on your election to this important office. I feel confident that with your long experience of the work of this organization, you will steer this session through to a successful close.

May I also express my sorrow at the untimely death of the President of the twenty-third session of this Assembly, Mr. Emilio Arenales Catalan, whose short term of office will be long remembered for the courage he displayed.

I should like on behalf of my people to pay tribute to the Secretary-General's work for world peace and his untiring devotion to the service of humanity.

Botswana is within a week of celebrating the third anniversary of its independence. My country is thus a comparative newcomer to the United Nations, and this is my first opportunity to address this General Assembly. Botswana is a small country in terms of population if not in area. As a small and poor country we set a particularly high value on our membership of the United Nations and those of its specialized agencies which our budgetary restrictions have permitted us to join. I should like to emphasize the particular importance of the United Nations for states like Botswana which, because of development priorities, are obliged to restrict their conventional bilateral contacts and keep their overseas Missions to a bare minimum. Here in New York we can make contacts which would otherwise be difficult to achieve. The United Nations offers many advantages to a state like ours. The United Nations enables us to keep in touch with international opinion, and to put our views before the world.

The United Nations is also regarded by small states as an institution which protects their special interests. Together with its specialised agencies, it is of course also a major source of development finance and technical assistance from which Botswana benefits greatly. I am conscious of Botswana's indebtedness to the United Nations, and I am honoured to have the privilege of putting some of Botswana's problems before the world through the members of this Assembly.

I am aware that there are many international problems which will come before this Assembly during this its twenty-fourth session. Botswana shares the general alarm at the prolonged impasse in the Middle East and the dangerous military escalation which has marked the last months. We are looking, like most member states with anxious eyes

towards Vietnam and praying that this tragic and long-drawn out conflict will soon be resolved at the conference table.

We are watching the civil conflict in Nigeria with even greater anxiety, since our own continent is directly affected. Botswana sympathizes fully with those member States both inside and outside Africa who want to see the fighting and the human suffering it involves brought to an end, and the work of reconstruction and reconciliation begin. Yet we believe the foundation for the effective resolution of this dispute in the best interests of all the peoples of Nigeria remains the work of the Organization for African Unity. Our efforts earlier this month at Addis Ababa may not have been crowned with immediate success. But there is no magic key which will unlock this complex problem in which so many conflicting interests including interests outside Africa are involved. If the United Nations has a contribution to make to the resolution of this conflict it lies in restraining the external powers involved from taking actions and adopting policies which could further delay a negotiated settlement. Botswana favours any initiative acceptable to both principal parties involved which will lead to a peaceful and lasting settlement and which will not threaten the stability and unity of other African states.

Our basic approach to all international problems stresses the need to resolve conflict by peaceful means. The weak of the world can hardly in logic support the recourse of violence, which must inevitably favour the strong.

Because Botswana is part of a region which faces the threat of violent conflict, I want on behalf of my people to lay particular emphasis on the need to find peaceful solutions to our problems. Southern Africa lives with the dangers of violent racial conflict. I want this afternoon to discuss the threat of racialism as it affects southern Africa, and in particular my own country, Botswana. And, within Southern Africa, I should like in particular to draw this Assembly's attention to a problem which I fear some powerful countries would prefer to forget. I refer to the problem of Rhodesia, which the people of Botswana are in no position to forget.

May I remind you of our geographical position and our historical circumstances. Botswana is almost entirely encircled by minority-ruled territories. We have a long and indefensible border with Rhodesia, and a long border with Namibia and with South Africa itself. The only railway running between Rhodesia and South Africa passes through Botswana. Not only is this railway operated by Rhodesia Railways, but it is vital to both Rhodesian and South African interests. It is also vital to Botswana because it provides our only outlet to the sea and to export markets overseas. Through this route must come the capital goods necessary for our development. Unlike some other states in Southern and Central Africa we have no practical alternative outlet.

We are for historical reasons part of a customs area dominated by the industrial might of the Republic of South Africa. We share the monetary system of the Republic of South Africa. Our trade and transport systems are inextricably interlocked with those of South Africa.

So meagre are our own employment prospects that we have for many years been obliged to permit some of our young men to go and work in the mines of South Africa. In the immediately foreseeable future we can find no way of providing alternative employment for all these men, nor can we afford to dispense with their earnings.

Botswana thus faces unusual and onerous handicaps, but we also face an unusual and challenging opportunity. I should like to describe our position because I believe it will give member states a useful insight into the problem the world faces when considering

the question of minority-rule in Southern Africa. I should like to explain how Botswana is responding, not only to the challenge of underdevelopment, but also to the challenge posed by our powerful neighbours whose way of life is not our way of life and whose values are the reverse of our own.

When my government took office in 1965 we were faced with a problem of underdevelopment of classic proportions. Such development programmes as were initiated under colonialism no more than scratched the surface of our problems. Most important of all, in contrast to other British colonies, there had been practically no attempt to train Botswana to run their own country. Not one single secondary school was completed by the colonial government during the whole seventy years of British rule. There was little provision for vocational training even at the lowest levels. The roads, water supplies, power supplies on which industrial development is based were totally inadequate. We were in the humiliating position of not knowing many of the basic facts about Botswana on which development plans could be based. We are still learning about the resources of our own country.

But we are now tackling the problems, and if I appear to boast of the progress we have made, it is to praise the efforts of my people rather than to vaunt the achievements of my colleagues in government and myself. We have received generous budgetary assistance and development aid from the British who have done much to make up for earlier neglect. We have received aid from other member states and from the agencies of the United Nations itself. What is more, all this aid has come without political strings. There has been no attempt to use aid to change our domestic or external policies. We will reject all donors who do not show the same forbearance.

Nevertheless, we depend on foreign aid for more than half our revenue. On what then is based our claim to be an independent state? Can we aspire to help in developing the prosperity, unity and freedom of our continent and hence play a constructive role in world affairs? I believe we can. Because, although we are for the moment dependent on foreign aid, we are also self-reliant. Because my people are mobilising their own resources, both human, physical and financial, we can accept overseas assistance without loss of pride. Furthermore, we believe that we have succeeded in attracting the major part of this aid because we are making great efforts ourselves, and because it is recognised that we have something to offer towards a solution of one of the world's most pressing problems, the future of minority-ruled Southern Africa.

Botswana is now on the threshold of new and major development. Since independence it has been discovered that we are blessed with mineral resources, which if exploited, offer us a prospect of financial self-sufficiency during the 1970's and in the long run the hope of healthy balanced development in all sectors. My government is in the midst of negotiating international loan finance for these developments. It is a matter of the greatest concern for us that this money is raised from the right source on the right terms. For despite all the handicaps of geography, climate and the legacy of colonial neglect, the people of Botswana have now embarked on the struggle to reduce our dependence on neighboring minority-ruled territories.

Only in this way can the people of Botswana reap the full benefits of independence. We feel that only in this way can the fruits of our labours be fully enjoyed. We did not win our independence from the British to lose it to a new form of colonialism from any source whatever.

Yet we accept that we are part of Southern Africa and that the harsh facts of history

and geography cannot be obliterated overnight. We recognise that in our present circumstances we must continue to remain members of the Southern African Customs Union and the South African Monetary area. We have noted South Africa's assurances of friendly intentions towards Botswana and other independent states. We have noted South Africa's offers to assist other African states in their development. Botswana, together with Lesotho and Swaziland are in the process of concluding lengthy negotiations with South Africa on a new customs agreement. In these negotiations we have not been seeking aid. Our objective has been to secure an equitable distribution of the revenues of the customs area, and the opportunity to protect our infant industries while retaining access to the South African market. We welcome private investment in Botswana from any source which seeks to build in partnership with our people and not to drain us of our resources with little or no return to the country. We are confident that we can co-exist with the Republic of South Africa without sacrificing our national interest or our fundamental principles.

For we have made no secret of our detestation of apartheid. Although for obvious reasons we are obliged to interpret strictly the principle of non-interference in the affairs of other sovereign states, we have not hidden our views.

Our voice has been heard in this Assembly and in other international forums in favour of universal self-determination, in support of peaceful solutions to international conflicts throughout the world, and in place for a realistic appraisal of what can be achieved by this organization.

Living, as we do, face to face with the realities of apartheid, we have little sympathy with token demonstrations and empty gestures. Yet we have unequivocally condemned the theory and practice of apartheid and we deplore its intensification and particularly the extension of the full apparatus of apartheid to the International Trust Territory of Namibia. Nevertheless, for obvious reasons however, Botswana must maintain diplomatic contacts with South Africa. For equally obvious reasons we decline to consider an exchange of diplomatic representatives until South Africa can fully guarantee that Botswana's representatives will in all respects, at all times and in all places be treated in the same way as diplomats from other countries.

We have expressed our opposition to Portugal's unyielding refusal to permit any progress towards self-determination in Angola, Mozambique and Guinea (BFISSAU). We have declined to entertain diplomatic relations with the Portuguese in the absence of any commitment on the part of Portugal to allow the indigenous people of their so-called overseas provinces to proceed to independence. Our criticism of Portugal's policies is not based on an argument about the timing of a programme for progress towards self-determination, but on the point blank refusal of the Portuguese government to concede that these territories can ever choose to move towards independence.

I would like to draw attention at this point to the firmly stated preference, endorsed by all independent African states in the Lusaka manifesto, for the achievement of self-determination through negotiation.

It was thus that Botswana achieved majority rule, and eventually independence, and this has been the path which most African states have been fortunate enough to tread. It is the wish of the government and people of Botswana that the indigenous populations of the neighboring territories should eventually share this experience.

One consequence of our geographical position is that Botswana has provided a refuge for many who have found themselves unable for one reason or another to continue to live in neighbouring minority-ruled ter-

ritories. Botswana recognizes a responsibility to these victims of political circumstance, and we are trying to discharge this responsibility as well as our resources permit. Refugees come to Botswana from Angola, Mozambique, Rhodesia, South West Africa and South Africa. At present there are more than 4,000 recognized refugees in Botswana. My government acceded to the United Nations General Convention and to the 1967 Protocol relating to the status of refugees in January this year.

Botswana grants asylum and assistance to genuine political refugees who seek our aid. The financial burden of doing so would have been heavy were it not for the generous assistance we received from the United Nations High Commissioner for Refugees, the World Food Programme, the World Council of Churches and other international bodies. For our part we have granted refugees recognition of their status. We have allowed them to settle in various parts of our country and find jobs or open their own businesses. And where possible, we educate them as well as our limited educational and training facilities permit. Equally important, we issue United Nations Travel Documents with a return clause to those refugees who wish to travel to other countries, where suitable training establishments are able to accept them.

The majority of refugees in Botswana have come from Angola. These people have been settled on a hundred square mile farming scheme.

Through training in agriculture and fishing, we hope that they, like many other refugees, will become integrated with the citizens of Botswana. We have welcomed them to our country. They can make their home with us until their own countries achieve a government acceptable to them.

I have already referred to certain constraints which Botswana faces when considering its position on Southern African issues. I have also mentioned certain principles which guide us. Our constant concern is to respect those constraints while not violating those principles.

The future of Rhodesia is of utmost possible concern to Botswana. I have referred to our long and indefensible common frontier. My government from the outset condemned the unilateral declaration of no independence before majority rule. For that reason we joined the majority of Commonwealth countries in rejecting the "Fearless" proposals. We condemned in no uncertain terms the illegal regime's constitutional proposals which entrench discrimination and separate development, and which definitely block the possibility of a peaceful transition to majority rule for which the 1961 constitution, at least in theory, provided. We recognise that these proposals endorsed by an unrepresentative electorate end the prospect of a peaceful transition to majority rule without some form of external intervention to secure this. These proposals are now being implemented by the Smith regime.

I warned the white minority in Rhodesia that by taking this course they were increasing the risk of violent conflict and endangering the stability of the region. Botswana is on record as favouring the re-assertion of British rule in Rhodesia. This course is the only one which offers a hope, however faint, of peaceful transition to majority rule. I recognise that the white minority in Rhodesia, conscious of the injustice it has implemented and fearing the justifiable bitterness of the oppressed African population, will feel the need for some guarantee that the transition to democratic nonracial government should be gradual and peaceful.

One way in which Britain could restore its authority is by the use of force. But I think that we must now accept, whether we approve of this decision or not, that Britain is not under present circumstances prepared to

resort to force. Botswana feels that it follows that alternatives to force must be considered. There comes a point when one policy, having been pushed to its limits, must be accepted as having failed, and must give way to another. It is essential that Britain be held to her legal and moral responsibility to the African majority in Rhodesia. There must be no absolutism.

This I have to admit leaves us with a policy which, as many member states have argued in past debates has been far from successful. I refer to mandatory sanctions. Yet for all the frustrations and disappointments which the tardy application of sanctions has given rise to, it remains essential that they are in fact maintained and intensified. We feel that these sanctions serve an important purpose, even if they are not extended to include South Africa. Just as it is clear that neither Britain nor any other country will use military force against the Smith regime, it is clear that a boycott of South Africa on this or any other issue cannot be achieved. The existing sanctions are thus at the present time all that stand between the rebel regime's success and failure. That being the case, rather than dismissing the sanctions weapon as totally ineffective, it is surely wiser to try and make them as effective as possible.

While it is important not to over-estimate the impact of sanctions it should not be too readily accepted that sanctions have had no effect at all on Rhodesia. From our vantage point we can see some of the effects of sanctions and I can assure this Assembly that they are not negligible.

To permit them to be eroded at this point would be unnecessarily to concede defeat. Certain consequences would follow. The way would be opened to diplomatic recognition by powers which are at the moment hanging back from this step. Rhodesia's links with Portugal and South Africa would be enormously strengthened and the whole minority position in Southern Africa would be consolidated. There are, I am convinced, elements both in South Africa and Portugal, and in the world at large, who have serious doubts about the viability of Rhodesia as a white-ruled state, given its rapidly expanding African population and its handicapped economy. Lifting sanctions would liberate the fettered Rhodesia economy and serve to restore the confidence of such observers in the viability of continued white supremacy.

For this reason Botswana appeals to all member states to make what contribution they can to rendering sanctions more effective. And here I should like to pay tribute to the work of the United Nations Supervisory Committee and of the Commonwealth Sanctions Committee. On their efforts and those of the member states of this organization are pinned the last hopes of preventing the illegal regime from imposing permanently its own version of apartheid on the people of Rhodesia, for whose welfare this organization has assumed a certain degree of responsibility. The present international isolation of the illegal regime and those who support it must be maintained. Our own difficulties in the matter of sanctions are obvious, but we are attempting to play our part within the limitations imposed by our frail economy and our landlocked position. We have prevented Rhodesia from using their railway to import arms and military supplies. Botswana's airline has ceased to fly into Rhodesia. We are preparing to do more. Botswana has committed itself to diverting long-standing trade with Rhodesia, despite the very considerable economic and administrative problems which such a course presents. Contingency planning is well advanced.

Our contribution to this struggle can only be a small one, for we are not a rich and powerful country. But we are hopeful that it will help to check the erosion of sanctions. There are other powers who live less

closely with this problem than ourselves but who can make greater contribution towards solving it.

May I conclude on a more general point, but one which also relates to Southern Africa. I have referred to Botswana's prospects of mineral development and of our hopes that this will permit us to dispense with budgetary aid and to develop a balanced and prosperous economy and a healthy non-racial democracy. We hope this for the sake of our people, but we also look forward to it with all the more eager anticipation because we recognise that it will permit us to make a greater contribution to solving the problem of our region. By this I do not mean that we will depart from our principle of non-interference in the affairs of neighbouring sovereign states. But Botswana as a thriving majority-ruled state on the borders of South Africa and Namibia will present an effective and serious challenge to the credibility of South Africa's racial policies and in particular its policy of developing so-called Bantu homelands and its stated goal of eventual independence for these Bantustans. It could force them to abandon the policy or attempt to make it a more immediate reality and even face the prospect of surrendering sovereignty to genuinely independent states. Either reaction would have important political consequences. A prosperous non-racial democracy in Botswana immediately adjacent to South Africa and Namibia will add to the problems South Africa is already facing in reconciling its irrational racial policies with its desire for economic growth.

If Botswana is to sustain this role, which you will recognise is not an easy one, its independence must be preserved. This means that we must ensure that we are insulated from any instability which the policies of neighbouring white-ruled countries may provoke. It also means that Botswana needs the support and sympathy of friendly nations. We recognise that our independence ultimately depends on the durability of our political institutions and on our success in achieving economic development. But our independence is also buttressed by our external relations. We have friends in all continents. Our membership of the United Nations is in itself a source of strength. I should like to appeal to all member states in their deliberations on the question of Southern Africa to recall not only Botswana's particular problems, but also our potential contribution to achieving change by peaceful means.

#### TAX REFORM

Mr. MURPHY. Mr. President, Dr. Norman Topping, the distinguished president of the University of Southern California, one of the Nation's outstanding private educational institutions, has prepared a statement for the Senate Finance Committee regarding the Tax Reform Act of 1969 and its effect on higher education. I ask unanimous consent that President Topping's statement be printed in the RECORD.

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

STATEMENT OF NORMAN TOPPING, PRESIDENT, UNIVERSITY OF SOUTHERN CALIFORNIA, LOS ANGELES, CALIF.

#### SUMMARY OF PRINCIPAL POINTS

Certain provisions of the Tax Reform Act of 1969 will discourage vital gifts to higher education.

Specific damaging provisions include those relating to gifts of appreciated assets and allocation of deductions; life income trusts; donative sales; short-term trusts; tax and other regulations concerning foundations.

Tax reform can be achieved without harm to independent higher education.

Independent higher education already faces a financial crisis, and giving should be further encouraged by Congress.

Let me first express my appreciation for the opportunity to be heard by the committee out of the scheduled order of subjects. I was required to be in Europe most of last month while these hearings were being held. The matters you are hearing are of such great importance to higher education that I felt I must accept this opportunity to make my views heard.

Independent higher education is vital to our system of society—to our unique way of life in the United States. Congress in the past was right to encourage charitable gifts. In principle, the Tax Reform Act of 1969 also encourages gifts—it includes a provision increasing the ceiling on deductibility. In practice, it will not work to encourage gifts.

You have heard many hours of expert testimony. I will summarize four major points.

1. Gifts of appreciated assets are the major form of gifts above a thousand dollars. They provide more than half of the dollars in gifts to independent higher education. The allocation of deductions provision in the bill before you would severely restrict this kind of gift.

2. Life income trusts would be virtually eliminated. This form of gift has been growing in usefulness during recent years. For the year ending with June, 1968, independent higher education received nearly \$45 million in gifts subject to life income or annuity. This is more than twice the estimated additional revenue to the government from the tax reform provisions affecting charitable deductions. Government would benefit very little; private higher education would suffer substantially.

Most independent colleges and universities do not enjoy a huge endowment. Huge funds at Harvard and Yale and at a handful of other fine universities are the exception. The University of Southern California, for example, receives only three per cent of its annual revenue from endowment. Before this bill, we had looked to the life income trust as a major means of increasing this vital guarantee of annual revenue.

3. Donative sale gifts and short-term trusts no longer would be useful means of giving. Additionally, there are retroactive provisions in the bill which will cost us at USC a two-million dollar short-term trust created last May. I am certain other institutions will be similarly deprived.

I think it is important to note that through all these forms of gifts, the donor decreases his spendable income. He does not make money from his gift to higher education or other charitable activities—unlike other kinds of tax preferences.

4. Additionally, many of the provisions regarding foundations would decrease gifts to higher education. Any tax will, of course, decrease the total amount foundations have to give away. Even the 2% tax proposed by the Treasury—let alone the 7.5% provided in the House bill—is significant. Half or more of the \$25 million estimated to be produced by a 2% tax would otherwise go to education. For many independent colleges, this loss will be critical.

We oppose the 20% ownership of a corporation provision as unduly restrictive. It would penalize many fine foundations which have acted with great responsibility and are principal benefactors of higher education.

The point is pertinent to certain of the provisions in the Tax Reform Act. They are intended to penalize a few persons or institutions which have abused their privileges, or to make laws equitable where only a relative handful have not paid a fair share. Unfortunately these provisions result in hurting others.

We all favor equitable tax laws. Congress

is to be commended for this vital effort to eliminate abuse. But surely these objectives can be achieved without critical damage to independent higher education. Indeed, we do not oppose many of the provisions—for example, those which would insure that everyone would pay a share of taxes—which will serve to eliminate injustice.

Higher education everywhere, and independent higher education especially, is already in a state of financial crisis. Independent institutions have already been forced to become supported by governments. Others may soon be forced to close.

All the statistics—the taxes required to run state systems, the gifts needed by independent institutions, the percentage of actual giving as opposed to the percentage allowable under our present tax laws—all these statistics and others indicate to me that charitable gifts should be encouraged, not made more difficult.

We have created a great nation in large measure owing to our system of combined public and private education. Each complements the other. Each helps to keep the other strong. Where would we be with only one system? Yet that is the very real danger presented by provisions in this Tax Reform Act. Independent higher education can only be weakened, with an ever greater burden on government for education as the inevitable result.

I urge this distinguished Committee to create a bill which will continue to aid higher education, one which will make our tax laws equitable without damaging our American way of life.

#### MEETING THE NATIONAL CAPITAL CRIME CRISIS

Mr. TYDINGS. Mr. President, this morning's newspapers indicate President Nixon plans to send Congress a message soon urging passage of a number of pieces of legislation. Statements by leaders of the President's party indicate the message will be the opening gun in an attempt to smear this Congress with a "do nothing" label in order to promote Republicans for office next fall.

Certain officials of the administration have, within recent days, zeroed in on the crime crisis as a major area where the President will try to blame Congress for increasing crime rates. As chairman of a Senate committee which has been hard at work all year to find answers to the crime problem, I particularly resent this political tactic.

As I have frequently said, I believe the crime issue ought to be above politics. I am disappointed the administration has decided to make law enforcement a political football. No good end can be served when the administration tries to blame Congress for delay on a Presidential program which was not even submitted to Congress until midsummer.

The blame for any delay in the crime fight lies squarely with the administration. I warned on July 1 that that delay could cost a full year in the war against crime.

Take the National Capital crime programs, for example.

At midyear we had received no Presidential bill on narcotics, no bill on courts, no bill on armed violence, no bill on tightening bail procedures. In fact, we had received no National Capital crime bills at all from the President.

At this October date, we will have not

received any bill to provide the kind of narcotics treatment facilities necessary to reduce narcotic addict crime, no legislation to make the prison system work, and no legislation to help State and local law enforcement agencies in this area help combat crime.

We have waited patiently for these bills, just as we waited for the administration's other bills. We want to have the President's views. In the case of court reform, we had to postpone our hearings three times because the administration was not ready. Finally we had to tell the administration that we would go forward without them unless they came up with a bill.

Now it looks like we will also have to go forward in antinarcotics law, prison reform, and State and local law enforcement assistance without any help from the administration.

We have moved as rapidly on the bills the President has submitted as responsible legislative consideration permits. The administration's court reform bill was finally sent to Congress July 11. It was reported by this committee on September 4, and passed by the Senate September 18, 70 days after it was first submitted to Congress.

We have concluded hearings on all the rest of the crime legislation the President sent us in July and are preparing to report that legislation as well.

Unfortunately, a significant part of the President's crime program for the District of Columbia, his bill on juvenile crime, did not reach Capitol Hill until 10 days ago, eight months after it was promised.

I think that if a charge of delay is appropriate at all on the crime issue, that charge must be answered by the administration. The administration's failure to present Congress with crime legislation and to respond promptly to Congress' request for the administration's views on other crime bills has created any delays which have occurred.

Take, for example, the case of the urgently needed legislation to beef up the Bail Agency in the National Capital. During our crime hearing last spring we found that once defendants were released under the Bail Act, literally no one kept track of them to make sure they conformed to the conditions of their release or even appeared for trial. So, we introduced a bill on January 22 to correct that situation. When we asked the Department of Justice to comment on the bill, it declined to do so, saying the President was preparing his own bill on the same subject. That was in April.

So we waited. Then on July 1, concerned at the administration's delay, we reported our own bill, S. 545 to the Senate. The Senate passed it on July 8. The administration finally submitted its bill on July 11.

My information is that this pattern of administration delay seems also to have afflicted other committees as well, retarding their anticrime efforts.

Apparently the administration is better at writing speeches than at writing legislation. We cannot enact a message, letter, or speech from the President or the Attorney General on crime. We need concrete legislative proposals.

I remain gravely concerned that the administration's delay in submitting its crime legislation, particularly that relating to the National Capital region, is going to cost us a full year in the war on crime before it can be enacted.

I repeat again that this committee will do its best to overcome these administration delays and to enact the crime laws we need as soon as we responsibly can.

Since last February 1, we have conducted more than twenty days of crime hearings concentrating on narcotics and criminal laws. We have enacted bills to reform the courts for the first time in a century, to speed criminal trials, to help control pretrial crime by those on bail and to provide extradition for juvenile delinquents.

We have also recommended a number of important law enforcement steps which the administration can take without legislative action. But we have been frustrated by the administration's failure to take action on a number of them.

In March, I asked that all major crime suspects be tested to see if they are narcotics addicts. If they were, I asked that they be detained for treatment, rather than released to prey on the community. No such action has been taken.

At the same time, I asked the President to support the creation of a regional narcotics treatment facility in Washington to which addicts could be committed until they were no longer a danger to the community. The President has so far failed to act.

The Metropolitan Washington Council of Governments has twice this year asked for funds from the Justice Department for important local law enforcement projects in the Washington metropolitan area. Both times they received less than was necessary to do the kind of job we need.

This committee, the first to take action on any part of the President's crime program, will continue to do its part to meet the crime crisis. We will try to meet our responsibilities without buck-passing or partisanship.

The American people deserve and demand protection against the crime wave. They want no politics or foot-dragging on this issue. They look to the President for leadership and action, not speeches and excuses. We will continue to cooperate fully with the President in his efforts against crime and do everything we can to put the needed laws on the books as soon as possible.

Mr. President, I have had prepared a brief summary of some of the committee's activities this year, particularly those relating to the crime question and to the President's program as it has been received by the committee. I ask unanimous consent that it be printed at this point in the RECORD.

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

PARTIAL SUMMARY OF ANTICRIME ACTIVITIES OF SENATE COMMITTEE ON THE DISTRICT OF COLUMBIA

*I. Court Reform to Cut the Backlog of Criminal Cases*

Feb. 18. Senator Bible introduces S. 1067 and S. 1068 on Court Reform.

Feb. 28. Senator Tydings introduces S. 1214 and S. 1215 on Court Reform.

March 25-26. Hearings on court reform cancelled because Administration bill not ready. Committee begins own hearings on narcotics instead.

May 19-22. Hearings scheduled for May 19-22 on Administration bill cancelled. Administration bill still not ready. Hearings held on S. 1067, S. 1068, S. 1214, S. 1215 instead.

June. Court hearings postponed again because Administration not ready.

July 1. Chairman Tydings warns in speech to Board of Trade "I have made every effort possible to wait for the Administration. But I cannot postpone the final court hearings any longer. The Committee will conclude its court hearings the week of July 17 and will proceed in due course to report a bill. I hope the Administration can be ready by mid-July. But we can have no more delays."

July 11. President sends his "D.C. Crime" bill to Congress.

July 15-16-17. Hearings on President's bill (S. 2601).

Sept. 4. Committee orders Court Reform portions (80%) of President's bill reported.

Sept. 16. Report filed in Senate.

Sept. 18. President's Court bill passes Senate.

*II. Amendments of Criminal Law and Procedure*

July 11. President's bill received.

Sept. 18, 25 and Oct. 2. Hearings held and concluded. Scheduled to be reported to Senate by November.

*III. Strengthening the Bail Agency to Reduce Pre-Trial Crime*

Jan. 22. Senator Tydings introduces legislation (S. 545).

Feb. 1. Hearings held.

April 22. Department of Justice declines to comment on bill.

July 3. Committee reports S. 545.

July 8. Senate passes S. 545.

July 11. President submits his own bill as part of his "D.C. Crime" bill.

*IV. Juvenile Crime*

June 5. Senator Tydings introduces legislation (S. 2335) for extradition of juvenile delinquents.

Aug. 8. Hearing on S. 2335.

Aug. 11. S. 2335 ordered reported by full Committee.

Sept. 18. Passed Senate.

Sept. 26. President's Juvenile Court bill, promised last spring, is sent to Congress.

Oct. 1. Senator Spong opens hearings on violence in Public Schools.

*V. Narcotics*

Feb. 11. Senator Tydings asks courts and Bail Agency to institute narcotics addiction tests on criminal defendants.

March 2. Senator Tydings asks President to support creation of Metropolitan Washington Regional Narcotics Treatment facility.

March 25-26, April 9-10-11, June 17. Narcotics hearings.

March 26. Senator Tydings calls for Grand Jury to indict major narcotics traffickers.

April 21. Senator Tydings Asks Metropolitan Washington Council of Governments to establish task force to coordinate area anti-narcotics program.

July 29. Narcotics Crime Conference of Baltimore and Metropolitan Area Law Enforcement Officers, called by Senator Tydings, plans regional narcotics crack-down cooperation.

COMMITTEE ACTION ON OTHER PARTS OF THE PRESIDENT'S D.C. PROGRAM

*I. Mass transit development*

May 16. President's bill introduced by Senator Tydings (S. 2185).

June 10-11. Hearing held.

July 1. S. 2185 ordered reported by Full Committee.

July 8. Passed Senate.

### II. Home rule

April 25. Committee bills on Home Rule introduced.

April 30. Hearings on Committee Bills.

May 13. President sends his Home Rule bills to Congress.

September 25. President's bills reported to Senate.

October 1. Senate passes President's Home Rule Bills.

### III. Revenue

August 11. D.C. Revenue Bill passed by House (H.R. 12982) (As a tax measure, it had to originate in the House).

August 12-13. Hearings on H.R. 12982.

August 13. H.R. 12982 formally referred to Committee by Senate.

September 24. H.R. 12982 reported to Senate.

October 3. Senate passes H.R. 12982.

### SENATOR BROOKE DEPLORES CONTINUED CAPTIVITY OF THE TWO IMPRISONED ISRAELIS

Mr. BROOKE. Mr. President, recent press reports have provided a slim ray of hope for those of us—and they are many—who remain deeply concerned about the fate of the two Israeli citizens still held captive by the Government of Syria. I refer to the fact that 10 nations have now called the U.N. General Assembly to inscribe upon its agenda a resolution calling for "effective measures" against international air piracy.

It is no minor matter when more than 50 incidents of air piracy occur in a single year. The world has become more closely bound together than ever before. International trade and tourism depend upon the reliable transfer of goods and people among the several nations of the world. Thousands of flights, millions of people, and billions of dollars in goods are involved in this international traffic each year. Nearly every nation has at least one airline, some privately and some publicly operated, upon which it depends in great measure. And every nation which has such an airline must rely on the good will of other states for the safe operation of its planes and the safe conduct of its passengers and crew.

No nation's welfare is served, therefore, when one state chooses to harbor international criminals and to keep their victims imprisoned. For if one country can so violate the codes of decency in international relations and escape retribution, then we may be verging on a state of anarchy in international affairs unparalleled since the days when the Elizabethan "seadogs" plundered the trade of friend and foe alike.

I shall have more to say on this subject in the near future, for the entire issue of air piracy is of deep and growing concern to me. However, I do wish to take this opportunity to welcome the proposal of the 10 member states and to express my hope once again that the Government of Syria will realize the danger of the course upon which it has embarked and will take immediate steps to release the two remaining passengers and deal justly with their abductors.

### THE TEACHERS CORPS PROGRAM

Mr. MURPHY. Mr. President, I continue to hear good reports regarding the Teachers Corps program.

As a member of the Senate Education Subcommittee, I am always pleased to hear that programs are working well at the local and State level and they are accomplishing the purpose as intended by the enacted legislation.

Last year, I spoke on the Senate floor supporting increased funding for this program.

On August 10, the Los Angeles Times carried a story about the Teachers Corps rural-migrant programs at the University of Southern California. Teachers Corps interns see problems in our society, but unlike some of the young people who get so much of the media's attention, the Teachers Corps are constructively trying to do something about the conditions that they see and to help build a better America for all our citizens. I ask unanimous consent that the article written by Los Angeles Times writer, Arlene Van Breems, be printed in the RECORD.

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

[From the Los Angeles Times, Aug. 10, 1969]

#### MEXICAN HERITAGE ADDED TO CLASSROOM

(By Arlene Van Breems)

Education came only in English wrapped in "Anglo" culture for the Mexican-American children of migrant workers in Tulare County.

When these students came to school each day, their Mexican heritage and their facility in Spanish were left at home, waiting for them when they returned.

But things changed with the Teacher Corps: Rural Migrant people and program came to their towns and schools.

The children were asked to bring their Mexican environment and their special problems to the classroom.

"These students have the same educational needs as English-speaking students," says Mrs. Patricia Cabrera, the program's director, "but they require different teaching techniques because of their Mexican background."

The school district of Tulare County asked for help, and we knew that our interns with the program behind them could give that extra help," she added.

Teacher Corps: Rural Migrant has been training career teachers for three years. Currently, 32 interns are going through the program and are almost evenly divided between the first and second year.

#### PUT INTO TEAM

Each is put into a team of five or six, headed by a team leader who has come from a professional teaching background.

A total of 17 completed both years of training and were graduated in July. Seven out of the total are returning to Tulare as regular teachers.

The two-year program is part of the nationwide Teacher Corps program federally funded by the U.S. Office of Education. Five colleges in California design and operate the Teachers Corps projects: San Diego State College; San Francisco State College; San Jose State College; University of the Pacific in Stockton; USC.

Teacher-Interns earn the base pay of regular teachers with comparable training and experience in the school system where they serve, plus stipends during preservice training.

The classrooms in Tulare County in the San Joaquin Valley are summertime quiet, but the interns of the Teacher Corps: Rural Migrant program are caught up in preparation for the fall when school begins.

Since the problems of teaching children of Mexican-American migrant parents do not

take a summer vacation, neither do the interns.

Some are in Mexico taking intensive language courses in Spanish after completing education courses at USC. Others are working on special projects of their own design which will produce material, skills or both for the coming school year.

#### LONG DAYS

When the interns sign up for the training program, they sign up for long days and extra involvement in the problems of the people and community where they serve, while getting a master's degree in teaching and community work from USC.

"We will deliver the goods, the degree," said Mrs. Cabrera, "if they are willing to give up two years and spend seven days a week extending themselves into the problems of the community."

"We are not looking for the kind of teacher who goes home at 8 o'clock, thinking that the day is finished," Mrs. Cabrera added.

Coming as strangers in a strange place, the interns give up more than time. No one asks them to shave off a mustache or lengthen a miniskirt. They do these things on their own because they want to be accepted into a community different from their own.

"These things become very unimportant," said Romola Katz, a first-year intern, "when you have to build up the confidence and trust of the community."

"You make things more difficult if you alienate people by your dress," she added.

Two-thirds of the interns are Mexican-Americans, many from the Tulare community. "We made it," said Manuel Montano, "and we are trying to show them by example that they can, too."

Breaking down old stereotypes is an important part of their mission. "Too many people think that Chicanos are stupid and lazy," said Victor Vaca, another first-year intern. "When the children start to believe this, they start having educational problems."

Interns have two years' worth of time to fill in the gap between their college-born idealism and the reality of poverty with creative programs and new teaching strategies.

"If I were handing out ribbons to interns," said Mrs. Cabrera, "I would give them out for developing new strategies—anything new and different has a greater chance of opening up a closed rural society."

Last year the interns unleashed their creativity in projects ranging from furniture manufacturing to classroom experiments in bilingual education.

A toy loan was started by Deane Lamb when she realized how difficult it was for a family to buy toys when they barely had enough to eat.

#### BORROW TOYS

Now the children borrow toys in a way similar to checking out books from a library except there are no fines. A Brownie troop in Moraga and a 4-H Club in Woodlake collected the first batch of new or used toys.

Since her two years with the program are over, she has passed the project on to another intern.

Intern Mike Mayo began a course in Mexican heritage and culture for Woodlake High School in his garage. His arts and crafts project attracted so many students that he was invited to move it to the high school.

When the interns go into the classrooms of Culter-Orosi, Woodlake and Stone Corral, they go to help the regular teachers not to replace them. "We don't tell the teachers that we are better qualified to teach than they are," said Joe McFadden, team leader.

"We don't come on as experts but as learners," he added. "The teachers realize that we are there to serve them and the community."

"If we come to community meetings, we don't say 'do this, this and this,' we wait

until those in the community show us how they want to be helped," said McFadden.

Politics and social issues are not outside of their domain as teachers. "If you are not involved in the community of these children," said Gary Potten, a second-year intern who just was graduated, "you can't be an effective teacher."

During the spring floods, he and other interns helped evacuate Mexican-Americans from their homes. They worked an 18-hour day for five days and earned respect rather than dollars from the community.

One long-time resident of Tulare County was heard to say, "They are not just Anglos—they're Teacher Corps interns."

OTHER PROGRAMS

This program is spinning off other programs to aid the Spanish speaking community. Teacher Corps-Vista, a two-year work-study program out of USC, began this spring. For the 30 low-income young adults, Mexican-Americans and others, the program will lead to a California teaching credential and a bachelor of science degree in TESOL—Teaching English to Speakers of Other Languages.

For 23 graduates of HEP (High School Equivalency Program) a two-and-a-half month program was begun in June to prepare them as assistants in the TESOL program.

DECLINE IN FARM EXPORTS CALLS FOR POSITIVE RESPONSE

Mr. SPARKMAN. Mr. President, for many years I have been concerned with the deterioration of the U.S. balance of payments and the building of profitable export markets for American goods and services.

During this period, a number of myths about our country's position as a trading nation have been rudely shattered, as our commercial surplus declined from \$6.7 billion in 1964 to the vanishing point in 1968. A recent blow to whatever complacency may still exist about these matters came in the report that fiscal year 1969 showed a 10-percent decline in agricultural exports, to their lowest level since 1963. In fact, this decline was the second in a row, as the following figures show:

Total U.S. farm exports	Billion
1966-67	\$6.7
1967-68	6.3
1968-69	5.7

<sup>1</sup> Source of the figures is in a newspaper article: "Farm Exports Decline 10%," *Washington Post*, August 26, 1969, Financial Section.

There are a variety of causes for this bad news, which only underscores the necessity for our Government and private industry to cooperate in making it possible for both large and small U.S. farmers and businessmen to compete effectively for world markets.

They must also compete imaginatively as world conditions change, new forms of agriculture emerge and other traditional relationships shift with the times.<sup>1</sup>

A number of us in the Senate have been trying for some time to improve the agricultural export picture. For instance,

<sup>1</sup> See, for instance, "U.S. Role in The World's Feed-Livestock Economy, by Assistant Secretary of Agriculture Clarence D. Palmby, *Foreign Agriculture* magazine, September 22, 1969, p. 5.

during the past several Congresses we have introduced two bills, currently numbered S. 2079, calling for an annual conference of the U.S. beef industry to assess world trade trends and opportunities, and S. 2190, calling for a concerted effort to refine agricultural statistics so that the Congress would be in a better position to assess judgments on agricultural export and import trade policies.

These measures are currently pending before subcommittees No. 3 and No. 4 respectively of the Senate Committee on Agriculture and Forestry, and I urge favorable consideration of these measures by both the executive branch and the subcommittees, especially in the light of the serious nature of the country's balance-of-payments problems.

THE PRICE OF BEEF

Mr. HANSEN. Mr. President, there seems to be some indication of a slowing down in the spiraling rise in prices of the past few years. For example, as I and several other Members pointed out recently, meat prices have leveled off and, in some cases, already reflect a recent drop in wholesale prices.

And, while I have repeatedly expressed my concern over high food prices and higher and higher prices for all the necessities of life, I do not believe the prices of meat, particularly beef, has risen at a disproportionate rate when compared with other basic foods.

I therefore welcome the hearings called in the other body to investigate increases in meat prices. When all the facts and factors have been considered, I believe the record will be clear that beef can still be purchased at comparatively reasonable prices. And this certainly does not imply that I would not like to see all food and other costs of living go down.

I am concerned, however, that a group would single out meat for a boycott of food stores here in the Washington, D.C., area. A news article about this movement in an afternoon newspaper quoted statistics collected by this group in local supermarkets during the past several weeks.

For emphasis, I presume, the particular cut of meat chosen by the group was porterhouse steak. This particular group may ordinarily buy porterhouse steaks, although I would consider a less select cut as more of a norm of what the average housewife would buy.

Nevertheless, the prices quoted for a pound of porterhouse steak ranged from \$1.99 to \$1.39 in September. I have noted in trips to the supermarket with my wife that meat prices vary during the week and are usually lower toward the weekend, at specially advertised prices, during which many housewives, including my wife, may stock up for a few days.

A full-page weekend special in this morning's *Washington Post* listed beef prices at one supermarket for less even for porterhouse steak than the lowest price found by the ladies who gathered the statistics.

Choice porterhouse steak was advertised at \$1.29 per pound. And here are other meat prices advertised by this

same supermarket today: Choice sirloin steak, \$1.19; choice chuck steak, 65 cents; chuck roast, 59 cents; arm round bone, steak or roast, 99 cents; and stewing beef, 89 cents.

So I would say that either the ladies were not shopping for bargains or the price of beef has dropped since they made their survey. And also that there are some good cuts of beef at considerably lower prices, whether on sale or not.

In that regard, may I also point out a recent bulletin issued by the California Beef Council, which asks the question "Are beef prices really high?"

The council notes:

1. Beef and veal prices were only 12.9% higher this May than they were in 1951.
2. Overall food costs were 29.7% higher this May than in 1951.
3. The cost of living index rose 40.1% between 1951 and May 1969.
4. Our income rose from an average of \$57.80 a week (or \$1.45/hr.) in 1951 to \$113.55 a week (or \$3.02/hr.) in May 1969—a 96.2% increase. The average worker put in 39.9 hours to earn his weekly wages in 1951, compared to 37.6 hours a week in May 1969.
5. In 1951, one hour's labor bought 1.7 pounds of beef. In May, 1969, one hour's labor bought 3.2 pounds of beef.
6. On the average, a pound of U.S.D.A. Choice beef cost 88.2¢ in 1951—94.8¢ in May, 1969.
7. In 1921, a family of five spent 6.7% of its annual income for 670 pounds of meat. In 1966, a family of five spent 4.5% of its annual income for 850 pounds of beef. In 1969, a family of five will spend 4.5% of its annual income for 915 pounds of meat—an additional 65 pounds for the same percent of income.
8. In 1969, Americans will spend about 17½% of their annual income for food—compared to 26% in England, 28% in West Germany, 31% in France, 40% in Japan, and 50% in Russia.

BIRDS ALERTED FOR WAR

Mr. FULBRIGHT. Mr. President, this morning's *Washington Post* carries an article entitled "Birds Alerted for War," written by Thomas O'Toole. The item concerns a \$600,000 contract given the University of Mississippi by the Department of Defense to "see if birds can be trained to do certain things," a Pentagon spokesman explained. Those things, according to the contract, are aerial photography, gunnery, steering of missiles, detection of mines, and search-and-destroy operations.

The article raises a number of questions, such as how the birds are going to be taught to tell friend from foe once they have mastered these techniques for destruction. I am reminded of a popular Alfred Hitchcock movie of a few years ago, "The Birds," in which normally timid birds went berserk and ganged up to wage a talon and beak war on an entire community of humans. The birds won, too, if I recall correctly. Apparently, someone in the research section of the Pentagon saw the movie also and decided to go Mr. Hitchcock's birds one better. One thing that can be said for the Pentagon plan; if it succeeds it should make bird-watching one of the most popular avocations in the Nation—solely as a matter of citizen self-protection.

This contract illustrates quite clearly how far afield the Department of De-

fense has gone in financing research programs which have no direct relationship to legitimate defense needs. The purpose of my amendment to the defense procurement bill, which the Senate adopted by a vote of 49 to 44, was to eliminate just such projects as that described in the Post article. The amendment not only cut \$46 million for several research categories, including \$8 million for Project Themis, under which the University of Mississippi project was funded, but it also, for the first time, provided that all research projects have a "direct and apparent relationship to a specific military function or operation." The House bill contains an identical provision, so there is no doubt that the limitation will become law. I have written to Dr. John S. Foster, Jr., director of research for the Department of Defense, to determine how the Department plans to implement the restriction. If the Department takes the view that a project to arm birds has a "direct and apparent relationship" to a proper military requirement, further action will be necessary to insure that the intent of Congress is followed.

I ask unanimous consent that the Post article, a listing of Project Themis contracts with universities, and a copy of my letter to Dr. Foster be printed in the RECORD. I might note that the only project listed for the University of Mississippi is one for "Biocontrol Systems," discreet terminology for work to turn birds into killers.

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

[From the Washington Post, Oct. 8, 1969]  
**FLYING OFF TO COMBAT?—BIRDS ALERTED FOR WAR**

(By Thomas O'Toole)

Would you believe that war is for the birds?

So much so that hawks and doves might fight side by side or that parrots, ducks, chickens, pigeons and even mynah birds could be drafted to help defend the flag in some future war?

Whatever you might think of the scheme, the Pentagon is all for it. Consider the description of the \$800,000 contract the Defense Department has with the Psychology Department of the University of Mississippi:

"This program is based," the contract reads, "on the supposition that birds will eventually replace humans for activities that are dangerous, difficult, expensive or boring."

Among the activities the Pentagon has in mind are "aerial photography, gunnery, steering of missiles, detection of mines and search and destroy operations."

Just how the Pentagon plans to get birds to do all these things is anybody's guess, but it does mean to try.

"Much of the research will relate to complex forms of stimulus control," the contract with the University of Mississippi reads, "for example, visual search, auditory pattern recognition, pursuit and tracking, controlled locomotion and operation of manipulanda while flying."

"This is not a development contract," explains a Pentagon spokesman. "What we're trying to do here is to see if birds can be trained to do certain things."

The Pentagon admits it won't be able to use all birds in its research but it would like to train most species of wild birds for combat flying. "Especially crows, ravens, jays, hawks and vultures," the contract goes on, including "doves, parrots, mynahs, chickens and pigeons."

The use of warbirds is not a new one, though its past is hardly glorious.

The most serious attempt to use bird-like creatures was in a program called X-Ray, in which bats carrying incendiaries were to be flown into Tokyo during World War II. The idea was to get the bats to roost in the eaves of Tokyo's wooden buildings, where the bombs would go off when the bats flipped upside down to sleep.

"The trouble with that one," said one scientist who worked on Project X-Ray, "was that it almost burned down an Air Force base in New Mexico." X-Ray never made it to Japan.

The latest scheme for warbirds came to roost when the Pentagon circulated a letter advertising for ornithologists to work on it.

"I read it, I re-read it, and I read it again," one scientist said, "and I still couldn't believe it. It's insane."

Critics notwithstanding the Pentagon is going ahead with its bird scheme.

"This program is just getting started," it says. "Hopefully, it will go on for 10 or 20 years."

The project is supported by a three-year "Project Themis" contract, at \$200,000 a year. Project Themis is a program aimed at beefing up basic research in universities that have not had strong science programs.

**PROJECT THEMIS**

The enclosed list shows all the Themis projects funded through FY 69. The original four year plan called for fifty new starts for each of FY's 67, 68, 69 and 70 for a total of 200 programs. During the first three years only 118 of the planned 150 new starts were approved. The FY 70 budget request for \$33 million provides for (1) 25 additional new projects to be started during FY 70 which would require \$10 million, and (2) the renewal of the ongoing Themis programs which would require \$23 million.

**PROJECT THEMIS PROGRAMS—FUNDING BY FISCAL YEARS**

[In thousands of dollars]

Military department	State and institution	Program topic	Fiscal year		
			1967	1968	1969
<b>Alabama:</b>					
A	Auburn University	Information processing	343	171	170
AF	University of Alabama	Structural mechanics			400
A	Alaska: University of Alaska	Human ecology	404	202	
<b>Arizona:</b>					
N	Arizona State	Human performance in isolation	380	190	
AF	do	Detection devices, techniques and theory		409	200
AF	University of Arizona	Precision optical systems		409	203
AF	University of Arizona at Tucson	X-ray and KUV radiation physics			400
<b>California:</b>					
AF	University of California, San Diego	Transport phenomena in flow systems	398	200	225
N	University of California, Riverside	Solar radiation effects			400
<b>Colorado:</b>					
N	Colorado State	Tropical weather disturbances, surface effects		500	250
N	do	Predictability of low-altitude winds		430	215
AF	Colorado State at Fort Collins	Effects of environment on sensors			400
<b>Connecticut:</b>					
AF	University of Connecticut	Structural fatigue		410	205
<b>Delaware:</b>					
A	University of Delaware	Fluid mechanics and heat transfer	563	281	280
N	University of Delaware at Newark	Oceanography			480
<b>District of Columbia:</b>					
AF	Georgetown University	Laser technology	404	202	202
N	Catholic University	Vitreous state structure and dynamics		386	193
N	do	Dynamics of cable systems		402	201
N	do	Underwater acoustics			500
<b>Florida:</b>					
AF	University of Florida	Solid state materials	400	200	200
A	do	Logistics and information processing	340	170	170
N	Florida State	Geophysical fluid dynamics	600	300	350
A	do	Prediction of tropical weather phenomena		500	250
N	do	Computer aided instruction		460	230
<b>Georgia:</b>					
A	Georgia Tech	Low speed aerodynamics	339	170	170
AF	do	Interface phenomena	350	195	200
N	University of Georgia at Athens	Statistical analysis and information retrieval			215
<b>Hawaii:</b>					
N	University of Hawaii	Astronomy research	350	175	220
AF	do	On-line computer systems		409	205
A	University of Hawaii at Honolulu	Vector borne tropical diseases			400
<b>Illinois:</b>					
AF	Illinois Institute of Technology	V-STOL aerodynamics		409	205
A	Illinois Institute of Technology at Chicago	Degradation of structural materials			400
<b>Indiana:</b>					
AF	Indiana University	Environmental hazards	400	198	200
N	Notre Dame University	Deep sea engineering	400	200	200

PROJECT THEMIS PROGRAMS—FUNDING BY FISCAL YEARS—Continued

(In thousands of dollars)

Military department	State and institution	Program topic	Fiscal year		
			1967	1968	1969
	Iowa:				
N	Iowa State	Automatic navigation and control	400	200	200
AF	Do	Ceramic and composite materials	449	224	225
A	University of Iowa	Vibration and stability of military vehicles		500	250
N	Do	Application and theory of automata		400	200
	Kansas:				
A	University of Kansas	Remote sensing instrumentation	400	200	200
AF	Do	Social and behavioral science	400	200	200
AF	Kansas State	Performance in altered environment	400	200	200
N	Do	Nuclear radiation effects on electronic components		577	288
	Kentucky:				
AF	University of Kentucky	Metal deformation processing		408	204
A	Kentucky University at Lexington	Research in electrochemical processes			400
AF	Do	Environmental stress physiology			400
A	University of Louisville	Performance assessment and enhancement		399	200
	Louisiana:				
A	Louisiana State	Infectious and communicable diseases	342	171	170
AF	Do	Digital automata	398	400	200
	Massachusetts:				
N	University of Massachusetts	Deep sea structures	360	180	180
N	Boston College	Elementary chemical kinetics			440
AF	Michigan: Michigan State University at East Lansing	Behavioral studies			400
	Minnesota:				
N	University of Minnesota	Infrared detector and laser technology	380	190	190
N	Do	Gas turbine technology	400	200	200
N	Do	Organization performance and human effectiveness			415
	Mississippi:				
A	Mississippi State	Rotor and propeller aerodynamics	278	139	140
AF	University of Mississippi	Biocontrol systems		409	204
	Missouri:				
A	University of Missouri at Columbia	Fluid transport properties	446		220
N	University of Missouri at Rolla	Aqueous aerosols in atmospheric processes		400	200
AF	Do	Basic studies on electronic materials			400
A	Do	Terrestrial science research			400
AF	Washington University at St. Louis	Control, guidance, and information studies			400
AF	Do	Optimum detection systems			400
AF	Nevada: University of Nevada	Cloud physics	399	199	250
AF	New Hampshire: Dartmouth College	Time shared computing systems	460	290	290
	New Jersey:				
AF	Rutgers University	Fluid flow aerodynamics	400	200	
N	Stevens Institute	Nonlinear physics of polymers	324	162	162
A	Do	Cryogenic sciences and engineering	342	171	170
A	Do	Evaluation of terrain vehicle systems		460	200
	New Mexico:				
N	New Mexico Institute M&T	Environmental sciences	406	203	268
N	University of New Mexico	Radiation effects on electronics	370	185	185
	New York:				
AF	SUNY-Albany	Modification of environment	399	199	200
N	SUNY-Buffalo	Environmental physiology	600	300	350
A	Rensselaer Polytechnic	Electrochemical power sources		460	230
N	Do	Radiation effects		430	215
A	Do	Optimum digital signal processing			400
N	Yeshiva University, New York City	Research on thin film materials			390
	North Carolina:				
N	North Carolina State	Materials response phenomena	400	200	200
AF	Do	Digital encoding systems		396	200
	North Dakota:				
A	North Dakota State	Control of vectors of diseases of military importance		393	197
N	Union of North Dakota	High pressure physiology		527	263
	Ohio:				
A	Case-Western Reserve	Research in R. & D. management	300	150	150
A	Ohio University	Low level navigation	407	200	200
AF	Kent State University	Liquid crystal detectors		410	205
A	University of Cincinnati	Internal aerodynamics in air-breathing engines		400	200
	Oklahoma:				
A	Oklahoma State	Electronic description of the environment	482	241	240
N	University of Oklahoma	Mechanism and theory of shock		405	202
N	Oregon: Oregon State	On-line computer environmental research	580	290	290
	Pennsylvania:				
A	Drexel Institute of Technology	Powder metallurgy		510	255
AF	Do	Forecasting by satellite observations		408	204
N	Jefferson Medical College	Pathogenesis of acute diarrheal disease		390	195
A	Lehigh University	Nonlinear wave propagation		400	200
N	Do	Low-cycle fatigue in joined structures		400	200
N	Do	Fluid amplification		400	200
N	Hahnemann Medical College	Biomaterials in stress			520
A	Rhode Island: Rhode Island University at Kingston	Photoelectronic imaging devices			400
A	South Carolina: Medical College of South Carolina	Resuscitation and treatment of wounded		368	184
N	South Dakota: South Dakota School of Mines	Modification of convective clouds	260	130	100
	Tennessee:				
N	University of Tennessee, Knoxville	Dynamic sealing	300	150	150
AF	Do	Remote sensor research		408	204
AF	University of Tennessee, Tullahoma	MHD power generation		400	200
A	Vanderbilt University	Coating science and technology		550	275
	Texas:				
N	Texas A. & M.	Optimization research	400	200	155
A	Do	Meteorology research	430	215	215
A	Do	Aircraft dynamics subsonic flight		388	194
A	Texas Christian	Human pattern perception	272	100	135
N	University of Houston	Information processing	380	190	190
N	Rice University	Coherent and incoherent EM radiation		350	175
A	Do	Remote sensing of gamma ray signatures			400
AF	Southern Methodist	Automatic navigation	400	200	200
N	Do	Statistics in calibration methods		502	296
A	Texas Tech	Performance and man-machine effectiveness		470	235
AF	Utah: University of Utah	Chemistry of combustion	398	200	200
AF	Vermont: University of Vermont	Isolation and sensory communication		410	257
	Virginia:				
A	University of Virginia	Learning control systems	342	171	170
AF	Do	Atomic interactions in gases		408	200
N	Do	Cryogenic instrumentation			400
A	Virginia Polytech, Blacksburg	Vehicle engineering and control			400
N	West Virginia: West Virginia University	V/STOL aerodynamics		416	208
	Total		19,375	28,180	29,239

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
Washington, D.C., October 8, 1969.

Dr. JOHN S. FOSTER, Jr.,  
Director, Defense Research and Engineering,  
Department of Defense, Washington, D.C.

DEAR MR. FOSTER: I noted the enclosed article in this morning's Washington Post, concerning a contract with the University of Mississippi under Project Themis.

As you know, both the House and the Senate have added a provision to the military procurement bill which requires that all Department of Defense research have a "direct and apparent relationship to a specific military function or operation." I am interested in having your views on how this amendment will be implemented by the Department after it becomes law, along with some estimate of the types of contracts, and the amounts in dollars, that may be cut out in carrying out this intent of the Congress. I would also like to know if in your view the contract described in this article would be possible under the terms of the amendment.

Sincerely yours,

J. W. FULBRIGHT.

#### ISSUES WHICH PREVENT PEACE IN THE MIDDLE EAST

Mr. SCOTT, Mr. President, in spite of cease-fire agreements that supposedly became effective many months ago, border fighting and guerrilla warfare continue to disturb the peace of the Middle East.

It is more than 2 years since the end of the June 1967, Arab-Israel war, and still no negotiations have taken place between the parties to the conflict.

It is time that the people of the United States turned very serious attention to the obstacles which have made it impossible to achieve peace in the Middle East.

These matters are discussed in an informative editorial appearing in the current issue of Prevent World War III, which is published by the Society for the Prevention of World War III, Inc., of 50 West 57th Street, New York, N.Y. 10019.

I ask unanimous consent that this article be printed in the RECORD.

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

#### ISSUES WHICH PREVENT PEACE IN THE MIDDLE EAST

Although Middle East peace seems no nearer today than it was a year ago, the issues which prevent it have at least become somewhat more clearly visible.

Among the many causes which keep belligerency alive, the following stand out:

Refusal of the Arab states to negotiate with Israel.

Soviet determination to claim the whole Middle East area as a sphere of influence.

Escalation of the guerrilla fighting—to the extent that the 1967 "ceasefire" has become almost meaningless.

Failure of the United Nations to achieve an even-handed approach to the contending forces in the region.

The much discussed "Four Power Initiative" can hardly be expected to make progress on any of these basic matters. Except that it may provide a forum for some talk about Soviet intentions, this series of meetings has served mainly to arouse deeply disturbing fears of an "imposed settlement." This is a somewhat ridiculous apprehension, indeed, when one stops to consider that such a "settlement" would be meaningless unless coupled with a long-term American-Soviet armed guarantee—which the two powers are

certainly not apt to agree upon in the foreseeable future. Meanwhile, the sensibilities of the Israelis, and the feelings of some Arab governments as well, have been trodden upon—and tensions have, if anything, been increased.

#### ARAB INTRANSIGENCE CONTINUES

The official Arab map of the Middle East today shows Israel only as "occupied territory of Palestine"—exactly as we noted on this page a year ago. Until the 14 governments of the Arab League—or at least the four whose territories surround Israel—are ready to modify this unrealistic approach, there is little possibility of real progress.

The state of Israel is recognized today, and has been recognized for 20 years, by virtually all of the world's sovereignties, including those of the Soviet Bloc as well as the Western world. Israel is a full-fledged member of the United Nations, and no international lawyer would dare question her statehood. Nevertheless, President Nasser and his allies cling to the timeworn myth that "Israel does not exist."

The myth, however, is getting to be pretty thin: after fighting three wars in a generation with a "nonexistent" enemy, reasonable observers would think that negotiations are in order.

To the contrary, however: one cannot even get an official Arab spokesman to debate with an official Israeli spokesman on neutral territory—as American TV producers and leaders of discussion clubs have long since discovered.

#### ISRAEL'S STATEHOOD NOT IN QUESTION

One cannot even argue about the "seniority" of the governments concerned. None of the Middle Eastern states existed in the days of World War I—and the juridical existence of eight of the Arab states is actually shorter than the 20-year history of Israel. Indeed, Israel was the 59th country to be admitted to the United Nations. In that regard, she is a comparatively "old" county, 67 others having been admitted since. (Only 6 of the Arab League states were members of the United Nations at the time of Israel's admission; the other 8 are all "younger" states, by this standard.)

Impatience with this "we won't talk" attitude is beginning to be more and more visible in America. On the 21st anniversary of Israel's existence, for example, a clear majority of all the members of the Senate and House of Representatives joined in a widely publicized statement "in Favor of Direct Arab-Israel Peace Negotiations," in which the legislators declared that "there is no substitute for face-to-face negotiations." "The parties to the conflict must be parties to the settlement. We oppose any attempt by outside powers to impose halfway measures not conducive to a permanent peace," the lawmakers said.

We wholeheartedly agree with this view—which has also been enunciated by President Johnson and by President Nixon.

The mission of Ambassador Jarring was initiated with the idea that it might pave the way to talks, by at least exploring attitudes on specific issues. Thus far, talks seem as far away as ever.

Secretary of State Rogers has made it clear that the purpose of the much-publicized "Big Power" talks would not be to impose a peace—but only to try to get the belligerent parties together. It is clear that the Soviets—on whose help as a supplier of armaments the Arab governments have been almost wholly dependent—could do a great deal to promote such talks. Thus far, however, the voice of Moscow has not been heard on the point, and there are no indications of any change forthcoming.

The result, of course, is a stalemate—and so it must remain until changes in the attitude of the Arab governments make it otherwise.

There are many cases in the world where

responsibility for failure to negotiate can be divided between two or more parties. In this particular instance, there is not even a possibility for dividing the responsibility.

#### SOVIET AMBITIONS VERSUS PEACE

Israeli diplomacy, correctly enough, has taken the position that its responsibility is primarily concerned with the conduct of relations with the neighboring Arab states.

From a world point of view, however, and particularly from the American standpoint, the problem of peace in the Middle East is a far different one. It is a problem of meeting the Soviet ambition to make of the entire area an added sphere of influence and control. With the ending of the British and French colonial controls, a vacuum has developed—and Moscow sees an opportunity to realize a centuries-old ambition to gain an outlet to Africa, the Mediterranean and the Indian Ocean.

Difficult though the question of Arab intransigence may be, the problem of Soviet penetration is even more threatening.

Except for Soviet arms, Nasser's Egypt would never have been able to mount an offensive against Israel—nor would the multitude of guerrilla bands now flourishing on Arab soil.

For the first time, the Soviets have a major naval force in the Mediterranean. They have strengthened their position with the addition of a new Communist-oriented Arab state at the strategic entrance to the Red Sea—the People's Republic of Southern Yemen.

Egypt's Nasser publicly acknowledges that "the Soviet Union has made up for all the arms that we have lost," and the head of Iraq's new dictatorship swears eternal loyalty to Marxist ideology.

It is obviously to the Soviet advantage to keep the Middle East in turmoil—and the best means of doing this is to keep the Arab hatred of Israel inflamed. Anti-Israel policy in Moscow today, indeed, goes even to such far-out extremes as requiring that gift food-boxes sent by Israeli Jews to relatives in the Soviet Union be returned unopened.

These attitudes are reflected in the propaganda which flows both from the Arab capitals and from Moscow. It is directed in fairly equal parts against the United States and Israel.

On the eve of the Six Day War, for example, Nasser's radio proclaimed:

*"We challenge you, Israel. No, in fact we do not address the challenge to you, Israel, because you are unworthy of the challenge. But we challenge you, America. . . . To Israel and to American gangsterism we hold death in store."*

For El Fatah and the guerrillas, this hatred extends also to the United Nations—as shown in El Fatah's basic "political statement" of last October, which denounced "the Security Council Resolution and all the Zionist and imperialistic schemes laid before the United Nations."

#### DETENTE ENDANGERED

To the non-communist world, the challenge of a possibly Soviet-dominated region covering the entire Middle East becomes a life-and-death matter. In terms of world peace, the present precarious balance between the "super-powers" would be upset, and the danger of any Middle East local war becoming a world holocaust would be multiplied. This is the kind of situation which President Nixon must have had in mind when he warned that "the island of American democracy cannot survive in a sea of totalitarian dictatorships."

For the United States, the preservation of national self-determination in the Middle East thus becomes a vital matter. For the world, unrestricted communist expansion in that area could spell the end of the Cold War "detente."

Both American and Soviet diplomacy must therefore be addressed to the question of making the Middle East an "open" region, and all peace-loving members of the United

Nations should support that end. To the extent that the Soviets have armed their client states, the United States must make certain that the remaining democratic nations (Israel, Turkey, Iran) are strengthened, in the hope that a balance of arms may at least delay an upheaval. The ultimate objective should be agreement by outside powers to limit or end all military support to Middle East states—but that is a far-off prospect. In the meanwhile, a strong Israel is the best hope for a balance of power that will at least delay the unfortunate day when the Middle East might become the scene for an inescapable East-West confrontation.

#### NEEDED: A CEASEFIRE FOR TERRORIST

If peace ever is to be secure in the Middle East, the problem of the guerrillas—and the open support given them by the Arab governments—is perhaps the first question that cries out for attention.

What we are witnessing today is a "cease-fire" instituted by the United Nations, and accepted by the "official" governments—while large-scale fighting in fact continues, exactly as before, under the aegis of El Fatah, the Palestine Liberation Organization and related guerrilla groups.

It is difficult for fair-minded people to realize exactly what is taking place. When the United Nations succeeded in establishing a ceasefire, most observers assumed that it applied to everybody. The Arabs, however, have not taken that view; in their opinion, guerrillas, terrorists and self-styled "freedom fighters" are to be permitted to operate outside the ceasefire rules.

Opening the first session of Egypt's new National Assembly, in Cairo, January 20, 1969, President Nasser praised "the growth of the Palestinian resistance organizations, their increasing role, and the consequent escalation of their operations."

"These organizations have a positive role in sapping a part of the enemy's energy and blood," Nasser said. "Brothers, I want to convey on your behalf a greeting of admiration and appreciation to the four resistance organizations—Fatah, the Popular Front, the Palestine Liberation Organization (PLO) and the Arab Sinai Organization. . . . The UAR unconditionally places all its resources at the disposal of these organizations," he continued, with strong applause from the Assembly audible over the international radio.

#### EL FATAH IGNORES U.N.

Nasser left no doubt as to how his position related to United Nations policies: "It was the right of the Palestine resistance organizations to reject this (United Nations) resolution," he said—in spite of the fact that "the UAR itself has accepted" it.

In other words, we see here the strange picture of a government which on the one hand declares its acceptance of an international ceasefire, while at the same moment it announces that "all of its resources" have been placed behind a continuation of the identical warfare by "unofficial" or guerrilla groups. The peace of the world can never be secure under such circumstances.

This is not a new policy with the Arab states, as a perusal of nearly any official Arab publication for the last year would demonstrate.

For example, we find the following comment in the September, 1968, issue of ARAB NEWS AND VIEWS (official publication of the Arab Information Center, in New York, as spokesman for the 14 Arab League states):

"Recent Arab commando actions in Israeli-occupied territories may be described as major operations in the struggle to regain Arab territory. . . . Throughout the Arab world, Arabs have expressed pride over the recent successes of the Palestinian commandos. Headlines in newspapers from Beirut to Baghdad lauded the activities and

spoke of the commandos striking at 'Israel's heart.'"

Another page of the same publication records a resolution of the Arab Students Organization of the United States and Canada calling upon the UAR, Jordan and Syria "to encourage armed struggle along the ceasefire lines."

And on February 8, 1969, the newly-elected leader of the combined "liberation organizations," Yassir Arafat, declared that these guerrilla units would "move with their men and equipment into occupied Palestine (i.e., Israel) to fight along with their comrades in arms."

"We see a peace achieved through the muzzles of guns carried by revolutionaries determined to liquidate the Zionist entity"—proclaimed the Voice of Fatah in a broadcast to the Arab world by Radio Cairo at about the same time that President Nasser was addressing the Assembly.

We could lengthen this discussion indefinitely with similar quotes from Iraqi and Jordanian leaders.

What we have in the Middle East today seems, indeed, to be a dual system of international relationships: one official, and one unofficial. The "official" government proclaims support for U.N. resolutions—while at the same moment, the "unofficial" one rounds up recruits for commando bands, and boasts of guerrilla achievements. Meanwhile, the "official" government goes on making appropriations for support of the "unofficial" units, while at the same time proclaiming its "peaceful intentions."

For Americans to understand the meaning of these commando activities, it is necessary to use a little imagination. During the 18 months from the effective date of the U.N. ceasefire, until the end of 1968, 281 Israeli civilians and soldiers were killed by terrorists or guerrillas. A little bit of arithmetic will suffice to translate this into American terms. Considering the ratio of Israel's population to ours, this would be equivalent to about 20,800 Americans being killed during the same time, by terrorists crossing our borders from Canada or Mexico. If this were actually happening here, it is easy to imagine the result: no public meeting could be held, no candidate for office could be heard, no newspaper could be printed, without major attention to "the bandit menace."

#### HOW THE UNITED STATES RETALIATED

In actual history, the last time such a situation occurred on this continent, it involved a few casual raids by a Mexican guerrilla leader named Francisco Villa, who attacked a town and burned a number of ranches in New Mexico and Western Texas, killing several United States citizens in the process. The reaction of President Woodrow Wilson was definitive: he sent General Pershing with a good part of the American army, to pursue Villa half-way across Mexico, in retaliation.

We must therefore understand the extreme burden put upon the peace of the Middle East by the operations of these El Fatah and PLO units. Israel has, we believe, been more than patient under the circumstances—much more patient than the United States would have been.

Israel, like any other sovereign government, has found it necessary to retaliate—and international law reserves that right to any power whose boundaries are thus invaded.

Meanwhile, almost continuous fighting has developed along the Suez Canal line, involving regular armed units of the opposing armies.

How much longer can this situation continue to exist without escalating into full-scale warfare? That is the most urgent question of the day.

There is no effective counsel of moderation in such a case. It is the duty of a government to protect its citizens against il-

legal attack across its borders. No government can long exist if it does not perform this duty. It is likewise a first responsibility of sovereignty for any government to prevent groups based on its soil from violating its borders to make unauthorized warfare upon a neighbor. This is a duty which none of the Arab states is performing. As a result, the peace of the world falls into constant peril.

#### DOUBLE STANDARD AT THE U.N.?

Because of the manner in which the Security Council of the United Nations is weighted, and because of the constant threat of a Soviet veto in the background, an appallingly one-sided attitude toward the Arab-Israeli conflict has developed at the United Nations.

When Israel reports to the UN observers that Arab guerrillas have crossed the borders, nothing is done. Indeed, reports of more than 1200 such crossings have been recorded in the period since the 1967 ceasefire.

When an El Al plane is attacked at Athens, and an Israeli citizen killed, the matter is passed over without action by the Security Council. When Israel, acting in accordance with long established international practice, retaliates at Beirut—killing no one, and taking extraordinary precautions to see that no one is injured—the Security Council promptly votes a reprimand.

The story could be continued almost without end. As matters stand, one of the most used gambits of Arab propagandists is the theme, "Israel has been reprimanded." An even-handed editor would have to balance reports along this line with headlines such as "United Nations Ignores Arab Warfare."

The disparity in treatment accorded the two protagonists is so obvious that it hardly requires proving—and it is equally dangerous to the peace of the Middle East and to the future credibility of the United Nations itself, as an instrument for the protection of world order.

The Arab plea that "we are not responsible for the guerrillas" has long since worn so thin that no one believes it. The Palestine Liberation Organization was established four years ago at a formal meeting of the Arab League states, and given an initial budget of 2.3 million dollars—a sum which has since been many times multiplied. As we have already noted above, President Nasser quite openly assured the guerrillas of the fullest support—not in a secret meeting, but in his opening address to the Egyptian parliament, this very year. Everyone knows these facts—but the Security Council pretends not to know them. This is an insanity which, if persisted in, can only bring the United Nations itself into disrepute.

#### A TEST FOR U.N.

Even if we grant that retaliation is dangerous to stability, the alternative is even worse, for this principle would then put every country in the world at the mercy of whatever guerrilla band might wish to invade it. International law has therefore long recognized the right of retaliation—and it is time that the United Nations should act in accord with this age-long practice, or else itself take steps to put an end to illegal commando and terrorist depredations.

Of course, some delegates are silent because they do not want to risk a Soviet veto: but can we achieve peace by that method? The answer is a resounding "No."

Some of the problems we have discussed can be met by the action of one or more of the parties in the Middle East. The question of Arabs and Israelis "talking with each other" is such an issue. The perils of Soviet penetration are a matter of power politics. But the question of the guerrillas, and the problem of securing even-handed justice at the United Nations, are things which confront the diplomats at the world organization—and subjects to which they should turn earnest and prompt attention.

### THE SEABED ARMS CONTROL AGREEMENT

Mr. PELL, Mr. President, the United States and the Soviet Union yesterday presented a draft seabed arms control agreement at the Geneva Disarmament Conference.

For the past 2 years, Mr. President, I have been urging that the United States assume leadership in seeking an agreement to prevent the spread of the nuclear arms race to the seabeds. The Subcommittee on Open Space of the Foreign Relations Committee in July of this year held a public hearing on the seabed arms control issue. As chairman of that subcommittee, I am heartened by the United States and Soviet Union agreement on a draft treaty.

I ask unanimous consent, Mr. President, that the text of the draft treaty and the text of a joint statement issued by myself and the senior Senator from New Jersey (Mr. CASE), the minority member of the subcommittee be printed in the RECORD at this point.

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

#### DRAFT TREATY ON THE PROHIBITION OF THE EMBLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEABED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF

The States Parties to this Treaty, Recognizing the common interest of mankind in the progress of the exploration and use of the seabed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reduces international tensions, and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race and determined to continue negotiations concerning further measures leading to this end,

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

#### ARTICLE I

1. The States Parties to this Treaty undertake not to emplace or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone any objects with nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The States Parties to this Treaty undertake not to assist, encourage or induce any State to commit actions prohibited by this Treaty and not to participate in any other way in such actions.

#### ARTICLE II

1. For the purpose of this Treaty the outer limit of the contiguous zone referred to in Article I shall be measured in accordance

with the provisions of Section II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone and in accordance with international law.

2. Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts, or to the seabed and the ocean floor.

#### ARTICLE III

1. In order to promote the objectives and ensure the observance of the provisions of this Treaty, the States Parties to the Treaty shall have the right to verify the activities of other States Parties to the Treaty on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone, referred to in Article II, if these activities raise doubts concerning the fulfillment of the obligations assumed under this Treaty, without interfering with such activities or otherwise infringing rights recognized under international law, including the freedoms of the high seas.

2. The right of verification recognized by the States Parties in paragraph 1 of this Article may be exercised by any State Party using its own means or with the assistance of any other State Party.

3. The States Parties to the Treaty undertake to consult and to cooperate with a view to removing doubts concerning the fulfillment of the obligations assumed under this Treaty.

#### ARTICLE IV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments must be approved by a majority of the votes of all the States Parties to the Treaty, including those of all the States Parties to this Treaty possessing nuclear weapons, and shall enter into force for each State Party to the Treaty accepting such amendments upon their acceptance by a majority of the States Parties to the Treaty, including the States which possess nuclear weapons and are Parties to this Treaty. Thereafter the amendments shall enter into force for any other Party to the Treaty after it has accepted such amendments.

#### ARTICLE V

Each Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized the supreme interests of its Country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

#### ARTICLE VI

1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of —, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall

forthwith notify the Governments of all States signatory and acceding to this Treaty of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

#### ARTICLE VII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

#### JOINT STATEMENT BY SENATOR CLAIBORNE PELL AND SENATOR CLIFFORD CASE ON GENEVA SEABED ARMS CONTROL PROPOSAL, OCTOBER 7, 1969

In acknowledgment of today's tabling at the Geneva Disarmament Conference of a joint U.S.-Soviet draft seabed arms control agreement prohibiting the emplacement of weapons of mass destruction on or in the ocean floor, Senator Claiborne Pell (D.-R.I.), Chairman of the Subcommittee on Ocean Space of the Foreign Relations Committee and Senator Clifford Case (R.-N.J.), minority member of the Subcommittee, issued the following statement.

"The draft seabed arms control treaty tabled today in Geneva under the co-sponsorship of the United States and the Soviet Union signifies a meaningful compromise between the earlier draft treaties offered separately by the two countries, and it represents a genuine attempt to prevent the future contamination of seventy percent of the globe with a new generation of mass destruction weaponry designed for deployment on the seabed and deep ocean floor. Forbidding the use of this 140 million square miles as another arena for the deployment of nuclear weapons will serve as a monumental reminder of man's earnest quest for peace and survival in an age of extreme peril and uncertainty.

"President Nixon and the Administration are to be congratulated on their unwavering efforts to reach the kind of effective compromise encompassed in the treaty proposal now before the conferees in Geneva. President Nixon's efforts and those of Gerard Smith, Director of the Arms Control and Disarmament Agency and Ambassador James Leonard, our chief negotiator in Geneva, are clearly deserving of the Nation's full respect and sincere gratitude.

"We would hope that this latest step forward in prohibiting the deployment of atomic weaponry may serve to bring to a halt the delay in opening the Strategic Arms Limitation Talks. The Pandora's box is already half way open, and any further delay can only serve to dampen the progress made today in Geneva."

#### THE WHITE REACTION

Mr. BYRD of West Virginia, Mr. President, the Evening Star of Washington is currently running a series of articles entitled "The White Reaction." As the title suggests, the series deals with the reactions of white Americans to the frequent and vocal demands of a minority made up of black militants.

The second part of the series, written by Mr. Christopher Wright, appeared in the Tuesday, October 7, edition of the Evening Star. It deals with growing racial unrest in the Midwestern section of America and states:

Representative midwestern whites are showing a hardening of attitudes on racial matters.

According to the article, "the workingman is beginning to feel persecuted and, indeed, threatened" and states that "Government policies and the church's support of black militants have added to the workingman's confusion."

Mr. President, the series of articles is offering a valuable insight into the feelings of the white workingman—into the feelings of the majority of Americans. I ask unanimous consent that the second article in this five-part series be reprinted in the RECORD.

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

#### THE WHITE REACTION

(NOTE.—This is the second of five articles examining the reaction of white Americans, from low-income and blue-collar workers to upper-income professional groups to the Negro's drive for full equality. The articles, prepared by a team of reporters consisting of Haynes Johnson, John Mathews, Christopher Wright and Woody West, attempt to report candidly on the changing attitudes of some of those white Americans.)

(By Christopher Wright)

KANSAS CITY, Mo.—He is white-collar America. White, Anglo-Saxon, Protestant, middle class, college graduate, professional, married to a white college graduate, two children, living in a fine home in an exclusive suburb. You might call him a WASP. He says he's not a racist, nor an extremist. He's worried.

"We're really upset over this. We don't know what we should do," says this insurance executive while sitting in his elegant, Tudor-style home outside Kansas City.

Parishioners in the Methodist church he attended discovered recently that their contributions had been used to buy a station wagon for a Black Panther group now organizing in the city's ghetto. The vehicle, they learned, had been equipped with a police radio receiver and was being used to harass officers responding to emergencies in Negro areas.

The station wagon was taken back by the church, but the congregation split over the issue. Now, the insurance executive and his family no longer go to that church. He speaks of the dispute as one might of a shattered love affair—hurt, confused and not sure what the next step should be. He questions his own attitudes and actions.

"If I was black and knew I had only one life to live, I don't know what I'd be doing," he says. "But I'd be out there trying to get everything I could. I might even be a Panther."

Sitting in his paneled kitchen drinking scotch and listening to him and his neighbors, one becomes aware that "the Negroes" are a constant topic of conversation in Kansas City.

In the rich midland of America, the racial bitterness of the industrial cities of the East is becoming a reality to whites and blacks. So far, the violence has been minimal compared with Watts and Washington, but the lines are forming, the fear is spreading.

Across the wheat fields, 175 miles to the southwest in Wichita, the talk is also of race. In both places men and women—representative Midwestern whites—are showing a new hardening of attitudes on racial matters.

Here, on the edge of the Great West, where golden sunflowers bob beside the roads and an absence of problems has become a way of life, blue-collar and middle-class whites are drawing back at the threats of black militants and the rumors of riots to come.

To many whites, it seems the tables have been turned. It is the Negro who is showing his prejudice now, they say. It is the Negro who is exploiting the white now.

Vast changes in housing patterns have robbed the white man of the feeling that his home is his castle—or, rather, that his neighborhood is his preserve. He has begun to think the Negro is getting something for nothing, something at his expense.

Government policies and the church's support of black militants have added to his confusion. The working man—his traditional institutions of job, neighborhood and religion now beset with controversy—is beginning to feel persecuted and, indeed, threatened.

Take Wier Bass, for instance. In his Standard service station on the edge of the business district of Wichita, he voices his fears about the blacks.

"All they want to do is get their hooks into you. They want to take everything," he says, looking up from a roll of cash-register tape he is checking in the spotless red-white-and-blue station. "They want to take everything you've got. I never give credit to a colored man anymore. I've been stuck too many times."

"Sure, we talk about what's going on, but what can you do? The police, they don't tell you nothing. Three blacks held up a store around the corner the other day, but you never hear anything about it. There's seventeen thousand million of them downtown on relief. What can you do? They're taking over."

"I've been saying there'd be war for 20 years and when you declared it, there'd be a colored man with a knife in your back."

Allusions to some "all-out war" that blacks and whites will have to fight in the shadowy and uncertain future seem out of place in this rich land of wide fields and great, bustling industry.

But, in fact, Kansas City and Wichita have experienced racial disturbances, fire bombings and hostilities in schools.

"Outside agitators" are often blamed for the racial bitterness creeping into communities which once thought big-city troubles would pass them by.

The Black Panthers now organizing groups of militant youths in Kansas City are Communists, some say. "The militants came on the scene to disrupt when things were going well. Maybe deep down they didn't want progress," suggests one man. Maybe somebody said, "things are going too well out there."

The rise of the Panthers has caused whites in all walks of life to reconsider their attitudes. I'm sympathetic, but I'll be goddam if I'll support a guy who says he'll run over me," says one businessman.

For some, the choice has become simpler. The whites don't like the blacks and the blacks don't like the whites," said a Kansas City cab driver. One moved into my neighborhood on a Friday and I moved out on the following Monday.

"My brother-in-law, he thought different. Two years later, he sold a \$25,000 home to a man in a public housing project for \$15,000."

"I tell you, I think we may have war before this is all over."

The middle ground is becoming hard to find, even in those areas that in the past instantly invoked pastoral images. Journey beyond the cities to the broad farmland west of the Missouri River. There, the sounds of racial strife are still a far-off rumble for many. Yet the uneasiness is there, too, even though the fear has yet to make this journey.

"To tell the truth, we don't know much about the colored man out here," says Roy V. Swaney, looking over his fields waiting for winter wheat, one thumb hooked into the bib of his overalls.

"There's a couple in the Derby High School, but they don't cause any trouble. A few people are kind of prejudiced, but most figure there's good Negroes just as there's good white people."

"Of course, if you was down where there was a lot of trouble, I guess you'd feel different. This tearing up the city ain't doing no good. I can't see that. But they don't bother us out here."

In Wichita, where rioting occurred a year ago last April and fighting in the high schools forced cancellation of classes this fall, many people still say there is less friction than in other cities.

Even so, the blue-collar white worker senses that his values are being threatened, that he is no longer master in his own city.

"They know all the cotton picking answers," says Genra Goodwin, the two-fisted secretary of a Wichita construction workers' union. "They'll just cut you off and tell you they'll get a lawyer. What are you going to do with cattle like that? You can't sit down and talk to them anymore."

"They're all worked up; everybody's on edge," he says, leaning back in the swivel chair in his cinderblock office.

The union is about 40 percent black, mostly laborers. There's not too much open friction among members, he says. "Oh, sure, some of the white fellers say they think the Negro ought not have a place at all in this world. I think they ought to be treated like human beings. We got some worthless white people, too. People all got to the point they don't think they have to work."

"But there's quite a bit of unrest. You just don't know when they're going to throw a Molotov bomb. Still, you got to take some chances. If you let them know you're scared, they'll worry the life out of you."

At the Oasis bar in the west end of town, where workmen from the vast airplane factories come to drink, Thelma Hallmark wipes up a small pool of beer.

"You'd be surprised how many of these people voted for Wallace. It's cause they hate the blacks. They feel like the blacks are trying to take away their jobs."

"If a white guy has a job, he's gonna work. Work's all he knows. He's got all the education he's going to get. He can't do nothing else. And he feels threatened."

"And soon as they think taxes, they think welfare, and when they think that, they think black. I always say, 'There's just as many whites won't work as blacks,' but they say, 'yes, but . . .' You see, it's that they're white. It always comes back to skin."

Despite such talk, most upper-class whites in Wichita feel the black-white battle plaguing bigger cities will pass them by.

"Events in the country leave Wichita fairly much untouched," said one matron. "We feel isolated and we isolate ourselves. We seem to work out our problems as a group and we have a basic feeling of 'I want to trust, I want to try.'"

Most of the violence which followed Martin Luther King's murder was contained in the city's northeast corner, a totally Negro neighborhood. Busing has caused some outbreaks of violence in the schools, but most people consider that the fault of youth rather than a whole society.

Blacks, who make up 8 percent of the city's 300,000 population, are being integrated into the business community. The vice president of the chamber of commerce is a Negro.

Says the president of one of the city's largest banks, "My philosophy is to try to pick them out myself while I can still choose. I'd rather find them myself."

Wichita probably will have a black mayor next year.

Price Woodard, a prominent black attorney now president of the city commissioners, is due to be rotated into the mayor's seat and nobody seems the least bit excited. A successful businessman who handles white and black clients, Woodard may be an Uncle Tom to some groups in the community, but he has the admiration of the whites. "He's just terrific. He's a self-made man first and a Negro second," says one woman.

Woodard, a big man with a dark craggy face and a short mustache, lets you know right away that he and the forces of moderation are in control in Wichita.

"Sure," he says, "the Negro community was upset too in 1968. And that trouble subsided because the Negroes in this town went out and said, 'We're not going to have you burn down this community. We'll put you in the street in a dead body first.'"

The Negroes of Wichita are much more interested in economic development than in prolonging tensions, he says. "You take the medals and I'll take the money. And incidentally, a lot of people in this town would rather be called Negro than black. Actually, we're not black, we're a shade of brown."

In Kansas City, "they" are black.

Cal Johnson and Tom Edwards work in the shipping department of one of the Midwest's biggest frozen food distributors. Both have sold their homes and moved in the past few years because of block-busting techniques prevalent in Kansas City. Both worry that attitudes are hardening as Negroes dig in and begin to exercise their power.

"If a guy can make it and has ability, more power to him," says Johnson. "But they seem to be trying to get all they can get too fast. They're going to jam this down our throat until we won't take it any longer."

Johnson is a short, burly man dressed in a neat pair of khaki trousers and a short-sleeved khaki work shirt. Just below the sleeve on his left arm is a red-and-blue tattoo which says "USN" in a circle.

"And the government," he says. "This giving it to them on a platter, I can't see that. What about that public housing? That was a nice project. But you go down and look at it. It looks like a dump."

The neighborhood, where he was living went from all-white, to integrated, to just about all-black, he says.

"I practically had to give my house away. It got to be too much. My kids couldn't play in the yard without having some bigger kid come along and take their bicycle or ball. They beat up my 12-year-old on the way to school.

"Now that's the hell of it. I wouldn't let my kids beat up on some colored kid just because he's colored. There's got to be somebody behind this, stirring things up, in a year I was the only one there."

"I don't see how they can keep taking and keep taking. I wouldn't be surprised if we had all-out war."

Tom Edwards is in charge of dispatching trucks. When the first Negroes moved into his neighborhood several years ago, he got up in the local neighborhood housing association meeting and urged his neighbors not to panic and to stay where they were. "It ended up, in a year I was the only one here."

"I don't think it's right to keep a man down, but things have done a complete switch. I think it's the blacks is prejudiced now. They got everything going for them now."

In the American subconscious, the West has stood for the frontier, the land of promise, the land of the future. Today, many Midwesterners are beginning to look at tomorrow with distrust.

A Wichita carpet dealer likened the course of America to that of declining Rome with its deteriorating morals and racial confusion. "It isn't today people are worried about," he said. "It makes you wonder what the next 20 years will be like."

#### ADJOURNMENT

Mr. KENNEDY. 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 adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Thursday, October 9, 1969, at 12 o'clock noon.

#### NOMINATIONS

Executive nominations received by the Senate October 8 (legislative day of October 7), 1969:

##### COMMISSION ON CIVIL RIGHTS

Manuel Ruiz, Jr., of California, to be a member of the Commission on Civil Rights, vice Hector P. Garcia.

##### DIPLOMATIC AND FOREIGN SERVICE

The following-named persons, now foreign service officers of class 2 and secretaries in the diplomatic service, to be also consular officers of the United States of America: John F. Fitzgerald, of Pennsylvania. Herbert Gordon, of Florida.

For appointment as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America:

John J. O'Neill, Jr., of Connecticut.

For promotion from a Foreign Service officer of class 6 to class 5:

Harry C. Blaney III, of New York.

For promotion from Foreign Service information officers of class 6 to class 5:

John T. Burns, of Florida.

Miss Eleanor M. De Selms, of the District of Columbia.

For promotion from a Foreign Service officer of class 7 to class 6:

Philip A. King, of Florida.

For appointment as Foreign Service officers of class 6, consular officers, and secretaries in the diplomatic service of the United States of America:

Charles B. Cuenod, Jr., of California.

Richard A. McCoy, of New Jersey.

For appointment as Foreign Service officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Gary S. Basek, of New York.

Nicholas S. Baskey, Jr., of Ohio.

Raymond F. Burghardt, Jr., of New Jersey.

James F. Collins, of Illinois.

Marc S. Hellwell, of New York.

Bruce Malkin, of Pennsylvania.

Harold Edward Meinheit, of Illinois.

Ray A. Meyer, of New Hampshire.

V. Edward Olson, of Minnesota.

Laurence E. Pope II, of Massachusetts.

David R. Patterson, of Arkansas.

Gerald W. Scott, of Oklahoma.

Daniel Anton Strasser, of California.

For appointment as Foreign Service officers of class 8, consular officers, and secretaries in the diplomatic service of the United States of America:

Richard Arthur Coulter, of Oregon.

Allen McDowell Hale, of Virginia.

Michael J. Hogan, of Utah.

James W. Swihart, Jr., of Maine.

Foreign Service reserve officer to be a consular officer of the United States of America:

Richard A. Kahane, of Louisiana.

Foreign Service reserve officers to be consular officers and secretaries in the diplomatic service of the United States of America:

F. Kinloch Bull, Jr., of South Carolina.

Frank R. Burget, of Washington.

Miss Julia Maria Cardozo, of the District of Columbia.

Eugene E. Craighead, of Maryland.

Clarence W. Edwards, of Washington.

Robert L. Fambrini, of California.

Alan D. Fiers, Jr., of Virginia.

Edgar J. Fredricks, of Michigan.

John C. Hannon, of Montana.

Claude Hargrove, of New York.

Richard C. Hile, of Washington.

Thomas L. Hughes, of Maryland.

Bernard Johns, of New York.  
Paul M. Kittredge, of Maryland.  
Bruce E. Kressler, of Nevada.  
Arthur J. Laemmerzahl, of the District of Columbia.

Robert McDowell Lloyd, of New York.  
William S. Lofgren, of Virginia.  
Walter C. McCabe, of Maryland.  
William D. Miller, Jr., of Maryland.  
Julian C. Nicholas, of the District of Columbia.

Miss Virginia Kay Nygard, of North Dakota.  
Jack S. Ogino, of Mississippi.  
Domenic F. Perriello, of Maryland.  
John D. Poulter, of Kentucky.  
Donald M. Richardson, of Virginia.  
Joseph F. Sartiano, of Virginia.  
Peter V. Savage, of Pennsylvania.  
Allen D. Smith, of Florida.  
James C. Suggs, of Florida.  
Lance H. Tyler, of Virginia.  
William P. Wagner III, of Florida.  
Robert J. Weatherwax, of Virginia.  
Clarence S. Wilson, Jr., of New York.

Foreign Service reserve officer to be a secretary in the diplomatic service of the United States of America:

Frederick F. Simmons, of the District of Columbia.

Foreign Service staff officers to be consular officers of the United States of America:

Robert G. Deason, of California.  
Rudolph L. Rivera, of California.  
Eugene L. Scassa, of Pennsylvania.  
John M. Scott, Jr., of New Jersey.  
Thomas J. Tepper, of Illinois.  
Miss Ruth V. Verdin, of Florida.  
James A. Weiner, of California.

#### IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

##### To be major

Lewis, John P., xxx-xx-xxxx

##### To be first lieutenant

Bogue, Ronald A., xxx-xx-xxxx

Day, Doel D., xxx-xx-xxxx

Whitesell, Thomas C., xxx-xx-xxxx

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

##### To be major

Copeland, Francis A., xxx-xx-xxxx

Day, Edward H., Jr., xxx-xx-xxxx

Greear, James N., xxx-xx-xxxx

Schmidt, Carl F., xxx-xx-xxxx

Sigler, Nolan M., xxx-xx-xxxx

Stevenson, George D., xxx-xx-xxxx

##### To be captain

Agee, Robert N., xxx-xx-xxxx

Aldrich, Robert J. K., xxx-xx-xxxx

Allan, Jon A., xxx-xx-xxxx

Alling, Richard, xxx-xx-xxxx

Allman, Cornell L., xxx-xx-xxxx

Bateman, Robert E., xxx-xx-xxxx

Benson, William L., xxx-xx-xxxx

Braxton, George H., xxx-xx-xxxx

Buck, Alfred S., xxx-xx-xxxx

Carney, Richard L., xxx-xx-xxxx

Christie, David C., xxx-xx-xxxx

Clark, Carl M., xxx-xx-xxxx

Cooper, Frederick E., xxx-xx-xxxx

Courts, Dorothea A., xxx-xx-xxxx

Desjardins, Robert H., xxx-xx-xxxx

Dutton, Morris E., xxx-xx-xxxx

Ecoppl, Joseph L., xxx-xx-xxxx

Ekland, David A., xxx-xx-xxxx

Enloe, Donald R., Sr., xxx-xx-xxxx

Foley, Mary D., xxx-xx-xxxx

Gass, Henry B., xxx-xx-xxxx

Golden, Raymond L., Jr., xxx-xx-xxxx

Grett, Stanley E., xxx-xx-xxxx

Holitt, Harold E., xxx-xx-xxxx

Hutson, Heyward G., xxx-xx-xxxx  
 Jablonsky, David, xxx-xx-xxxx  
 Johnston, Richard H., xxx-xx-xxxx  
 Kenyon, Lawrence E., xxx-xx-xxxx  
 Lackie, Leo Dale, xxx-xx-xxxx  
 Linares, Rafael, xxx-xx-xxxx  
 L'Insalata, Rudolph P., xxx-xx-xxxx  
 Ludlum, Charles D., xxx-xx-xxxx  
 Macri, Anthony J., xxx-xx-xxxx  
 Maloney, John W., xxx-xx-xxxx  
 McShane, Franklin J., xxx-xx-xxxx  
 Messick, Thomas R., xxx-xx-xxxx  
 Moore, Charles R., xxx-xx-xxxx  
 Moran, Eugene F., xxx-xx-xxxx  
 Morrison, Robert N., xxx-xx-xxxx  
 Napier, Wallace R., xxx-xx-xxxx  
 Nelson, Donald C., xxx-xx-xxxx  
 O'Neill, Stephen E., xxx-xx-xxxx  
 Pearlman, Elliot J., xxx-xx-xxxx  
 Perkins, Charles E., xxx-xx-xxxx  
 Phillips, Llewellyn, xxx-xx-xxxx  
 Rainess, Alan E., xxx-xx-xxxx  
 Richardson, Clarence C., xxx-xx-xxxx  
 Rozier, Jackson E., Jr., xxx-xx-xxxx  
 Rude Franklin, Jr., xxx-xx-xxxx  
 Shelter, Paul J., xxx-xx-xxxx  
 Soule, James L., Jr., xxx-xx-xxxx  
 Stevens, Jackson C., xxx-xx-xxxx  
 Swallow, Charles T., xxx-xx-xxxx  
 Tesenga, Sidney W., xxx-xx-xxxx  
 Tippens, Jack K., xxx-xx-xxxx  
 Vaughan, Robert P., xxx-xx-xxxx  
 Wallis, Cecil L., xxx-xx-xxxx  
 Weeks, Leo J., xxx-xx-xxxx  
 Williams, John C., xxx-xx-xxxx

To be first lieutenant

Aulick, Louis H., xxx-xx-xxxx  
 Barbara, James C., xxx-xx-xxxx  
 Barrett, Thomas P., xxx-xx-xxxx  
 Barron, Garrett W., xxx-xx-xxxx  
 Bateman, Robert M., xxx-xx-xxxx  
 Bircher, John E., xxx-xx-xxxx  
 Boettcher, Wolfgang F., xxx-xx-xxxx  
 Brewer, Lance O., xxx-xx-xxxx  
 Broadie, Samuel F., xxx-xx-xxxx  
 Butler, Charles A., xxx-xx-xxxx  
 Carlin, James J., xxx-xx-xxxx  
 Cart, Fredrick J., xxx-xx-xxxx  
 Carzoli, Richard L., xxx-xx-xxxx  
 Case, James W., xxx-xx-xxxx  
 Cashmere, Thomas W., xxx-xx-xxxx  
 Chambers, Roy E., xxx-xx-xxxx  
 Clapper, John W., Jr., xxx-xx-xxxx  
 Class, John B., xxx-xx-xxxx  
 Clegg, Thomas A., xxx-xx-xxxx  
 Cole, James W., xxx-xx-xxxx  
 Collard, Nelson, B., Jr., xxx-xx-xxxx  
 Collins, Kenneth E., xxx-xx-xxxx  
 Collins, Michael H., xxx-xx-xxxx  
 Collyer, Douglas C., xxx-xx-xxxx  
 Couch, Kenneth R., xxx-xx-xxxx  
 Cunkelman, George T., xxx-xx-xxxx  
 Danek, Thomas E., xxx-xx-xxxx  
 Davis, Richard C., Jr., xxx-xx-xxxx  
 Dean, John D., xxx-xx-xxxx  
 Eckel, Hasko K. W., xxx-xx-xxxx  
 Ericksen, Harold J., xxx-xx-xxxx  
 Ewing, Donna M., xxx-xx-xxxx  
 Faint, Arthur J., xxx-xx-xxxx  
 Ford, Dean C., xxx-xx-xxxx  
 Fox, Leon F., xxx-xx-xxxx  
 Fuller, John T., xxx-xx-xxxx  
 Galda, Dwight W., xxx-xx-xxxx  
 Garvey, James E., xxx-xx-xxxx  
 Gilbert, David B., xxx-xx-xxxx  
 Goodwin, Lawrence B., xxx-xx-xxxx  
 Grant, Wallace C., xxx-xx-xxxx  
 Hackett, John L., xxx-xx-xxxx  
 Hall, Jack C., xxx-xx-xxxx  
 Hall, Robert L., xxx-xx-xxxx  
 Hamlett, James M., III, xxx-xx-xxxx  
 Hermsdorfer, Arthur, xxx-xx-xxxx  
 Hinton, Samuel M., xxx-xx-xxxx  
 Hoffman, Carl M., xxx-xx-xxxx  
 Hohengarten, John H., xxx-xx-xxxx  
 Holley, Robert G., xxx-xx-xxxx  
 Houser, Oscar S., Jr., xxx-xx-xxxx  
 Huddleston, Prentiss, xxx-xx-xxxx  
 Ireland, John C., xxx-xx-xxxx  
 Johansen, Eldon R., xxx-xx-xxxx  
 Johnson, Charles E., Jr., xxx-xx-xxxx

Johnson, Martha S., xxx-xx-xxxx  
 Johnston, John R., Jr., xxx-xx-xxxx  
 Jones, Charles C., xxx-xx-xxxx  
 Jones, Robert T., xxx-xx-xxxx  
 Keel, Hugh N., III, xxx-xx-xxxx  
 Kerekas, Karoly, xxx-xx-xxxx  
 Ketchum, Robert V., xxx-xx-xxxx  
 Klein, James A., xxx-xx-xxxx  
 Lord, Kenneth P., III, xxx-xx-xxxx  
 Markarian, Clement J., xxx-xx-xxxx  
 Matthews, Cleve E., xxx-xx-xxxx  
 McCall, Monty W., xxx-xx-xxxx  
 McCandless, James T., xxx-xx-xxxx  
 Miezels, Joseph A., xxx-xx-xxxx  
 Miller, Bruce, xxx-xx-xxxx  
 Miller, Martin W., Jr., xxx-xx-xxxx  
 Moeller, Walter J., IV, xxx-xx-xxxx  
 Moore, Robert T., xxx-xx-xxxx  
 Morgan, Creed R., xxx-xx-xxxx  
 Moriarty, Lauren M., xxx-xx-xxxx  
 Mountcastle, John W., xxx-xx-xxxx  
 Naugle, David N., xxx-xx-xxxx  
 Newell, Clayton R., xxx-xx-xxxx  
 O'Malley, Thomas A., xxx-xx-xxxx  
 Parker, Joseph S., xxx-xx-xxxx  
 Parry, John D., xxx-xx-xxxx  
 Partin, Daniel H., III, xxx-xx-xxxx  
 Patton, Jack T., xxx-xx-xxxx  
 Paudler, Franklin T., xxx-xx-xxxx  
 Perkins, Rudy C., xxx-xx-xxxx  
 Quinn, Frank X., xxx-xx-xxxx  
 Quinn, Joe L., xxx-xx-xxxx  
 Robb, Ronald S., xxx-xx-xxxx  
 Roberts, Nathaniel E., xxx-xx-xxxx  
 Rooney, John M., xxx-xx-xxxx  
 Rovinski, Charles J., xxx-xx-xxxx  
 Sanford, Winston M., xxx-xx-xxxx  
 Schlotzman, James C., xxx-xx-xxxx  
 Shaw, Robert W., xxx-xx-xxxx  
 Smoot, William K., xxx-xx-xxxx  
 Spencer, Dorothy E., xxx-xx-xxxx  
 Sullivan, Leon W., Jr., xxx-xx-xxxx  
 Thomas Nathaniel L., xxx-xx-xxxx  
 Thompson, Robert R., xxx-xx-xxxx  
 Thompson, Douglas A., xxx-xx-xxxx  
 Tranel, David A., xxx-xx-xxxx  
 Vaughn, John D. A., xxx-xx-xxxx  
 Waters, Thomas S., xxx-xx-xxxx  
 Westerberg, James F., xxx-xx-xxxx  
 Wiley, Roger W., xxx-xx-xxxx  
 Williams, Wilburn C., xxx-xx-xxxx  
 Willoughby, Cole B., xxx-xx-xxxx  
 Wimett, Joan J., xxx-xx-xxxx  
 Wimet, William J., xxx-xx-xxxx  
 Winarski, Stanley T., xxx-xx-xxxx  
 Winston, Ora J., xxx-xx-xxxx

To be second lieutenant

Beach, Martin H., xxx-xx-xxxx  
 Beale, Donald L., xxx-xx-xxxx  
 Beech, George W., xxx-xx-xxxx  
 Chitwood, Mark J., xxx-xx-xxxx  
 Confer, Kent L., xxx-xx-xxxx  
 Cucullu, Gordon C., II, xxx-xx-xxxx  
 Diaz, Rodriguez M. R. A., xxx-xx-xxxx  
 Duckworth, Robert A., xxx-xx-xxxx  
 Elmore, James H., Jr., xxx-xx-xxxx  
 Evans, Ronald L., xxx-xx-xxxx  
 Filip, Thomas J., Jr., xxx-xx-xxxx  
 Frase, Richard J., xxx-xx-xxxx  
 Gallup, Archibald M., xxx-xx-xxxx  
 Gardner, Barry J., xxx-xx-xxxx  
 Garrett, George B., xxx-xx-xxxx  
 Gustin, Jerry J., xxx-xx-xxxx  
 Hamer, Lawrence A., xxx-xx-xxxx  
 Hendrickson, Gerald E., xxx-xx-xxxx  
 Hess, Patricia A., xxx-xx-xxxx  
 Hines, John G., xxx-xx-xxxx  
 Krafft, Gary R., xxx-xx-xxxx  
 Labounty, James W., xxx-xx-xxxx  
 Lechner, William R., xxx-xx-xxxx  
 Leonard, Gary L., xxx-xx-xxxx  
 Lindsey, Wilford D., xxx-xx-xxxx  
 Mangold, Robert B., xxx-xx-xxxx  
 Manor, Michael H., xxx-xx-xxxx  
 Matthews, William F., xxx-xx-xxxx  
 McCormick, John E., xxx-xx-xxxx  
 Messinger, Keith J., xxx-xx-xxxx  
 Morton, Clarence M., xxx-xx-xxxx  
 Moss, Gerald B., xxx-xx-xxxx  
 Otto, Charles R., xxx-xx-xxxx  
 Pelton, Richard P., xxx-xx-xxxx  
 Pybus, Wimpy D., xxx-xx-xxxx

Schaefer, Ken M., xxx-xx-xxxx  
 Smith, Rodney L., xxx-xx-xxxx  
 Sommerfeld, Evan E., xxx-xx-xxxx  
 Stanley, Stanislaw T., xxx-xx-xxxx  
 Taylor, George T., Jr., xxx-xx-xxxx  
 Tomlinson, Meredith, xxx-xx-xxxx  
 Trahan, Joseph A., Jr., xxx-xx-xxxx  
 Viall, Dallas A., xxx-xx-xxxx  
 Walsh, Francis R., xxx-xx-xxxx  
 Weimer, Robert M., xxx-xx-xxxx  
 Wendling, Henry H., xxx-xx-xxxx  
 Yager, Klaus D., xxx-xx-xxxx

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Allardyce, Burnis G.	Lacoste, Gene M.
Andrews, Francis L.	Lewis, Craig R.
Arno, William A.	Marti, William J.
Bailey, Freddie W.	Meyer, Darwin W.
Bailey, Gary R.	Moeller, Lonell L.
Barger, Robert E.	Monrad, Terry M.
Baxter, William S.	Mote, Jerry Lee
Beatty, Clifford G. III	Moyer, Laurence A.
Bird, James R.	Mushrush, Stephen R.
Boehme, Charles	Newby, Duane A.
Bowers, Bruce D.	Payne, John C.
Brannon, Leslie R.	Pearson, James D., Jr.
Britton, James R.	Powell, John D. III
Brown, Terrence M.	Reitzel, John R.
Brubaker, David L.	Ross, William H.
Campbell, Ronald S.	Schmiege, Michael M.
Dent, Danny F.	Schneider, Ronald D.
Duffy, Brian P.	Sittingdown, Quincy D.
Gibson, Hubert L., Jr.	Sparks, Michael L.
Grant, Kenneth E.	Spira, David J.
Hargadine, Rex A.	Stanfield, Stephen L.
Harness, George W.	Stanton, John P. II
Harper, Ronald J.	Stegall, Raymond L., Jr.
Henson, Hamilton M., Jr.	Stockdale, Parker F.
Herman, David H.	Hood, Donald J.
Hood, Donald J.	Hunter, Robert B.
Hunter, Robert B.	Johnson, Ronald F.
Johnson, Ronald F.	Kreger, Thomas D.
Kreger, Thomas D.	Kundel, John A.
Kundel, John A.	

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Freeman, Richard L.	Occhi, Robert J.
Halfant, Jerry	Powell, James R.

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Adams, Thomas C.	Bailey, Donald C., Jr.
Ailes, Robert H.	Baker, Robert C.
Alexander, Sherman G.	Banks, William K.
	Barbour, William J., Jr.
Alexander, William H.	Bartil, Robert F.
Allemand, John D.	Barlow, John R.
Allen, John E.	Barnes, James H.
Allen, Richard O., Jr.	Barnes, James A.
Allen, Robert L., Jr.	Barnett, Charles E.
Allen, William D.	Barnett, Stephen B.
Allison, William R., Jr.	Barney, Charles R.
Almstedt, Theodore A., Jr.	Barnhart, Harold D.
Ames, Laverne W.	Barret, Lee E., Jr.
Anderson, James B.	Barrish, Paul D.
Anderson, Jerry P.	Bartholomew, James
Anderson, Richard W.	H.
Andrade, Allan L.	Bartley, Robert H.
Andrews, Bobie	Bassett, Charles G.
Androski, Frank N.	Bate, Ronald D.
Anthony, Phillip D.	Bauman, John M.
Apple, John D., Jr.	Baumgartner, James
Aquillino, Salvatore P.	A.
Arcelle, Mark, Jr.	Beach, Milton D.
Arnold, Thomas F.	Beck, Richard E.
Artuso, Michael A.	Belling, John R.
Audlet, Garland O.	Benediktsson, Philip
Ausley, Joe H., Jr.	W.
Baals, John R.	Benjamin, Charles L.

- Bennett, Peter C.  
 Berg, Milfred C.  
 Bergstrom, Kenneth I.  
 Berry, Roy A.  
 Bess, George D.  
 Best, Albert H., III  
 Bethel, Robert G.  
 Betts, Roger S.  
 Beversdorf, Donald W.  
 Beving, Duane U.  
 Beyl, David D.  
 Biggs, Robert R.  
 Bigler, William W.  
 Biles, George E.  
 Billicki, Daniel R.  
 Billings, Alfred J.  
 Bird, Ralph G.  
 Bird, Thomas C.  
 Birdsall, David M.  
 Bixby, Harry L., Jr.  
 Blackburn, Harry L., Jr.  
 Blair, David B.  
 Blair, Peter S.  
 Blandford, James R.  
 Blankenship, James M., II  
 Bley, John E., Jr.  
 Bloise, James E.  
 Bloom, Donald D.  
 Blum, Brandon B.  
 Boebert, Frank L., Jr.  
 Boelter, Dan A.  
 Bolte, William S.  
 Booth, Peter B.  
 Borden, Archle D.  
 Borden, Robert C., Jr.  
 Bovey, Paul E.  
 Box, Roger E.  
 Boyd, Richard M.  
 Boyle, James T.  
 Breast, Jerry C.  
 Bredbeck, William J.  
 Bredderman, Rudolf T.  
 Breeding, Leslie E.  
 Breland, Edgar A.  
 Brennan, John F., Jr.  
 Brennan, Richard J.  
 Brenneman, Harold R.  
 Briggs, Braden R.  
 Briggs, Stanley  
 Brisbois, Marshall B.  
 Bronson, Hiram S., III  
 Brooks, Charles G. W.  
 Brown, Charles E.  
 Brown, Donald B.  
 Brown, Nicholas  
 Brown, Ora D., III  
 Brown, William M.  
 Bruyere, Thomas E.  
 Bryan, John E., Jr.  
 Buehler, William S.  
 Buggy, Joseph S., Jr.  
 Bump, Stanley E.  
 Burdick, Howard F., Jr.  
 Burke, Francis J.  
 Burke, William C.  
 Brukel, John F.  
 Burrows, Donn T.  
 Bush, Vernon R.  
 Button, Ralph L.  
 Byng, Weston H.  
 Cacciolo, John D.  
 Cahill, Walter A.  
 Camacho, Richard G.  
 Cameron, Jim F.  
 Campbell, Ronald K.  
 Campbell, Thomas G.  
 Canada, Donald E.  
 Cannon, James R.  
 Cargill, Denny B.  
 Carmichael, Eddie I.  
 Carpenter, Jack R.  
 Carr, James M., Jr.  
 Carre, David M., Jr.  
 Carrigan, Richard C.  
 Carroll, Peter A.  
 Carson, James T.  
 Carswell, Michael S.  
 Casey, Richard F.  
 Casey, Ronald C.  
 Cates, Gus V.  
 Catola, Stanley G.  
 Chamberlain, John D.  
 Chang, Ming E.  
 Charneco, Carlos M., Jr.  
 Chase, Henri B., III  
 Chatham, Walter L.  
 Chester, Scott A.  
 Chitty, Charles M., Jr.  
 Chrans, Ronald L.  
 Christensen, Cyrus R.  
 Christopher, Richard V.  
 Chumley, Sylvester G.  
 Cicchetto, Mario J.  
 Clark, Arthur R., Jr.  
 Clark, William E., Jr.  
 Clay, Jack D.  
 Clayton, George H., Jr.  
 Clifford, Norman  
 Cloud, Bruce L.  
 Clower, Claude D.  
 Clynes, Charles E.  
 Cobb, Roy L.  
 Cole, Charles W., Jr.  
 Coleman, Douglas C.  
 Coll, William A.  
 Colville, Robert E.  
 Combs, Lawrence L.  
 Connell, Earl W.  
 Connell, Philip J.  
 Connelly, James H., Jr.  
 Connelly, John J., Jr.  
 Connolly, Leo J.  
 Cook, John H., III  
 Cooke, Vincent E.  
 Cooley, David L.  
 Coons, Henry A.  
 Cooper, Estill A., Jr.  
 Cooper, Ross E.  
 Copeman, Thomas H., Jr.  
 Corkins, Charles W., Jr.  
 Corr, Peter S., Jr.  
 Costello, Donald H.  
 Costlow, Kenneth L.  
 Cotsonas, John P.  
 Covey, Edward J.  
 Crafton, Robert W.  
 Craig, John E., Jr.  
 Crain, Carroll O., Jr.  
 Cramer, Dean E.  
 Crater, George H., Jr.  
 Crawford, Paul G.  
 Crema, John, Jr.  
 Crim, Billy R.  
 Crowell, George T., Jr.  
 Crown, Christopher G.  
 Crudup, Everett H., Jr.  
 Crutchfield, Claud C.  
 Cumming, Richard S., III  
 Curry, Keith R. W.  
 Curry, Thomas H.  
 Curtis, Wayne  
 Cust, Harlan R.  
 Cyr, Byron A.  
 Czar, Raymond J.  
 Dage, Jerry D.  
 Dahill, Edward E., III  
 Dahl, Lowell D.  
 Daniels, Hal B.  
 Darby, Jack N.  
 Darling, David D.  
 Darnell, Jack  
 Daugherty, Donald N.  
 Daulton, James T.  
 Davis, Norman E.  
 Davis, Robert G.  
 Dawson, Albert L.  
 Dean, Robert V.  
 Deangelo, Mark J.  
 Dearle, Cyril G.  
 Dechant, John A.  
 Deering, Robert M.  
 Demars, Bruce  
 Dennison, James R.  
 Denunzio, Nicholas J.  
 Destelguier, John R.  
 Dewesse, Everette D.  
 Dickerson, Kenneth A.  
 Diloreto, Lucio  
 Disher, John S.  
 Doebbler, Gordon B.  
 Doerr, Peter J.  
 Donahue, John F.  
 Donlan, William J.  
 Dore, Stanley M., Jr.  
 Dorow, William R.  
 Dorsey, James F., Jr.  
 Dowd, Gregory P.  
 Drake, Donald L.  
 Duffield, Frederick H., Jr.  
 Dunbar, Fredric A.  
 Duncan, John G.  
 Dungan, David A.  
 Dunleavy, Richard M.  
 Dunmire, Rance D.  
 Dunnam, William L.  
 Dyer, Nathaniel B., Jr.  
 Dyro, Stanislaus G.  
 Eagye, Vernon A.  
 Earnest, Charles M.  
 Eason, William G.  
 Easterbrook, Charles W., Jr.  
 Eaton, Robert H.  
 Eckert, John D.  
 Edmunds, Donald C.  
 Edney, Leon A.  
 Edson, Charles T.  
 Edwards, James C.  
 Edwards, Joe D.  
 Edwards, Leslie R.  
 Edwards, William F.  
 Egerton, James W.  
 Ehet, James D.  
 Ehrman, Robert G.  
 Elinski, Michael, Jr.  
 Eller, James B.  
 Ellingwood, Arthur R., Jr.  
 Ellis, Hal R., III  
 Elpers, William W.  
 Emmerson, Milo E.  
 England, Robert N.  
 Erie, Carl R.  
 Errickson, John J.  
 Eskew, Perry R., Jr.  
 Estes, Edward D.  
 Etheredge, Teddy B.  
 Evans, Frederic H.  
 Evans, James A.  
 Evans, Ronald E.  
 Eyler, Armand T., Jr.  
 Eytchison, Ronald M.  
 Fahey, William F.  
 Fairbanks, Wayne K.  
 Fallon, Thomas F., Jr.  
 Fantry, William T., Jr.  
 Farrar, Charles E.  
 Featherston, Rex W.  
 Felkins, Charles G.  
 Fellows, John H.  
 Fenzl, George J., Jr.  
 Ferrarini, Richard L.  
 Festag, Albert P.  
 Fieser, Arnold K.  
 Fink, George E.  
 Fink, Siegfried A.  
 Finley, Dean M.  
 Flame, Adolph A.  
 Fischer, Theodore A., Jr.  
 Fish, Benjamin L., Jr.  
 Fiske, Harry K.  
 Fitch, Edward S.  
 Fitzgerald, Maurice D.  
 Fitzsimmons, Eugene W.  
 Fitzwilliam, Peter K.  
 Flanary, Thomas N., II  
 Flannery, Gerard J., Jr.  
 Flather, Charles R.  
 Flatley, James H., III  
 Fleshman, Samuel A., II  
 Flory, Richard L.  
 Flower, John R.  
 Flynn, John J., Jr.  
 Flynn, William J.  
 Foote, Everett W.  
 Ford, Homer L., Jr.  
 Forest, Robert E.  
 Forgy, James P.  
 Forster, Robert M.  
 Fournier, Paul R.  
 Fox, Robert F.  
 Fox, Thomas R.  
 Frank, Thomas P.  
 Frank, Vernon E.  
 Franzen, Richard D.  
 Frazier, Donald L.  
 Fredrick, Russell E.  
 Fries, Charles L.  
 Frichtenicht, Richard D.  
 Froehlich, Kenneth R.  
 Fudala, Ernest M.  
 Fuld, Charles L.  
 Fuller, Fred R.  
 Fullerton, Frank E.  
 Fyles, Roderick A.  
 Gallotta, Richard A.  
 Gammell, Clark M.  
 Garber, Cecil E.  
 Garland, Keith P.  
 Garrison, Charles H., Jr.  
 Gates, Richard L.  
 Gelke, John J.  
 Gerrald, Benjamin W.  
 Gesling, Marion L.  
 Giacchino, Louis F.  
 Gibson, James C., Jr.  
 Giedzinski, Henry B.  
 Gifford, Robert M.  
 Gilbert, James C.  
 Gilbert, Robert L.  
 Gilchrist, Craig G.  
 Gilfry, Mason C.  
 Giuliani, Leonard E.  
 Glaeser, Frederick W.  
 Glasgow, Billy R.  
 Glasson, William A., Jr.  
 Glenn, William A., II  
 Gluse, Michael R.  
 Goben, Robert D.  
 Goewey, Lee E.  
 Golden, Edward E.  
 Goodale, Charles N.  
 Goodall, Thomas A.  
 Goodwin, Bruce G.  
 Gordon, Stewart R.  
 Grandjean, Charles A.  
 Grant, Freeman A., Jr.  
 Grant, Richard L.  
 Graves, William S.  
 Gray, Anthony W., Jr.  
 Green, Gerald E.  
 Green, William H.  
 Greenhaw, Karl J., Jr.  
 Grewe, Webster  
 Griffin, Robert F.  
 Griffith, Dwaine O.  
 Grimmell, Robert L.  
 Gross, Sidney L.  
 Grosseohme, Clyde  
 Grove, Ronald R.  
 Guerra, Albert H.  
 Hahne, Dayton R.  
 Hale, Frederick W.  
 Haley, George K.  
 Hall, Harley H.  
 Hall, Joe L.  
 Hall, Michael R.  
 Hall, Robert A.  
 Hall, Thomas J.  
 Hamilton, Edward A.  
 Hamlin, George A., Jr.  
 Hamman, Kenneth A.  
 Hammon, Colin P.  
 Hammond, Leroy L.  
 Hanley, William L., Jr.  
 Hannaford, William H.  
 Hansen, Herbert L.  
 Hanson, Deroy L.  
 Hanson, Donald C.  
 Hanson, Edwin E.  
 Hanson, Morton H.  
 Harden, Thad H.  
 Harmon, Jack E.  
 Harmon, Oliver E.  
 Harris, Robert H.  
 Harris, William R.  
 Harscheid, David G.  
 Hartley, Donald H.  
 Hasch, Ralph H.  
 Haskell, Hugh B.  
 Hastings, Ralph H.  
 Hatch, Ross R.  
 Hayes, Newton G.  
 Hayman, Douglas F., Jr.  
 Hazle, Hugh A.  
 Helland, Charles E.  
 Helsing, Duane L.  
 Hennessey, John P.  
 Herring, Paul E.  
 Hesse, Gerald H.  
 Hickerson, James M.  
 Hickman, Jimmie E.  
 Hill, Raymond W.  
 Hodge, William R.  
 Hodgkinson, John T.  
 Hodgskiss, William L.  
 Hoffman, Chauncey F.  
 Hoffner, Conrad C.  
 Hogg, James R.  
 Hohenstein, Clyde G.  
 Holland, John O.  
 Hollandsworth, Paul F., Jr.  
 Holm, John P.  
 Holmes, Richard B.  
 Honsinger, Vernon C.  
 Hood, Joseph W., Jr.  
 Horne, Roger B., Jr.  
 Hoskins, Perry D.  
 House, Wayne, Jr.  
 Howard, Charles B.  
 Howe, Jonathan T.  
 Howells, David A.  
 Hoyes, Donald J.  
 Hueber, Fred P.  
 Huhn, Samuel P.  
 Hullander, Robert A.  
 Humphreys, David W.  
 Hunter, Wallace R.  
 Husted, Murl E., Jr.  
 Husted, Richard C.  
 Huston, William G.  
 Hutton, James L.  
 Hyatt, Robert G.  
 Ingalls, Frederick G.  
 Inman, Ronald C.  
 Jaeger, Robert H.  
 James, Edgar L.  
 Jarratt, Guy C., III  
 Jarwin, Raymond J.  
 Jaudon, Jones P.  
 Jaus, Charles W.  
 Jebb, Robert D.  
 Jellison, Harry E.  
 Jensen, Richard S.  
 Jeremiah, David E.  
 Johannessen, Allen C.  
 Johe, Richard E.  
 Johns, Clifford M.  
 Johnson, James E.  
 Johnson, Jerome L.  
 Johnson, Virgil J.  
 Johnston, Donald W.  
 Johnston, Donald H., Jr.  
 Jones, Jerry E.  
 Jordan, Henry M.  
 Jourden, Bud A., Jr.  
 Jumper, Vernon L.  
 Karas, Robert E.  
 Karn, Alvin R., Jr.  
 Karnakis, Nicholas  
 Kasnicki, Edward J.  
 Keast, Paul H.  
 Keegan, Arthur E.  
 Keeley, Edward C.  
 Keffler, Leo H.  
 Keller, William E., Jr.  
 Kelso, Frank B., II  
 Kemper, Robert D.  
 Kenaston, George W.  
 Keough, Edward P.  
 Keough, Robert J.  
 Kerlake, Ronald W.  
 Kersting, William H.  
 Ketchum, William H.  
 Kinert, John H.  
 King, Charles C.  
 King, Ural W.  
 Kinney, Ben J.  
 Kinney, Charles H.  
 Kinsel, Herman L.  
 Kirkpatrick, John H.  
 Kirkwood, Robert L.  
 Klein, Harry L.  
 Klugman, Dale R.  
 Knaus, Vincent L.  
 Knief, Andrew L.  
 Komisarck, Adam  
 Kordek, Walter A.  
 Kraemer, Kenton K.  
 Kraik, Simon C.  
 Kramer, Rex W., Jr.  
 Kreutzberger, Donald J.  
 Kristof, John J.  
 Krogh, David E.  
 Krueger, Richard G.  
 Kruger, Allen L.  
 Kuehmeier, Joseph K.  
 Kuligowski, Theodore J.  
 Kurz, Walter C.  
 Kuykendall, Herbert B.  
 Kvederis, James P.  
 Lacy, William A.  
 Lamberth, Billy C.  
 Lambright, Harold R., Jr.  
 Lamotte, Francis J.  
 Lengenheim, John P.  
 Langley, Thomas R., Jr.  
 Lanning, Richard J.  
 Lapham, Joseph G.  
 Larson, John D., Jr.  
 Larsen, James L.  
 Larson, Charles R.  
 Lattig, Edward C.  
 Laurance, James D.  
 Laux, Arno H.  
 Lawrence, Donald W.  
 Lawson, Ramsay  
 Leblanc, James B.  
 Lees, Forrest A., Jr.  
 Lenhardt, Harry F., Jr.  
 Lewedag, Loren M.  
 Lewin, Theodore E.  
 Lewis, Harold S.  
 Lewis, Norman H.  
 Lightsey, James L.  
 Linc, Donald T.  
 Lincoln, John R.  
 Lindquist, Donald E.  
 Lohr, James R.  
 Loos, Donald G.  
 Loscavio, John M.  
 Loudon, Richard S.  
 Lowe, William L.  
 Lown, Paul C.  
 Lumbert, Albert W.  
 Lund, John R.  
 Lundquist, Donald R.  
 Lynch, Robert B., Jr.  
 MacCabe, Van L.  
 MacKay, Gerald W.  
 Mackin, Louis B., Jr.  
 MacQuarrie, Gary L.  
 Maguire, Thomas J.  
 Malicowski, William  
 Maloney, John J.  
 Manes, William C.  
 Marnane, Thomas A.

- Martin, Donald L.  
 Martin, Frank P.  
 Martin, James J., Jr.  
 Massimino, Andrew S.  
 Maston, Joseph H., III  
 Matson, Bruce W.  
 Matt, George E., Jr.  
 Matthews, John B.  
 Mautino, Richard L.  
 May, James L.  
 McBride, Michael A.  
 McBurnett, Kenneth S.  
 McCabe, George J.  
 McCaffery, Robert A.  
 McClenahan, Tom P.  
 McClure, Dale R.  
 McCracken, David J.  
 McDermott, John G.  
 McDivitt, Ronald M.  
 McEachen, Angus D., III  
 McGarry, John G.  
 McGlamery, James L.  
 McGrath, James J.  
 McHugh, John T.  
 McIntire, Wilton H.  
 McKenzie, John H., Jr.  
 McKinnon, John D.  
 McKissock, Donald J.  
 McLellan, Charles A.  
 McMillan, Lee Q.  
 McMorris, John A., II  
 McPherson, Albert A.  
 McRae, James F.  
 Mecaughey, Robert W.  
 Medwedeff, Channing W.  
 Meier, Leonard M.  
 Melcher, Roland O.  
 Melvin, Edmund W.  
 Melvin, Virgil B.  
 Mercer, William C.  
 Metzler, Charles D.  
 Meyer, "J" "D"  
 Michaels, Danny J.  
 Mikitarian, Samson  
 Miller, Forrest R.  
 Miller, James T.  
 Miller, John A.  
 Miller, Justin A., Jr.  
 Miller, Robert N.  
 Miller, Robert H.  
 Miller, Robert L., Jr.  
 Miller, Wayne W.  
 Miller, Wendell E.  
 Milligan, Jack R.  
 Millon, Donald H.  
 Minton, David C., III  
 Mirise, Kerry W.  
 Mobley, Arthur S.  
 Monk, Samuel W.  
 Montgomery, George C., Jr.  
 Moore, Harold A., Jr.  
 Moore, Harrison M.  
 Moore, Nelson E.  
 Moore, Paul M.  
 Moore, Robert W.  
 Moran, Thomas J.  
 Morano, Anthony  
 Moravec, Henry J., Jr.  
 Morgan, William N.  
 Morris, Charles S.  
 Morris, Hal B., Jr.  
 Morrison, Orrin L.  
 Mortimer, Edmund C.  
 Moyers, Gilbert E.  
 Mozler, Richard A.  
 Munn, Robert J., Jr.  
 Munro, William S.  
 Munsey, William D.  
 Murray, Frank S.  
 Murray, Paul A.  
 Murton, David E.  
 Myers, Charles E.  
 Myers, William K., Jr.  
 Nace, Larry D.  
 Nagel, "L" "D"  
 Nash, Michael J.  
 Nelson, Carl A.  
 Nelson, Roger E., Jr.  
 Nelson, Sven D.  
 Neuhard, Henry H.  
 Newbury, Alfred C.  
 Newman, Alvin S.  
 Newsom, Joe R.  
 Nicholson, Herbert H. J.  
 Nicholson, Harry E.  
 Nicholson, Robert C.  
 Nofziger, Larry B.  
 Norrington, Charles G.  
 Northam, Thomas A., Jr.  
 Notargiacomo, Joseph M.  
 Oberle, Ronald J.  
 Ochs, Dorance L.  
 O'Connell, Jerome A.  
 O'Connell, Robert L.  
 O'Connor, Edwin A.  
 O'Connor, William J. M.  
 O'Donnell, Daniel T.  
 O'Donovan, James P.  
 O'Halloran, William J.  
 O'Keefe, Martin P.  
 O'Kelly, James R.  
 Olson, Albert W., Jr.  
 O'Neil, William A.  
 Onhaizer, Jerry E.  
 Ord, Donald C.  
 Orrik, David N.  
 Orzech, Bernard P.  
 Osborn, Oakley E.  
 Overstreet, George H.  
 Oylar, Donald R.  
 Paine, Francis S., Jr.  
 Palmer, Jerry J.  
 Pardue, James I., Jr.  
 Parker, Elton C., Jr.  
 Parks, Charles L.  
 Pasquinnelli, Francis C.  
 Patton, James M.  
 Peek, Robert F.  
 Peetz, Robert E.  
 Pellock, Lyle E.  
 Pendleton, Benjamin L.  
 Perliolat, John J.  
 Perry, Albert J.  
 Perry, Henry B.  
 Peters, Vernon W.  
 Peterson, John R.  
 Peterson, Karl L.  
 Peterson, Peter C., Jr.  
 Petree, Noel H., Jr.  
 Petrich, Horst A.  
 Phillips, George L., Jr.  
 Phillips, Richard W.  
 Phillips, Ronald M.  
 Picciuolo, Stephen A. D.  
 Pitzzen, John R.  
 Pizzo, Phillip J.  
 Polfer, Clarence R.  
 Poole, Thomas E.  
 Poore, Thomas W.  
 Porter, Robert W.  
 Powell, Falvey C., Jr.  
 Powell, Wendell W.  
 Powell, William C.  
 Poyet, Emer F.  
 Presley, Jack C.  
 Previ, Wallace M.  
 Prokop, Phil G.  
 Proper, Vance D.  
 Purdy, Dale C.  
 Pyle, Roger G.  
 Quinn, James E., Jr.  
 Quinn, Robert N., Jr.  
 Rabuck, Leo V.  
 Ransom, James P., II  
 Ray, Willard D.  
 Rayome, Francis L.  
 Redhage, James L.  
 Redington, Jerome J.  
 Reed, William C.  
 Reese, Russel E.  
 Reifschneider, Jack L.  
 Reinhardt, Ellwood B., Jr.  
 Reis, Joseph J. Jr.  
 Rennaker, Charles L.  
 Renner, Lorraine E.  
 Rentschler, Richard L.  
 Repta, Robert S.  
 Rettig, Godfrey A.  
 Rice, Robert P.  
 Rich, Willis S.  
 Richardson, Fred D., Jr.  
 Riefler, George B.  
 Riggs, Donald E.  
 Ring, Stewart A.  
 Rinkel, Richard A.  
 Roach, John C.  
 Roberts, Charles R.  
 Roberts, Ned C.  
 Roberts, Tommie W.  
 Robertson, Hollis E.  
 Roche, Peter A.  
 Rodgers, Robert D.  
 Rowsey, James M., Jr.  
 Ruhle, Robert C.  
 Ruland, Donald O.  
 Russ, William M., Jr.  
 Russell, Kay  
 Ruthrauff, Clifford B.  
 Ryan, Gerald F.  
 Saavedra, Robert  
 Sabine, Frederick R.  
 Sackett, Dean R., Jr.  
 Sage, Robert A.  
 Saleh, Richard E.  
 Salo, Elmer E.  
 Salo, Lennart Reino  
 Saltz, Newell J., Jr.  
 Samuelson, Charles A.  
 Sandler, Charles A.  
 Saunders, Richard E.  
 Saville, Robert E.  
 Sayers, Samuel L.  
 Scarborough, John R. L.  
 Schade, Eric H., Jr.  
 Schaedel, Joseph A.  
 Schafer, Alfred E.  
 Schaffert, Richard W.  
 Schaible, David L.  
 Schatz, Robert G.  
 Scherer, Francis H.  
 Scheyder, Ernest J.  
 Schilling, George F.  
 Schmidt, Robert H.  
 Schmidt, Robert P.  
 Schmitt, Arthur F., Jr.  
 Schnitzer, Lawrence E.  
 Schreadley, Richard L.  
 Schulze, John M., Jr.  
 Schuster, Eugene J.  
 Schwartz, Ralph C.  
 Scott, Philip J.  
 Scovel, Frank D.  
 Scranton, Herbert "H."  
 Scruggs, Richard M.  
 Seacat, Ralph L.  
 Sechrest, Edward A.  
 Seesholtz, John R.  
 Seller, Melvin E.  
 Shafer, Richard W.  
 Shannon, Philip M.  
 Shaw, Charles I.  
 Sheets, James R.  
 Shelso, David A.  
 Shelton, Donald D.  
 Sheppard, Donald E.  
 Shinn, Robert A.  
 Shipley, Carl N.  
 Short, Benjamin F.  
 Short, John S.  
 Short, Leroy A., Jr.  
 Shultz, Theodore B.  
 Sibley, David N.  
 Sikes, James H.  
 Silberstein, George W.  
 Simonton, Bennet S.  
 Simpson, George T. K.  
 Sims, Robert B.  
 Sirch, Richard W. F.  
 Skelly, Arthur R.  
 Slawson, Bruce L.  
 Sleeman, Charles F.  
 Sloan, John H.  
 Smetheram, Herbert E.  
 Smith, Augustine J., Jr.  
 Smith, Delvin W., Jr.  
 Smith, Gene A.  
 Smith, John P.  
 Smith, Paul D.  
 Smith, Paul J.  
 Smith, Robert L.  
 Smith, Ronald E.  
 Smith, Vernon C.  
 Smith, William C.  
 Smith, William L.  
 Soriano, Joseph R.  
 Spadoni, Eugene A.  
 Spellman, Fred G.  
 Spencer, Barry W.  
 Spencer, Lane L.  
 Spink, Peter J.  
 Spoto, Victor S.  
 Stallings, Arthur C., Jr.  
 Stammer, Walter H., Jr.  
 Steele, Robert J.  
 Stelly, John M.  
 Stephenson, Paul D.  
 Sterling, John C.  
 Stetz, Elias J.  
 Stevenson, Barr S.  
 Stevenson, Connelly D.  
 Stock, Merlyn L.  
 Stocking, Sigurd I.  
 Stone, Lowell P.  
 Streuli, Joseph W.  
 Strong, Henry H., Jr.  
 Stuart, Charles J., Jr.  
 Sullivan, Eugene J., Jr.  
 Sullivan, Gerald T.  
 Sullivan, William K.  
 Sumner, Donald N.  
 Swan, Robert S.  
 Swan, William R.  
 Swanson, Harlan D., Jr.  
 Swinnerton, Ronald H.  
 Taff, Clarence O., Jr.  
 Tager, Bruce A.  
 Talbert, Joseph T., Jr.  
 Talbott, Merrill L.  
 Tarbuck, Richard R.  
 Taylor, Hugh R.  
 Taylor, James M.  
 Taylor, John D.  
 Taylor, Lawrence H., Jr.  
 Taylor, Lewis H.  
 Taylor, Robert C., Jr.  
 Teachout, David S.  
 Teague, Foster S.  
 Terrell, Jerry L.  
 Tettelbach, Frederick M.  
 Thearle, William J.  
 Theodorelos, Pete "J"  
 Thilbault, George E., Jr.  
 Thomas, James G.  
 Thompson, Jack D.  
 Thompson, James K.  
 Thompson, Tommy L.  
 Thurber, John D.  
 Thurneysen, Jon S.  
 Tibbitts, Barrick F.  
 Tibbs, John C.  
 Tietgen, Charles A., Jr.  
 Timberlake, David W.  
 Timm, Dwight D.  
 Tinker, Charles L.  
 Titus, Edward D., Jr.  
 Toehlke, Walter A.  
 Tomlin, Jack W.  
 Toole, Morton E.  
 Treiber, Maurice L.  
 Tucker, Edwin B.  
 Tucker, James E.  
 Tullis, James V.  
 Turner, Robert C.  
 Turner, Warren D.  
 Ustick, Richard C.  
 Vanhorne, Alfred L.  
 Vannice, James R.  
 Vanoy, William E.  
 Vestal, Leroy N.  
 Villenave, Robert A.  
 Vispo, Peter P.  
 Vollmer, William E., Jr.  
 Wachob, James R.  
 Walder, Edward F., Jr.  
 Wales, George E.  
 Walter, Dale J.  
 Waltzer, Jacob  
 Ward, Compton E.  
 Wardell, William L., Jr.  
 Warren, James W.  
 Watkins, Robert L.  
 Watts, James W.  
 Way, Edward R.  
 Weber, Burtland B.  
 Weber, Gustave A., Jr.  
 Webster, John A., Jr.  
 Wehner, George D.  
 Weldman, Russell H.  
 Weir, Richard W.  
 West, Charles T.  
 West, Norman P.  
 Westall, Kenneth W.  
 Wheeler, James R.  
 Whitbeck, Charles J.  
 White, Laurence A., Jr.  
 White, Richard F.  
 White, Robert C.  
 Whittaker, Robert L.  
 Wicke, James O.  
 Wiggins, Larry C.  
 Wilbern, Jack M.  
 Wilde, John H., Jr.  
 Wilderman, Alvin L.  
 Wilkins, George H.  
 Wilkinson, Thomas A. R.  
 Wilkinson, Wilfrid P., III  
 Williams, Forrest R.  
 Williams, James D.  
 Williams, Richard E.  
 Wilson, Billy J.  
 Wilson, William E.  
 Windsor, Arthur D.  
 Winter, Richard A.  
 Witherspoon, Charles R.  
 Wolfe, Robert E.  
 Wolfe, Roderic L.  
 Wolfe, William F.  
 Womack, David R., Jr.  
 Wood, Clarence W.  
 Wood, Forrest H.  
 Wood, Sidney E., Jr.  
 Woodbury, Orpheus L., III  
 Woodlief, Frank L.  
 Woods, Herbert P.  
 Woolam, John E.  
 Woolnough, Robert M.  
 Wright, Frederick E.  
 Wright, Harry W.  
 Wright, Joseph M. P., Jr.  
 Wright, Orville, Jr.  
 Wuthrich, Richard E.  
 Wyly, James R., Jr.  
 Yarbrough, William P., Jr.  
 Young, Howard I.  
 Zagortz, Leonard A., Jr.  
 Zipperer, William R.  
 Zipse, Robert L.  
 Zirbel, William D.  
 Zwick, Stephen L.

IN THE MARINE CORPS

The following named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications thereof as provided by law:

- Baker, Lorenza T. Guckert, Edward B.  
 Bolick, Gerald J. Hooper, Herbert H.  
 Campbell, Catherine A. Jones, Charles M.  
 Corley, William B., Reilly, James B.  
 Jr. Salas, Manuel J.  
 Evans, Collie, Jr. Trahern, James F.

The following named (Navy enlisted scientific education program) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

- Badinger, Gerald D. Nickolaus, Paul S.  
 Boyle, John, IV. Robinson, James R., II  
 Clarke, Barton A. Seaman, Ronald R.  
 Engle, Richard A. Taylor, Rex N.  
 Funk, Roland V. Thompson, Wayne P.  
 Hazel, Homer L.  
 Milleson, Gene A.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 8 (legislative day of October 7), 1969:

AMBASSADORS

Clinton E. Knox, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Haiti.  
 Hewson A. Ryan, of Massachusetts, a For-

sign Service information officer of the class of career minister for information, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Honduras.

Claude G. Ross, of California, a Foreign Service officer of the class of career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

## DISTRICT OF COLUMBIA COUNCIL

Henry S. Robinson, Jr., of the District of Columbia, to be a member of the District of Columbia Council for the remainder of the term expiring February 1, 1970.

## HOUSE OF REPRESENTATIVES—Wednesday, October 8, 1969

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*O give thanks unto the Lord; for He is good; for His mercy endureth forever.—Psalm 106: 1.*

With grateful hearts, O God, we acknowledge that Thou art the creator of the world, the sustainer of life, and the rock upon which we can build security. We thank Thee for Thy constant care and Thy abounding goodness which are ours day by day. Truly Thy mercies are everlasting, Thy faithfulness endures through all generations, and Thy love abides forever. Therefore we put our trust in Thee.

Bless our country with Thy guiding spirit and by Thy grace enable her to walk in the way of Thy commandments. May we as a free people always be the champion of peace and justice in our world. Strengthen the ties of fellowship within our borders that we may live together with understanding, respect, and good will and give to every man the opportunity to live a full and a free life. May the love of Thy dear name bless every heart and every home.

In the spirit of Christ we pray. Amen.

### THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1718. An act to provide for the conveyance to the city of Cheyenne, Wyo., of certain real property of the United States heretofore donated to the United States by such city.

### DR. PHILIP CRANE WINS 13TH DISTRICT OF ILLINOIS PRIMARY

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, I take this time merely to offer my congratulations to Philip Crane, a very good friend, who was nominated as Republican candidate for Congress in the 13th District of Illinois yesterday. Dr. Crane, I believe, will be joining us in the Congress next January.

Dr. Crane certainly will add a great deal to our side of the aisle. He is a very intelligent man, and I might point out he is a person with conservative views.

We often have people ask us what di-

rection the country is taking. I hear some say it is going in a moderate direction, some say it is going in a liberal direction, and some say it is going in a conservative direction. I am one of those who believes the country is more conservative, and if our party will nominate conservative candidates, I happen to believe we can win in the elections.

I certainly congratulate Philip Crane for winning the 13th District primary election and the Republican voters there for showing such good judgment. Dr. Crane ran on the issues and took a sound, conservative position which he successfully articulated to his constituency. The result speaks for itself.

### PROPOSED ESTABLISHMENT OF A SEPARATE DEPARTMENT OF HEALTH

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I take this moment to advise my colleagues that I will today put in legislation calling for a separation of the Department of Health from the Department of Health, Education, and Welfare and the establishment of a separate Department of Health within the Federal Government. I call attention to remarks which will be in the body of the RECORD on this subject relating to this proposed legislation.

### CALL OF THE HOUSE

Mr. EDWARDS of Alabama. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 208]

Albert	Diggs	Ottinger
Berry	Donohue	Pepper
Blatnik	Foreman	Pike
Brock	Frelinghuysen	Podell
Brooks	Goldwater	Powell
Burton, Utah	Harrington	Rees
Cahill	Hawkins	Relfel
Carey	Howard	Rooney, N.Y.
Chisholm	Johnson, Calif.	St. Onge
Clark	Kirwan	Steed
Clay	McClory	Tunney
Cleveland	McClure	Whalley
Davis, Ga.	Marsh	Whitten
Dawson	Miller, Calif.	Wilson
Denney	Nelsen	Charles H.
Dent	O'Neill, Mass.	Wright

The SPEAKER. On this rollcall 382 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

### APPOINTMENT OF CONFEREES ON H.R. 11039, PEACE CORPS ACT AMENDMENTS

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, ADAIR, and MAILLIARD.

### PERMISSION FOR SELECT COMMITTEE ON ROBINSON-PATMAN ACT, COMMITTEE ON SMALL BUSINESS, TO SIT DURING GENERAL DEBATE TODAY

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Select Committee on the Robinson-Patman Act of the Small Business Committee may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

### HEARINGS SCHEDULED ON S. 952, TO PROVIDE FOR ADDITIONAL DISTRICT JUDGES

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, I am pleased to announce that Subcommittee No. 5 of the Committee on the Judiciary will begin several days of hearings on S. 952 which provides for the appointment of additional district judges, another measure relating to the organization and administration of the Federal district courts, beginning on Wednesday, October 29, at 10 a.m. in room 2141 of the Rayburn Building.

### THE COURSE ON WHICH THE NIXON ADMINISTRATION IS LEADING OUR NATION

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, I want to call the attention of the Members of this body to the headlines in three editorials